

APPLICATION FOR PLANNING PERMIT: 25 QUEENS BRIDGE STREET, SOUTHBANK	
Application Number:	2011/012565
Proposal:	Demolition of the existing building and construction of a multi-storey building comprising residential apartments and ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern).
Applicant:	Suleman Group Property Development C/- SJB Planning Pty Ltd
Zoning:	Capital City Zone- Schedule 1 (Outside the Retail Core)
Overlays:	Design and Development Overlay- Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2)) Design and Development Overlay- Schedule 38 (Southbank Central Core (DDO38))
Application Received:	22 November 2011
Further Information Requested and Received:	Requested: 20 December 2011 Received: 8 February 2012
Amended Application:	Received: 8 May 2012
[REDACTED]	[REDACTED]
Number of Objections:	Not applicable
Recommendation:	Permit

PROPOSAL

1. Permit application 2011/012565 was lodged on 22 November 2011. The application seeks approval to demolish the existing building and construct a 71-storey residential tower above a 11-storey podium comprising of residential accommodation and ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern). The proposed gross floor area is 70,972m².
2. Details of the application (formally substituted plans received 8 May 2012) are as follows:
 - Demolition of the existing building;
 - Construction of a 71-storey tower (measuring at 236.73 metres inclusive of plant) including an 11-storey podium (measuring at 39.72 metres from the centre of the site frontage). The tower is setback a minimum of 3.815 metres from Queens Bridge Street (up to 7.56 metres), and a minimum of 5 metres from common boundaries to the south and east (excluding screening fins which project from the face of the building);
 - The tower is to contain ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) fronting Queens Bridge Street measuring at 135.8m², and a total of 586 apartments (136 x one-bedroom and 450 x two-bedroom);

- Vehicle access is provided at ground from Queens Bridge Street with a new crossover proposed at the south boundary. This ramps up to provide car parking within the podium for a total of 278 car parking spaces (including 2 car share spaces) and 10 motorcycle spaces. There are 172 bicycle spaces shown at ground floor level to the rear of the site;
- Ground Floor level consisting of a lobby and residential tenancy spaces along with car park access and supporting services accessed from Queens Bridge Street. Loading dock, waste storage area, mail room, fire pump room and bicycle storage. A main lift core and stairwell of four residential lifts and a service lift originate at ground with a further single lift core and stairwell providing additional access to the podium apartments;
- A mezzanine level that provides a void over the retail, and lobby, services, plant rooms and a security room;
- At both level 1 and 2, three dwellings front Queens Bridge Street with a private lobby entrance and separate lift access. The remainder of the levels are car parking provided at the rear and bicycle storage. A substation is also proposed in the south-west corner of these levels;
- Levels 3 through to 10 (the podium component) consists at each level 5 apartments fronting Queens Bridge Street, with a private lobby entrance and separate lift access. The remainder of each level is car parking and residential storage;
- Level 11 is the top of the proposed podium and features a north-west facing communal area, lap pool and spa, gymnasium, and function room;
- Levels 12 to 38 and 41 to 66 feature a typical floor layout consisting of 10 apartments per level, 5 on both the north and south side of the building. A central lift core, originating from ground floor services all apartments. All bedrooms receive natural light;
- Level 39 contains a lounge and bar for residents and mid-rise mechanical plant;
- Level 40 contains a void to the residential lounge, a water tank and high rise main switchboard;
- Levels 67 to 69 contain plant and mechanical services including rain harvesting tanks, water tanks, and PV Solar panels;
- Materials and finishes include glazing, aluminium fins, masonry walls, metal cladding and perforated metal cladding; and
- The submission is supported by comprehensive reports including a planning report, an environmental wind tunnel assessment, urban context report, traffic report, waste management plan, and ESD report.

SITE AND SURROUNDS

3. The site is located on the eastern side of Queens Bridge Street, between Southbank Boulevard and Power Street, Southbank. The site is irregular in shape with a frontage to Queens Bridge Street of 29.47 metres, and a total area of 1653m². There is a negligible slope to the east (rear) of the property of approximately 1 metre to the street frontage, and approximately 0.2 metres from north to south along Queens Bridge Street.
4. The site is currently occupied by a six storey office building and a commercial car park that is built to the street frontage. A crossover is located near the northern boundary of the site providing access to the commercial car park. The building is built to the boundaries of the site with a reduced height at the rear.
5. Development surrounding the site is described as follows:

North:

- 17 Queens Bridge Street which comprises a 4 storey office building.
- Further north is 1-7 & 9 Queens Bridge Street consisting of low level buildings used as a display suite (formally a hotel/ pub) and an office. Permit 2011/011626 was issued on 11 April 2012 for the demolition of the existing buildings and construction of a 71-storey (276 metres) tall residential tower. The tower includes a minimum setback to the street of 3.7 metres varying up to 5.7 metres, and setbacks to adjoining properties to achieve a minimum 10 metres overall.

South:

- The southern boundary abuts the development site known as 31 Queens Bridge Street. A permit has been issued by the Department on 25 November 2010 (Permit No. 2010/006244A) for the construction of a 66-storey residential building (253 metres) with ground level commercial uses and associated car parking. The development has commenced and is known as 'Prima Pearl'. The tower is 246.5 metre high, with a podium height of 37.9 metres, and the tower is setback a minimum of 4.8 metres to the north (adjoining boundary of the site) and a minimum of 5.7 metres along the north-west corner of Queens Bridge Street boundary.

East:

- Overall redevelopment known as Freshwater Place. Directly abutting the site is 28 Freshwater Place which is a 26-level office building. The remainder of Freshwater Place (to the north) is Freshwater Place Tower, Price Waterhouse Coopers Tower and the entry point and retail/ hospitality precinct of Freshwater Place.

West (opposite side of Queens Bridge Street):

- The western side of Queens Bridge Street, opposite the subject site is entirely taken up by the Crown Complex and is dominated by a new facade to the eastern entry point of the casino and hotel.

STATUTORY CONTROLS

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

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Capital City Zone-Schedule 1 (Outside the Retail Core)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • The use of the site for 'accommodation' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) do not require a permit; • Does not exempt the demolition or removal of a building, to construct a building which would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September over public space, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage; • Exempts demolition and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 1 and at Clause 65.
Design and Development Overlay-Schedule 1 (Active Street Frontages)	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • Does not exempt ground floor buildings and works from requiring a permit; • Exempts buildings and works from notice and appeal

	<p>requirements;</p> <ul style="list-style-type: none"> Decision guidelines are contained in at 43.02-5 and at Clause 65.
<p>Design and Development Overlay- Schedule 38 (Southbank Central Core)</p>	<p>Under Clause 43.02-2 a permit is required to construct a building or to construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Schedule 38:</p> <ul style="list-style-type: none"> Specifies that a permit is required to construct a building or construct or carry out works and that these should not exceed the building height or reduce the minimum building setback requirements. The applicable requirements are: <ul style="list-style-type: none"> Tower height of 160 metres (measured from the footpath at the centre of the site frontage to the highest point of the building excluding architectural features and building services); Podium height of between 16-28 metres which responds to the dominant streetscape; Tower setback up to 6 metres from all major streets; For towers above 40 metres, a setback of 24 metres from an adjoining tower of similar height; For towers above 40 metres, a setback from the side and rear boundary of at least 6 metres. Specifies that an application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of this scheme, and any local planning policy requirements. Exempts buildings and works from notice and appeal requirements; Decision guidelines are contained at Clause 43.02-5.
<p>Car Parking (Clause 52.06)</p>	<p>Under Clause 52.06-3 a parking precinct plan affects the Capital City Zone including the site. The Schedule to this Clause specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 586 spaces. The provision of 278 car spaces on site is below the maximum allowed under the maximum allowed; therefore no permit is required.</p> <p>The Schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient. The proposal includes 10 motorcycle spaces, therefore no permit is required.</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.</p>

	The site provides a loading facility that meets the requirements of the Clause; therefore no permit is required.
Bicycle Facilities (Clause 52.34)	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 176 spaces. The application provides for 172 spaces, therefore a permit is required under this provision.
Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)	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. 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 15 February 2012.
Integrated Public Transport Planning (Clause 52.36)	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. On 2 December 2011 the application was referred to the Director of Public Transport.

General Provisions

7. **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 accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
8. **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.
9. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 (Director of Public Transport).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

10. The following policies within the SPPF are relevant:
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 11.04-4 (Central Melbourne)
 - Clause 13.04-1 (Noise Abatement)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 16.01 (Residential Development)
 - Clause 17.01 (Commercial)
 - Clause 18 (Transport)

Municipal Strategic Statement (MSS)

11. 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, the most

significant gains in resident population are expected in the Central City, Docklands and Southbank.

12. 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*'.
13. Clause 21.04 (Land Use) sets out objectives and strategies to '*ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants*'.
14. 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.
15. 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.
16. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
17. 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.
18. 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.
19. 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)

20. The following policies within the LPPF are relevant:
- 22.01 (Urban Design within the Capital City Zone)
 - 22.02 (Sunlight to Public Spaces)

Other relevant policy/ matters

21. Other relevant policy/ matters include:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

Amendment C162

22. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment is 'seriously entertained' and has not been reported back to Council to submit to the Minister for approval. In this amendment the subject site is identified in an area as being an area of "Urban Renewal". Under the proposed Clause 21.02 Urban Renewal Areas is where large site and whole precincts will undergo change with a new mix of uses, higher density of development expected.

Amendment C171

23. 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 Arts Precinct for entertainment and tourism uses and recommends a built form of between 2 to 6 storeys. 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 to deliver a new streetscape vision that aims to improve the liveability and vibrancy of Southbank.

NOTIFICATION

24. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 and 38 of the Design and Development Overlay, an application to construct or carry out works 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.

REFERRALS

25. The application was referred to the Department's Urban Design Unit, the City of Melbourne, and pursuant to Section 55 of the Act to the Director of Public Transport. The following comments were provided:

26. **Urban Design (DPCD):** Offered general support for the application, except for the increase in height, subject to further details of the proposed visual screening in the tower, provision of a continuous canopy at street level, revision to the ground floor layout to improve its presentation to Queens Bridge Street and eliminate undesirable recesses, and a schedule of materials and finishes. These matters can be resolved through appropriate conditions.

27. **City of Melbourne:** Application referred initially on 2 December 2011, and 14 February 2012 after receipt of further information. Comments (received on 8 June 2012) indicated general support for the application subject to the detailed resolution of screening elements within the tower, appropriate canopy to Queens Bridge Street, and car parking/ loading arrangements. These matters can be resolved through appropriate conditions.

28. **Director of Public Transport:** offered no objection to the proposal subject to five conditions being included on any permit issued. These conditions include the retention of the vehicle crossover to Queens Bridge Street in its current location, rather than the proposed relocation. Letter dated 20 January 2012.

ASSESSMENT

Land Use

29. The proposed use for ground floor retail premises (other than Adult sex bookshop, department store, hotel, supermarket and tavern) and residential apartments replaces a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions, will increase the residential population and contribute a 24-hour Central Activities District.

30. 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. Southbank is projected to experience significant population increase and the proposal will provide residential dwellings to respond to this projected population increase within the area.

Design and Built Form

Demolition

31. The application includes the demolition of an ungraded building. The proposal also includes a replacement building which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.

Urban Context Response/ Setbacks/ Tower Separation

32. 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.
33. The proposed tower is 236 metres (71 storeys), with a podium height of 39.72 metres. The amended application submitted by the applicant on 8 May 2012 illustrates tower separation of 9.8 metres to Prima Pearl apartment (south), 10 metres to 17 Queens bridge Street (north) and 10 metres to 48 Freshwater Place (south-east) and 5 metres to 28 Freshwater Place (east). Under DDO38 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.
34. At 236 metres in height, the proposal exceeds the suggested building heights of DDO38. Given the large scale developments either constructed, under construction, or approved in the precinct it is considered that the proposal is consistent with an emerging building scale in the area. Further, the existing and emerging built form of the precinct consists of high-rise residential towers combined with commercial uses, which is consistent with the proposed tower.
35. The podium height at 39.72 metres is considered to be appropriate and consistent with recent approvals, albeit exceeding the preferred 20 metres stipulated in DDO38. The podium is responding to the dominant height. The tower is setback 3.815 metres from Queens Bridge Street (up to 7.56 metres), providing an average of 5 metres. Whilst this is less than the 6 metres sought by DDO38 it provides a built form response consistent with recent approvals and that proposed under Amendment C171 (Southbank Structure Plan).
36. Tower separation is proposed at less than 24 metres stipulated in Clause 22.01. Policy allows a reduction in tower separation 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 proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:
- North: The proposal allows for an average tower separation of 10 metres from any redevelopment of 17 Queens Bridge Street. This is consistent with the proposed structure plan.
 - South: The site provides a 5 metre setback from 31 Queens Bridge Street, allowing a 9.8 m tower separation from the Prima Pearl Apartment Tower. This is generally consistent with the proposed structure plan.
 - East: The proposal provides a minimum 5 m setback from 28 Freshwater Place. The minimum setback is a pinch point as the building right angles' away from this boundary. Whilst not ideal is supported as the separation of 10 metres would have been achieved in the event that this building was not built to the boundary. The interface between the office and residential is also managed through directing views away from the common boundary.
37. Critical view points into habitable rooms of the proposed tower from existing, proposed or possible tower redevelopments to the north, east and south are managed through the introduction of fins to the tower envelope to direct views away from common boundaries. The fins extend no more than 500-600mm from the facade. Details of this screening solution is unclear and can be requested as condition of any approval.

Street Level Frontages & Pedestrian Safety

38. The proposed development incorporates a retail tenancy at ground floor level to Queens Bridge Street which provides a level of pedestrian interest, interaction and amenity, as sought by Design and Development Overlay Schedule 1. The active frontages will also serve to increase the perception of safety in this area. The podium level apartments provide passive surveillance of the site's immediate surrounds. The podium, with its use of glazing in the similar pattern architecturally distinguishes the podium from the tower this provides visual interest to pedestrians.
39. A pedestrian throughout fare to Freshwater Place will be provided through the site offering connection to the retail plaza at the rear of the development. A safe, weather protected access way will engage the development with Freshwater Place whilst providing convenient access from east to west for residents, workers and commuters.

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

40. The Environmental Wind Assessment (MEL Consultants, received 22 November 2011) submitted with the application concludes that wind conditions around the proposed development have been shown to be mostly either on or within the criterion for walking comfort. There were several locations on the west side of Queens Bridge Street where wind conditions were above the walking criterion, but the measurements have shown that these are existing conditions and that the proposed development has little significant impact at these locations. A canopy to Queens Bridge Street is provided to offer weather protection.
41. The Local Policy 'Sunlight to Public Spaces' (Clause 22.02) 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 September. The analysis shows that additional shadowing will occur over properties to the east and south. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. It is noted however that the development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

ESD

42. The proposed building is a residential development and therefore the ESD requirements are contained within the 'Building Code of Australia'. The proposal is to achieve an average rating of 6 stars which meets the minimum 5 star average rating as required under Section J of the Code. The proposal incorporates passive design strategies and active strategies.

Internal Amenity

43. Developments for new and refurbished residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that '*habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control*'. This can be dealt with via condition.
44. The building design provides a good standard of amenity for future residents. All dwellings have an external aspect and orientation to natural daylight and ventilation.
45. Additionally, the site is within walking distance to public open space particularly Queens Bridge Square and the Yarra River Promenade with excellent access to local amenities and public transport.

DPCD Planning Report

25 Queens Bridge Street, Southbank

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

46. The level of car parking provided on site is supported, which is under the maximum limitation policy, and commensurate with the site's level of access to public transport, employment and facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.
47. The application provides a loading facility in accordance with the requirements at Clause 52.07. It is proposed to provide on-site loading facilities accessed via the car park entry from Queens Bridge Street. A swept path assessment provided within the Traffic Impact Assessment Report shows that the design vehicle can enter and exit the area appropriately.
48. The application provides for a total of 172 bicycle spaces, which is 4 spaces less than that required at Clause 52.36, where spaces are provided at ground level with the remaining spaces located within the car parking areas on levels 1 and 2. It is considered appropriate to require the additional spaces rather than granting a reduction in the requirement. The can be conditioned accordingly.

RECOMMENDATION

49. That you approve planning permit application 2011/012565 at 25 Queens Bridge Street, Southbank for the development of a 71-storey mixed use tower subject to conditions.

Prepared by: [REDACTED]
Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: 22 June 2012

Approved by: [REDACTED]
Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: 5/7/2012