

Report to the Future Melbourne (Planning) Committee

Agenda item 6.5

**Ministerial Planning Referral TPM-2014-33
68-70 Dorcas Street, Southbank**

11 November 2014

Presenter: Karen Snyders, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2014/003097) at 68-70 Dorcas Street Southbank. The planning application was initially referred by the Department of Planning, Transport and Local Infrastructure (DTPLI) on 21 August 2014. Amended plan and additional information were received on 23 September 2014.
2. The applicant and landowner is 20 Q Development Co. P/L and the architect is SJB.
3. The site is on the north-east corner of Dorcas and Dodds Streets. The rear boundary of the site is to Wells Place, which runs off Dodds Street. The application seeks approval for the development of a residential tower of 29 levels (274 apartments) with three basement levels. The building has a podium and tower form with the five storey podium varying in height from 16.5 metres to 20.5 metres. The podium includes 4 levels of car parking, a retail tenancy and a cafe. Access to the basement car park levels is from Wells Place and access to the podium car park levels is from Dorcas Street. Access to the apartments is from Dorcas Street. The overall building height is 92.2 metres.
4. The total gross floor area is 33,533 square metres.

Key issues

5. Key considerations with respect to this proposal are built form including height and setbacks and podium level car parking to Dodds Street.
6. Pursuant to Design and Development Overlay 60 (Area 5A), the application site is subject to a discretionary 60 metre height control. Design and Development Overlay 60 also states that development above a podium should be set back a minimum of 10 metres from all boundaries and a minimum of 20 metres from an adjoining tower. The 20 metre setback may be varied, but should not be less than 10 metres. The land to the north is occupied by 3 storey buildings. A Notice of Decision to Grant a Permit has been issued by the Minister for the land to the east, at 49-61 Coventry Street. This is for two apartment towers, approximately 76.8 metres in height.
7. The façade above podium level is curved to the north, south and west elevations resulting in varied setbacks from these boundaries. The minimum setbacks from these boundaries range from 550 mm to 2500 mm. These setbacks are considered inadequate. They are contrary to Design and Development Overlay 60 and result in a building which is overbearing on the public realm. The overall height of the building is also contrary to Design and Development Overlay 60, Area 5A which supports mid-rise development in this precinct. If approved at this height, the building would dominate the urban form in this area. The provision of 4 podium levels of car parking to Dodds Street will negatively impact on the character and passive surveillance of the public realm.
8. The changes to the development required to render it consistent with requirements of the Melbourne Planning Scheme are considered so significant that they cannot be addressed by conditions.

Recommendation from management

9. That the Future Melbourne Committee resolves the a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council objects to the application for the reasons set out in the attached delegate report.

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Plan
4. Ministerial referral

Supporting Attachment

Legal

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

Finance

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

Conflict of Interest

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

Stakeholder consultation

4. Council officers have not advertised the application or referred it to any referral authorities. This is the responsibility of the Department of Transport, Planning and Local Infrastructure acting on behalf of the Minister for Planning who is the responsible authority.

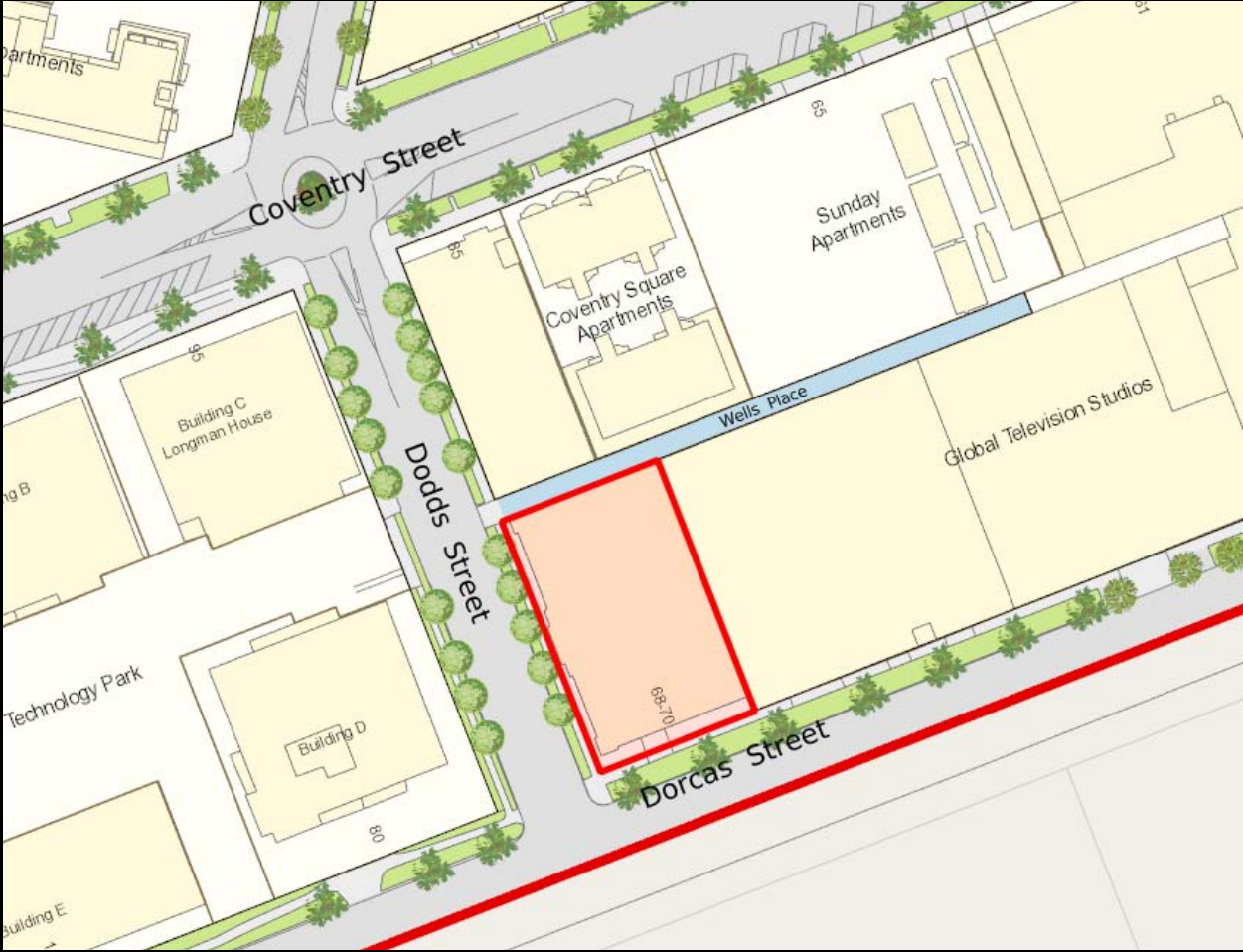
Relation to Council policy

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

Environmental sustainability

6. An ESD Design Statement forms part of the application submission. It includes the statement that the proposed development has the preliminary design potential to attain a 5 Star Green Star Rating. It also states that this is not currently considered to be technically and commercially achievable. Pursuant to Clause 22.19 of the Melbourne Planning Scheme, a 5 star rating should be achieved.

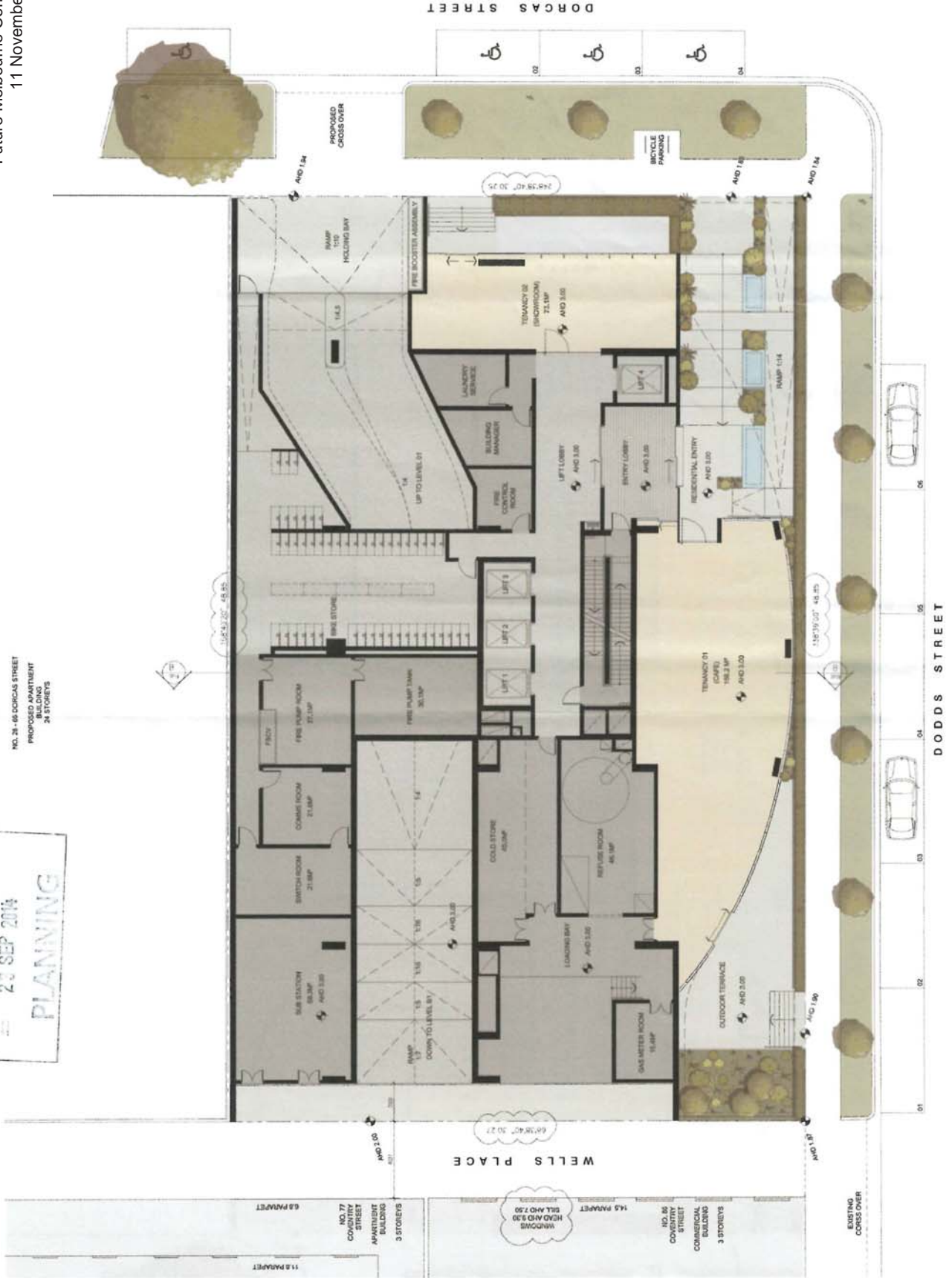
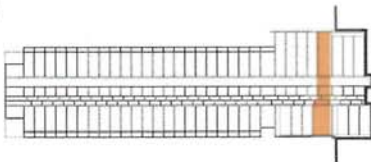
Page 3 of 32
Locality Plan
68-70 Dorcas Steet, Southbank



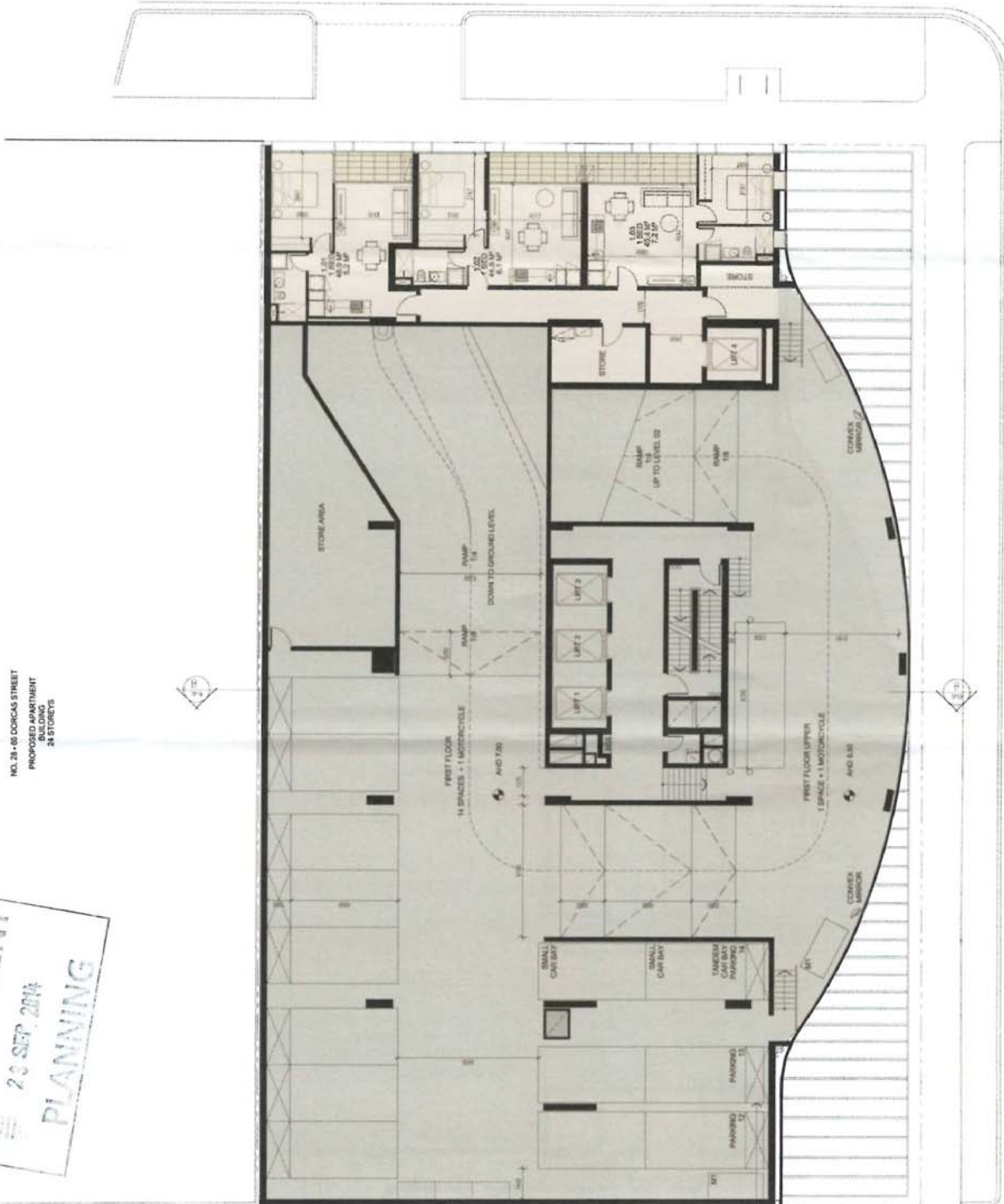
DEVELOPMENT
 20 SEP 2014
 PLANNING

Ground Level

Scale 1:200 @ A3



DORCAS STREET

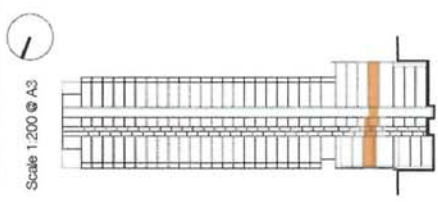


NO. 28 - 00 DORCAS STREET
PROPOSED APARTMENT
BUILDING
24 STOREYS

DEVELOPMENT
23 SEP. 2014
PLANNING



Level 01
Podium Apartments & Car Park
Scale 1:200 @ A3

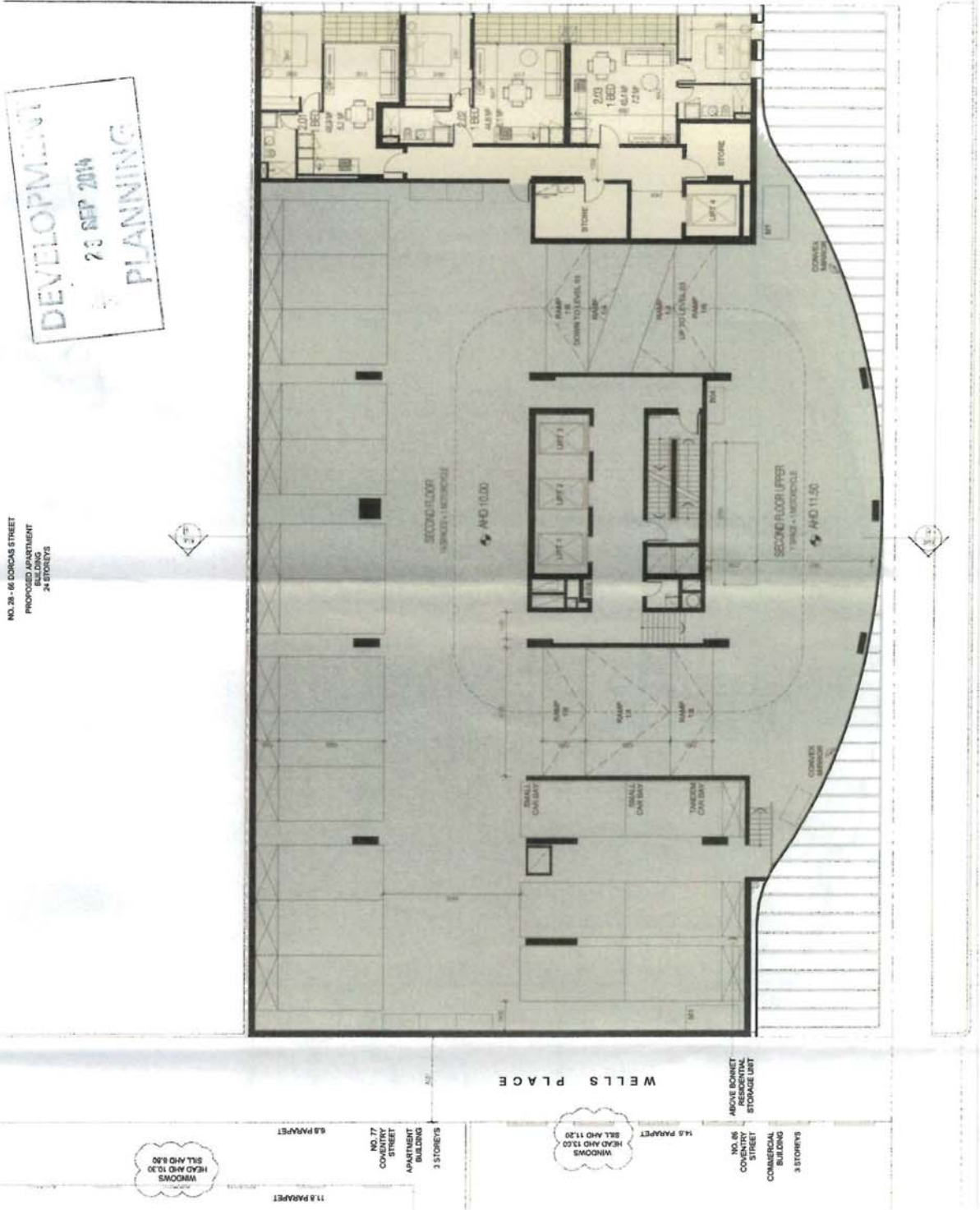
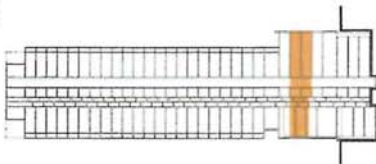


DODDS STREET

DORCAS STREET

Level 02-03
Podium Apartments & Car Park

Scale 1:200 @ A3



NO. 26-46 DORCAS STREET
PROPOSED APARTMENT
BUILDING
24 STOREYS

11.8 PARAPET
HEAD AND 8.00
WINDOWS
SILL AND 8.00

6.8 PARAPET

NO. 77
COVENTRY STREET
APARTMENT
BUILDING
3 STOREYS

WELLS PLACE

14.5 PARAPET
HEAD AND 13.00
WINDOWS
SILL AND 13.00

NO. 86
COVENTRY STREET
COMMERCIAL
BUILDING
3 STOREYS

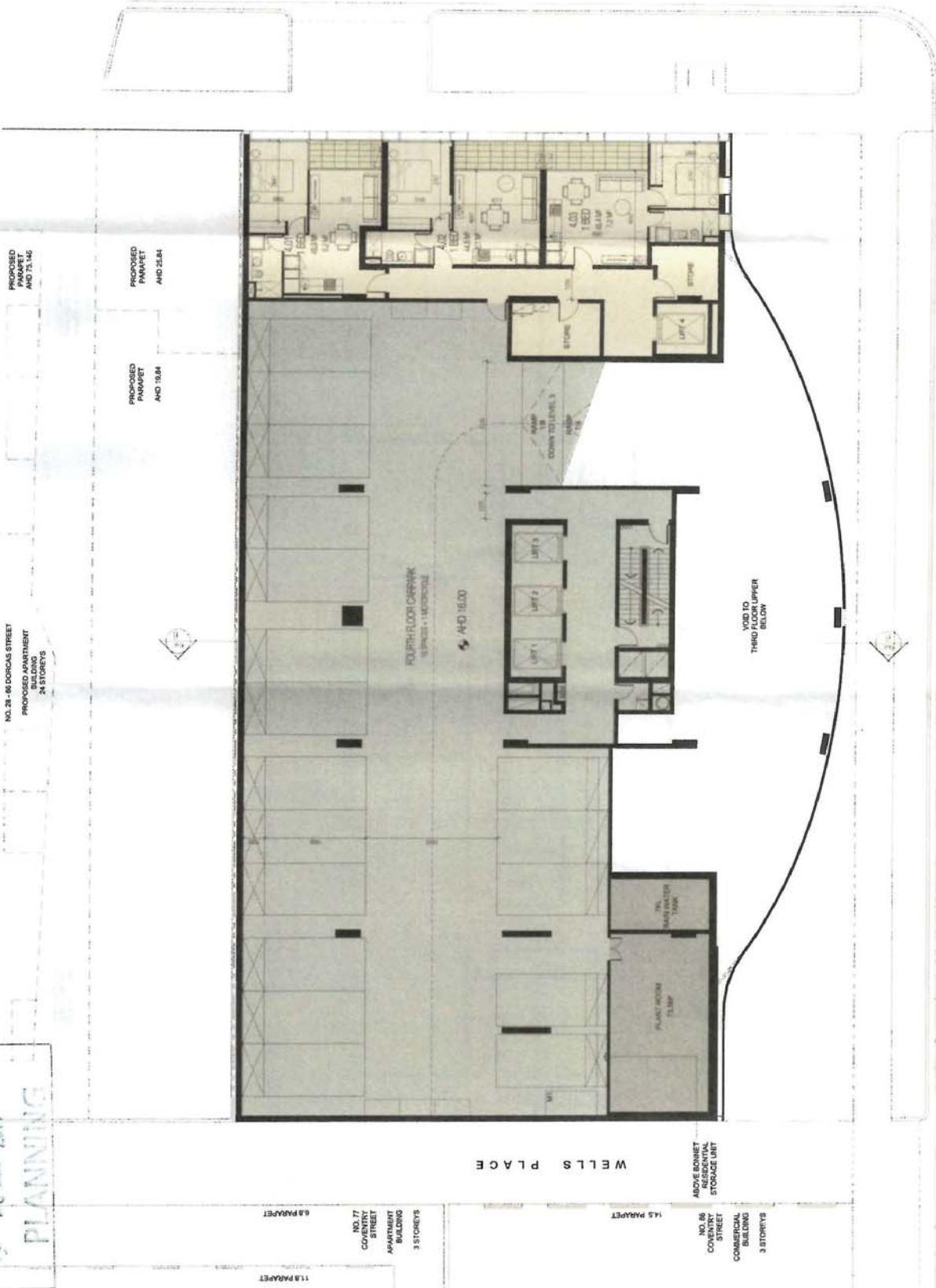
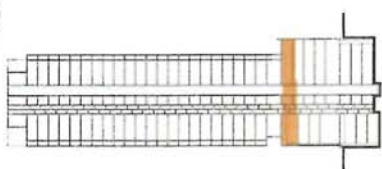
ABOVE ROCKET
COMMERCIAL
BUILDING
STORAGE UNIT

DODDS STREET

DORCAS STREET

DEVELOPMENT
73 SEP 2014
PLANNING

Level 04
Podium Apartments & Car Park
Scale 1:200 @ A3



NO. 24-26 DORCAS STREET
PROPOSED APARTMENT
BUILDING
24 STOREYS

PROPOSED
PARAPET
AND 19.84

PROPOSED
PARAPET
AND 25.84

FOURTH FLOOR CARPARK
19 STOREYS + MEZzanINE
AND 16.00

WELLS PLACE

VOID TO
THIRD FLOOR UPPER
BELOW

11.8 PARAPET

NO. 77
COVENTRY
STREET
APARTMENT
BUILDING
3 STOREYS

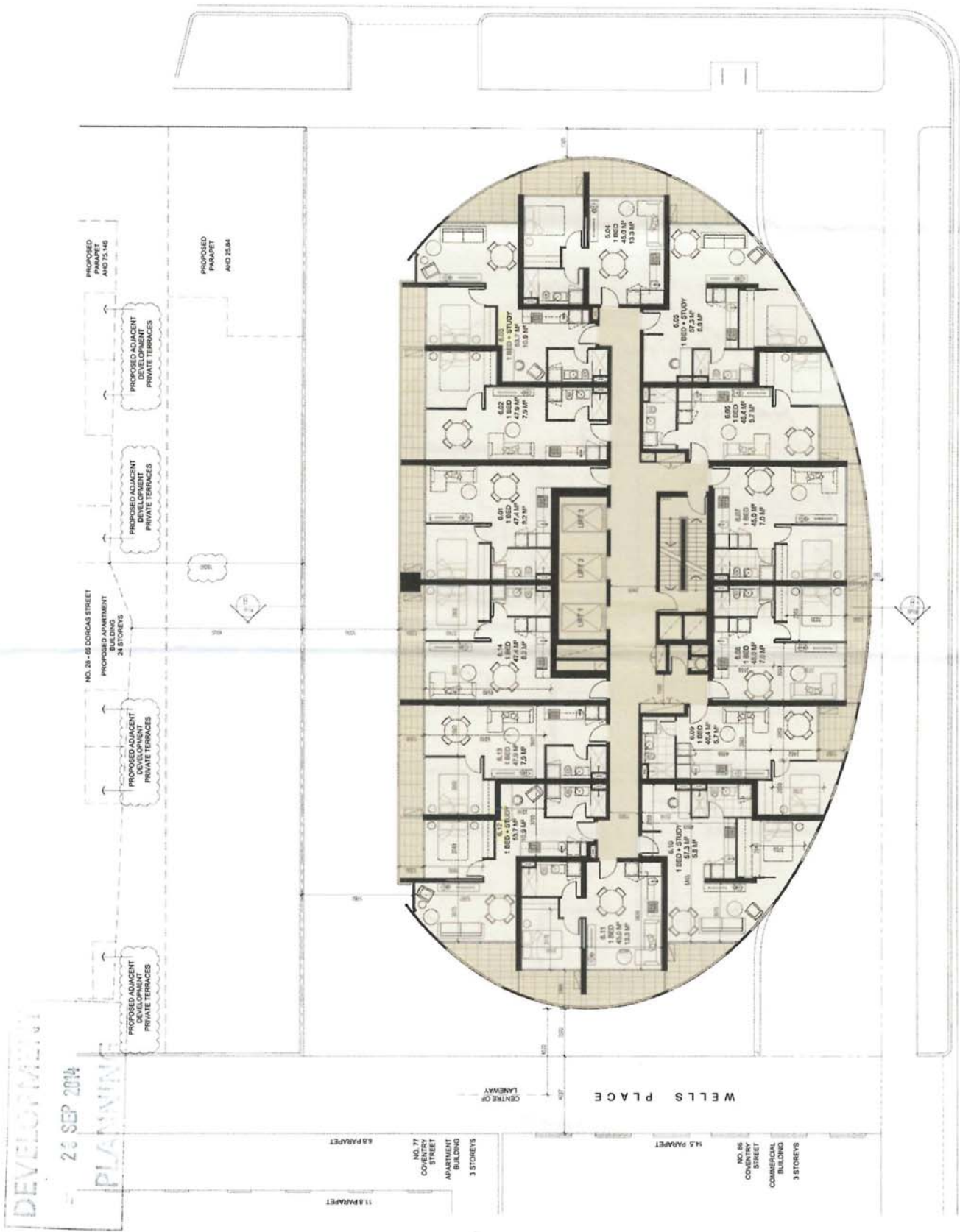
14.5 PARAPET

ABOVE BONNET
RESIDENTIAL
STORAGE UNIT
NO. 86
COVENTRY
STREET
COMMERCIAL
BUILDING
3 STOREYS

DODDS STREET

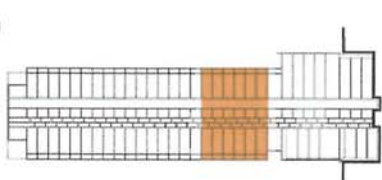
DORCAS STREET

DODDS STREET

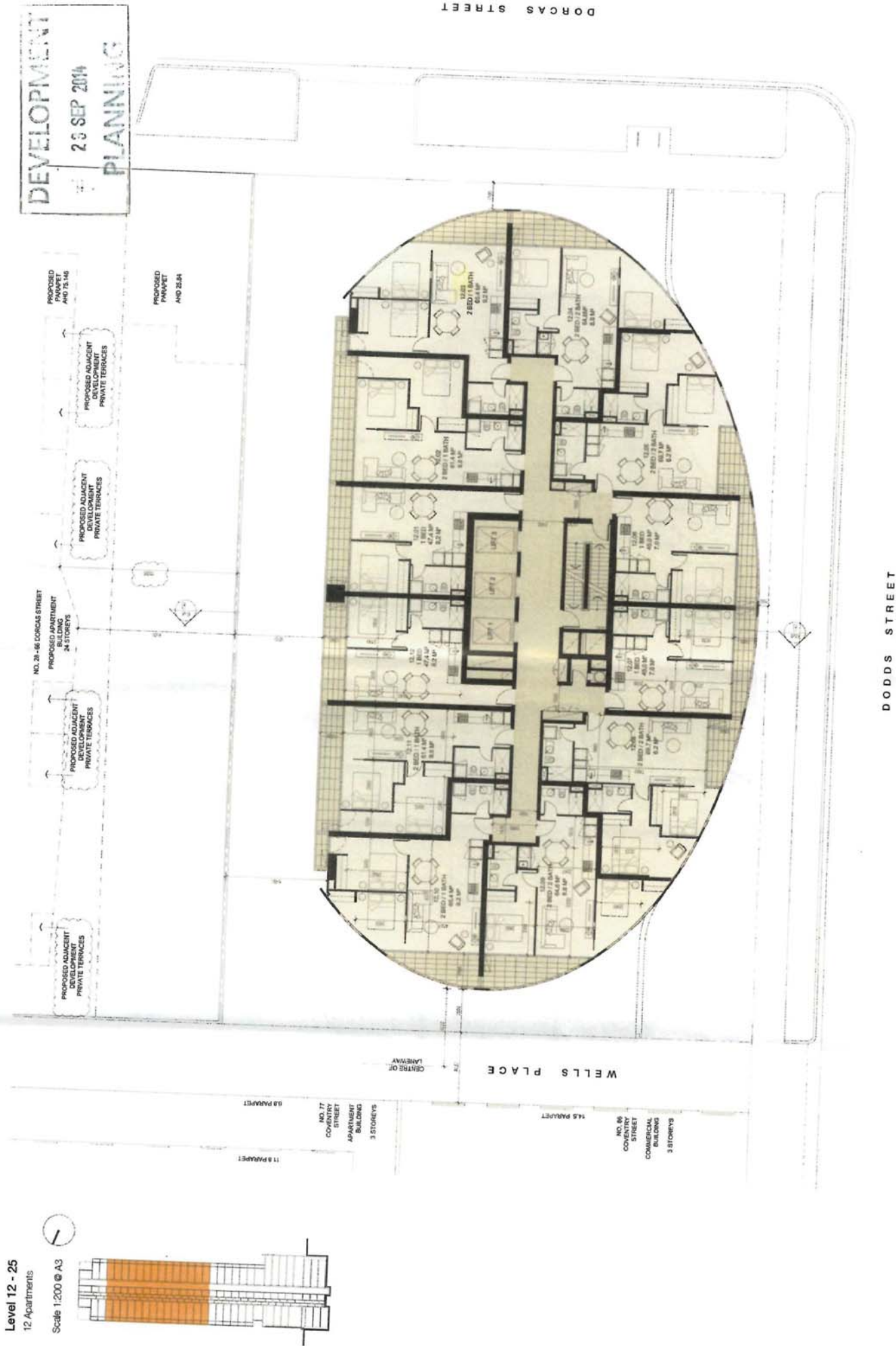


Level 06 - 11
14 Apartments

Scale 1:200 @ A3

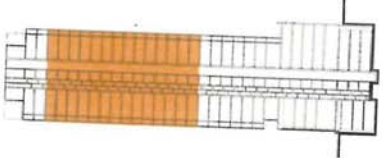


DEVELOPMENT
26 SEP 2014
PLANNING

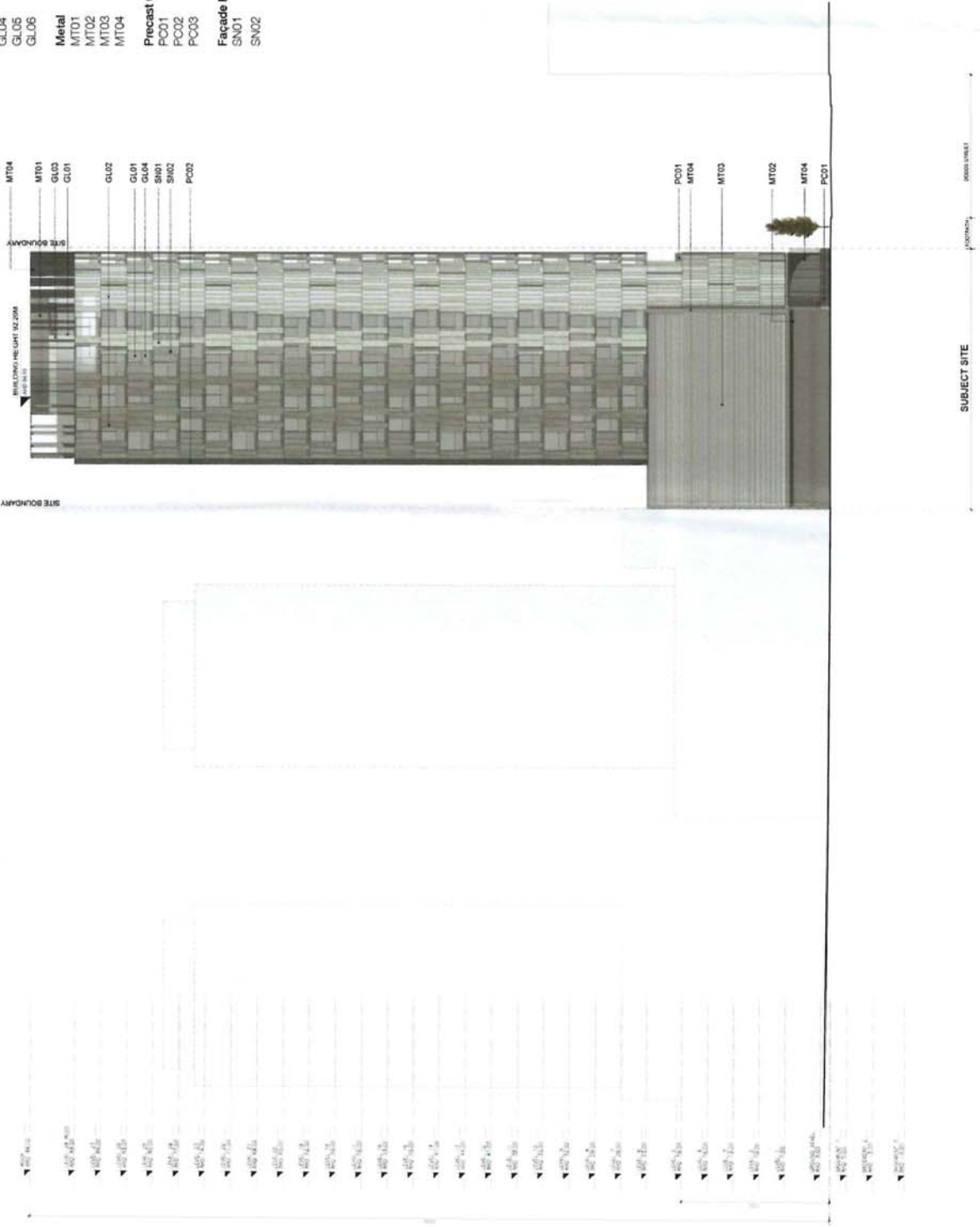


Level 12 - 25
12 Apartments

Scale 1:200 @ A3



- Glazing**
- GL01 Glazing - Clear
- GL02 Glazing - Silver Grey Tint
- GL03 Glazing - Dark Grey Tint
- GL04 Glazing - Clear glass with ceramic frit pattern 01
- GL05 Glazing - Clear glass louvre with ceramic frit pattern 02
- GL06 Glazing - Balustrade glass - clear
- Metal**
- MT01 Metal Cladding - Charcoal Grey
- MT02 Metal Cladding Perforated - Charcoal Grey
- MT03 Metal Cladding Louvre - Charcoal Grey
- MT04 Metal Finish - Charcoal Grey
- Precast Concrete**
- PC01 Precast Concrete - Ribbed Texture
- PC02 Precast Concrete - Dark Oxide
- PC03 Precast Concrete
- Facade Panels**
- SN01 Composite Stone Veneer Cladding - Textured
- SN02 Composite Stone Veneer Cladding - Smooth



DEVELOPMENT
23 SEP 2014
PLANNING

North Elevation

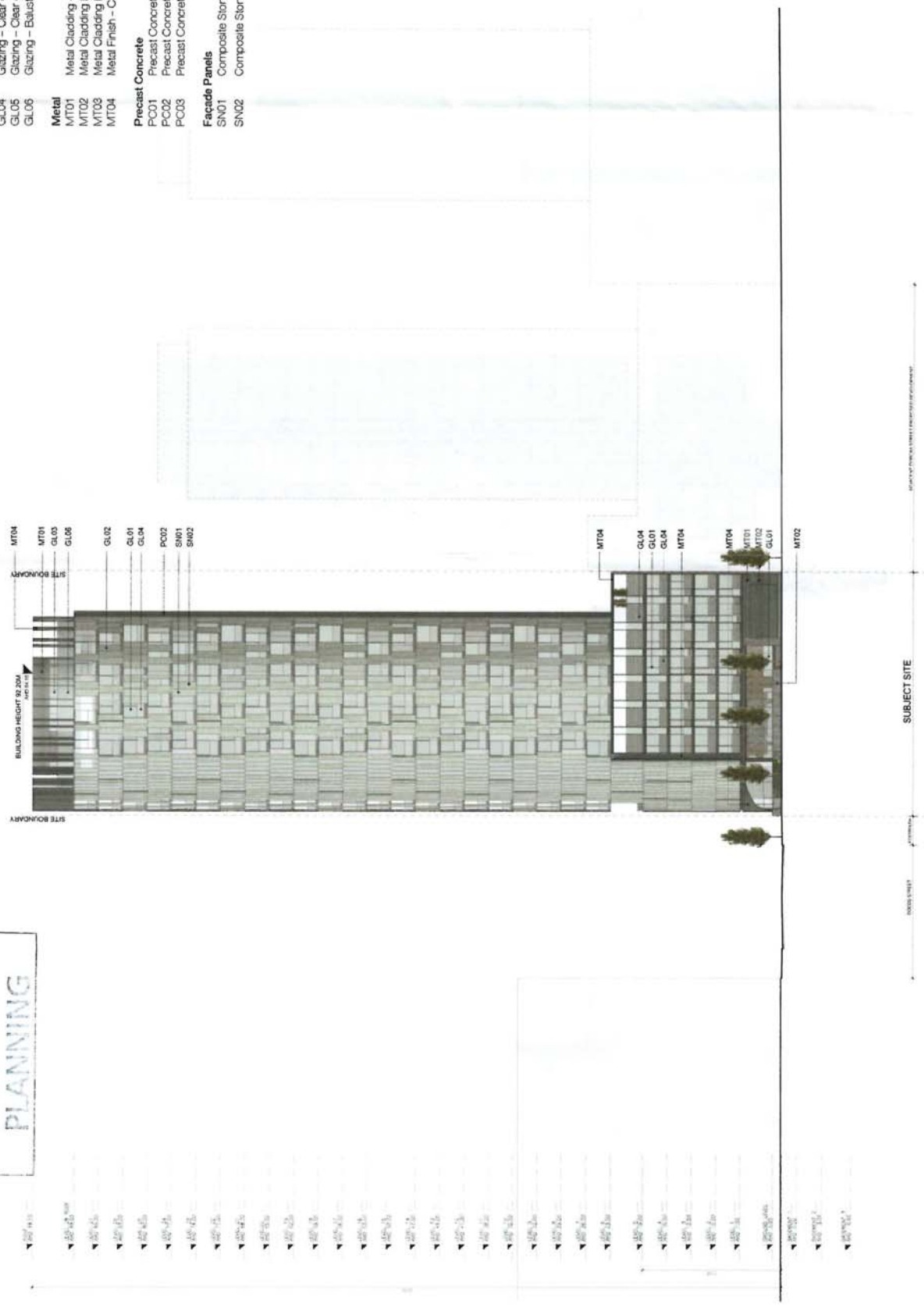
Scale 1:500 @ A3

DEVELOPMENT
 23 SEP 2014
 PLANNING

South Elevation

Scale 1:500 @ A3

- Glazing**
- GL01 Glazing - Clear
- GL02 Glazing - Silver Grey Tint
- GL03 Glazing - Dark Grey Tint
- GL04 Glazing - Clear glass with ceramic frit pattern 01
- GL05 Glazing - Clear glass louvre with ceramic frit pattern 02
- GL06 Glazing - Balustrade glass - clear
- Metal**
- MT01 Metal Cladding - Charcoal Grey
- MT02 Metal Cladding Perforated - Charcoal Grey
- MT03 Metal Cladding Louvre - Charcoal Grey
- MT04 Metal Finish - Charcoal Grey
- Precast Concrete**
- PC01 Precast Concrete - Ribbed Texture
- PC02 Precast Concrete - Dark Oxide
- PC03 Precast Concrete
- Façade Panels**
- SN01 Composite Stone Veneer Cladding - Textured
- SN02 Composite Stone Veneer Cladding - Smooth

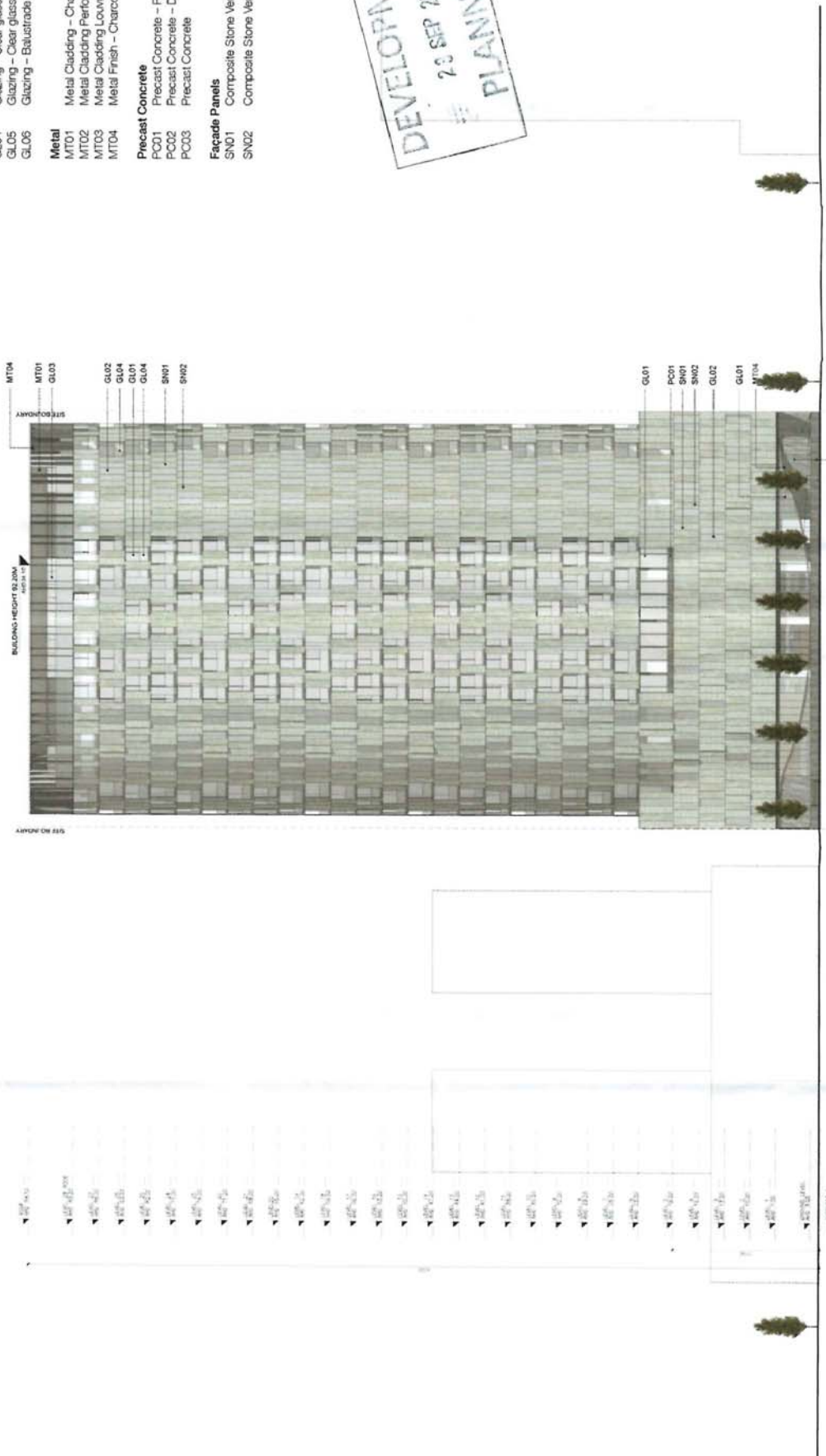


West Elevation

Scale 1:500 © A3

- Glazing**
- GL01 Glazing - Clear
- GL02 Glazing - Silver Grey Tint
- GL03 Glazing - Dark Grey Tint
- GL04 Glazing - Clear glass with ceramic frit pattern 01
- GL05 Glazing - Clear glass louvre with ceramic frit pattern 02
- GL06 Glazing - Blustrade glass - clear
- Metal**
- MT01 Metal Cladding - Charcoal Grey
- MT02 Metal Cladding Perforated - Charcoal Grey
- MT03 Metal Cladding Louvre - Charcoal Grey
- MT04 Metal Finish - Charcoal Grey
- Precast Concrete**
- PC01 Precast Concrete - Ribbed Texture
- PC02 Precast Concrete - Dark Oxide
- PC03 Precast Concrete
- Facade Panels**
- SN01 Composite Stone Veneer Cladding - Textured
- SN02 Composite Stone Veneer Cladding - Smooth

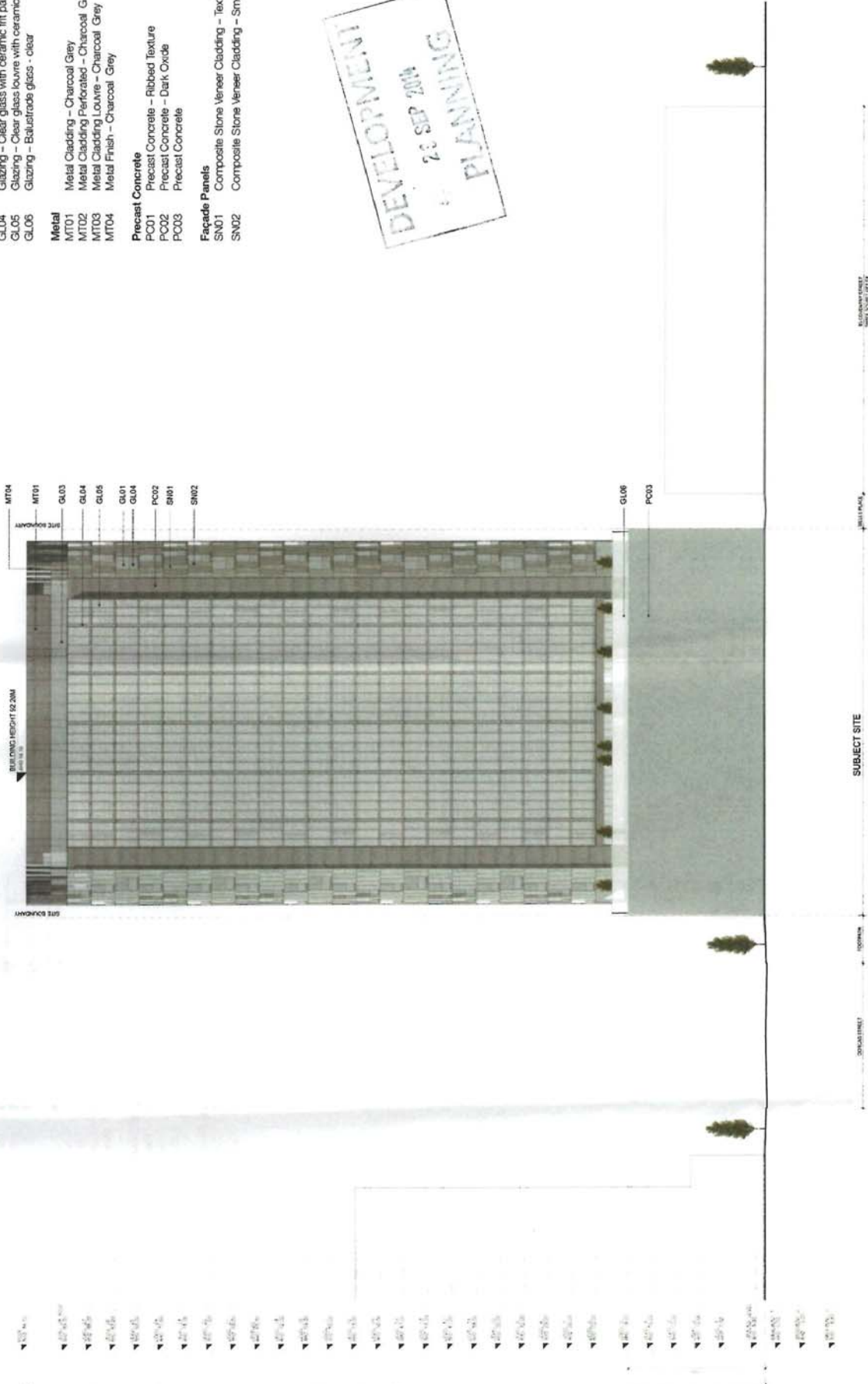
DEVELOPMENT
 23 SEP 2014
 PLANNING

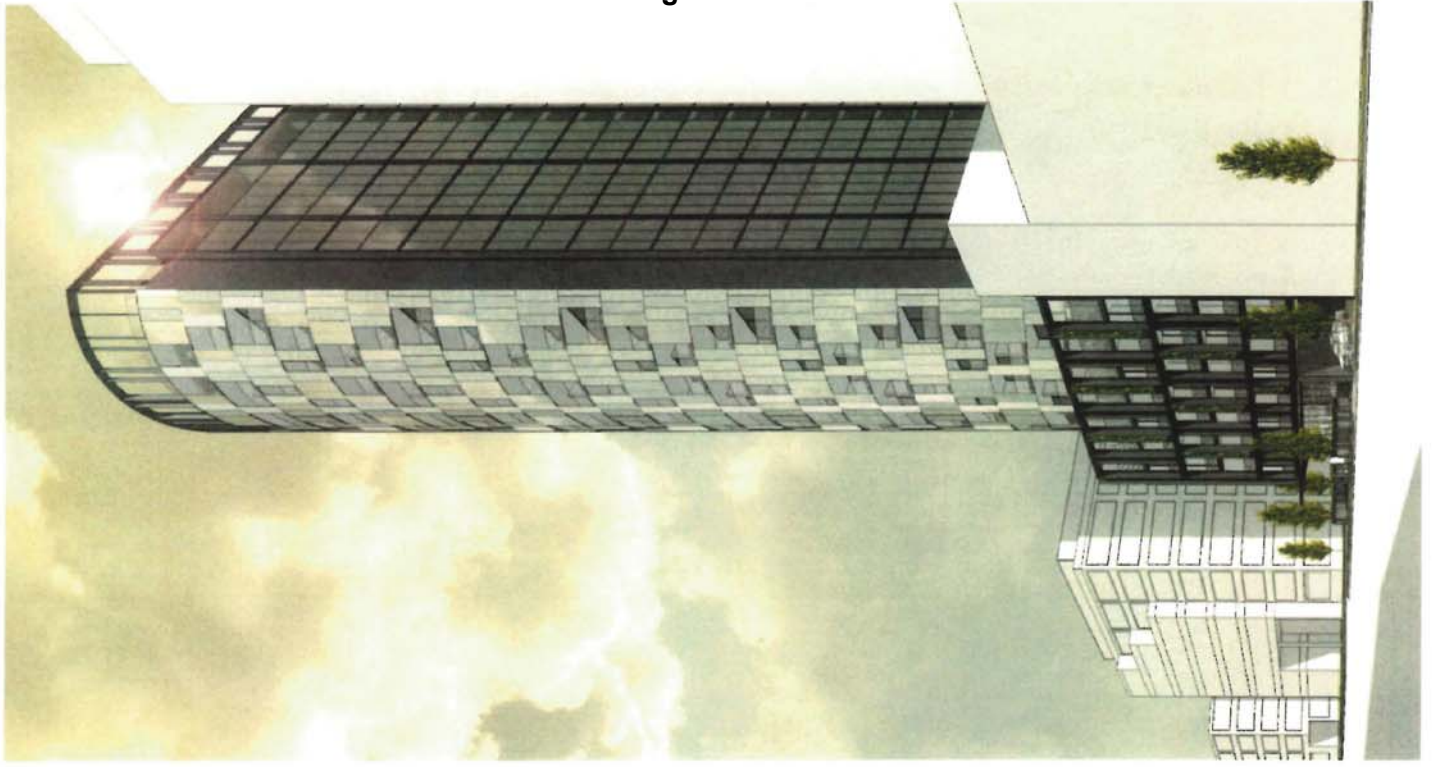


East Elevation

Scale 1:500 @ A3

- Glazing**
- GL01 Glazing - Clear
- GL02 Glazing - Silver Grey Tint
- GL03 Glazing - Dark Grey Tint
- GL04 Glazing - Clear glass with ceramic frit pattern 01
- GL05 Glazing - Clear glass louvre with ceramic frit pattern 02
- GL06 Glazing - Balustrade glass - clear
- Metal**
- MT01 Metal Cladding - Charcoal Grey
- MT02 Metal Cladding Perforated - Charcoal Grey
- MT03 Metal Cladding Louvre - Charcoal Grey
- MT04 Metal Finish - Charcoal Grey
- Precast Concrete**
- PC01 Precast Concrete - Ribbed Texture
- PC02 Precast Concrete - Dark Oxide
- PC03 Precast Concrete
- Façade Panels**
- SN01 Composite Stone Veneer Cladding - Textured
- SN02 Composite Stone Veneer Cladding - Smooth





View along Dorcas Street towards Kings Way

PLANNING REPORT MINISTERIAL REFERRAL

Application number:	TPM-2014-33
DTPLI Application number:	2014/003097
Applicant / Owner / Architect:	Applicant and owner – 20 Q Development Co P/L. Architect – SJB.
Address:	68-70 Dorcas Street, SOUTHBANK VIC 3006
Proposal:	Construct multi-storey apartment building with ground floor retail and reduce the car parking requirement for the retail uses
Date received by City of Melbourne:	21 August 2014. Amended plans/additional information received on 23 September 2014
Responsible officer:	Stephen Vecris
Report Date:	10 September 2014
(DM# 8803568)	

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located on the north-east corner of Dorcas and Dodds Streets. The site is rectangular in shape with frontages of approximately 29.5 m to Dorcas Street and approximately 47.5 m to Dodds Street. The rear boundary of the site is to Wells Place, which runs off Dodds Street.

The site has a total area of 1478 m² and is occupied by a 3 storey office building which appears to have been built during the 1980s.

The site is not affected by any easements or restrictive covenants.

1.2. Surrounds

The main characteristics observed in the area include the following.

North

Wells Place runs between the subject site and the sites to the north and north east.

North of the subject site, on the south-east corner of Coventry and Dodds Street is a 3 storey commercial building at 85 Coventry Street. This building appears to have been built during the 1980s.

East of 85 Coventry Street, at 77 Coventry Street is the 'Coventry Square Apartments'. These are 3 storey apartment buildings constructed in the 1990s.

North-east of the subject site, at 65 Coventry Street are the 'Sunday Apartments' approved in 2010 by the Minister. This is a 14 storey predominantly residential building with a height of 49 metres.

North-west of the subject site, on the south-west corner of Coventry and Dodds Streets is 95 Coventry Street. This is a 4 storey building over a semi-basement level. This building is part of the 'Kings Technology Park', a group of several

commercial buildings in a landscaped setting on a site bounded by Coventry, Dodds and Dorcas Street and Kings Way.

West

West of the subject site, on the north-west corner of Dodds and Dorcas Streets at 80 Dorcas Street is a 9 storey building. This is also part of the Kings Technology Park.

East

East of the subject site is the 'L' shaped Global Television Studios site. This site is known as 49-61 Coventry Street. It has a frontage to Coventry Street and also runs along Dorcas Street from Wells Street to the east boundary of the subject site.

The Minister is the Responsible Authority for a planning application for this site (DTPLI No. 2013010107, CoM reference TPM-2014-5). On 1 September 2014, a Notice of Decision to Grant a Permit (NOD) was issued. The NOD refers to plans dated June 2014 and requires the submission of amended plans. The amendments required do not vary the building height referred to below or setbacks from the subject site.

The plans for this development dated 11 June 2014 show two apartment towers occupying the western part of the site, adjacent to the subject site to a maximum height of approximately 76.8 m. The tower closest to the subject site is referred to as 'Stage 1'. This has podium heights of approximately 18 m across most of the Dorcas Street frontage, rising to approximately 23 m at the site frontage adjacent to the subject site. To level 3, this building is fully built to the boundary of the subject site. At levels 4-6, the front part of the building, to a depth of approximately 9 m is built to the boundary of the subject site. At level 4 and above, the remainder of the building is set back a minimum of 9 m from the subject site. At level 4, the majority of the setback area is occupied by communal open space.

South

The south side of Dorcas Street is within the City of Port Phillip. Immediately opposite the subject site is a 14 storey apartment building at 69 Dorcas Street. West of this building, at 75 Dorcas Street is a 9 storey office building. South-east of the subject site are 12 storey apartment buildings.

2. THE PROPOSAL

Plans referred to the City of Melbourne for comment were received on 21 August 2014.

The proposal is to demolish the existing building and construct a 29 storey residential tower. The building also has 3 basement levels which are occupied by car and bicycle parking and a storage area. Access to these levels is from Wells Place.

Features of the ground floor plan include the entry to the apartments, a showroom and access to above ground car parking from Dorcas Street. A cafe and outdoor terrace are features of the Dodds Street frontage. Other ground floor uses include a loading bay, accessed from Wells Place, refuse room and bicycle parking.

Levels 1-4 are predominantly occupied by car parking, accessed via a new crossover to Dorcas Street. Apartments occupy the Dorcas Street frontage at these levels.

Level 5 is occupied by communal facilities, including a gymnasium, games room and library/lounge. There is also a landscaped outdoor terrace at this level.

Levels 6-27 are occupied by apartments. Uses at level 28 include a cinema, barbeque area and lounge.

Further details of the application are set out below.

Dwelling	Total number of apartments: 274 One bedroom apartments: 128. One bedroom plus study: 24 Two bedroom apartments: 112 Three or more bedroom apartments: 10
Cafe	Hours of operation: not specified Patron numbers: not specified.
Retail	Ground floor showroom has area of 73.1 m ²

The specific details of the proposal are as follows:

Building height	92.2 metres
Podium height	Varies from 16.5 metres to 20.5 metres.
Front, side and rear setbacks	At levels 1-4, the building extends to its north, south and east boundaries. At these levels, the facade to Dodds Street is curved and set back between 6000 mm and 500 mm from Dodds Street. At level 5 and above the facade to the north, south and west elevations is curved, resulting in varied setbacks from these boundaries. Tower setbacks are a minimum of 2500 mm from the north boundary, 1500 mm from the south, 550 mm from the west and 5000 mm from the east. Maximum setbacks of the tower are approximately: 7.5 metres from the north boundary. 8 metres from the west boundary. 7 metres from the south boundary.
Gross floor area (GFA)	33,533 m ²
Car parking spaces	193
Bicycle facilities and spaces	A traffic report submitted as part of the application states that 101 bicycle spaces are provided. 94 spaces are shown on the plans.
Loading/unloading	A loading bay is located off Wells Place
Vehicle access	Access to the car park levels above ground floor is from a proposed crossover to Dorcas Street. Access to the basement car park is from Wells Place
Building materials	The building style is contemporary and includes a variety of external materials and finishes, including clear and tinted glass, grey metal cladding,

	concrete and composite stone veneer cladding.
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On 9 September 2014, DTPLI sent a further information request to the applicant. The information requested includes the following:

- An amended application form to more accurately describe the proposal.
- Revised plans to contain information including details of the relationship, dimensions and distances of the proposed building to nearby buildings.
- Revised shadow diagrams.
- Revised environmentally sustainable design statement and landscape concept plan.

Amended plans and additional information were received in response to this request on 22 September 2014. The amended plans do not introduce any significant changes to the proposed development and the description of the proposal above remains accurate.

3. BACKGROUND

3.1. Pre-application discussions

A pre-application meeting attended by Council officers and representatives of the applicant was held on 28 July 2014. The plans presented at the pre-application meeting were similar to those forming the subject of the current application.

The key issues raised at the pre-application meeting were:

- Development should provide no more car spaces than are likely to be required by occupiers.
- In terms of height, this is a significant departure from other approvals granted for development in the area.
- There are precedents for buildings about 60 m in height in this area with small (or no) setbacks.
- At 90 m, tower setbacks proposed are likely to be a concern.
- Concern expressed regarding lack of activation to Dodds Street frontage.
- Applicant should consider development potential of adjoining sites and how current proposal will relate to this.

3.2. Site history

There are no previous applications for the subject site which are relevant to the consideration of the current application.

Application TPM-2014-5 for 49-61 Coventry Street is relevant and is described above.

4. PLANNING SCHEME PROVISIONS

State Planning Policies	<p>Clause 15.01-1, 'Urban Design' and Clause 15.01-2, 'Urban Design Principles'.</p> <p>Clause 16.01-1, 'Integrated Housing', Clause 16.01-2, 'Location of residential development' and Clause 16.01-3, 'Strategic redevelopment sites'.</p> <p>Clause 18.02-5, 'Car parking'.</p>
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Municipal Strategic Statement	<p>Clause 21.03, 'Vision'.</p> <p>Clause 21.04, 'Settlement'.</p> <p>Clause 21.06, 'Built Environment and Heritage'.</p> <p>Clause 21.09, 'Transport'.</p> <p>Clause 21.13-1, 'Southbank'.</p>
Local Planning Policies	<p>Clause 22.02, Sunlight to Public Spaces.</p> <p>Clause 22.17, Urban Design outside the Capital City Zone.</p> <p>Clause 22.19, Energy, Water and Waste Efficiency.</p> <p>Clause 22. 23, Stormwater Management (Water Sensitive Urban Design).</p>

Statutory Controls	
Mixed Use Zone (Clause 32.04)	<p>No permit is required for the use of the land as a dwelling.</p> <p>No permit is required to use the land for a food and drink premises provided the leasable floor area does not exceed 150 m2. The ground floor café has a floor area of 158 m2. Therefore this use requires a permit.</p> <p>No permit is required to use the land for a shop provided the leasable floor area does not exceed 150 m2. The ground floor showroom has a floor area of 73m2 and therefore does not require a permit.</p> <p>A permit is required to construct 2 or more dwellings on a lot, pursuant to Clause 32.04-6.</p>
Design and Development Overlay Schedule 27 (City Link Exhaust Stack Environs)	<p>Does not trigger a permit, however there is a requirement that notice be given under Section 52 (1) (c) of the Planning and Environment Act 1987 to those specified in Clause 66.06.</p>
Parking Overlay Schedule 12	<p>A permit is required to provide car parking in excess of a rate of 1 space per dwelling. The building will provide 274 dwellings and 193 car spaces. Therefore no permit is required under this clause.</p>
Clause 43.02 – Design and Development Overlay Schedule 60 (Southbank)	<p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required.</p> <p>Schedule 60 does not exempt the proposed building from requiring a permit.</p> <p>The subject site is located within Area 5A – Dorcas Street Precinct which seeks to consolidate the existing scale of development.</p> <p>Built Form Outcomes are:</p> <ul style="list-style-type: none"> • The maintenance of a mid-rise scale of development. • The provision of an appropriate transition to development to the north and south of Area 5 is provided <p>To achieve the Built Form Outcomes it recommends:</p>

	<ul style="list-style-type: none"> • a maximum building height of 60 metres; • podium heights not exceeding 30 metres; • development above a podium should be setback a minimum of 10 metres from the front, side and rear boundaries; • towers should be a minimum of 20 metres from an adjoining tower, unless the majority of the built form outcomes are met; and there is an inadequate tower setback on a neighbouring site. The minimum set back of towers in this case should be 10 metres; and ground floors of buildings should have a floor to ceiling height of 4 metres
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Particular Provisions	
Clause 52.06 - Car Parking	Refer to Parking Overlay - Schedule 12.
Clause 52.07 Loading and Unloading of Vehicles	<p>No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:</p> <p>Space is provided on the land for loading and unloading vehicles in accordance with a number of specifications relating to matters including the area of and height clearance within the loading bay.</p> <p>A permit may be granted to reduce or waive these requirements.</p> <p>This clause applies to the proposed showroom and cafe. The plans do not contain information regarding the height clearance with the loading bay. Therefore it is not known whether a permit is required to waive this requirement of Clause 52.07.</p>
Clause 52.34 (Bicycle Facilities)	Pursuant to Clause 52.34-2 a permit is required to reduce or waive the standard bicycle parking requirement. Pursuant to Clause 52.34, the proposed uses generate a requirement for a total of 86 bicycle spaces (55 for residents, 27 for visitors to the dwellings, 4 for the cafe and 0 for the shop). 94 spaces are shown on the plans. Therefore, no permit is required to reduce the bicycle parking requirement.
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	<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"> • An urban context report. • A design response.
Clause 52.36, Integrated Public Transport Planning	<p>An application for more than 60 dwellings must be referred to PTV for comment.</p> <p>DTPLI is responsible for carrying out this referral.</p>

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	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/OBJECTIONS

The Minister is the Responsible Authority for applications with a floor area of over 25,000 m².

In accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DTPLI has given notice of the application to the City of Melbourne. It is understood that further notice of the application will be given, to surrounding owners/occupiers.

Two objections have been received by the City of Melbourne and have been passed on to DTPLI. The main concerns raised relate to overshadowing and height

6. REFERRALS

Urban Design

Key points raised are set out below.

Site Response and Public Realm

The scale of the building is considered excessive. The proposed tower would result in Dorcas Street being perceived as a ‘wall of towers’ when approaching the Shrine of Remembrance and taking into consideration the adjoining proposed taller buildings proposed for the site to the east at 49-61 Coventry Street.

Area 5A of DDO60 in the Melbourne Planning Scheme requires a maximum building height of 60 metres and “*the maintenance of a mid-rise scale of development*” and “*to ensure that the scale and design of new buildings preserve the significance of the Shrine of Remembrance.*” The proposed 92 metre tower is considered to be far taller than a mid-rise development. A building height of not more than 60 m is strongly recommended.

The podium is dominated by car parking to Dodds Street. The car parking and design as proposed would negatively impact on the character, activity, passive surveillance and quality of Dodds Street, Wells Place and the wider neighbourhood. Strongly recommend that all car parking is located below ground level and that the building is designed to address the street appropriately.

The proposed tower setbacks are inadequate on all sides of the development. DDO60 states that tower separation should be a minimum of 20 metres. The proposed development is set back only 5m from the eastern site boundary which would compromise the amenity of the proposed towers both on this site and to the east. As the proposed development does not meet the majority of the built form outcomes with regards to outlook, privacy, daylight and the appearance of a continuous street wall, recommend a tower separation of 20m.

Due to the scale and height of the building the proposed setbacks of less than 1m from Dodds Street, 1.5m from Dorcas Street and 2.5m from Wells Place would result in a building mass that is overbearing on the public realm. Strongly recommend that any significant building mass that is proposed in addition to the podium is setback a minimum of 10m from the front, rear and side boundaries or that a more suitably scaled mid-rise building is proposed for this site.

Building design

The building design and proposed material palette that fronts onto Wells Place would result in a blank wall to the lane way thereby reducing its quality and activation. Recommend the integration of active uses and degrees of transparency to this facade.

The 'saddle bag' rooms with 3m corridors to the facade in addition to the balconies would result in inadequate daylight to the bedrooms. Recommend the exclusion of all saddle bag rooms to facilitate the health and well-being of occupants and improve the environmental performance of dwellings.

Amended Plans

The amended plans were referred to Urban Design. Advice received in response is that Urban Design's position remains. The proposal is considered contrary to relevant built form objectives and a tower form exceeding 60 m is not considered mid-rise.

Engineering Services – Traffic and Waste

Key points raised are set out below.

Car Parking Provision, Access and Layout

- Under Parking Overlay 12, a maximum of 1 car space per dwelling can be provided without a permit. While the applicant's traffic report states that 0.7 car spaces will be provided per dwelling, Parking Overlay 12 applies on a per dwelling basis, not an average across the whole development. As a result of the provision of tandem spaces and car stackers, 28 of the apartments will be allocated either 2 or 3 spaces each.
- The provision of 1 car space for each commercial tenancy is acceptable. Reliance on on-street disabled parking spaces is unacceptable. Adequate disabled parking spaces must be provided on-site.

A number of concerns about the detailed layout of the car park are raised including the following:

- The provision of a large number of small car spaces is unacceptable.
- Requirement for convex mirrors and lack of width in circulating roadways are poor design outcomes.
- Car stackers are of inadequate size.

- The building should be redesigned between the car park ramp and Dodds Street to provide for required site distance triangle.

Bicycle Parking

- Provision of bicycle spaces beside basement walls is unacceptable as this results in narrowing of vehicle access aisle.
- Inadequate parking is provided for visitors.
- Requiring cyclists to use vehicle ramps is unacceptable.

Traffic Generation

Give the poor sight distance for vehicles exiting Wells Place and the resultant risk to pedestrians in Dodds Street., consideration should be given to widening Wells Place to 6 m at Dodds Street.

Waste Management

Waste Management Plan (WMP) complies with Council's 2014 guidelines and is satisfactory. Confirmation of truck size is required prior to approval of WMP.

Amended Plans

The amended plans and additional information were referred to Engineering Services for comment. The response from Traffic Engineering is that the above comments are still valid.

Council's Senior Engineer Urban Services has advised that the above comments are still valid. Use of a 6.4 m truck is acceptable. The waste management plan must match the swept path diagrams.

Engineering Services – Infrastructure

A number of matters of detail are raised. These can be addressed by conditions, if a permit is issued.

Principal Landscape Architect

Comments from Council's Principal Landscape Architect were sought in relation to proposed landscaping within the site. Advice including the following was received.

All of proposed planting is on structure (none in natural ground). No sections have been provided to demonstrate soil depth so it is difficult to comment on whether proposed planting is feasible.

Development needs to ensure that matters including the following are addressed:

- Sufficient soil volume and an irrigation system are provided.
- Ensure species selection and plant types are suited to growing conditions.

The amended plans (which included changes to landscaping) were referred to the Principal Landscape Architect for comment. No response had been received at the time of writing this report.

Tree Planning

Comments were sought in relation to the impact of the development upon street trees. Comments including those set out below were received in response.

- Proposal to remove 3 street trees is supported.
- Given likely impact of a proposed crossover on a third tree, it is recommended that this also be removed.
- Existing street trees to be retained will need to be protected in accordance with Council's Tree Protection Guidelines.
- Applicant's choice of street trees is supported.

3D Analyst

A shadow analysis was prepared by Council's 3D Analyst. This was compared to shadow diagrams provided by the applicant. Only minor discrepancies were found.

Water Sensitive Urban Design Co-ordinator

Comments including the following were received:

- Applicant's report is of high quality with regard to WSUD.
- Rainwater tank and reuse connection will meet WSUD requirements.
- With a Storm Tool rating of 106% the application adequately addresses Clause 22.23 requirements.

Community Safety and Wellbeing

Advice including the following was received in relation to natural surveillance:

- Surveillance to Dorcas Street is excellent with apartments located above the showroom.

- Dodds Street elevation is a partial concern as car parking above ground level reduces possibility of surveillance.
- Wells Lane is a major concern with blank facade. Proposed design discourages use of Wells Lane as a thoroughfare for pedestrians or any activation for future development to be located along the laneway. Opportunities for pedestrian entrapment in the lane are a concern.

7. ASSESSMENT

The MSS identifies Southbank as being an existing urban renewal area, capable of supporting higher density development to support housing and population growth. In doing so, the MSS seeks to ensure that the height and scale of development is appropriate to the identified preferred built form character of the area; is environmentally sustainable; and that new tower buildings are well spaced and offset to provide good access to an outlook, daylight, sunlight and to minimise direct overlooking between habitable room windows.

Taking into account the above strategic directions, the key issues in the consideration of this application are land use, built form (including height, and setbacks), wind impacts, overshadowing, on-site amenity, impact on amenity of adjoining dwellings, environmentally sustainable design and car parking and traffic.

7.1. Land Use

The proposed accommodation and retail uses are fully supported by policy. The uses will support the continued development and growth of accommodation and business in Southbank. If a permit is issued, conditions should be applied to the cafe component to address potential amenity impacts. These should include conditions regarding noise emissions and hours of operation.

7.2. Built Form

Local policies, together with the design objectives and built form outcomes in the DDOs, guide the scale and form of development in the creation of a new built form character. Clause 22.17 'Urban design outside the capital city zone' provides a range of design principles which support those contained in Clause 15.01 of the SPPF.

Overall Height

With the introduction of DDO60 in support of the Southbank Structure Plan, this area is designated as Area 5A – Dorcas Street Precinct. Area 5A has a discretionary height limit of 60 metres, which seeks to maintain the mid-rise scale of development in the area, and provide an appropriate transition to development north and south of Area 5.

The Sturt Street area (DDO60-A4A) to the west has a height control of 40 metres. The south side of Dorcas Street is within the City of Port Phillip. The Port Phillip Planning Scheme shows the area of Dorcas Street in the vicinity of the subject site is subject to height controls of 35-45 metres.

The intent of the 60m height control is therefore to transition *down* to these lower building heights.

The application seeks to exceed the discretionary height control through the development of 92 metre high tower.

In this area of Southbank, this tower if approved would be the highest building in the area including those already constructed and those with planning approval. Both the Elm Apartments and the Guilfoyle Apartments, approved by the Minister for Planning, also exceed the 60m height control. The Elm Apartments is the higher of the two with a height of 70m (excluding plant). The Notice of Decision for site to the east, at 49-61 Coventry Street allows two towers, approximately 76.8 m in height.

In considering the suitability of the proposed height, consideration should be given as to whether the overall design objectives of DDO60 are achieved. These include:

- 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 ensure development supports high levels of pedestrian amenity in relation to daylight, sky views, wind and sunlight.

The height of the new building cannot be justified in the immediate context, with the Sunday Apartments to the north-east at a height of 49 metres and the 14 storey apartments to the south in Port Phillip. The proposed building would be taller than other approvals in an area where a transition down to the lower built forms on the north side of Coventry Street (14 m mandatory height control) and south of the site are anticipated, and would dominate the urban form in this area of Southbank. The height would be approximately 15m taller than the towers to the east, for which a Notice of Decision has been issued and about double the height of the buildings on the south side of Dorcas Street.

Allowing the increased height may also set a precedent for the future development in the area, contrary to the built form outcome for Area 5A which seeks maintenance of a mid-rise scale of development. It is relevant to note that there are a number of potential development sites nearby, including the sites to the north of the subject site which are currently occupied by low-rise buildings and the land to the east, for which a Notice of Decision has been issued.

Podium Height, Tower Separation and Setbacks

Pursuant to Schedule 60, podium heights should not exceed 30 m. Relevant built form outcomes include that podiums should have a human scale.

The proposed building has a podium height of 16.5 to 20.5 m. The proposed height is at a human scale and is appropriate.

With regard to tower separation, DDO 60 specifies that towers should be a minimum of 20 m from an adjoining tower. This should not be varied unless:

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

The minimum setback between towers should be 10 m.

DDO 60 also states that development above a podium should be set back a minimum of 10 m from all boundaries.

At level 5 and above the facade to the north, south and west elevations is curved, resulting in varied setbacks from these boundaries. Tower setbacks are a minimum of 2500 mm from the north boundary, 1500 mm from the south, 550 mm from the west and 5000 mm from the east. The following comments are provided regarding tower setbacks.

North

The tower setback of from the north (rear) boundary results in a minimum setback of 4520 mm from the centre of Wells Place. If the adjoining site to the north were similarly developed, this would result in a minimum spacing of 9040 mm between towers. The land to the north, at 85 Coventry Street is occupied by a 3 storey commercial building and is a potential redevelopment site.

A fundamental principle of DDO 60 is that towers should be set back at least 10 m from all boundaries, but not less than 5 m. The DDO envisages a situation where tower residents will benefit from sunlight, daylight and outlook from all sides of the tower. This cannot be achieved if setbacks are inadequate. The proposed setback does not adequately consider the equitable development potential of the site to the north, as required by the relevant built form outcome under DDO 60.

South and West

The tower is set back a minimum of 1500 mm from the south boundary (Dorcas Street) and 550 mm from the west (Dodds Street). With regard to street frontages, the requirement of DDO 60 for minimum tower setbacks of 10 m is to ensure that large buildings do not dominate the urban form at ground level.

While DDO 60 calls for a 10 m setback, this standard has not been rigidly applied in the past and each development is considered on its merits. Tower levels of the adjoining building at 49-61 Coventry Street (for which a Notice of Decision has been issued) are set back 5-8 m from Dorcas Street. Prior to allowing a setback of less than 10 m, relevant Planning Scheme policies must be considered. These include ensuring that large buildings do not dominate urban form at ground level. The proposed setbacks from Dorcas and Dodds Streets will result in a building that is overbearing on the public realm and visually intrusive particularly given its height. Where lesser setbacks have been provided on other buildings, height is considerably less.

East

The proposed tower setback of 5 m from the east boundary also does not comply with the standard in DDO 60 that towers should be a minimum of 20 m from an adjoining tower. This may be varied, but should not be less than 10 m. The proposed setback is acceptable.

The plans which the Notice of Decision for 49-61 Coventry Street is based on show that the tower adjoining the subject site is set back a minimum of 9m from the boundary of the subject site. This will provide a separation between the two towers of not less than 14 m. This will allow an acceptable level of outlook, privacy, sunlight and daylight to occupiers of both towers. It will also allow adequate sunlight and daylight penetration between the towers to street level.

Elevations

The elevations are generally well designed and articulated. They feature a variety of glass types, metal cladding and balconies which serve to create visually interesting facades.

At ground floor level to Dorcas and Dodds Streets, the building presents visually interesting, pedestrian oriented facades, largely occupied by active uses. The car park however presents 4 inactive levels to Dodds Street, which will negatively impact on the character and passive surveillance of the public realm.

To Wells Place, the car park levels present a metal louvre wall facing the lane. Ideally, these levels would feature a 'sleeve' of active uses. As a minimum, a facade providing a greater degree of visual interest should be provided.

7.3 Wind Impacts

A wind report by Mel Consultants form part of the application documentation. This shows that wind conditions in the public realm surrounding the development will be on or within the walking criterion, except for one location on the west side of Dodds Street. However in this location wind conditions will be no worse than at present.

7.4 Overshadowing

General policy under Clause 22.02 (Sunlight to Public Spaces) states that development should not cast additional shadows on public spaces including major pedestrian routes between 11 am and 2 pm on 22 September. Shadow diagrams submitted with the application show that the proposed building will cast a shadow over Dorcas and Dodds Street at 11 am and will overshadow Dorcas Street and 1 pm and 2 pm.

The proposed building will not overshadow any parks, gardens or public squares. Neither Dorcas Street nor Dodds Street are major pedestrian routes although Dorcas Street is likely to become busier in future. Also it is inevitable that a substantial building on the north side of the street will cast a significant shadow over the public realm, even at a height of 60 m, as envisaged by the relevant height control. The extent of the shadow however would be reduced somewhat if the tower were set back a greater distance from Dodds Street, in accordance with the setback requirements in DDO 60.

7.5 On-site Amenity/Impact on amenity of adjoining dwellings

The proposed building generally achieves acceptable levels of amenity for future residents through the following means:

- Each apartment has its own private open space in the form of a balcony. Further advice is required from the wind consultants regarding wind conditions on balconies.
- Most habitable have good access to natural light and ventilation.
- The building includes substantial indoor and outdoor communal areas for residents.

A number of apartments however have studies which will obtain natural light via a corridor and one has a bedroom which will obtain natural light in this way. If the application is supported, these apartments should be required to be modified to address this.

The Coventry Square apartments at 77 Coventry Street (north of the subject site) have habitable room windows and also appear to have private open space areas within 9 metres of the level 5 terrace on the subject site. Some proposed balconies are also within 9 metres of these private open spaces. This is a result of inadequate towers setbacks.

7.6 Environmentally Sustainable Development

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.
- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5. These include a 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent for residential development with a gross floor area of more than 5,000 m².

An ESD Design Statement forms part of the application submission. It includes the advice set out below.

- The proposed development has the preliminary design potential to attain a 5 Star Green Star Rating. However this is not currently considered to be technically and commercially achievable. A combination of sustainable design initiatives, fixtures, systems and appliances will be integrated into the building to achieve a 4 Star Green Star Multi-Residential Rating.
- The development will meet Best Practice for urban stormwater quality and therefore is also consistent with City of Melbourne's water sensitive urban design objectives.

- The development will achieve 1 point for the Wat-1 Green Star Credit.
- The development achieves 6 points for the Wat-1 Green Star retail credit.
- Will achieve a 40.1% reduction in greenhouse gas emissions on a per capita basis based on the Green Star benchmarking system.

The report does not adequately address all requirements of Clause 22.19 in that the 4 star rating referred to above is inadequate. The cost of implementing initiatives is not a factor relevant to consideration of the proposal under the decision guidelines. A 5 star rating should be achieved. This can be addressed by condition, if a permit is issued.

Clause 22.23 Stormwater Management, Water Sensitive Urban Design is also relevant to the consideration of this application. This policy applies to a number of different types of applications, including applications for new buildings. Objectives of the policy include promoting the use of water sensitive urban design. Pursuant to Clause 22.23-4, applications must be accompanied by a Water Sensitive Urban Design Response.

A Storm rating report has been submitted as part of the application documentation. Council's Water Sensitive Urban Design Co-ordinator has reviewed this and confirmed that the report adequately addresses the requirements of Clause 22.23.

7.8 Car Parking and Traffic

As set out above, Engineering Services have raised a number of concerns in relation to car parking/bicycle parking and traffic matters. These matters can be addressed by conditions, if a permit is issued, but require some substantial redesigning of the car park layout and vehicle access.

7.9 Conclusion

The proposed development does not respond appropriately to relevant provisions of the Melbourne Planning Scheme, including Design and Development Overlay 60. This is largely as a result of excessive height and inadequate boundary setbacks. This leads to the conclusion that the proposal represents an over-development of the site. The changes to the development required in order to render it consistent with requirements of the Melbourne Planning Scheme, particularly in relation to height and setbacks are so significant that they cannot be addressed by conditions.

8. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne objects to the proposal on the following grounds:

1. The proposal is contrary to the requirements of Design and Development Overlay 60, Area 5A regarding height and tower setbacks.
2. The proposal by virtue of its height and inadequate tower setbacks from the north, south and west boundaries represents an over-development of the site.
3. Inadequate tower setbacks will result in a building that is overbearing on the public realm and visually intrusive.
4. The tower setback from the north boundary does not adequately respond to the development potential of the land to the north.

5. The podium level car parking to Dodds Street will negative impact on the character, activity, passive surveillance and quality of Dodds Street.

That if the Minister for Planning issues a Notice of Decision to Grant a Permit for the development that does not addresses these issues, the City of Melbourne would lodge an appeal with the Victorian Civil and Administrative Tribunal (VCAT).

Stephen Vecris

Date:

Senior Planning Officer