

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

Ministerial Planning Referral: TPM-2016-17
135-139 Sturt Street, Melbourne

22 November 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 Planning Application at 135-139 Sturt Street, Melbourne (refer to Attachment 2 – Locality Plan). The applicant is Urbis, the owner is Hayball Pty Ltd and the architect is Hayball Pty Ltd.
2. The development must be assessed under the planning scheme policies and requirements prior to Amendment C262, 4 September 2015 and as such the subject site is affected by the Capital City Zone Schedule 3, Design and Development Overlay Schedules 1 A2, 3, 27, 60 A4A (discretionary 40 metres) & A4B (mandatory 14 metres) and Parking Overlay Schedule 1.
3. The planning application seeks approval for the demolition of the existing buildings and the construction of a new 20 storey (approximately 67.44 metre inclusive of building services) residential development for 240 dwellings.
4. The application is exempt from the notice requirement of the *Planning and Environment Act 1987* under the Capital City Zone and the Design and Development Overlay.
5. To date 58 objections have been received and objectors were informed that the Minister for Planning is the decision maker for this application and that all objections must be sent to the Department of Environment, Land, Water and Planning (DELWP).

Key issues

6. Key issues in consideration in this application are the building height, built form, traffic matters and public realm impacts.
7. It is considered that the development does not appropriately respond to the existing context and to the preferred built form as outlined by the Melbourne Planning Scheme, specifically at Clause 21.13-1 and DDO60. The Melbourne Planning Scheme is clear in relation to the level of development that is appropriate in relation to building height and the proposal will overwhelm the existing streetscape particularly along Dodds Street and does not respond to the preferred built form for this area as outlined by the Melbourne Planning Scheme.
8. Although the applicant has proposed offsets such as a through block link and affordable artist housing, it is not considered that these gestures are sufficient to support the significant increase above the recommended 40 metre building height. While the provision of affordable housing for artists could be supported, no mechanism to ensure that this is delivered or how many dwelling will be provided has been provided by the applicant.
9. Council's traffic engineers have raised a number of detail matters to be addressed however the proposed provision of 199 spaces is consistent with Schedule 1 of the Parking Overlay and is considered to be appropriate. Any residential development which increases density will not be eligible for a resident parking permit in this area.

Recommendation from management

10. That the Future Melbourne Committee resolves to advise Department of Environment, Land, Water and Planning that the Melbourne City Council does not support the proposal subject to recommended reasons 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. Delegated Report (page 26 of 38)

Supporting Attachment

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 this to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning.

Relation to Council policy

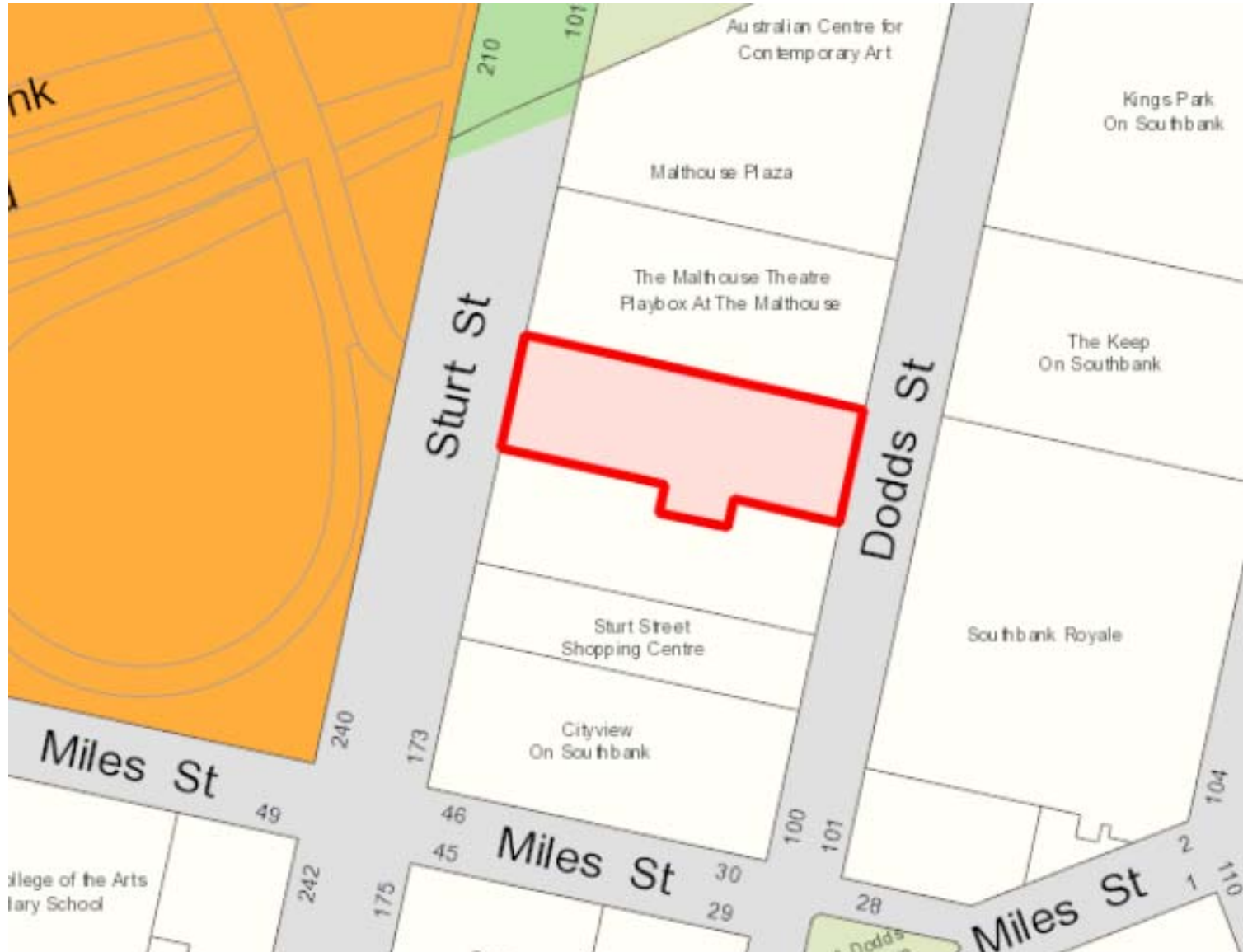
5. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

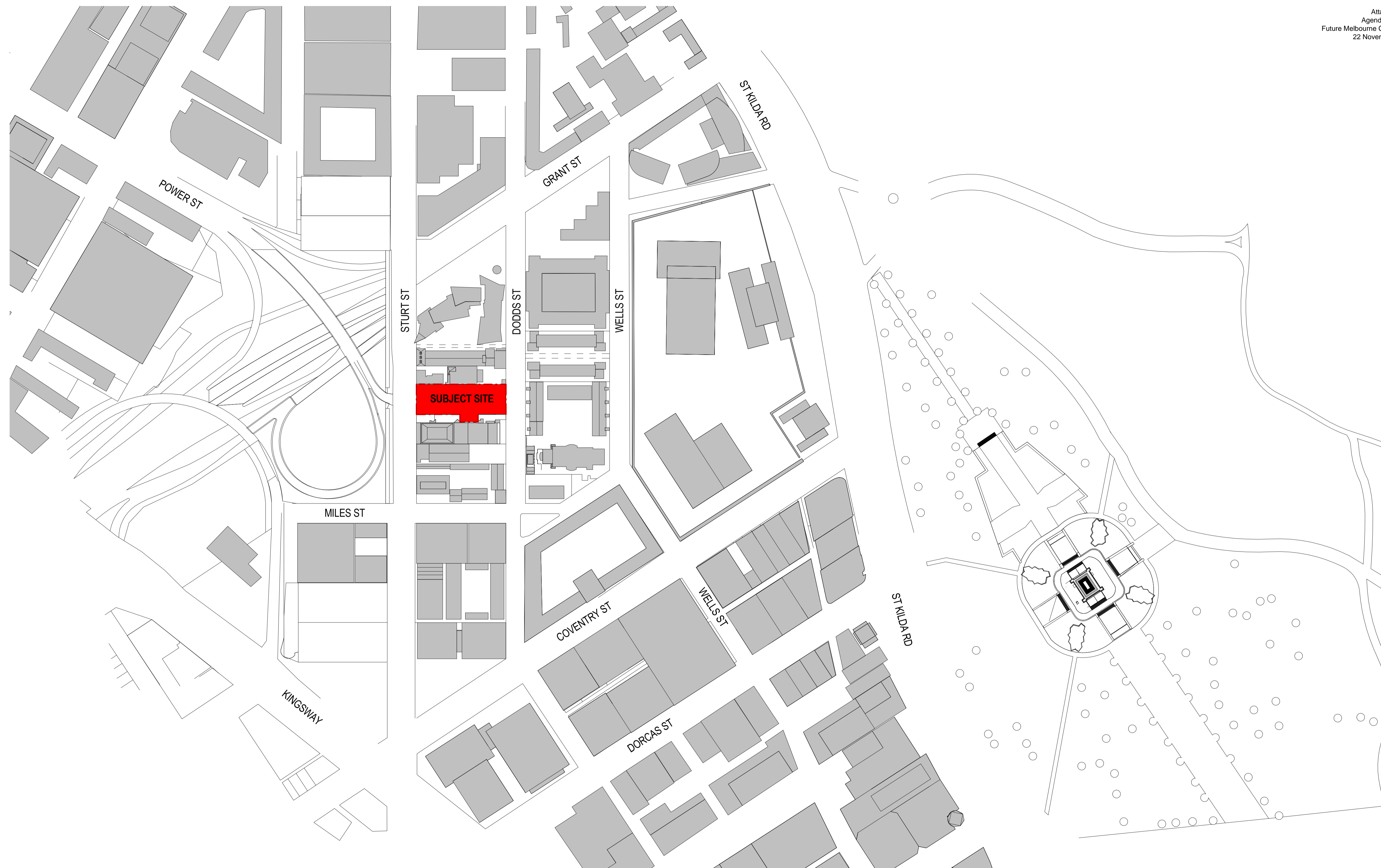
Environmental sustainability

6. The development is able to achieve a 4 Star Green Star Rating under Green Star Multi Unit Residential tool v1.

Locality Plan

TPM-2016-17, 135-139 Sturt Street Southbank





PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SITE PLAN

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-01

TOWN PLANNING

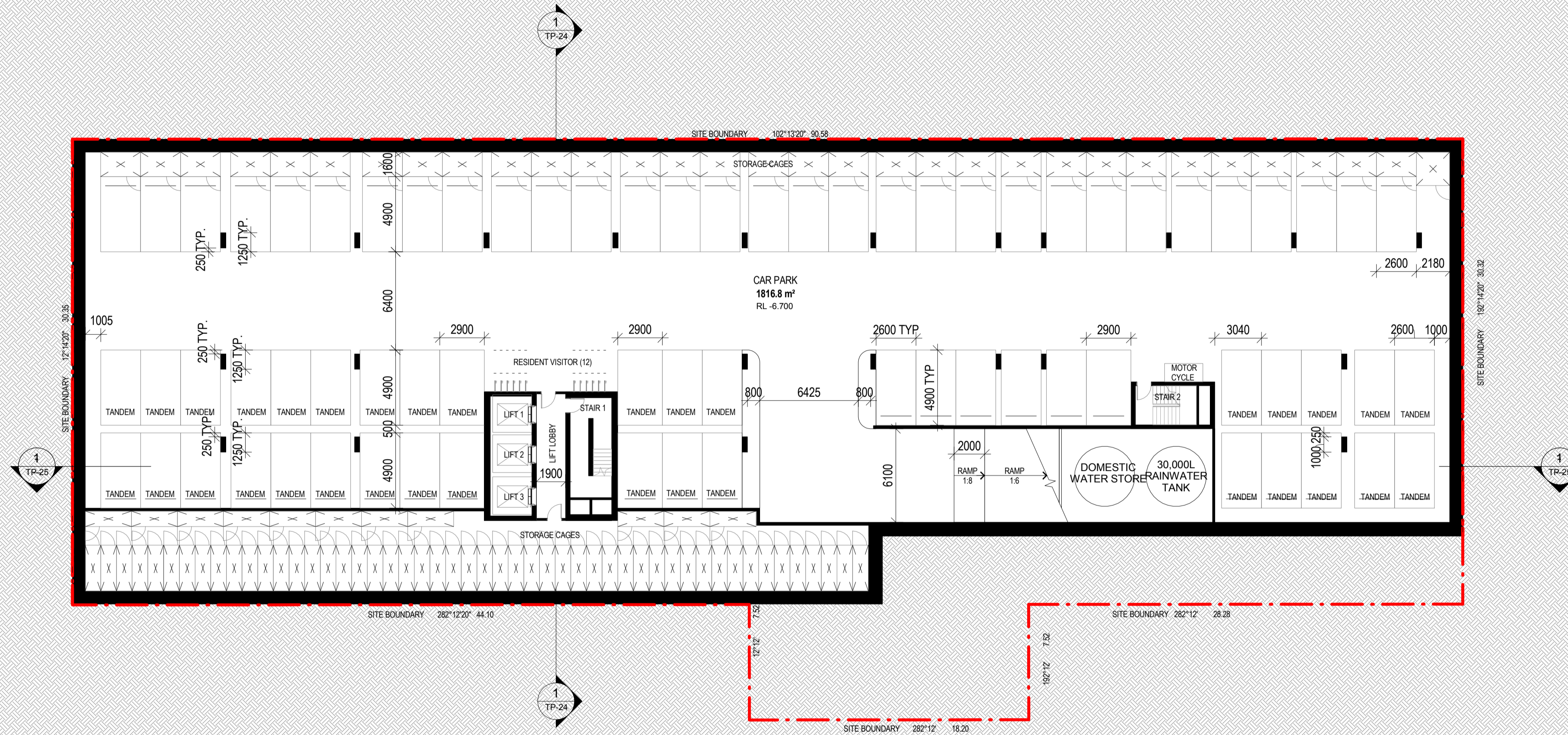
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PROJECT
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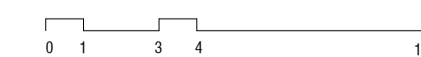
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No.	Date	Revision
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DWG NO TP-01a

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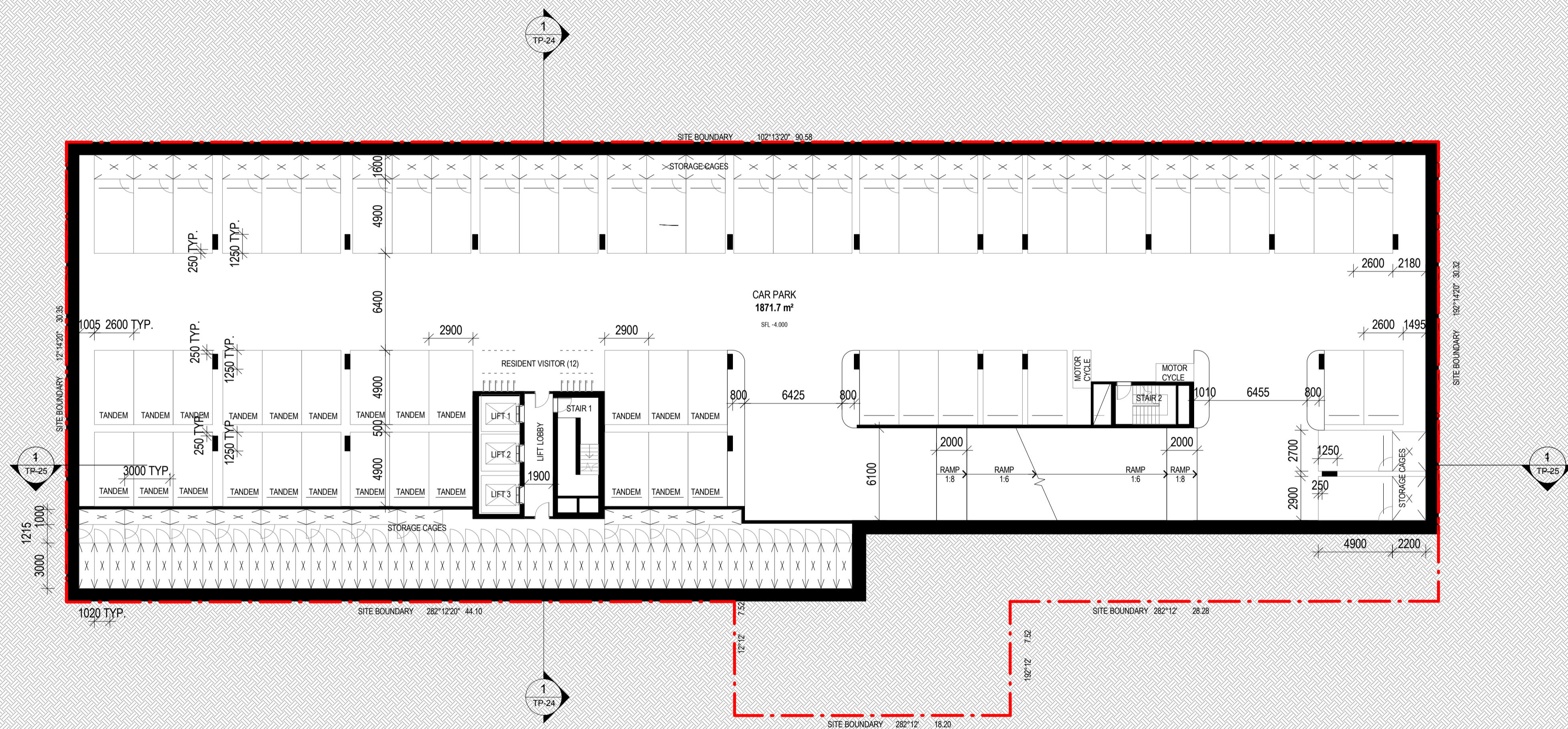
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
BASEMENT LEVEL 2

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-02

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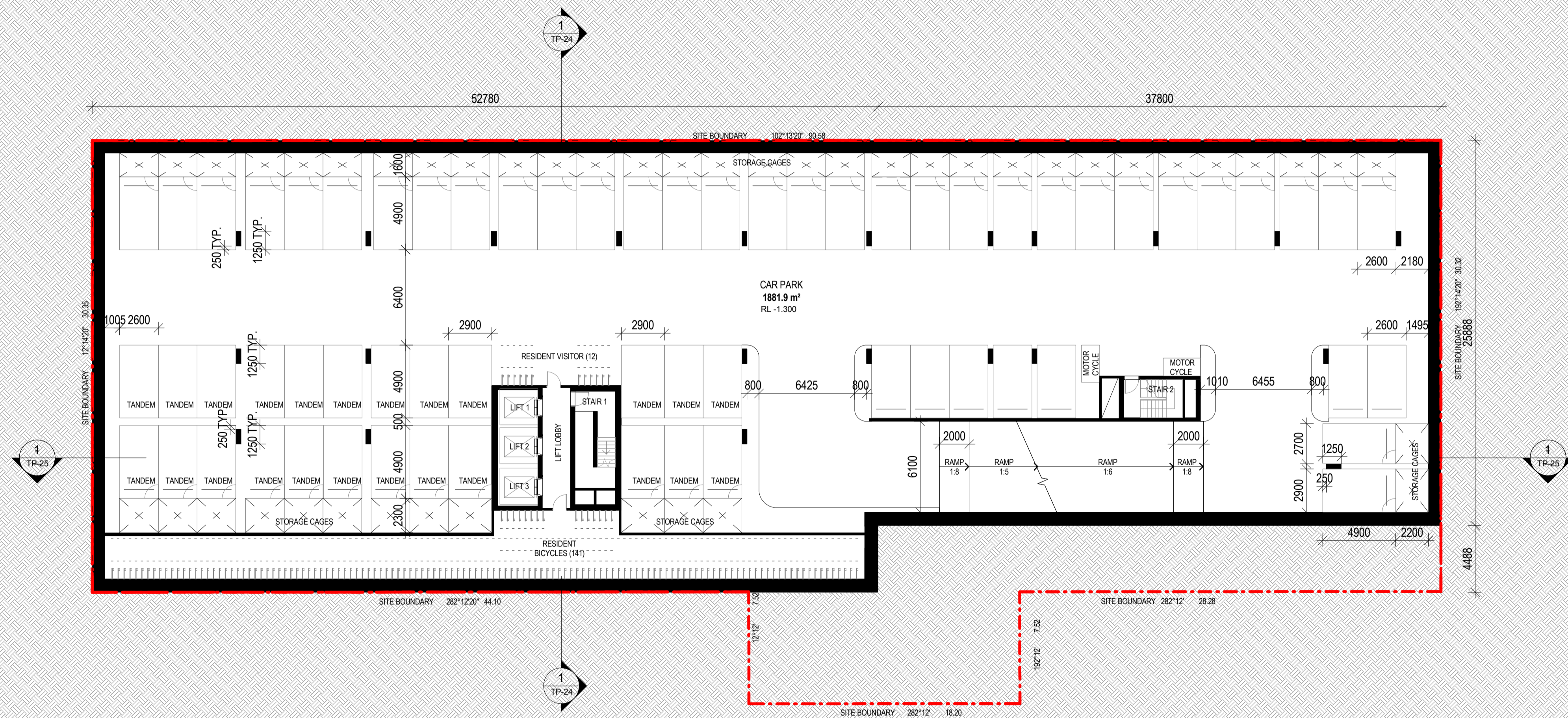
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Victoria Australia 3006
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www.hayball.com.au

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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
BASEMENT LEVEL 1

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-03

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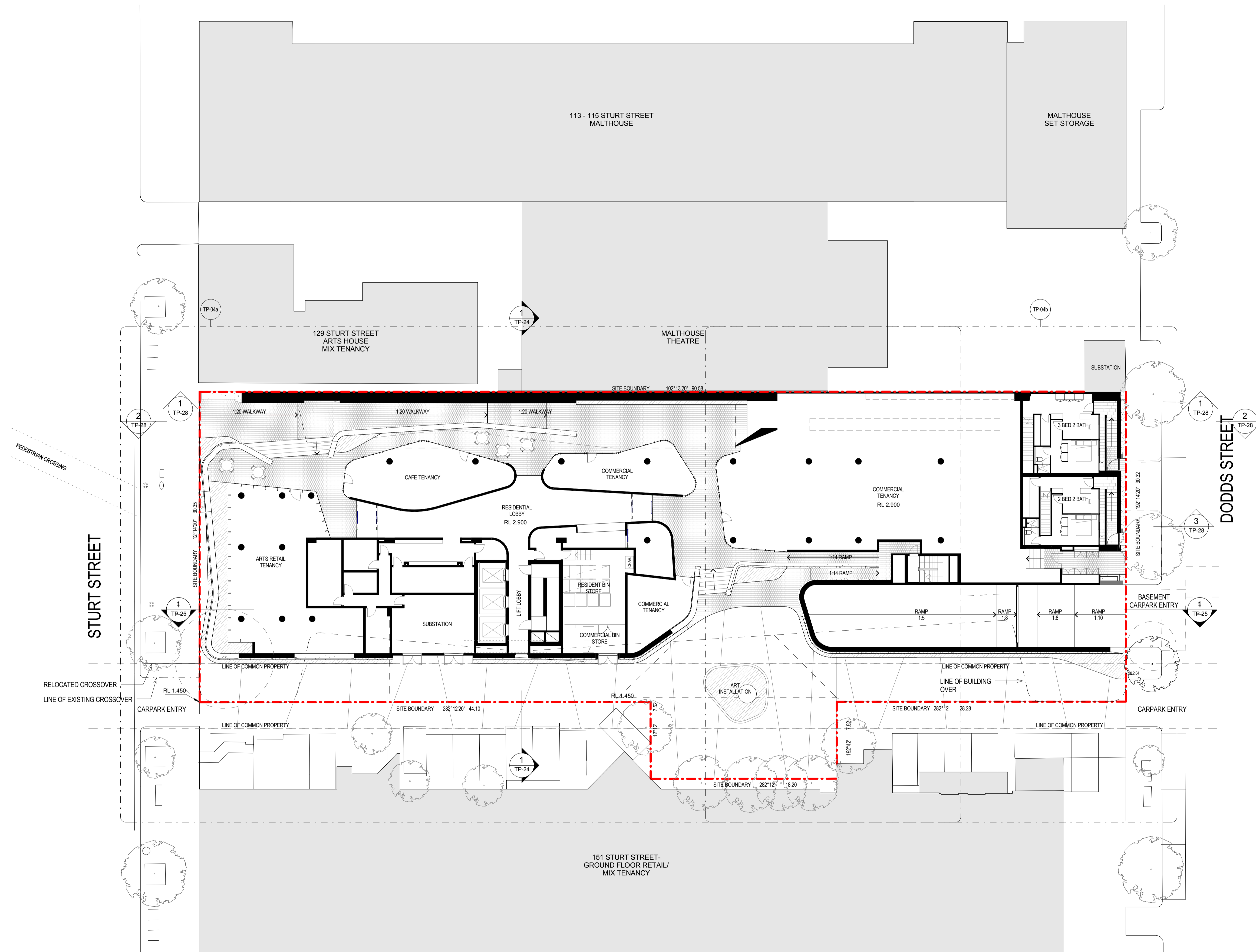
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
GROUND FLOOR

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-04

TOWN PLANNING

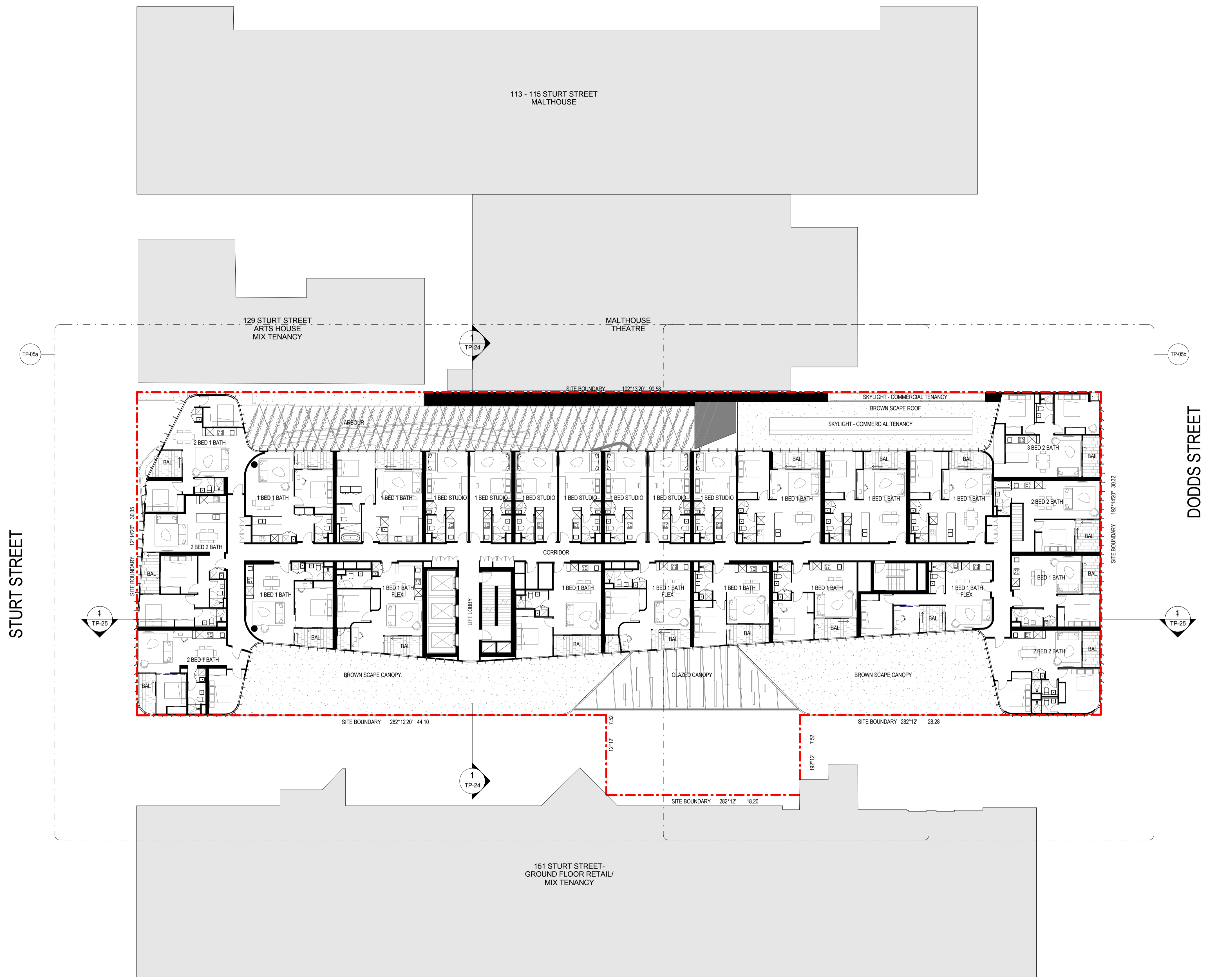
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Victoria Australia 3006
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
LEVEL 1 KEY PLAN

No.	Date	Revision
3	14.01.23	Plume Study to GHD

DWG NO TP-05

TOWN PLANNING

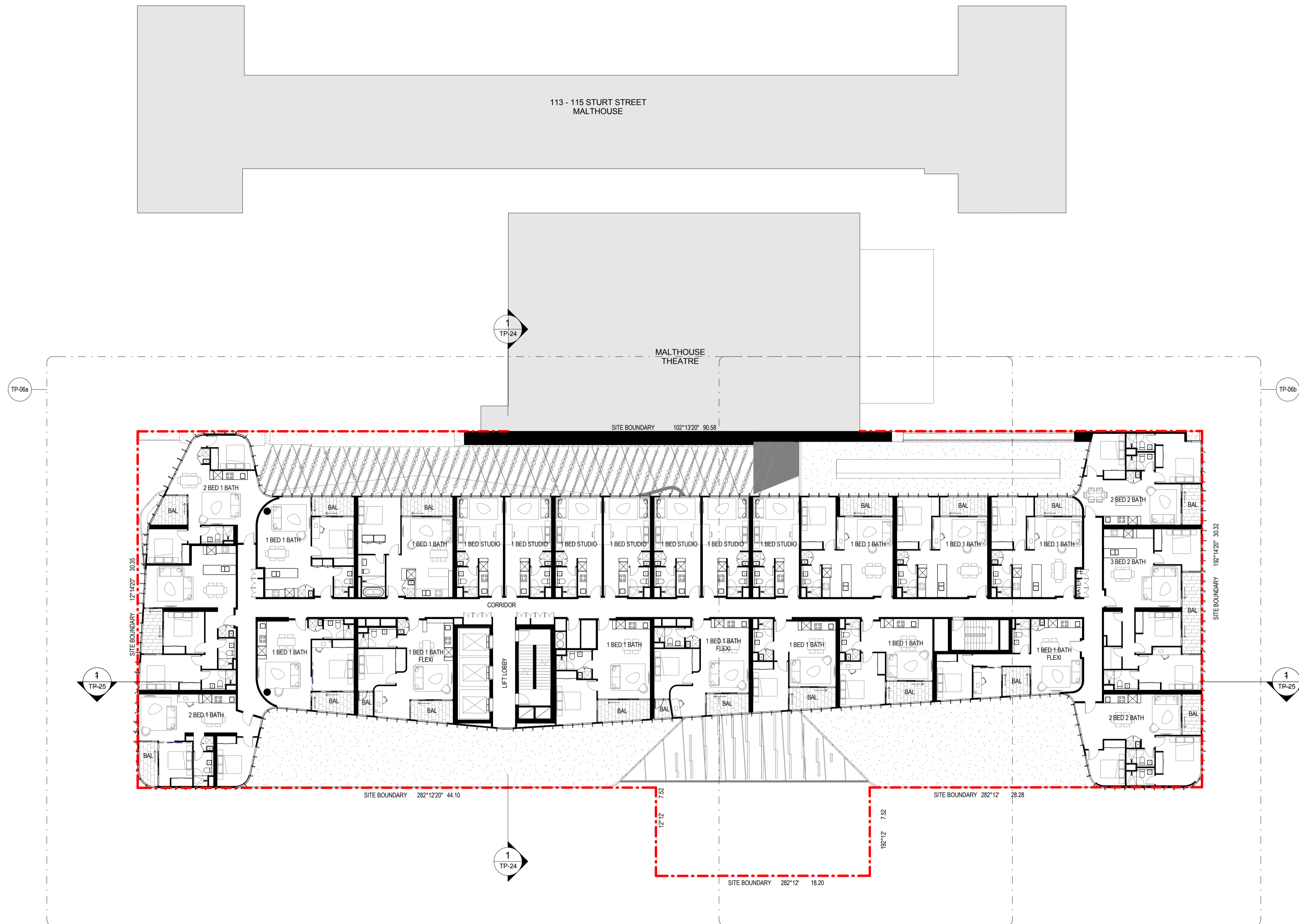
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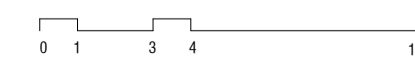
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No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-06

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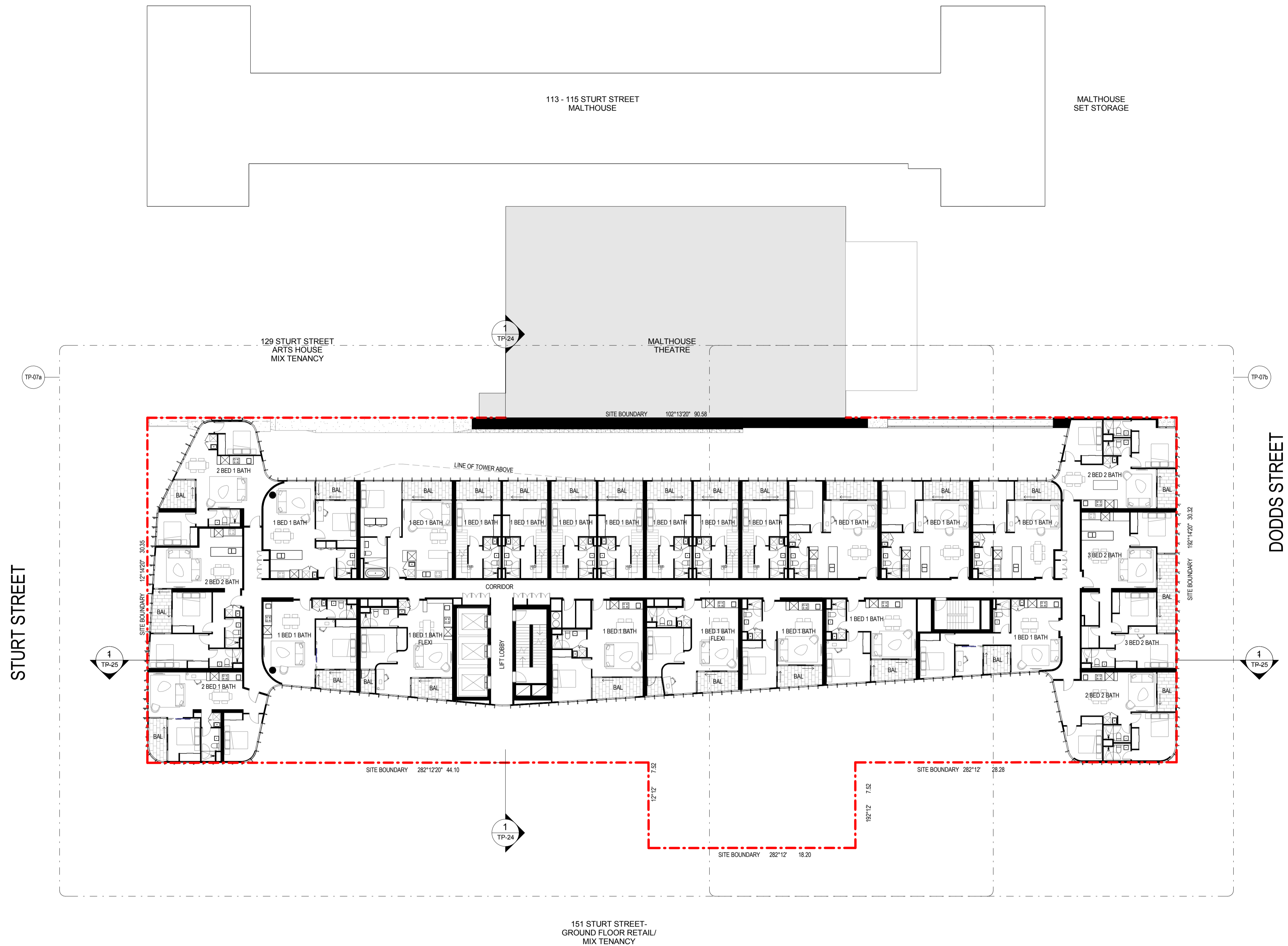
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
LEVEL 3 KEY PLAN

No.	Date	Revision
3	14.01.23	Plume Study to GHD

DWG NO TP-07

TOWN PLANNING

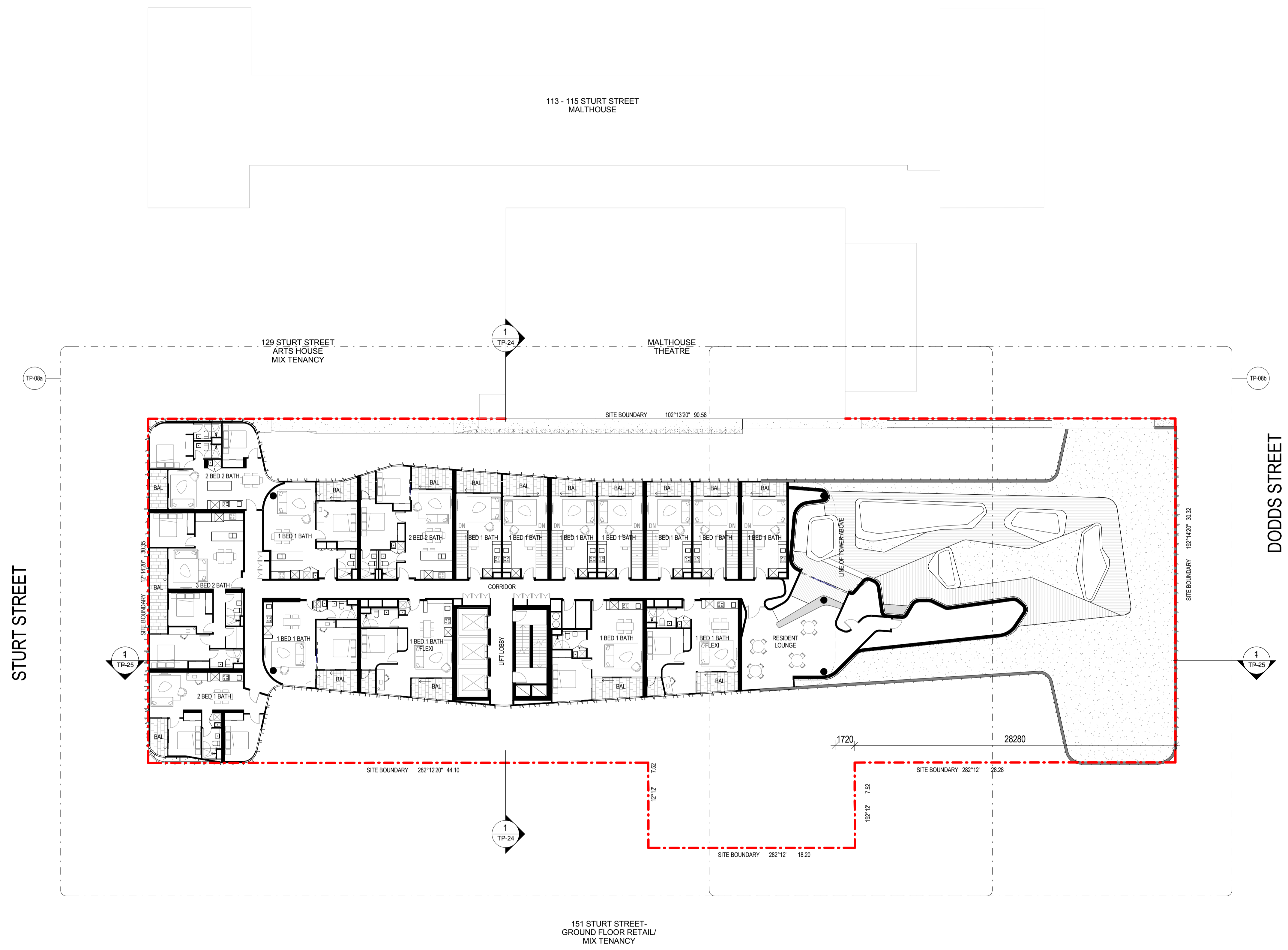
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Len Hayball, Richard Leonard Robert Stent, Tom Jordan, Sarah Buckeridge, David Tweedie. Director: Luc Baldi
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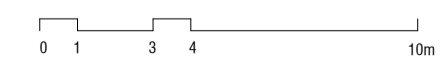
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No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-08

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PROJECT
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TITLE
LEVEL 7

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-10

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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
LEVELS 8-9

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-11

TOWN PLANNING

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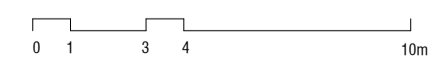
TITLE
LEVELS 10-15

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-12

TOWN PLANNING

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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
LEVELS 16-20

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-13

TOWN PLANNING

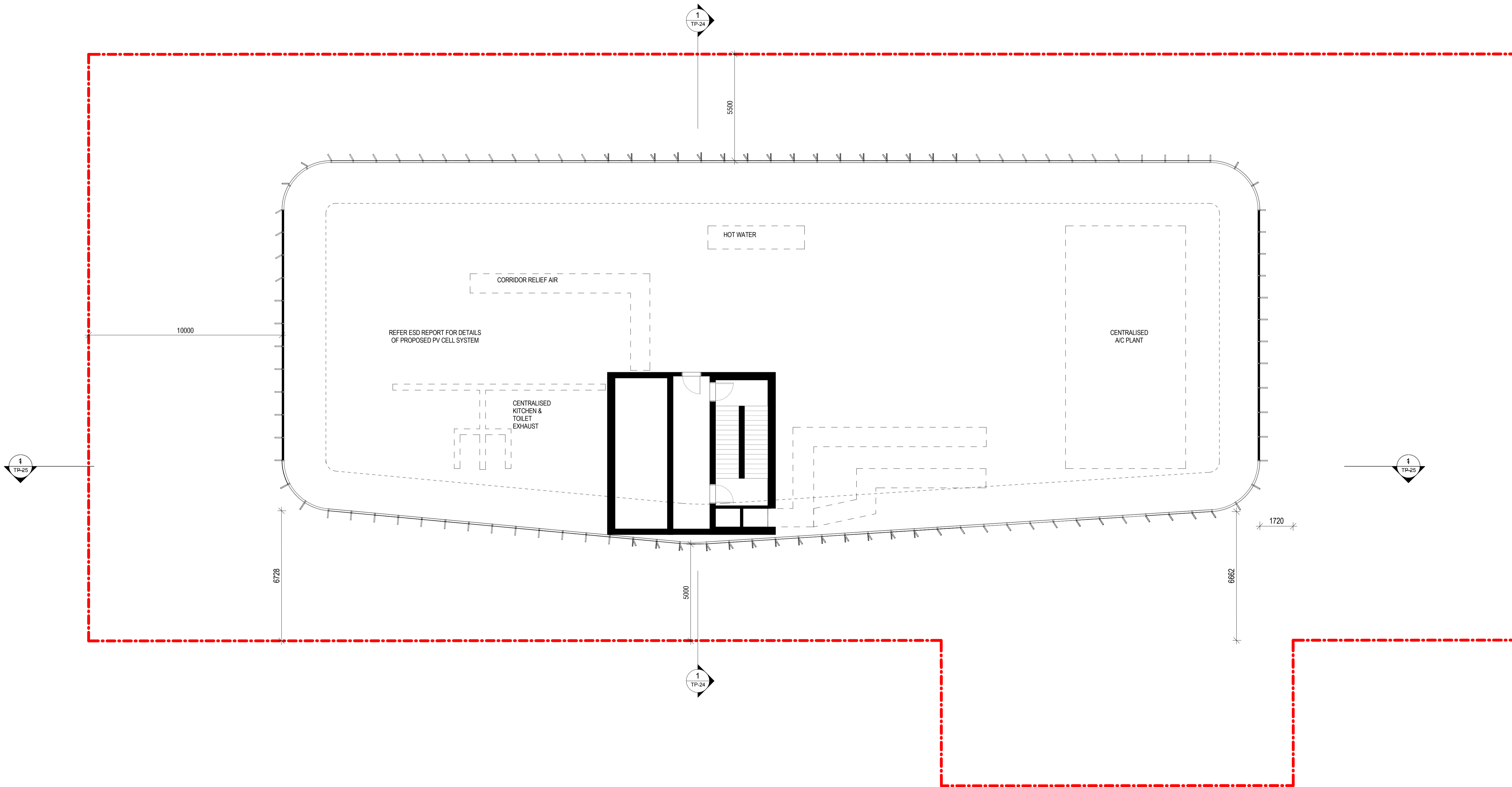
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
LEVEL 21 - ROOF

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-14

TOWN PLANNING

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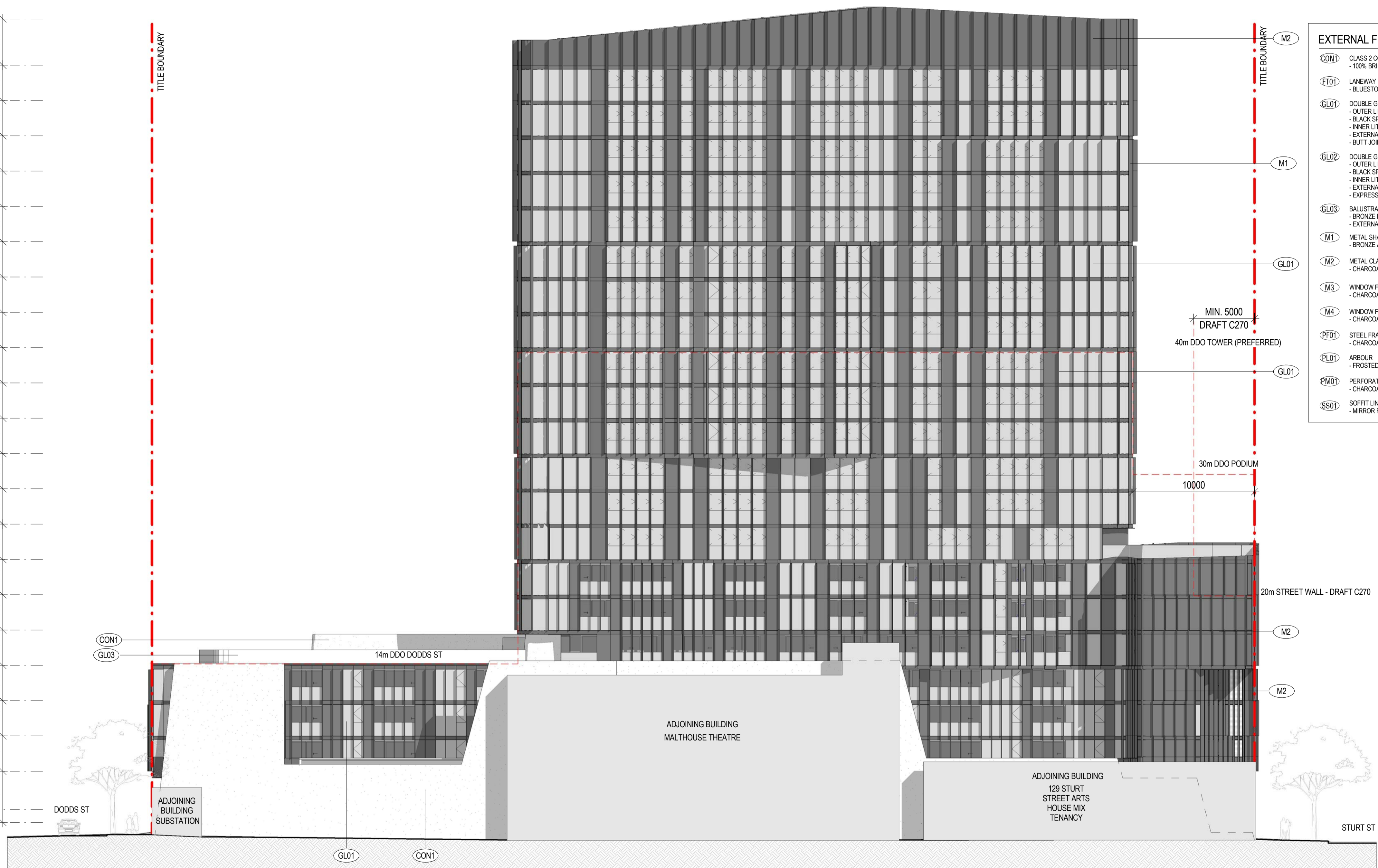


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T 03 9699 3644 F 03 9699 3708
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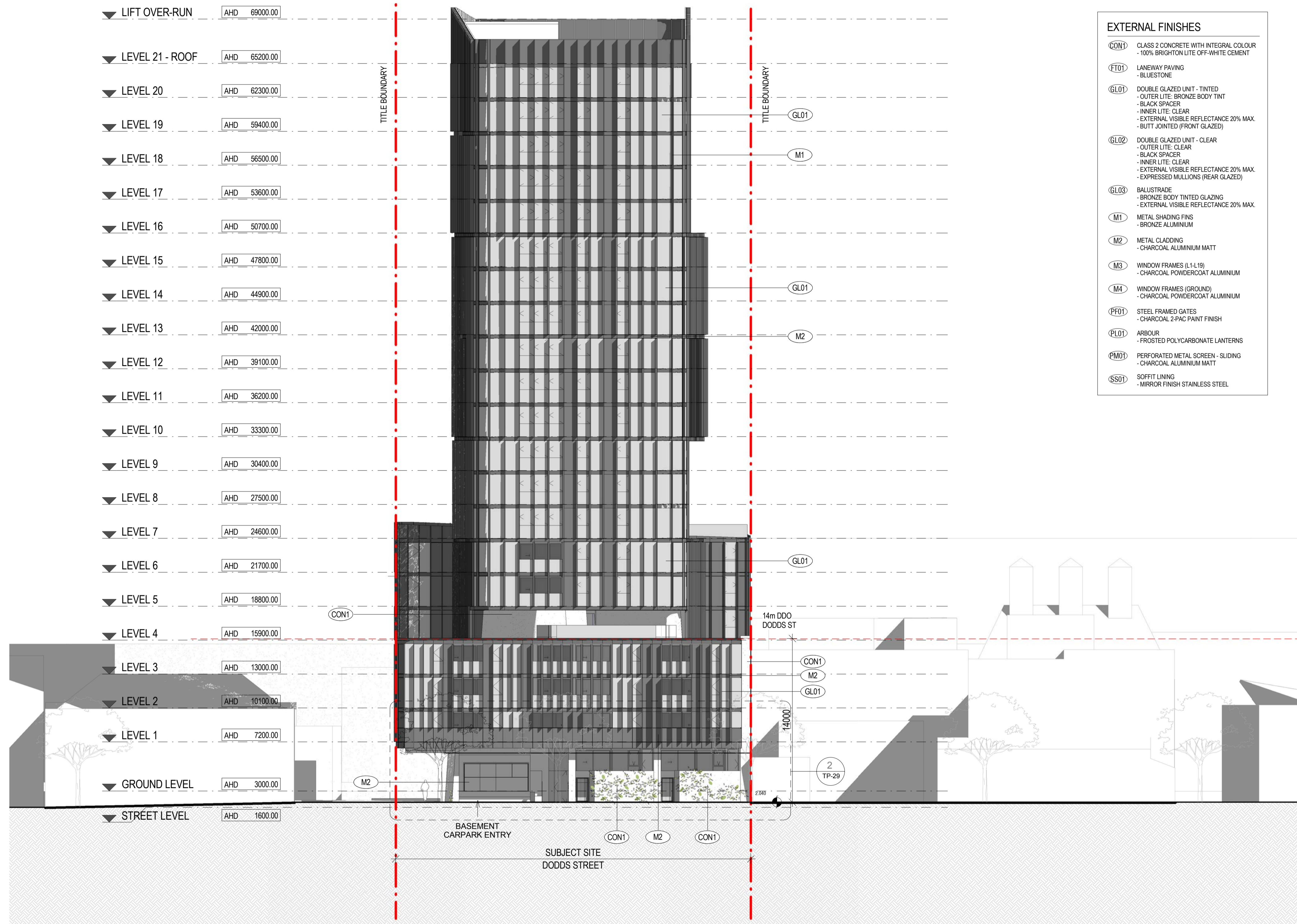
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▼ LEVEL 21 - ROOF	AHD 65200.00	3800
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▼ LEVEL 19	AHD 59400.00	2900
▼ LEVEL 18	AHD 56500.00	2900
▼ LEVEL 17	AHD 53600.00	2900
▼ LEVEL 16	AHD 50700.00	2900
▼ LEVEL 15	AHD 47800.00	2900
▼ LEVEL 14	AHD 44900.00	2900
▼ LEVEL 13	AHD 42000.00	2900
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▼ LEVEL 1	AHD 7200.00	2900
▼ GROUND UPPER	AHD 4050.00	4200
▼ GROUND LEVEL	AHD 3000.00	



EXTERNAL FINISHES	
(CON1)	CLASS 2 CONCRETE WITH INTEGRAL COLOUR - 100% BRIGHTON LITE OFF-WHITE CEMENT
(FT01)	LANEWAY PAVING - BLUESTONE
(GL01)	DOUBLE GLAZED UNIT - TINTED - OUTER LITE: BRONZE BODY TINT - BLACK SPACER - INNER LITE: CLEAR - EXTERNAL VISIBLE REFLECTANCE 20% MAX - BUTT JOINTED (FRONT GLAZED)
(GL02)	DOUBLE GLAZED UNIT - CLEAR - OUTER LITE: CLEAR - BLACK SPACER - INNER LITE: CLEAR - EXTERNAL VISIBLE REFLECTANCE 20% MAX - EXPRESSED MULLIONS (REAR GLAZED)
(GL03)	BALUSTRADE - BRONZE BODY TINTED GLAZING - EXTERNAL VISIBLE REFLECTANCE 20% MAX
(M1)	METAL SHADING FINS - BRONZE ALUMINIUM
(M2)	METAL CLADDING - CHARCOAL ALUMINIUM MATT
(M3)	WINDOW FRAMES (L1-L19) - CHARCOAL POWDERCOAT ALUMINIUM
(M4)	WINDOW FRAMES (GROUND) - CHARCOAL POWDERCOAT ALUMINIUM
(PF01)	STEEL FRAMED GATES - CHARCOAL 2-PAC PAINT FINISH
(PL01)	ARBOUR - FROSTED POLYCARBONATE LANTERNS
(PM01)	PERFORATED METAL SCREEN - SLIDING - CHARCOAL ALUMINIUM MATT
(SS01)	SOFFIT LINING - MIRROR FINISH STAINLESS STEEL



PROJECT
135 STURT STREET, SOUTHBANK

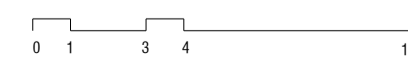
TITLE
EAST ELEVATION

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-21

TOWN PLANNING

PROJECT NO 1704
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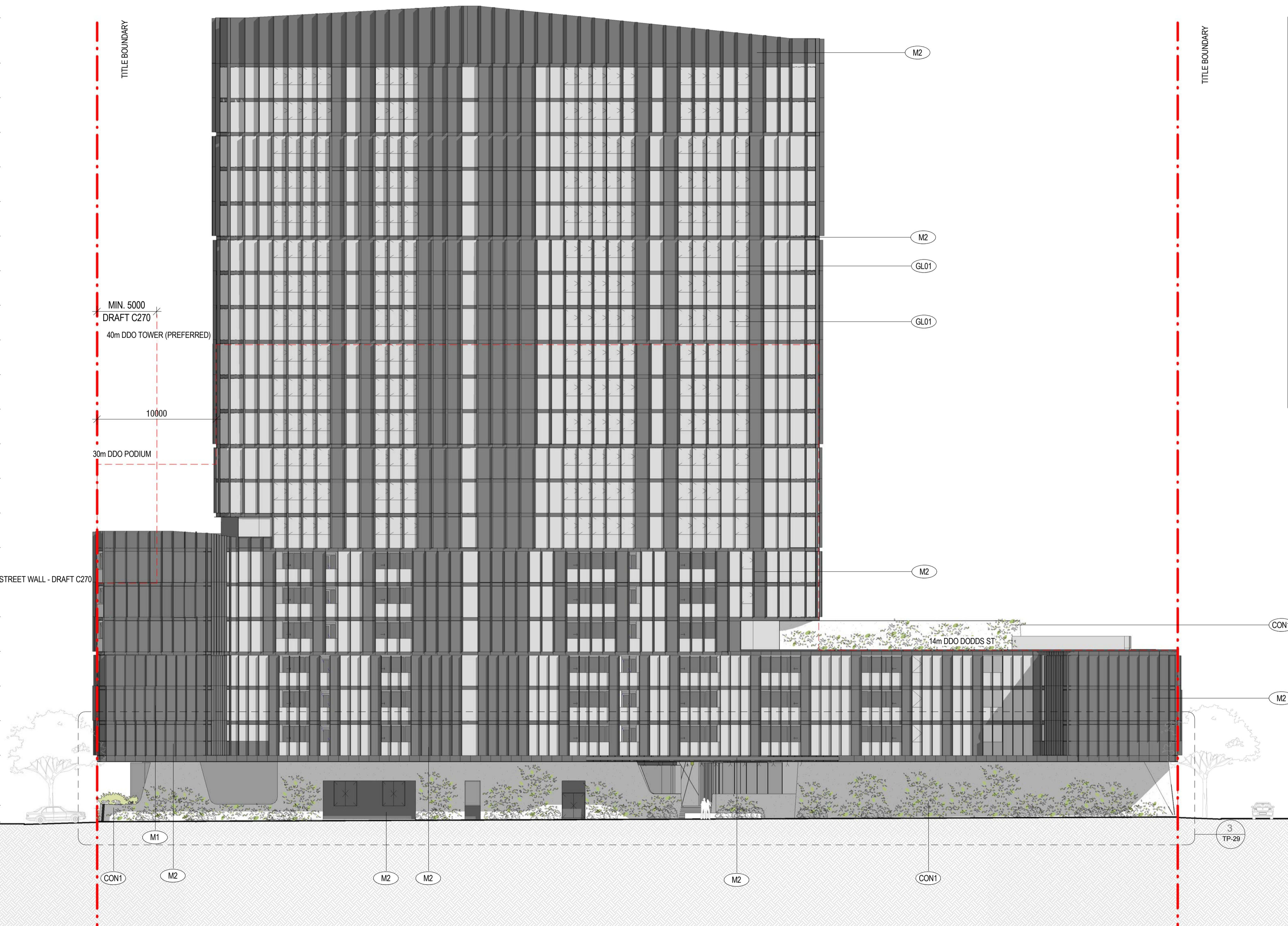


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▼ LEVEL 3	AHD 13000.00
▼ LEVEL 2	AHD 10100.00
▼ LEVEL 1	AHD 7200.00
▼ GROUND LEVEL	AHD 3000.00
▼ STREET LEVEL	AHD 1600.00



EXTERNAL FINISHES	
CON1	CLASS 2 CONCRETE WITH INTEGRAL COLOUR - 100% BRIGHTON LITE OFF-WHITE CEMENT
FT01	LANEWAY PAVING - BLUESTONE
GL01	DOUBLE GLAZED UNIT - TINTED - OUTER LITE: BRONZE BODY TINT - BLACK SPACER - INNER LITE: CLEAR - EXTERNAL VISIBLE REFLECTANCE 20% MAX. - BUTT JOINTED (FRONT GLAZED)
GL02	DOUBLE GLAZED UNIT - CLEAR - OUTER LITE: CLEAR - BLACK SPACER - INNER LITE: CLEAR - EXTERNAL VISIBLE REFLECTANCE 20% MAX. - EXPRESSED MULLIONS (REAR GLAZED)
GL03	BALUSTRADE - BRONZE BODY TINTED GLAZING - EXTERNAL VISIBLE REFLECTANCE 20% MAX.
M1	METAL SHADING FINS - BRONZE ALUMINIUM
M2	METAL CLADDING - CHARCOAL ALUMINIUM MATT
M3	WINDOW FRAMES (L+L+R) - CHARCOAL POWDERCOAT ALUMINIUM
M4	WINDOW FRAMES (GROUND) - CHARCOAL POWDERCOAT ALUMINIUM
PFD1	STEEL FRAMED GATES - CHARCOAL 2-PAC PAINT FINISH
PLD1	ARBOUR - FROSTED POLYCARBONATE LANTERNS
PM01	PERFORATED METAL SCREEN - SLIDING - CHARCOAL ALUMINIUM MATT
SS01	SOFFIT LINING - MIRROR FINISH STAINLESS STEEL

PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SOUTH ELEVATION

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-22

TOWN PLANNING

PROJECT NO 1704
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Hayball Pty Ltd
4/ 135 Sturt Street Southbank
Victoria Australia 3006
T 03 9699 3644 F 03 9699 3708
www.hayball.com.au

ARBV Registered Directors:
Len Hayball, Richard Leonard Robert Stent, Tom Jordan, Sarah Buckenridge, David Tweedie. Director: Luc Baldi
ABN 84 006 394 261

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EXTERNAL FINISHES

- (CON1) CLASS 2 CONCRETE WITH INTEGRAL COLOUR
- 100% BRIGHTON LITE OFF-WHITE CEMENT
- (FT01) LANEWAY PAVING
- BLUESTONE
- (GL01) DOUBLE GLAZED UNIT - TINTED
- OUTER LITE: BRONZE BODY TINT
- BLACK SPACER
- INNER LITE: CLEAR
- EXTERNAL VISIBLE REFLECTANCE 20% MAX.
- BUTT JOINTED (FRONT GLAZED)
- (GL02) DOUBLE GLAZED UNIT - CLEAR
- OUTER LITE: CLEAR
- BLACK SPACER
- INNER LITE: CLEAR
- EXTERNAL VISIBLE REFLECTANCE 20% MAX.
- EXPRESSED MULLIONS (REAR GLAZED)
- (GL03) BALUSTRADE
- BRONZE BODY TINTED GLAZING
- EXTERNAL VISIBLE REFLECTANCE 20% MAX.
- (M1) METAL SHADING FINIS
- BRONZE ALUMINIUM
- (M2) METAL CLADDING
- CHARCOAL ALUMINIUM MATT
- (M3) WINDOW FRAMES (L1-L19)
- CHARCOAL POWDERCOAT ALUMINIUM
- (M4) WINDOW FRAMES (GROUND)
- CHARCOAL POWDERCOAT ALUMINIUM
- (PF01) STEEL FRAMED GATES
- CHARCOAL 2-PAC PAINT FINISH
- (PL01) ARBOUR
- FROSTED POLYCARBONATE LANTERNS
- (PM01) PERFORATED METAL SCREEN - SLIDING
- CHARCOAL ALUMINIUM MATT
- (SS01) SOFFIT LINING
- MIRROR FINISH STAINLESS STEEL

PROJECT
135 STURT STREET, SOUTHBANK

TITLE
WEST ELEVATION

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-23

CONSTRUCTION ISSUE

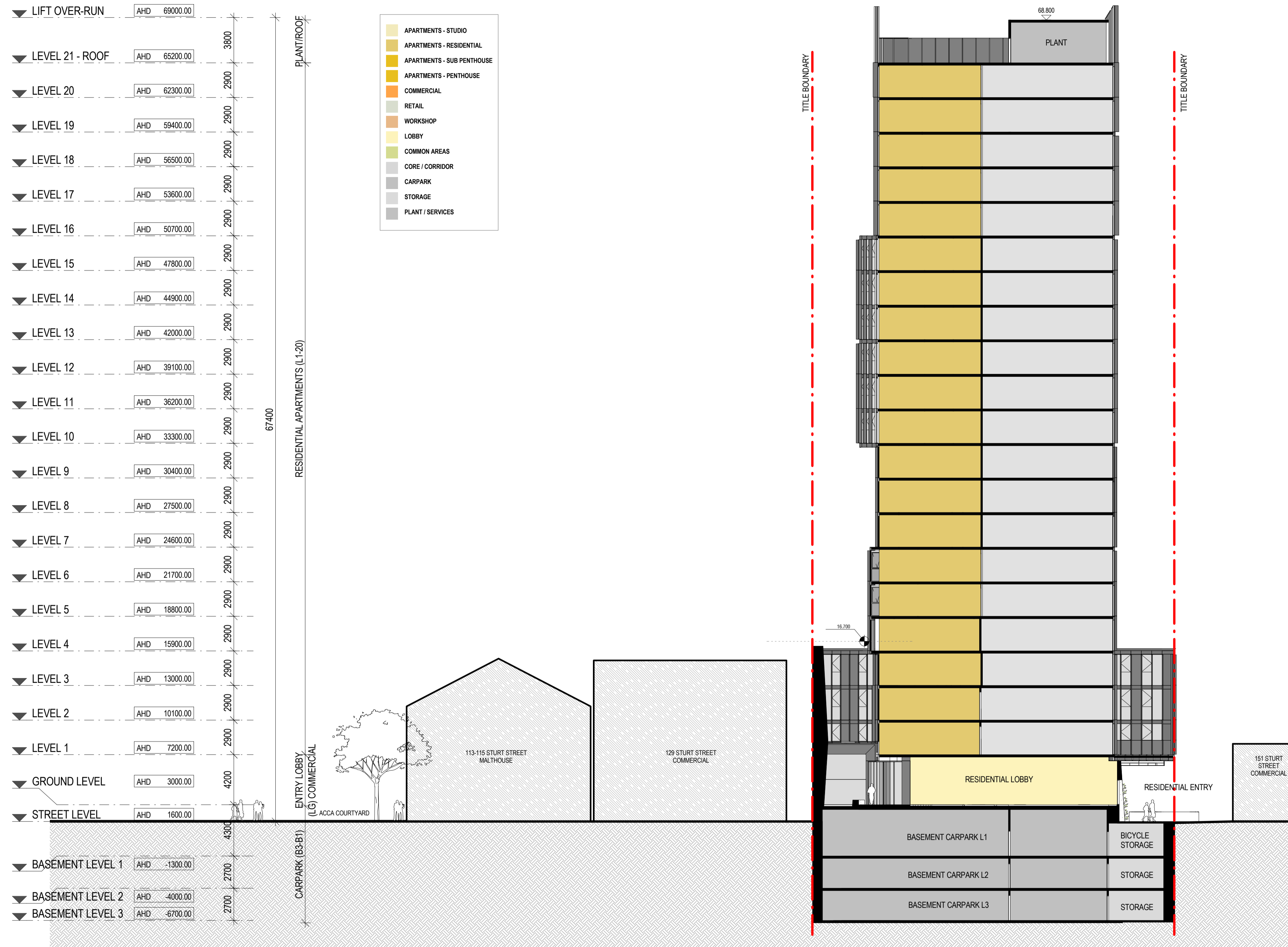
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Hayball Pty Ltd
 4/ 135 Sturt Street Southbank
 Victoria Australia 3006
 T 03 9699 3644 F 03 9699 3708
 www.hayball.com.au

ARBV Registered Directors:
 Len Hayball, Richard Leonard Robert
 Stent, Tom Jordan, Sarah Buckenridge,
 David Tweedie. Director: Luc Baldi
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PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SECTION NORTH-SOUTH

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-24

TOWN PLANNING

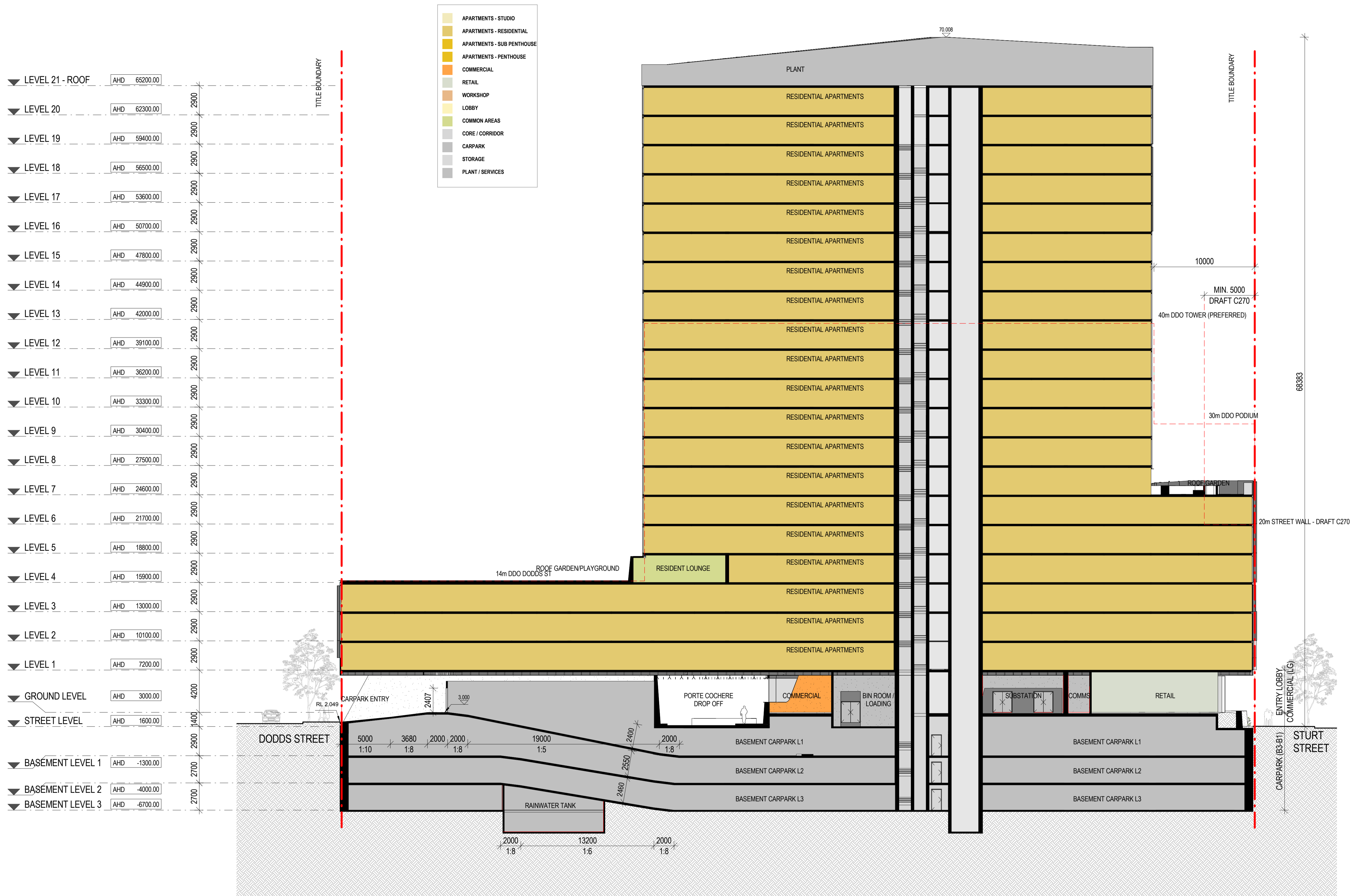
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Hayball Pty Ltd
4/ 135 Sturt Street Southbank
Victoria Australia 3006
T 03 9699 3644 F 03 9699 3708
www.hayball.com.au

ARBV Registered Directors:
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ABN 84 006 394 261

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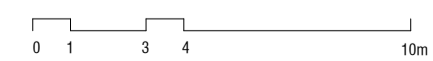
PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SECTION EAST-WEST

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-25

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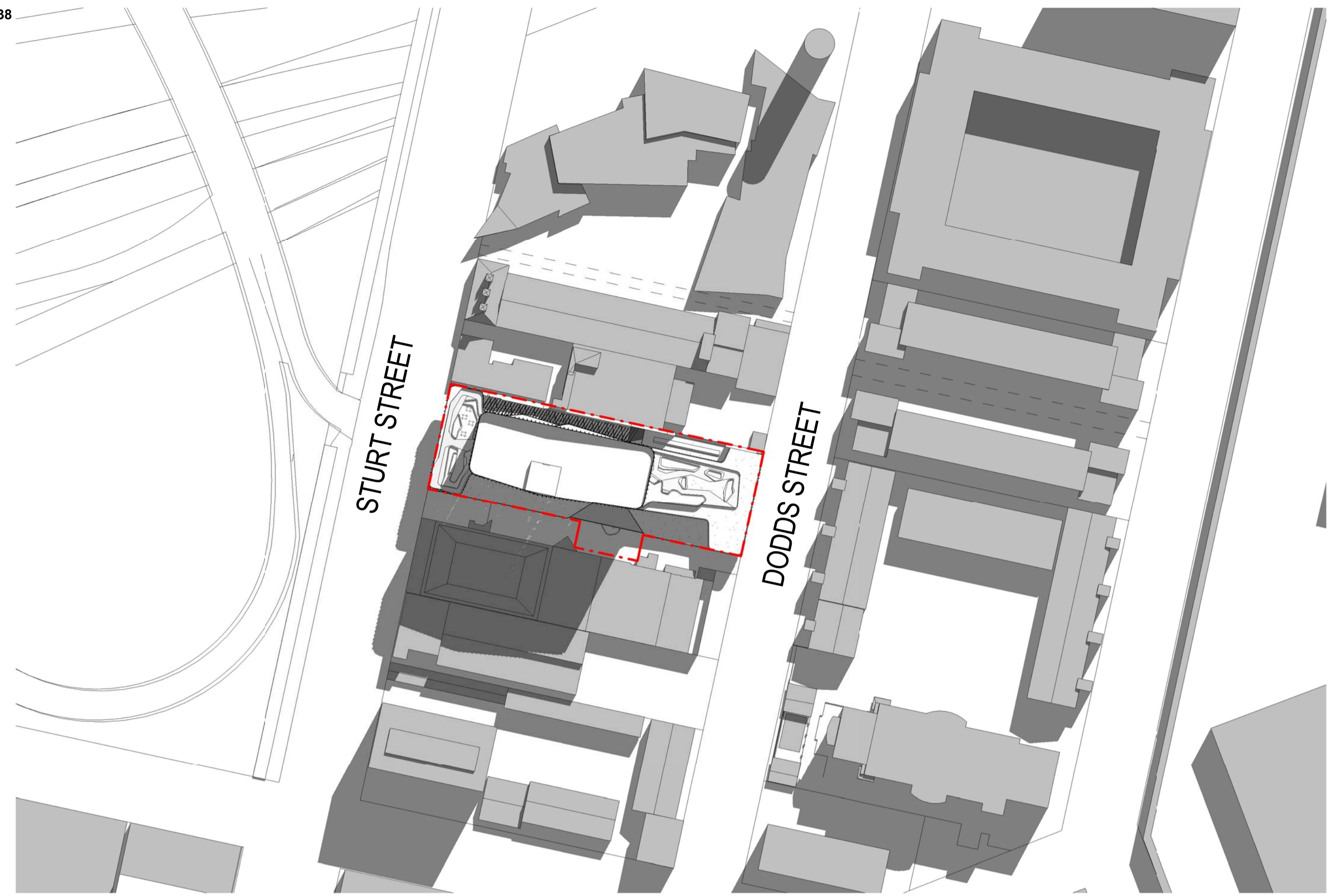
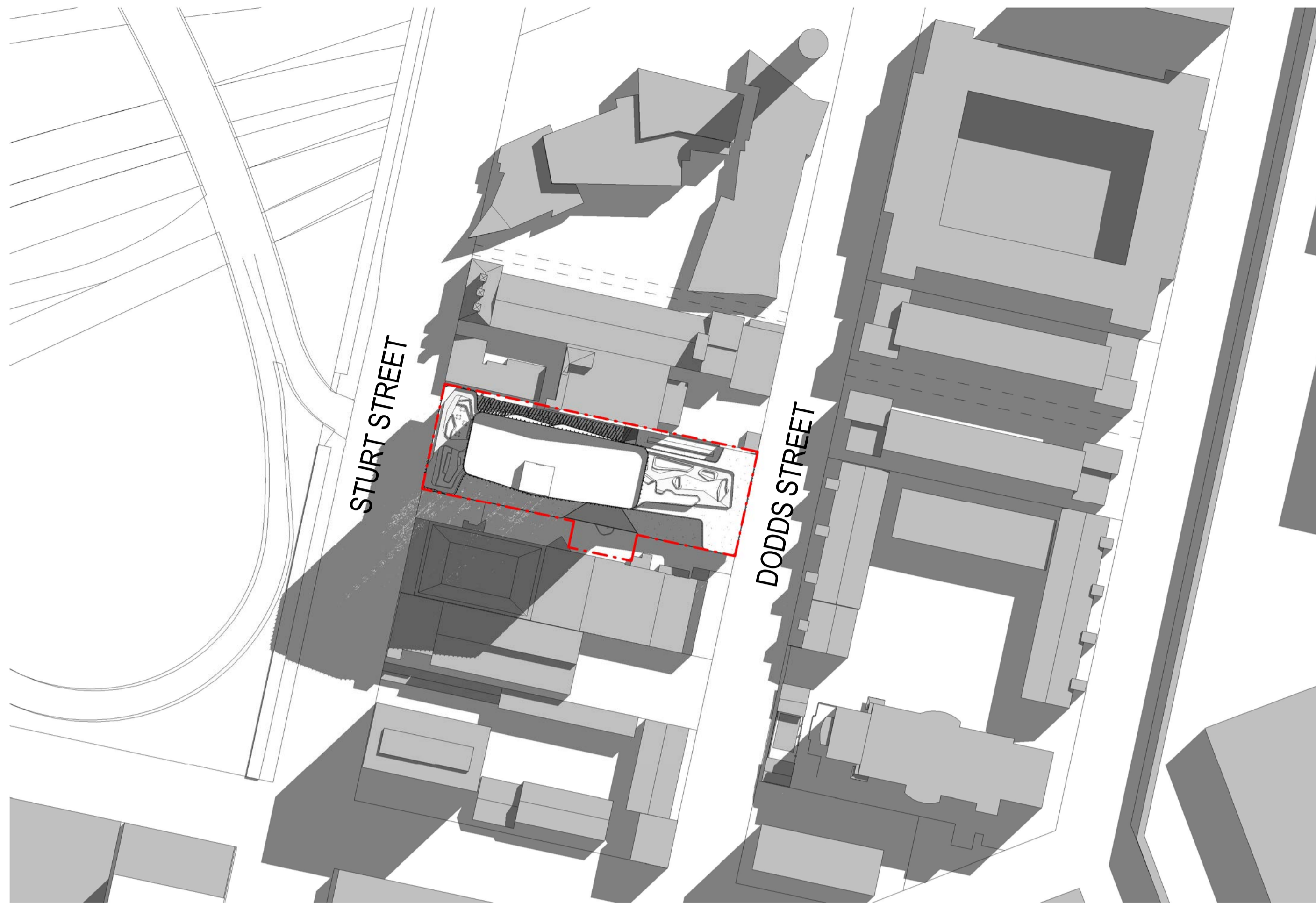
TOWN PLANNING



Hayball Pty Ltd
 4/ 135 Sturt Street Southbank
 Victoria Australia 3006
 T 03 9699 3644 F 03 9699 3708
 www.hayball.com.au

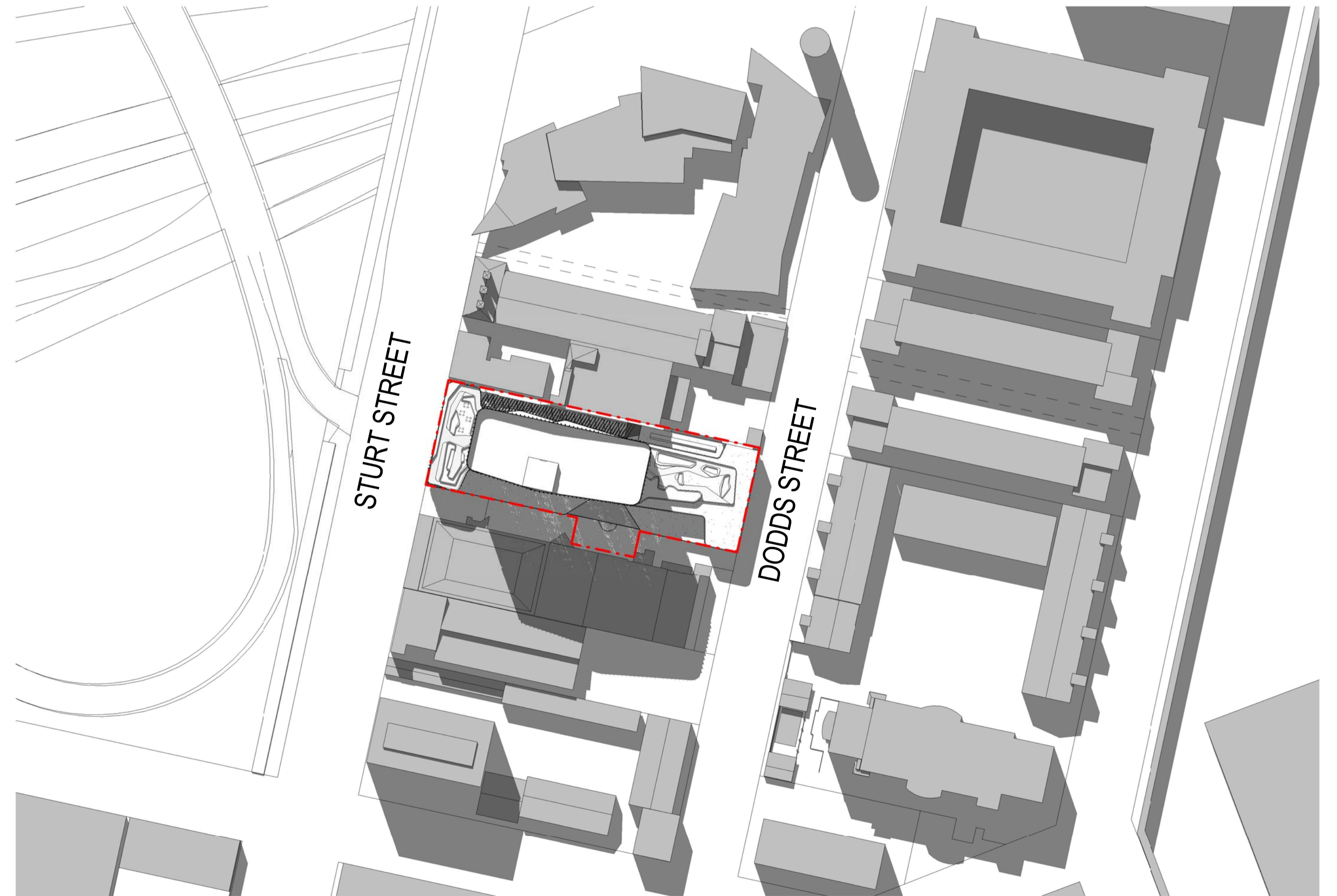
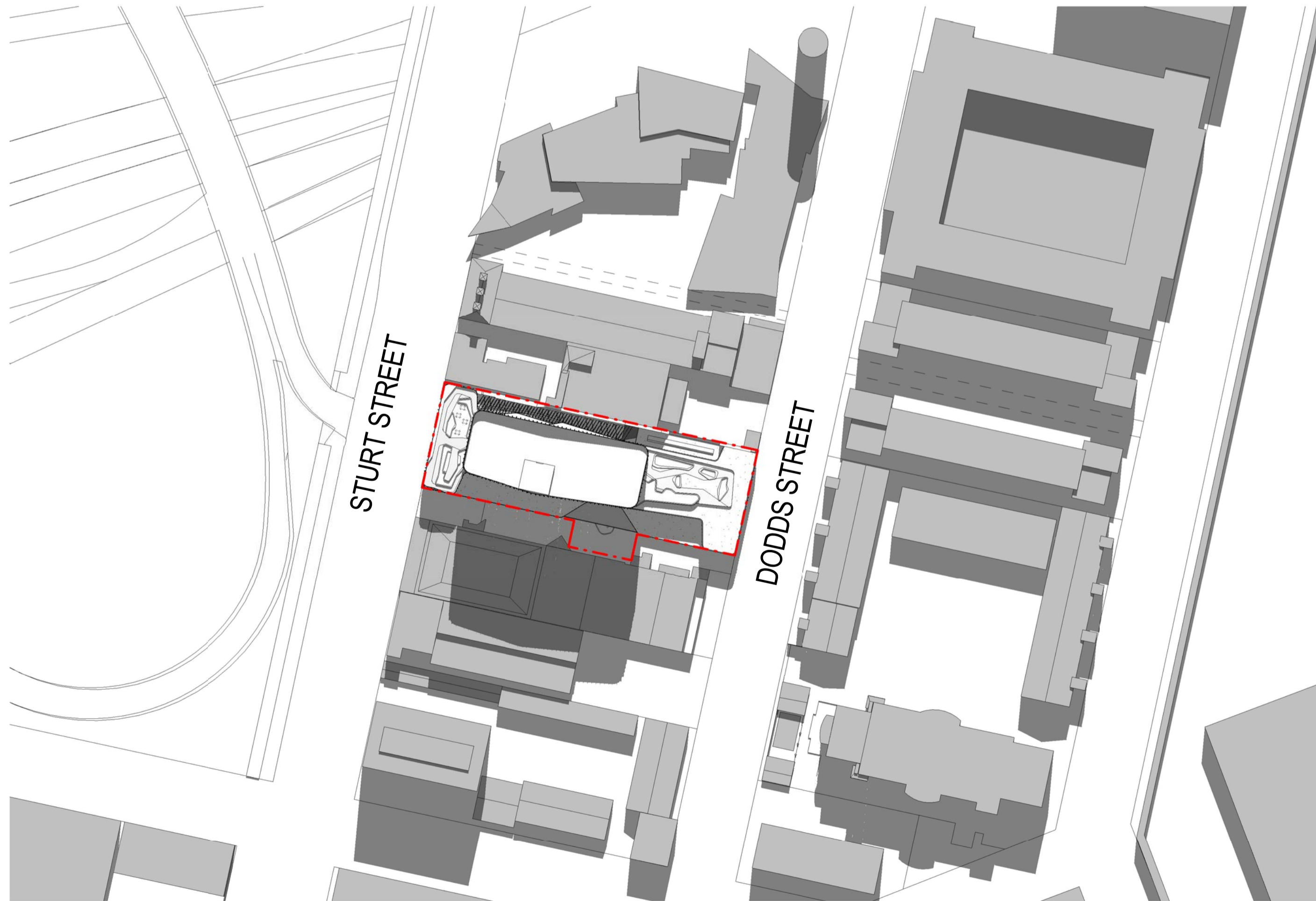
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 ABN 84 006 394 261

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1 SUN STUDY 10AM
TP-20 1:1000

2 SUN STUDY 11AM
TP-20 1:1000



3 SUN STUDY 12 PM
TP-20 1:1000

4 SUN STUDY 1 PM
TP-20 1:1000

PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SHADOW DIAGRAMS 1

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-26

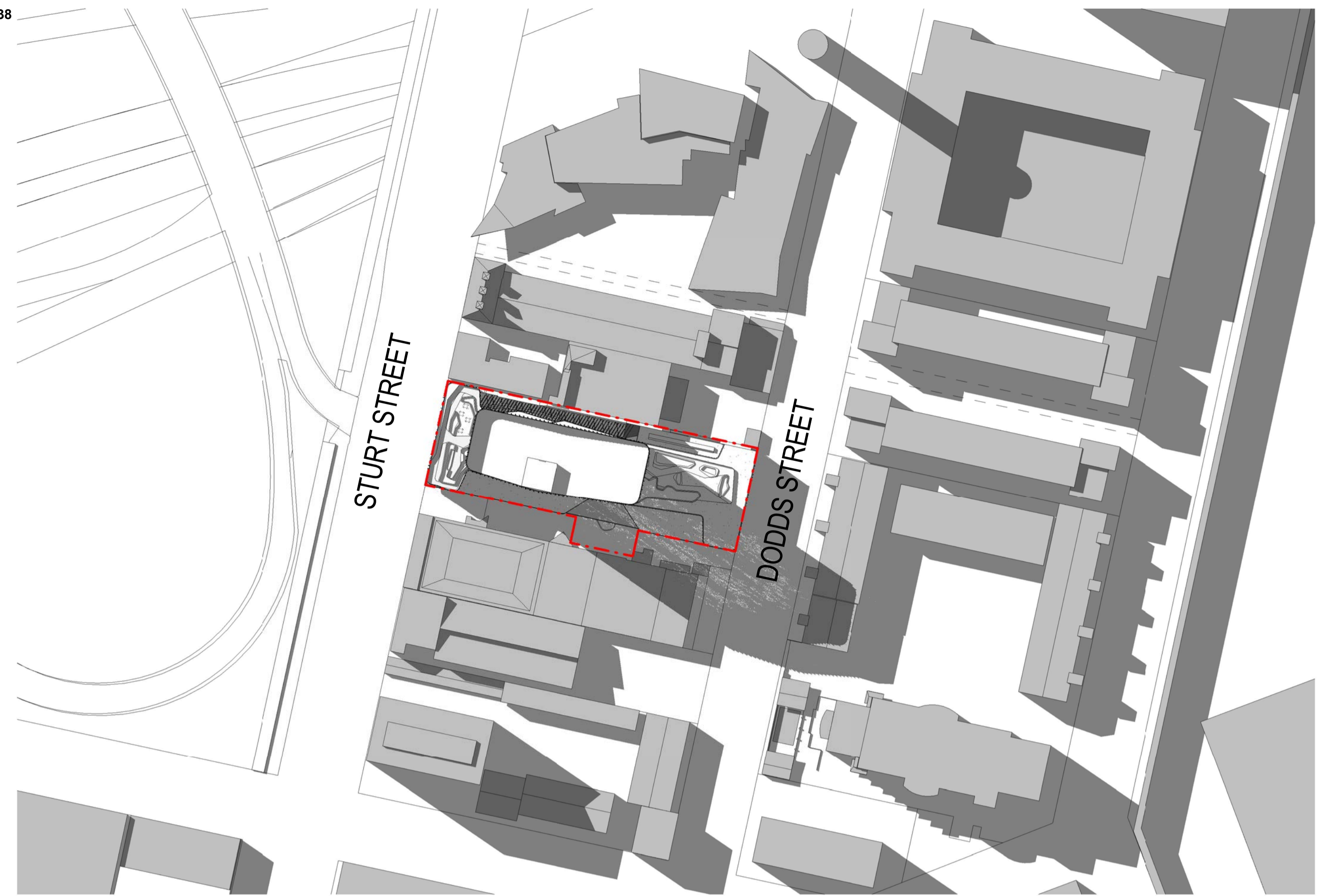
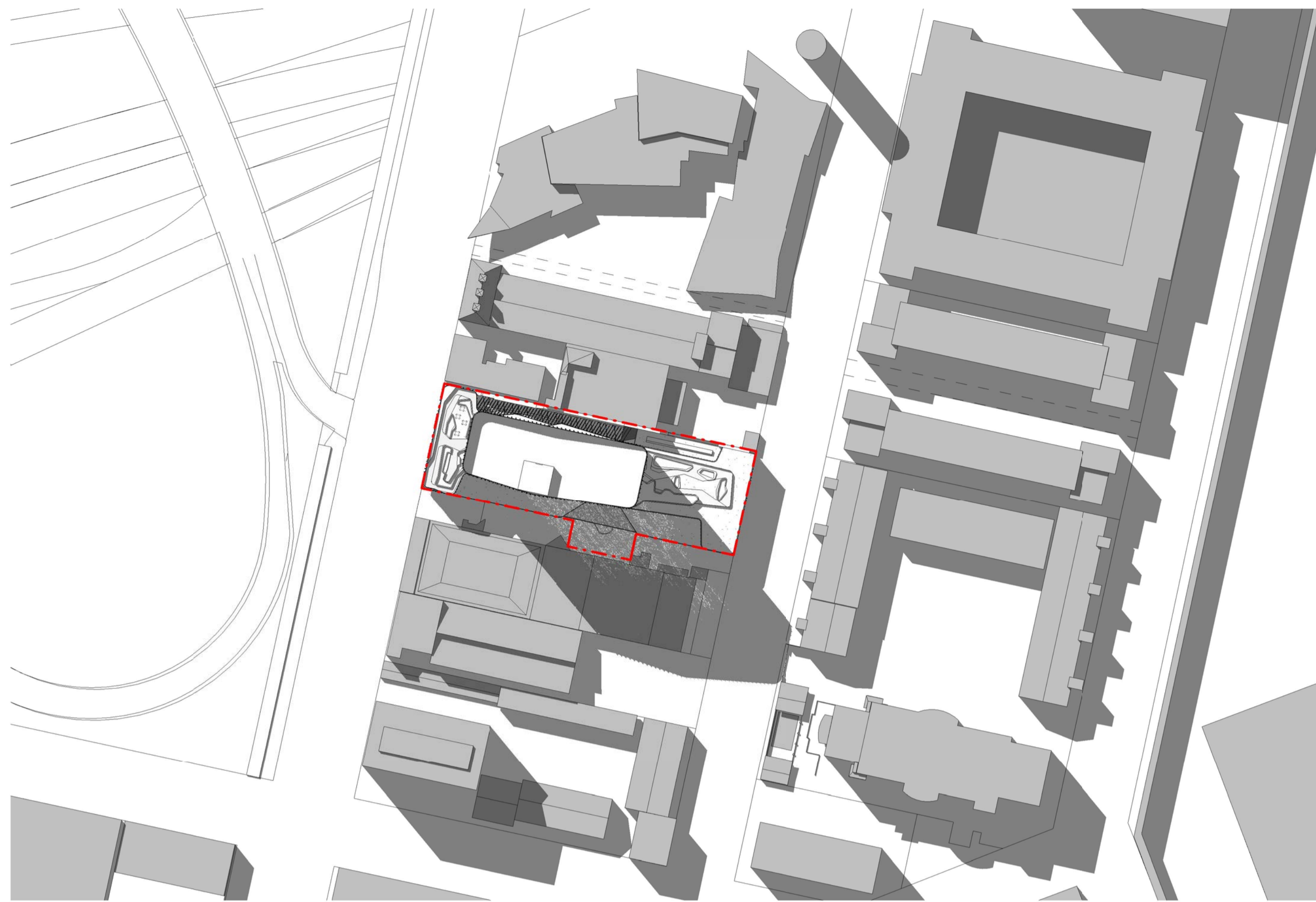
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Hayball Pty Ltd
 4/ 135 Sturt Street Southbank
 Victoria Australia 3006
 T 03 9699 3644 F 03 9699 3708
 www.hayball.com.au

ARBV Registered Directors:
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 Stent, Tom Jordan, Sarah Buckeridge,
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2 SUN STUDY 2 PM
TP-20 1:1000

1 SUN STUDY 3 PM
TP-20 1:1000

PROJECT
135 STURT STREET, SOUTHBANK

TITLE
SHADOW DIAGRAMS 2

No.	Date	Revision
4	22.06.16	DISCUSSION SET

DWG NO TP-27

PROJECT NO 1704
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Hayball Pty Ltd
4/ 135 Sturt Street Southbank
Victoria Australia 3006
T 03 9699 3644 F 03 9699 3708
www.hayball.com.au

ARBV Registered Directors:
Len Hayball, Richard Leonard Robert
Stent, Tom Jordan, Sarah Buckeridge,
David Tweedie. Director: Luc Baldi
ABN 84 006 394 261

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PLANNING REPORT

MINISTERIAL REFERRAL

Attachment 4
Agenda item 6.3
Future Melbourne Committee
22 November 2016

Application number:	TPM-2016-17
DTPLI Application number:	201535696
Applicant / Owner / Architect:	Urbis/Hayball Pty Ltd/Hayball
Address:	131-139 Sturt Street, SOUTHBANK VIC 3006
Proposal:	Demolition of existing buildings and the construction of a building (67 metres) for ground level retail and 240 dwellings
Cost of works:	\$98 million
Date received by City of Melbourne:	29 June 2016
Responsible officer:	Brendan Cousins
Report Date:	28 October 2016

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located 135 Sturt Street and has frontages to both Sturt Street and Dodds Street. The site is approximately 2,884m² in area with a frontage to Sturt Street of approximately 30 metres and a similar width to the Dodds Street frontage. An easement of way runs along the southern boundary and grants rights of access to the subject site and the property to the south.

Aerial Photo / Locality Plan



A two storey commercial building is constructed on the site and occupies the majority of the land except for setbacks to site's southern and western boundaries.

1.2. Surrounds

The main characteristics observed in the area include:

- North
113 Sturt Street is the Malthouse Theatre and is developed to the land's southern edge, and features a small area of at-grade car parking fronting Dodds Street. A two storey brick building also occupies a portion of the Sturt Street frontage of the site.
- South
141 – 151 Sturt Street is a two storey commercial building featuring a supermarket and medical suite at ground floor, with office tenancies located above. The building provides a glazed frontage to Sturt Street framed in light rendered walls. The building is developed over the majority of the land and provides a minor northern and eastern setback. The northern edge of the site (adjacent the subject land) is used to provide at-grade car parking.
- East
To the east of the subject site is Dodds Street and is located with DDO 60 A4B (mandatory 14 metre height control). Development east of the subject site is predominantly 3-4 storeys in height and used for residential purposes.
- West
West of the subject site is the exit to Power Street and entrance to City Link. There is no development directly west of the subject site (within 300 metres)

2. THE PROPOSAL

The application plans for assessment are 'discussion plans' TP01-TP29 dated 22 June 2016.

The application proposes the following uses:

Dwellings	240 residential dwellings (including 14 x studio, 143 x one-bedroom, 50 x two-bedroom and 33 x three-bedroom)
Ground level retail	155 m ²
Ground level food and drink	80 m ²
Office	558 m ²

The specific details of the proposal are as follows:

Building height	67.4 metres to top of building services
Podium height	24.4 metres
Tower front, side and rear setbacks	North – 5 metres South – 5 metres East – 30 metres

	West – 10 metres
Gross floor area (GFA)	31,394 m ²
Car parking spaces	199 car spaces across three basement levels with 82 tandem spaces
Bicycle facilities and spaces	177 bicycle spaces (82 visitor spaces)
Motorcycle space	5 spaces
Loading/unloading	No loading space is being provided
Vehicle access	Dodds Street access to the basement levels

3. BACKGROUND

3.1. Site history

An application for the construction of a 41 storey (136 metre) residential building for 341 apartments was submitted to the Department for Environment, Land, Water and Planning (DELWP) on the 30 June 2015. On the 29 June 2016 DELWP requested comment from Melbourne City Council in relation to informally substituted plans known as ‘discussion plans’ dated 22 June 2016. The plans are the basis for the decision.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11.04-2 ‘Activity Centre Hierarchy’ & Clause 11.04-4 ‘Central Melbourne’</p> <p>Clause 15.01-1 ‘Urban Design’ & Clause 15.01-2 ‘Urban design principles’</p> <p>Clause 16.01-1 ‘Integrated housing’ & Clause 16.01-2 ‘Location or residential development’ & Clause 16.01-3 ‘Strategic redevelopment sites’</p>
Municipal Strategic Statement	<p>Clause 21.04 (Settlement)</p> <p>Clause 21.06 (Built Environment and Heritage)</p> <p>Clause 21.07 (Housing)</p> <p>Clause 21.11 (Local Areas)</p> <p>Clause 21.13-1 (Urban Renewal Areas Southbank).</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p>

	Statutory Controls
37.04 / Capital City Zone, Schedule 3 (CCZ3)	<p>The use of the land for accommodation does not require a permit not provided the ground floor of the building has a floor to ceiling height of at least 4 metres.</p> <p>The use of the land for retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern) and an office is a permit not require' use.</p> <p>A permit is required to construct a building or construct or carry out works, and to demolish or remove a building.</p>
43.02 / Design and Development Overlay, Schedule 1 A2	A permit is required to construct a building or carry out works at ground level along the Sturt Street frontage.
43.02 / Design and Development Overlay, Schedule 3	A permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way.
43.02 / Design and Development Overlay, Schedule 27 (DDO27)	<p>A permit is not required to construct a building or construct 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.</p>
43.02 / Design and Development Overlay, Schedule 60 (Southbank) (DDO60)	<p>A permit is required to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required.</p> <p>Schedule 60 does not exempt the proposed building from requiring a permit.</p> <p>Part of the subject site is located within Area 4A – Sturt Street Southbank Central Interface which recommends a maximum building height of 40 metres. The first 30 metres of the land facing Dodds Street are located within Area 4B which specifies a maximum</p>
45.09 / Parking Overlay, Schedule 1 (PO1)	<p>A permit is required to provide car parking spaces in excess of the car parking rates of this schedule, namely:</p> <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</p>
Particular Provisions	<ul style="list-style-type: none"> • Clause 52.06, Car Parking • Clause 52.07, Loading and Unloading of Vehicles • Clause 52.34, Bicycle Facilities • Clause 52.35, Urban Context Report and Design Response

	<p>for Residential Development of Four or More Storeys</p> <ul style="list-style-type: none"> • Clause 52.36, Integrated Public Transport Planning
General Provisions	<ul style="list-style-type: none"> • 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. • Clause 65 – Decision guidelines

5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment by the Department of Environment, Land, Water and Planning (DELWP).

Pursuant to Schedule 3 of the Capital City Zone and the Design and Development Overlay, the application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

Although the application was not advertised, the development has raised a significant amount of concern within the local community. To date 60 submissions have been received raising the following concerns (summarised):

- Building height is excessive and an overdevelopment of the site (exceeds the recommended building height of 40 metres significantly).
- Overshadowing and 'blocking of light' of nearby residents
- Increased traffic congestion during peak times
- Insufficient resident visitor parking
- Impact on available parking
- Building height and design will have a negative impact upon the low scale nature of Dodds Street
- Detrimental impact upon character of Arts Precinct, including Malthouse Theatre, Australian Centre for Contemporary Art and the Arts Spire.
- Tower will remove skyline to the south west.
- Increase pressure on existing infrastructure
- Development will be an eyesore
- The mandatory height control of 14 metres in Area 4 must be reinstated and C171 areas 4 and 6 must re-instated as the Southbank Village

6. REFERRALS

The application was referred to the following internal departments with comments summarised below.

6.1. Urban Design

Massing, Height & Setbacks

To the east part of the site, the mandatory 14m height limit is complied with, and this is supported. To most of the site, DDO60 sets a discretionary maximum height of 40m in A4A, together with minimum setbacks of 10m from all boundaries. The proposed tower has a parapet height of about 67m and setbacks of 10m from the front and about 5.5m from each side. While there is some scope for redistribution of mass from the envelope suggested by the DDO, the proposed height, together with the reduced side setbacks, is not supported. We recommend that the height be reduced by at least three storeys and that the side setbacks be increased by at least a metre.

The proposed podium height of about 24m is supported, being a reasonable balance between the lower heights of existing neighbours and the potential maximum of 30m. However, this may need to be reduced by one storey to maintain a good proportional relationship with a reduced tower height.

Public Space Interfaces

To realise the vision for Sturt St to become a spine for the arts precinct, it is important for developments along Sturt St to provide frequent points of pedestrian interest. The requirement for the ground floor level to be elevated 1.4m above the footpath presents a challenge to this. Given this constraint, we support the provision of multiple tenancies accessed via a ramp perpendicular to the street.

We also support the provision of a through-block link. However, despite being sheltered, this space is not pedestrian-friendly; the frontage to the link is largely inactive, partly due to the long ramp to the carpark; this could be improved by accessing the basement by means of a car lift. This interface could be further improved by locating the substation in the upper basement. It may then be possible to integrate the pedestrian ramp with the through-block link, concentrating pedestrian activity into a single, attractive, well-used space and increasing the space available for tenancies. However, we note that the proposal requires a 6m canopy for the length of the south boundary in order to achieve the recommended wind conditions; In the event of the adjoining site being developed, this link space would become somewhat dark and inhospitable unless the canopy is more extensively glazed.

Fronting Dodds St, the elevated floor level helps to give privacy to the two townhouses. We support the provision of independent entries to these dwellings, noting that there may alternatively be an opportunity for home offices or similar here. While we support the water and gas meters being perpendicular to the street, the deep recess outside the east entry to the commercial tenancy could result in an entrapment spot and obscures the tenancy.

We are pleased to note that above-ground parking has been avoided (except for the open-lot parking adjoining the shared space along the south boundary).

The new and widened crossovers disrupt pedestrian movement along the footpaths; this impact could be reduced by accessing the basement carpark via the through-block link rather than creating an additional crossover.

ESD

We recommend the provision of green rooves rather than “brownscapes”, and windows to Stair 1. The proposal includes the removal of a substantial tree, the relocation of a street tree and a widened crossover encroaching into the canopy of a street tree; we recommend that the Urban Forest & Ecology team be consulted on this, and that consideration be given to planting new trees to compensate for any trees which are removed.

Building Program

We are pleased to note that affordable housing is proposed for artists; however, no mechanism appears to be included to ensure that this is delivered.

6.2. Engineering

6.2.1. Traffic

- Vertical wall mounted bicycle parking spaces be spaced at a minimum of 0.5m centre to centre, assuming that they are vertically staggered, in accordance with AS/NZS 2890.3:2015.
- A minimum of 20% of bicycle parking spaces (35 spaces) utilise a horizontal bicycle parking system.

- Additional swept paths be completed that confirm an 85th percentile and 99th percentile vehicle can pass simultaneously around the corners at the ramps between basement levels. If this movement cannot be completed, then the basement layout will need to be amended accordingly.
- The completed waste truck swept path assessment be revised, accounting for the following:
 - The swept path assessment should be redone with a minimum speed of 5km/h.
 - A minimum 300mm clearance must be maintained from all garden beds and solid structures at all times.
- Confirmation be provided that there is sufficient height clearance for the waste collection vehicle to pass beneath the trees on the northern boundary of the adjacent property.
- The existing crossover is to be removed with the kerb and channel to be reinstated to the satisfaction of Engineering Services. These details are required to be shown on the development plans prepared by Hayball Pty Ltd.
- The proposed new crossover on Dodds Street will require relocation of existing road hump to be positioned between the existing car park entry and the proposed basement car park entry. All costs associated with the road humps relocation is to be borne by the developer.
- The installation/modification of crossovers may result in potential damage/removal of existing established trees in Sturt and Dodds Streets and as such this development is to be referred to Parks Services Branch.

6.2.2. Waste

The Leigh Design report indicates that waste collection will occur via the ground level driveway (east-west carriageway easement). The collector will have access to the bin storage area on the ground level and will transfer bins to the truck and back again once finished. The collection will be completed by an 8.8m long service vehicle.

The Traffix Group report includes a swept path assessment of an 8.8m medium rigid vehicle travelling along the east-west driveway. In this regard, the following matters were identified and associated amendments required to the swept path assessment:

- The simulations have been completed at 3km/h which is considered to be too slow for these manoeuvres. The swept path assessment should be redone with a minimum speed of 5km/h.
- The westbound simulation runs very close to the trees on the northern boundary of the adjacent property. Confirmation must be provided that there is sufficient height clearance for the collection vehicle beneath these trees.
- The vehicle clearance lines currently encroach on the garden beds running along the edge of the driveway and in places the body of the vehicle is against the garden beds. A minimum 300mm clearance must be maintained from all garden beds and solid structures at all times.

In the event that any of the above conditions cannot be met, the layout must be amended. Amending the shape of the central island in the roadway would most likely allow sufficient manoeuvring room for the above to be completed.

6.2.3. Civil

No objection. Subject to standard conditions of permit

6.3. Land Survey

Doors Opening out onto Council and Private Roads

The outward opening doors projecting into the carriageway easement must be deleted or redesigned such that they do not project beyond the easement line building when open, when closed or when being opened or closed.

Easements

Prior to the commencement of works excluding demolition, the carriageway and drainage easement along the southern boundary of the property must be varied to a height above and below site level and exclude any structures that support the development.

Proposed Northern & Southern 'Laneways'

It is not clear from the information submitted whether or not the proposed northern and southern 'laneways' are to be open to the Public at all times. Should these be Public Access Links, then to ensure that they remain open at all times and open to the public 24 hours per day and 7 days a week unless otherwise required, a S173 Agreement may be required to be entered into to this effect

Naming

The proposed development shows tenancies and main residential lobby off the proposed northern 'laneway'. For street addressing purposes, prior to occupation of development the laneway must be named. This will require a condition along the following lines to be included on the permit:

- Prior to occupation, the access way on the eastern side of the development must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the retail tenancies.
- Any proposed road name must comply with the Guidelines for Geographic Names 2010, and the Geographic Place Names Act 1998.

In addition to the above, please place the following notice on the permit in relation to the allocation of car parking:

- Disabled car parking spaces must be shown on any plan of subdivision submitted to Council for certification as common property.
- All car parking spaces and motorbike spaces and storage spaces within the proposed development must be allocated on any plan of subdivision submitted to Council for certification.

6.4. Urban Forest and Ecology

In accordance with the City of Melbourne's Tree Retention and Removal Policy ('the Policy'), no public tree may be removed unless in accordance the Policy. The Policy outlines the process required for the removal of any public tree within the City of Melbourne, with the following excerpt relevant:

7.5 Public tree removals may be permitted in the following instances:

7.5.4 In the case of development, only if all possible design solutions have been considered to retain the tree and have been deemed by Council's arborist to be exhausted.

Urban Forest and Ecology needs documentation that addresses point 7.5.4 prior to removal being considered.

On the provision of such information:

- Approval for any removal is subject to the Policy, Council's Delegations Policy and requirements for public notification (e.g. advertising on the tree or letter drop), and a briefing paper to councillors (usually prepared at the start of each month). It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- In the event that approval is provided, the costs for loss of Amenity Value, Ecological Services and Removal Costs per the Policy are applicable.
- Reinstatement greening costs (section 8.3 D of the Policy) of \$10,000 per tree will also be applied.
- All the associated cost of the tree and its removal must be paid by the property owner, or representative prior to removal.

7. ASSESSMENT

The key issues for consideration in the assessment of this application are the proposed building height, built form, impact to the public realm, engineering matters and community concern.

7.1. Built Form

The building is proposed to have a height of approximately 67 metres to the top of the building services (approximately 63 metres excluding building services).

The MSS identifies this area of Southbank as an Urban Renewal Area. This part of Southbank is recognised as being located in the Arts Precinct

- Ensure that buildings along St Kilda Road and in Sturt Street maintain the visual dominance of the Arts Centre Spire.
- Maintain low rise development on the northern and southern sides of the Yarra River and Arts Precinct to maintain the low scale river edge to protect key views to the Arts Centre Spire and prevent overshadowing of the south bank of the River.
- Encourage medium scale development in the Arts Precinct and the areas to the east of Moore Street and to the south of City Link.
- Encourage medium scale development in the Southbank Village.

Although Southbank has been identified as an area of urban renewal it is clear that planning policy directs that the new development in this part of Southbank should be of medium scale and respond to the existing context east of Moore Street, south of City Link and within the Arts Precinct. Sturt Street is recognised as a civic spine/gateway which supports physical and visual connections to the CBD and Arts Centre Spire.

The subject site is located within two Design and Development Overlays DDO60 A4A (40 metres discretionary) and DDO60 A4B (14 metre mandatory).

DDO60 A4A states:

- To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.
- To ensure the height of new buildings does not overwhelm the public domain.
- 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.

DDO60 A4B states

- The maintenance of the dominance of the Arts Centre Spire silhouetted against the sky from the south along Sturt Street.
- The protection of the low scale residential development on the east side of Dodds Street.
- To enhance the sense of openness, maintains access to expansive sky views and maximises solar access from the low scale residential development on the east side of Dodds Street.

The proposed podium height of about 24 metres is supported by Urban Design and is a reasonable balance between the lower heights of existing neighbours and the potential maximum of 30m. However, any reduction to the building height may necessitate a reduction to maintain a good proportional relationship with a reduced tower height. The issues with the tower height will be discussed in more detail below.

The immediate context is defined by a low scale development typically 2-4 levels in height. Although there are notable exceptions at 161-173 Sturt Street (10 level residential), 211 -241 Sturt Street (13 level residential building) Guild Apartments (12 levels and 24 level split tower development) and a recent planning permit approved at 250 Sturt Street (approximately 54 metres), it is considered that this context is more sensitive, given its proximity to the predominately low to medium scale of Dodds Street.

The boundary of the 40 metre mandatory height control (DDO60A4A) and the 14 metre mandatory height control (DDO60A4B) runs through the subject site. It is considered that any significant increase in building height above 40 metres should not be supported. To the east part of the site, the mandatory 14m height limit is generally complied with however it does appear that in section, part of the residential lounge encroaches above 14 metres. The 14 metre height control is mandatory and the applicant should demonstrate that it is adequately complied with.

Urban Design comments support this position and state that:

To the east part of the site, the mandatory 14m height limit is complied with, and this is supported. To most of the site, DDO60 sets a discretionary maximum height of 40m in A4A, together with minimum setbacks of 10m from all boundaries. The proposed tower has a parapet height of about 67m and setbacks of 10m from the front and about 5.5m from each side. While there is some scope for redistribution of mass from the envelope suggested by the DDO, the proposed height, together with the reduced side setbacks, is not supported.

Urban Design has suggested that the development be reduced by at least three storeys and that the side setbacks be increased by at least one metre. While an increased side setback of six metres could be supported, it is considered that the height of the building should be reduced by more than three storeys, particularly at the interface with the 14 metre height control.

The subject site is affected by DDO60A4B which essentially requires a 14 metre podium with a 30 metre setback to the tower form. Whilst this is a significant setback it is still considered that the transition from a building form of 14 metres to five to eight stories above the recommend height control of 40 metres is a significant increase and does not appropriately have regard to the lower- medium built form that is currently encouraged for this part of Southbank. Furthermore to the north is Malthouse Theatre which is occupied by buildings that are predominantly two to three storeys in height. The proposed development will be significantly taller than these buildings and will not provide an effective transition in height. It is considered that the proposed height and scale of the tower form will overwhelm and dominate the lower scale buildings to the north and provide for a substandard backdrop.

Although the applicant has submitted that the additional building height will be offset by the provision of a through block link, affordable artist housing and a range of fine grain commercial tenancies, it is not considered that this will provide a significant enough public benefit to outweigh the fundamental concerns with the building height and built form.

While the through block link is supported, Urban Design have commented that the space is not pedestrian-friendly and the frontage to the link is largely inactive. Furthermore the through block link is located on land covered by an easement, which means that it is restricted and cannot be occupied by development. Ultimately, the through block link already exists and is currently encumbered as it must provide unimpeded vehicle access to the subject site and to the site to the south.

The provision of fine grain commercial/active uses is required by any development of this scale and should not be considered an offset. The affordable housing proposed artists for artist is a great initiative and if a permit was to issue should be included as a condition of the approval. However, no mechanism to ensure that this is delivered or how many dwelling will be provided has been provided by the applicant.

Overall as proposed it is considered that the development does not appropriately respond to the existing context and to the preferred built form as outlined by the Melbourne Planning Scheme, specifically at Clause 21.13-1 and DDO60. It is considered that the Melbourne Planning Scheme is clear in relation to the level of development that is appropriate in relation to building height, development density, setbacks, providing a high level of internal amenity and being responsive to the public realm. The proposal is an overdevelopment of the site that will overwhelm the existing streetscape particularly along Dodds Street and does not respond to the preferred built form for this area.

7.2. Public Realm

As previously stated, although the provision of a through block link is supported, there are some fundamental issues, particularly as the space is encumbered by an easement. Furthermore, Urban Design raised the following issues:

- despite being sheltered, this space is not pedestrian-friendly;
- the frontage to the link is largely inactive, partly due to the long ramp to the carpark; this could be improved by accessing the basement by means of a car lift.
- The proposal requires a 6m canopy for the length of the south boundary in order to achieve the recommended wind conditions; In the event of the adjoining site being developed, this link space would become somewhat dark and inhospitable unless the canopy is more extensively glazed.

It is noted that permission to build over (or under) the easement is required from the adjoining property owner.

Active uses are supported at ground level to Sturt Street as is the provision of independent entries to these dwellings from Dodds Street. Urban Design has noted that while they support the water and gas meters being perpendicular to the street, the deep recess outside the east entry to the commercial tenancy could result in an entrapment spot and obscures the tenancy.

It is considered that further exploration of alternative design options should be undertaken in order to mitigate the removal or impact upon on street trees, particularly along Dodds Street.

7.3. Engineering Matters

Council traffic engineers have raised a number of matters as detailed above. Overall the scope of the issues is minor and could be addressed if a planning permit was issued. However given the significant concern with the proposed building height and built form these matters will not be pursued further.

It is noted that an assessment against the car parking requirements of the Melbourne Planning Scheme was undertaken by Council's Traffic Engineers.

The level of on-site car parking provision for the specified uses is prescribed under Schedule 1 of the Parking Overlay of the Melbourne Planning Scheme. The Planning Scheme specifies maximum car parking rates for land uses. Application of these rates and formulas to the proposal equates to a maximum provision of 244 car parking spaces. The proposed provision of 199 spaces is consistent with Schedule 1 of the Parking Overlay and is therefore considered to be appropriate.

It should be noted that any residential development which increases density will not be eligible for a resident parking permit in this area. As such it is considered that this application would not be eligible for resident permits and therefore any problems that arise in this regard will be for the applicant to resolve.

7.4. Internal amenity

It is noted that complete assessment of internal amenity of the proposed dwellings has not been undertaken given the significant concerns with the overall building height and built form. However, briefly it is considered that the development provides for a reasonable variety of housing choice for 14 x studio, 143 x one-bedroom, 50 x two-bedroom and 33 x three-bedroom apartments. Overall the proposed layouts are of a reasonable standard, however there are a number of apartments that rely on saddlebag arrangements which have not been sufficiently dimensioned to ensure they will provide adequate internal amenity.

7.5. Community concern

A total of 58 submissions have been received to date. The objectors were informed that the Minister for Planning is the decision maker for this application and that all objections must be sent to the Department of Environment, Land, Water and Planning (DELWP). Melbourne City Council, has been sent the information by DELWP for comment, but does not enjoy formal status as a Recommending Referral Authority.

It is acknowledged that there is significant concern with the development specifically in relation to building height, overshadowing/blocking of light, increased traffic and parking impacts, negative impact upon the low scale nature of Dodds Street and detrimental impact upon character of Arts Precinct, including Malthouse Theatre, Australian Centre for Contemporary Art and the Arts Spire.

It is considered that the above issues have been addressed in the report, with significant concerns raised with the development in relation to building height and form and the impact to Dodds Street and the Arts precinct.

8. OFFICER RECOMMENDATION

That a letter be sent to the Department of Environment, Land, Water and Planning (DELWP) advising that the City of Melbourne does not support the development on the following grounds:

- a) The proposal by virtue of its design, excessive height overwhelm the streetscape of Sturt Street, Dodds Street and Arts Precinct and is contrary the preferred built form clearly outline by Design and Development Overlay Schedule 60, Southbank and Clause 21.13-1, Southbank, of the Melbourne Planning Scheme.
- b) The proposal is an overdevelopment of the site and is contrary to the policy directions of Clause 22.01 Urban Design within the Capital City Zone, and the decision guidelines of the Capital City Zone Schedule 3, of the Melbourne Planning Scheme.