

PROPOSAL

1. Permit application 2011/012565 seeks permission for a staged development of the land for two (2) mixed-use multi- storey buildings, a variation of the Design and Development Overlay (Schedule 39) provision, and a waiver of the requirements of Clause 52.07 (Loading and Unloading of Vehicles) of the Melbourne Planning Scheme. The proposed gross floor area is 35,961m².
2. Details of the application, as amended on 16 August 2012, are as follows:
 - Construction of two residential towers (staged) measuring at 35 storeys (104.04 metres) (Stage 2) and 38 storeys (113.03 metres) (Stage 1) above a 13-storey podium (39.04 metres); all measurements taken from the centre of Balston Street excluding plant. The towers include a varied separation of 5.4 metres to 7.021 metres on site and include setbacks of 0.678 - 1.2 metres from Balston Street, 0- 4.849 metres from its northern boundary, varied setbacks of 0.65 - 1.588 metres from its southern boundary and varied setbacks of 1 – 5 metres from its western boundary;
 - The tower comprises a total of 349, 1 and 2 bedroom apartments;
 - Vehicles access is provided for both stages via Balston Street. Provision for 228 car parking spaces is provided within the podium and accessed via car lifts, 8 motorcycle spaces and 162 bicycle parking spaces (visitor spaces at ground floor), and provision of 430 residential storage cages;
 - Materials and finishes include glazing, precast concrete, aluminium louvres, precast concrete, and metal; and
 - The submission is supported by comprehensive reports including a wind tunnel assessment, traffic report, waste management report, ESD report, and acoustic report.

SITE AND SURROUNDS

3. The vacant site is an irregular shape (triangular) located on the west side of Balston Street at the end of a no through road in Southbank. The site has a frontage of 39 metres, a depth of 64 metres (to the north-western boundary) and a total site area of 1,455m². There is a negligible slope along the south-eastern boundary of the site.
4. Development surrounding the site is described as follows:
 - **North** of the site (properties fronting Kavanagh Street) is the substation (recently upgraded) on the corner of Kavanagh and Balston Street and 63-65 Kings Way and 127-129 Kavanagh Street. Currently, 63-65 Kings Way contains a two-storey warehouse that includes two rooftop major promotion signs; 127-129 Kavanagh Street contains an open lot car park. Permit 2010/0024795 was issued on 19 July 2011 for 63-65 Kings Way and 127-129 Kavanagh Street, Southbank allowing the construction of two residential towers of 39 and 48 storeys for 760 apartments including a common podium.
 - The northern side of Kavanagh Street is the former Victoria University of Technology (known as the former Boyd School). The site recently opened the Southbank Library. [REDACTED] The application seeks approval for a 25 storey residential apartment building (including affordable and disabled accessed apartments), ground floor retail, commercial offices, and Australian Ballet School training studios and associated accommodation.
 - **East** of the site (opposite side of Balston Street) is a large open lot car park. South of this is a strip of land used for CityLink car parking and facilities.
 - **South** of the site is the Kings Way Exit Ramp. The off-ramp is elevated appropriately 12 metres above ground level. South of the Westgate Freeway, land use and development is characterised by large scale retailing and car dealerships.
 - **West** of the site, is the balance of Hannah Street and Kings Way. Further west, beyond the Kings Way, are commercial buildings of various scales.

5. The site is located at the southern limits of the Southbank precinct, abutting the Westgate Freeway. The Southbank precinct has been undergoing a high density renewal over recent decades and the area is characterised by older low scale building, vacant lots and multi-level commercial and residential towers.

SITE HISTORY

6. Permit 2002/224 was issued on 13 August 2002 allowing the development of a multi-storey (34 levels) building to be used for the purpose of dwellings with associated car parking and to reduce the car parking requirement under the Melbourne Planning Scheme.
7. Amended Permit 2002/224A was issued on 14 November 2008 allowing the development of a multi-storey building for the purposes of dwellings with associated car parking and a reduction in the car parking requirements under the Melbourne Planning Scheme.
8. The permit has been subsequently been extended. The permit now expires on 14 November 2012.
9. The general envelope approved includes:
 - Construction of a 37 storey residential apartment building (110.6 metres) for 361 apartments, 201 car parking spaces and 133 bicycle parking spaces.
 - The tower provides a 9-storey podium with the tower envelope provides:
 - Minimal setback of 0.7 metres to Balston Street (eastern boundary);
 - No setback to the northern boundary at its western end, with a varied setback to the north of 1.505 metres to 5.54 metres to its eastern end;
 - Varied setback to the southern boundary with a waved facade with boundary offsets of 0 metres to a maximum of 1.702 metres; and
 - Minor offset from its western boundary of 0 metres to 4.99 metres.

STATUTORY CONTROLS

10. The following controls apply to the site, with planning permit triggers are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Mixed Use Zone (MUZ)	<p>Under Clause 32.04-1 a permit is not required to use the land for the purpose of a dwelling.</p> <p>Under Clause 32.04-5 a permit is required to construct or extend a residential building.</p> <p>Decision guidelines can be found at Clause 32.04-4.</p>
Design and Development Overlay (DDO) Schedule 5 (Bridge Protection Area) Schedule 18 (Southbank Plot Ratio) Schedule 27 (City Link Exhaust Stack Environs)	<p>Under Clause 43.02-1 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 5:</p> <ul style="list-style-type: none"> • Does not exempt buildings and works from requiring a permit. • Does not exempt the application for notice and review requirements. <p>Schedule 18:</p> <ul style="list-style-type: none"> • Exempts building and works for any non-residential use uses if less than 2:1 ratio of the site. As the development does not include a commercial component, no permit is

<p>Schedule 39 (Southbank Central Interface)</p>	<p>required.</p> <p>Schedule 27:</p> <ul style="list-style-type: none"> • Exempts buildings and works from requiring a permit. • Specifies a notice requirement to the specified person or body at Clause 66.06 (EPA, Transurban City Link Ltd and the Roads Corporation). • Does not exempt the application for notice and review requirements. <p>Schedule 39:</p> <ul style="list-style-type: none"> • Requires a permit for buildings and works. • Specifies a preferred maximum height and minimum building setback of: 100 metres height, podium of 16-28 metres or which responds to the dominant streetscape, and setbacks of a least 6 metres from side and rear boundaries and 24 metres from an adjoining tower. • Does not exempt the application from notice and review. <p>Decision guidelines are contained at 43.02-5 and at Clause 65.</p>
<p>Land Subject to Inundation Overlay (LSIO)</p>	<p>Under Clause 44.04-1 a permit is required to construct or carry out works.</p> <p>Under Clause 44.04-4 an application under this overlay 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.</p> <p>Under Clause 44.04-5 an application must be referred to the relevant floodplain management authority (Melbourne Water) under Section 55 of the Act.</p> <p>Decision guidelines are at Clause 44.04-6.</p>
<p>City Link Project Overlay (CLPO)</p>	<p>Under Clause 45.07-1 a permit is required to use or develop land in the City Link Project area as the use and development does not form part of the Melbourne City Link Project.</p> <p>Under Clause 45.07-6 an application must be referred under section 55 of the Act to the Roads Corporation.</p>
<p>Car Parking (Clause 52.06)</p>	<p>Under Clause 52.06-3 unless a schedule to the Parking Overlay or the schedule to Clause 52.06 specifies otherwise, a permit is not required if the required number of car parking spaces for a new use under this clause is less than or equal to the required number of car parking spaces for the existing use and the existing number of car parking spaces is or has not been reduced.</p> <p>The Schedule to Clause 52.06-6 specifies a maximum parking rate of 1 space/ dwelling for residential development in Southbank. As the development does not exceed the maximum, no permit is required.</p> <p>Under Clause 52.06-4 an application solely for the provision or reduction of a car parking requirement under this clause is</p>

	<p>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.</p> <p>Design requirements and decision guidelines are contained at Clause 52.06-8, Clause 52.06-9 and within the schedule to Clause 52.06-6.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table. The development does not provide on site facilities in accordance with the requirements; therefore a permit is required to waive the requirement.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 106 spaces. The application provides for 162 spaces, therefore no permit is required under this provision.</p> <p>Under Clause 52.34-2 an application is exempt from notice and review under this provision. Decision guidelines are also specified at this Clause.</p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</p>	<p>Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response.</p> <p>Under Clause 52.35-3 the responsible authority must inform the applicant in writing before notice of an application is given that the urban context report meets the requirements of Clause 52.35-2. A letter was sent confirming the above on 27 January 2012.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots.</p>

General Provisions

11. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in relation to developments with a gross floor area exceeding 25,000 square metres.
12. **Decision Guidelines:** Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
13. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 44.04-5 (Melbourne Water), Clause 45.07-6 (VicRoads), Clause 52.36 (Director of Public Transport). Under Clause 66.05 notice of an application must be given to the person or body specified; Clause 4.0 of Schedule 27 to

Design and Development Overlay (Clause 43.02) (EPA, Transurban City Link Ltd and the Roads Corporation).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

14. The following policies within the SPPF are relevant:

- Clause 10.04 (Integrated Decision Making)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 16 (Housing)
- Clause 17.01-1 (Business)
- Clause 18.01 (Integrated Transport)
- Clause 18.02-2 (Cycling)

Municipal Strategic Statement (MSS)

15. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, there is expected increase in population in North Melbourne.
16. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with a vision being *'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'*. The planning approaches include increase residential population and manage housing change.
17. Clause 21.04 (Land Use) sets out objectives and strategies to *'continue to take advantage of current opportunities for residential growth'* and to *'provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality'*. The policy acknowledges that some areas of the municipality can absorb higher density housing without the threat to their existing valued character.
18. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
19. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and *'create an accessible, safe, inclusive and engaging public environment'*. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
20. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
21. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
22. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.
23. Clause 21.08-3 (Southbank) sets out the local area policies for Southbank and includes a vision for the area which is one of the major residential growth areas within the City of Melbourne

providing significant residential development opportunities for high density, medium to high rise dwellings. Important principles for Southbank relevant to the application include:

- Ensure that new tall buildings add architectural interest to the city's sky line.
- Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.

Local Planning Policy Framework (LPPF)

24. The following policies within the LPPF are relevant:

- 22.02 (Sunlight to Public Spaces)
- 22.17 (Urban Design outside the Capital City Zone)

Other relevant policy/ matters

25. Other relevant policy/ matters include:

- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)
- Draft Southbank Structure Plan (Final Draft), 1999 (reference document at Clause 21.11).

Amendment C162 (Municipal Strategic Statement)

26. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and is 'seriously entertained' but has been submitted for approval. The amendment includes themes which are applied to the local areas. The site is identified in the Southbank area (Clause 21.13) which supports residential development, and built form that responds to connecting and integrating Southbank with the central city, encourage high rise tower development to the north of City Link and west of Moore Street, ensure all new development creates a high quality pedestrian environment and positively enhances the area's public realm and encourage a mix of public and commercial uses at ground level in new developments to support street life and provide pedestrian interest.

Amendment C171 (Southbank Structure Plan)

27. The *Southbank Structure Plan (Final Draft) 1999* is listed as a Reference Document at Clause 21.11 (Reference Documents) and Clause 22.01 (Urban Design within the Capital City) of the Scheme. The Plan designates the site as part of the Southbank Central Interface Precinct for high rise development and recommends a built form between 100-120 metres. Given the extent of high rise residential development in the area it is considered that the Plan bears little relevance to the present-day development pattern in the area. In light of this, Amendment C171 seeks to replace the Plan with the *Southbank Structure Plan 2010*. The revised Structure Plan has been adopted by Council and is a 'seriously entertained' document. The revised plan proposes a number of built form controls including a discretionary 100 metre height control, discretionary podium height of 30 metres, tower setback from the street, side and rear boundaries of 10 metres, and discretionary tower separation of 20 metres. The plan seeks to deliver a new streetscape vision that aims to improve the liveability and vibrancy of Southbank.

NOTIFICATION

28. Under the provisions of the Mixed Use Zone, Design and Development Overlay- Schedules 5, 27 and 39, City Link Project Overlay and Clause 52.07 (Loading and Unloading Vehicles), the proposal is subject to 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.

29. It is noted that the application is exempt from the notice and review requirements under the Land Subject to Inundation Overlay.

30. The applicant was directed to give notice to the owners and occupiers of the abutting properties were given notice under section 52 of the Planning and Environment Act 1987 (the Act). A sign was also erected to the Balston Street frontage and a copy of the notice (From 2) was published in the Melbourne Weekly and the Age for one issue.
31. Under Schedule 27 of the Design and Development Overlay (City Link Stack Environs), notice must be given under Section 52(1)(c) of the *Planning and Environment Act 1987* to the person or body specified to be notified at Clause 66.06 of the Scheme. The bodies specified include the EPA, Transurban City Link Ltd and the Roads Corporation (VicRoads).
32. City of Melbourne has objected to the application on the basis of the excessive height of the podium. Council would prefer for it to be consistent with the previous permit (2002/224A).
33. Comments received from the notified bodies include:

EPA

- The report makes no attempt to demonstrate the objectives of the Design and Development Overlay relating to the City Link Exhaust Stack design objectives will be met.
- The Department may wish to require the proponent to undertake an assessment of potential air quality impacts at the proposed apartments. Atmospheric dispersion modelling, for example, would give some clarity as to whether air quality objectives would be met at the development.
- Large construction sites have the potential to cause significant adverse amenity and environmental impacts. You may wish to require the applicant to prepare a Site Environmental Management Plan (EMP) for the proposed development.
- Suggested inclusion of five conditions.

Transurban City Link Pty Ltd

- A building of 120 metres could pose an adverse impact to public health to building occupants and potentially adversely impact exhaust plume dispersion. It is requested that prior to the approval, the developer review the impact of the development on the vent stack operations and the impact the plume concentration on the building. CityLink would then like the opportunity to review the acceptability of the review prior to the approval.
- With an increasing number of high rise buildings in Southbank, radio broadcasts into the tunnels are deteriorating due to multipath propagation. This has the potential to not only impact radio station broadcasts but also the effectiveness of emergency announcements from the CityLink Traffic Control Room into the tunnels. Given the proximity of the proposed towers the applicant should be requested to undertake a review of the possible impacts on radio transmissions and if degradation is expected, recommend possible mitigation treatments to be implemented to restore the quality of broadcasts.
- The proximity of the building to the common boundary with the CityLink Operations and Maintenance complex carpark introduces a risk of objects being inadvertently or deliberately dropped onto users or assets within the carpark. It would be appreciated if the applicant could outline what controls will be implemented to prevent this from occurring.
- If approval is given to any significant development on this site, CityLink seeks to be consulted if construction access via Balston Street is required, as is the main access route into the Burnley Tunnel for maintenance and emergency response vehicles.

VicRoads

- Considers that the proposed buildings and below the height that would adversely affect the operation of the City Link Exhaust Stack.
- The plans also show sufficient clearance from the structure to the Kings Way Ramp to allow VicRoads to carry out any required maintenance works on the structure.
- The finish of the podium levels adjacent to the Kings Way ramp are shown in muted colours such that the building would not appear to cause glare onto the freeway ramp. In addition, the height of the podium level walls is shown as 1400mm above the car park surface which will be sufficient to protect users of the West Gate Freeway from headlight glare.

Amended Application

34. The application was amended under Section 57A of the *Planning and Environment Act 1987* on 16 August 2012. The modifications to plans address concerns raised by the objector, City of Melbourne, and generally increase the offset of the tower envelopes further from common boundaries, therefore not considered to cause material detriment; therefore notice of the amended application was not given.

REFERRALS

35. The application was referred under Section 55 of the Act to Melbourne Water, VicRoads and the Director of Public Transport, under Section 52 of the Act to the City of Melbourne, EPA, Transurban City Link and VicRoads. The following comments were provided:
36. **Urban Design (DPCD):** Generally support the proposal, including the overall height, subject to resolution of the following:
- Revised documentation to include all external facades, relationship of the proposed development at 127-129 Kavanagh Street, and an appropriate designed canopy providing suitable weather protection;
 - Revised car parking levels indicating apartment sleeving to Balston Street frontage;
 - Confirmation that the current documentation is consistent with applicable performance requirements for fire egress passage;
 - Submission of materials and finishes board;
 - Documentation which demonstrates the elimination of potential overlooking between apartments on site (including the deletion of balcony B.05 to negate any potential overlooking);
 - Ensure that the boundary condition, including balconies and habitable room windows do not unreasonably affect amenity to the proposed tower at 127-129 Kavanagh Street;
 - Eastern boundary conditions that justify the proposed encroachment to preferred setback requirements;
37. **City of Melbourne:** Objects to the application based on the excessive height of the podium. Detailed comments included:
- General support is offered for 'Scheme 7' (which forms part of the amended application, plans dated 16 August 2012), which requires Tower B to have an average setback of 4 metres from the northern boundary (from the northern title boundary to the balcony's balustrades), and an increase in the height of this tower by an additional two floors (total of 34 floors).
 - While the glazing treatment (to the increased podium height) improves the aesthetic appearance of the podium, it does not address the visual bulk issue. It is recommended that the height of the podium be reduced to that consistent with the previous approval (2002/224A).
 - Strongly support the construction of the whole podium at the initial stage (stage 1). Given the applicant has expressed financial difficulties in constructing the entire podium in one stage, Council has to be satisfied that the treatment of the east elevation of the podium and Tower A facing Balston Street will be of high quality that provides visual interest.
 - Prefer to see a single crossover, but given the previous approval including two, are satisfied with the details subject to the layout complying with the relevant Australian Standards.
38. **Melbourne Water:** offered no objection to the proposal and included three conditions, two footnotes and advice to pass onto the applicant. Letter dated 2 February 2012.
39. **VicRoads:** offered no objection to the proposal and included five conditions. Letter dated 27 March 2012.

40. **Director of Public Transport:** offered no objection to the proposal and did not specify any conditions to be included. Letter dated 17 February 2012.

ASSESSMENT

Strategic Response

41. The proposed development is considered to respond appropriately to State planning policies, in particular by providing housing choice and diversity in a centrally located area supported by existing infrastructure and public transport. The proposed development is considered to respond appropriately to Local planning policies, including the Municipal Strategic Statement (MSS). The proposal is consistent with the strategic intent for this area of North Melbourne (Clause 21.08) which supports residential development. North Melbourne is expected to become revitalised and have a modernised mixed use character.
42. Clause 21.05 outlines built form principles to reinforce the existing structure of the city, to manage built form change and ensure built form change is consistent with the identified future character of the various precincts of the city. The clause makes a direct connection between managing built form and amenity to ensure liveable, high quality urban environments. The subject site is within an area of Southbank that has been identified in Clause 21.05 of the Scheme as an area where substantial change to the built form character is envisaged. Further commentary in relation to urban design policy and principles are provided through the assessment below.

Land Use

43. The development provides higher density housing and responds appropriately with the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.
44. It is noted that the dwellings are an as of right use in the zone. The redevelopment will replace an underutilised and inactive site which makes a limited contribution to the vitality of the area. The land use is consistent with MSS policy directions, and contributes to the revitalisation of Southbank.

Design and Built Form

Urban Context Response / Height / Setbacks/ Tower Separation

45. Southbank is one of the major residential growth areas within the City of Melbourne providing significant residential development opportunities for high density, medium to high rise dwellings. It is for this reason that the general built form in the greater Southbank area and specific site surrounds is high density, with tall building heights. The immediate site surrounds include tower heights ranging from 90m to 300m.
46. The proposed stages construction of the two residential towers measuring at 35 storeys (104.04 metres) (Stage 2) and 38 storeys (113.03 metres) above a 13-storey podium (39.04 metres). The plans show offsets from adjoining its boundaries including: Balston Street (east) 0.78 - 1.2 metres; north: 0- 4.849 metres; south: varied setbacks of 0.65 - 1.588 metres; and west: 1 – 5 metres.
47. Under DDO39 an application to exceed the Building Height or reduce the Minimum Building Setback must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of the schedule and any local planning policy requirements.
48. The towers at 104.04 metres and 113.03 metres exceed the suggested height of 100 metres. The scale of developments both approved and under construction in the precinct are 100 metres

or above. Additionally, Permit 2002/224A for the site, which is still valid, allows for the construction of a 110.6 metre high building envelope. The proposal is consistent with the approved height and the emerging built form scale of the area.

49. The podium height at 39.04 metres is considered to be appropriate due to the staging and consistent with recent approvals, albeit exceeding the preferred 16-28 metres stipulated in DDO39. The site is adjacent to the Westgate Freeway which is elevated 12 metres above the natural ground level of the site. The site has potential to carry a landmark building that heralds the entrance to Southbank precinct from the south and defines a boarder along the Westgate Freeway. Given the scale and height of the existing road network, it is importance that a development on this site is of an appropriate scale to create the 'legibility of the urban form' required by DDO39. It is on this basis that exceeding the preferred podium height is considered appropriate.
50. The DDO also specifies desired minimum building setbacks for development on land affected by this schedule. A preferred tower setback of 6 metres from all major roads is sought, along with a setback of 24 metres from an adjoining tower of similar height for a development above 40 metres in height. Provision for reduced setbacks can be made where it can be demonstrated that the towers are offset, solar access is gained and habitable room windows do not directly face one another.
51. The tower is setback a minimum of 0.678 metres from Balston Street. Whilst this is less than the 6 metres sought by DDO39 it provides an appropriate response to its parcel shape and is also consistent with the current approval (Permit 2002/224A) on site. It is therefore considered to be appropriate.
52. Tower separation can be reduced where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The site is bound by roads on three fronts (east, west and south) and adjoins three properties to the north. The proposal provides for a varied setback of 0 metres to 4.849 metres to its north. Running east to west along the northern boundary is the substation (recently upgraded) on the corner of Kavanagh and Balston Street and 63-65 Kings Way and 127-129 Kavanagh Street, where Permit 2010/0024795 was issued on 19 July 2011 allowing the construction of two residential towers of 39 and 48 storeys for 760 apartments including a common podium. The offset from the substation at 3.256 to 4.489 metres (average of 4 metres) is acceptable given the low likelihood of an imminent redevelopment of the substation and the fact that most of these measurements are to the balconies rather than windows. The 0 metre offset which spans approximately 37 metres of its boundary is located adjacent to the proposed redevelopment (particularly 127-129 Kavanagh Street for a length of 10 metres) approved under Permit 2010/0024795 which is offset 4.88 metres from the common boundary. Whilst achieving tower separation under the preferred 10 metres sought under Amendment C171 the treatment of both walls are blank and/or skewed to minimise overlooking, maximise solar access and views to the City.
53. The internal tower separation of between 5.4- 7.021 metres is acceptable, considering the slightly angled view between buildings and the use of slimline openings where views are limited to wall area, rather than window to window views.
54. Taking into account the constraints of the subject site, the character of the surrounding area and future development approved for adjacent sites, it is considered that the reduced setbacks proposed are appropriate.
55. The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the ***Design Guidelines for Higher Density Housing*** DSE 2004 so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity. The application also provides for reasonable levels of storage, with storage cages in the car parking area.

Street Level Frontages & Pedestrian Safety

56. The proposed development incorporates a lobby space at ground floor level to Balston Street. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The podium, with its use of alternative materials will architecturally distinguish the podium from the towers. This will provide visual interest to pedestrians.

Microclimate (Wind, Weather Protection, Light and Shade/ Overshadowing)

57. The wind tunnel testing confirms that the surrounding streets are not adversely affected by wind. The development also appropriately provides weather protection to all street frontages.
58. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the east and south. Given the overall height of the proposed building, increased overshadowing is inevitable. The shadows are largely cast over road space, including Kings Way and the Westgate Freeway. The development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

ESD

59. The proposal is to achieve an overall 6 star average overall as required under Section J of the Building Code of Australia. The proposal incorporates passive design strategies and active strategies.

Internal Amenity

60. The building design provides a good standard of amenity for future residents. Commendably the development has no reliance on borrowed light, thus have access to natural light and ventilation. The dwellings will also not be constrained by any future development given the location of the site and redevelopment opportunities of adjoining sites. All proposed dwellings have access to varying sized balconies.
61. An acoustic report was provided with the application prepared by Acoustic Logic stating that the development complies with the criteria based on Australian/ New Zealand 2107/2000 'Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors'. The insertion of similar conditions as previously imposed is considered to be reasonable.

Car Parking / Loading and Unloading of Vehicles/ Waste Collection/ Bicycle Facilities

62. The application provides limited amount of car parking to the site which is less than the required rate at Clause 52.06. The reduced rate is considered to be appropriate as the site is located within close proximity to the city, public transport including the extensive bicycle network, the provision of 0.65 space per dwelling is considered to be an appropriate rate and is commonly accepted across the City of Melbourne municipality. This was also supported by the City of Melbourne, VicRoads and the Director of Public Transport.
63. The application does not provide an on-site loading bay in accordance with the requirements at Clause 52.07. The lack of on-site loading bay and the proposed waste collection arrangements are also considered to be satisfactory and were to the satisfaction of the City of Melbourne.
64. The application provides for a total of 162 bicycle spaces, which is in excess of that required at Clause 52.36, where spaces are provided within the car parking areas. Signage requirements outlined at Clause 52.36 can be dealt with via appropriate condition.

Comments from the notice authorities

65. The applicant accepts the inclusion of conditions as sought by the notice authorities provided further responses to the matters raised. These are dealt with in the proposed conditions of approval.

Objection

66. The objection received raises concerns with the overall presentation of the podium to Balston Street. While the glazing treatment proposed on the upper floor levels of the podium improves the aesthetic appearance of the podium, it does not address visual bulk. It is recommended that the height of the podium be reduced to accord with the podium height approved under Permit 2002/224A.

67. The staging of the podium construction results in inefficiencies in the layout and ultimately increases the overall height of the podium. [REDACTED]
[REDACTED] It is considered appropriate, given the context of the site and its adjacency to the freeway, that an increase in podium height is acceptable in this instance.

Conclusion

68. The objection received raises concerns with the overall presentation of the podium to Balston Street. The glazed treatment proposed on the upper floor levels of the podium improves the aesthetic appearance of the podium, and reduces visual bulk. Whilst an increase in overall height is not ideal, it is necessary to stage the redevelopment. In this instance, it is considered to be appropriate.

RECOMMENDATION

69. That you approve planning permit application 2011/013521 at 42-48 Balston Street, Southbank subject to conditions.

Prepared by: [REDACTED]

Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: 28 September 2012

[REDACTED]

Approved by:
Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: [REDACTED]