

**APPLICATION FOR PLANNING PERMIT:
272 – 282 QUEEN STREET, MELBOURNE**

Application Number: 2012/001292

Proposal: Demolition of the existing building and construction of a multi-storey office building comprising ground floor retail (other than adult sex bookshop, department store, hotel, supermarket and tavern) and reduction of the loading requirements.

Applicant: Dale Rose Pty Ltd
C/- Peddle Thorp Architects Pty Ltd

Zoning: Capital City Zone- Schedule 1 (Outside the Retail Core)

Overlays: None affecting this land

Application Received: 8 February 2012

Further Information Requested 5 March 2012

Further Information / Amended Plans Received: Further Info Received: 2 May 2012
Amended Plans Received: 28 October 2012

Notification: Not applicable – Permit application is exempt from formal notification

Recommendation: Permit subject to conditions

[REDACTED]

PLANNER'S NAME: [REDACTED]

DATE: 12.12.2012

Ph: [REDACTED]

SIGNATURE: [REDACTED]

[REDACTED]

PROPOSAL

Background (Amended Plans)

1. Permit application 2012/001292 was lodged on 8 February 2012. Following an assessment and subsequent meetings held between the permit applicant, DPCD and Council the permit applicant amended plans on 26 October 2012 offering an alternative development option. The core elements of the proposal have been retained in terms of land use mix with modifications focused on increasing setbacks, building modulation and street activation. The assessment is based upon the amended plans.
2. Details of the revised development are as follows:
 - Demolition of the existing building on site;
 - Construction of a commercial office building consisting of an 11 storey podium (45.6 metres) including a ground floor mezzanine level and a 39 storey tower above with 3 double height plant areas yielding a maximum building height of 205.4 metres measured from Queen Street. The building yields 51,280 sqm GFA.
 - The proponent is intending to provide office floor space and consolidate tenants of other buildings dispersed in the CBD currently under their ownership.
 - The height of the development has been reduced from 57 storeys to 50 storeys, whilst the podium has increased from 5 storeys (including ground level mezzanine) to 11 storeys.
 - The overall setbacks of the tower have been increased from Queen Street and the southern boundary (Bank of China), reduced from Little Lonsdale Street and maintained on the eastern boundary. Resulting in a 0 metre setback from the east (except for the north-east corner where the site interfaces with a permitted residential development); between 1 metre and 2.892 metres from northern property boundary; 4 metres to 5 metres from the western boundary, and 5 metres from southern boundary.
 - The development comprises 180 sqm retail floor space on the ground floor activating the street.
 - Loading and car parking is accessed via the north east corner from Little Lonsdale Street. A basement car parking will be provided over 5 levels containing 90 spaces with a loading bay off 28.6 sqm for small rigid vehicles and vans.
 - 201 bicycle and 8 motorcycle/scooter spaces are provided in the basement levels.
 - The typical office floor plate has been reduced in size and configuration with a modulating element to the north and west. The typical floor plate has been reduced in area from 964 sqm to 832 sqm.
 - The plant room / transition levels between the low rise, mid rise and high rise office floor plates provide increase in setbacks establishing breaks in the tower adding to the visual interest of the development. These setbacks are typically 2.2 metres from the east boundary, 5.18 metres from the north boundary, 7.2 metres from the west boundary and Queen Street and between 7.2 metres and 4.78 metres from the south boundary. These breaks in the building also assist with dispersing wind down drafts.
 - Primarily the building facade will be constructed of glass, with a key element being high performance glass with embedded photovoltaic film enabling creation of electric current upon exposure to sunlight. The electricity generated will be fed into the buildings power grid. Other materials used include spandrel panels framed by black metal flush framing and located on the east and south elevations. The glazing has alternate colours occurring on the south and east elevations.
 - The submission is supported by reports including a planning assessment, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD statement.

SITE AND SURROUNDS

3. The site is located on the south-east corner of Queen and Little Lonsdale Street and has an overall site area of 1,290 sqm. The site has street frontages of 30.48 metres to Queen Street and 40.13m to Little Lonsdale Street. The site currently accommodates a 3 storey rendered brick office building of a utilitarian design with no activation to the street. Part of the existing building is constructed over the Finlay Alley (a laneway along the eastern edge of the property) with a net leasable area of 3,086 sqm. The building is occupied by accountant and legal firms.

Site Context

4. Development surrounding the site can be described as follows:

- *To the North:* The site is bounded by Little Lonsdale Street beyond which is 288-292 Queen Street (EOS Centre Building), a 6 storey commercial building with ground level retail. The building is built to its boundaries with limited setbacks at the most upper level.
- *To the South:* A 3 storey brick building tenanted by the Bank of China beyond which is the east – west alignment of Finlay Alley providing vehicle access to the rear of the site and a through-link from Queen Street to Little Lonsdale Street. The Bank of China site includes a light court easement located within the subject land as well as carriageway easement rights along Finlay Alley.
- *To the East:* A 3 storey car park adjacent to Finlay Alley. The car park site currently has the benefit of a live permit (2009/1035) issued by the Minister for Planning for demolition of the existing building and construction of a multi storey residential tower. This permit allows a building envelope for a 40 storey building built to the boundaries of the site.
- *To the West:* The site interfaces with Queen Street, which is a wide street containing various building forms of a large scale. Further north (at the intersection of La Trobe Street and Queen Street) is the Republic Tower a 36 storey mixed use tower with podium level car parking. At the corner of Little Lonsdale Street and Queen Street is the Victoria Law School, a listed heritage building which was the former Registry of Births Deaths and Marriages Office.
- Continuing south and located directly west of the subject at the south-west corner of Queen and Little Lonsdale Street is the former Land Titles Office building, a heritage listed building which is now occupied by Victoria University, Jobs Plus and the Consulate General of East Timor. Redevelopment of 364– 378 Little Lonsdale Street is proposed with a 32 storey tower (permit application no. 2012/002554) which sits directly behind the heritage listed Victoria Law School Building.

5. The site is located within an evolving area where policy seeks to encourage development supporting a vibrant and economically competitive central city which makes efficient use of infrastructure. This is demonstrated by recent consideration of redevelopment which includes, but is not limited to, 150 Queen Street, Celtic Club and 380 Lonsdale Street all of which provide multi-storey buildings of significant scale and revitalise underdeveloped sites.

STATUTORY CONTROLS

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

Planning Control	Permit Application Requirement(s)/ Decision Guidelines
Capital City Zone-Schedule 1 (Outside the Retail Core)	Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule. Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise. The table of uses specifies that 'office' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) is permitted as of right (Section 1 use) at Clause 1.0 of the Schedule. Schedule 1 Exempts demolition and buildings and works from notice and appeal requirements;
Car Parking (Clause 52.06)	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 as a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces. The limitation requirement allows for 233 spaces without a permit. The provision of 90 car spaces on site is below the maximum allowed under the clause, therefore no permit is required. 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 8 motorcycle spaces, therefore no permit is required.
Loading and Unloading of Vehicles (Clause 52.07)	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 loading requirement applies to the cafe / retail space only. A loading bay for vans and small rigid vehicles is provided on Basement Level 1. This loading bay is 28.6 metres (5.3m x 5.4m), therefore a permit is required to vary the spatial requirements of Clause 52.07.
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 application provides for 201 spaces and 16 shower facilities and therefore complies with the requirements of 52.34.
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 an office development in excess of 10,000 sqm of leasable office space.

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).

PLANNING POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

10. The following key policies within the SPPF are relevant:
 - Clause 15 (Built Environment and Heritage)
 - Clause 17 (Economic Development)
 - Clause 18 (Transport)
 - Clause 19 (Infrastructure)

Municipal Strategic Statement and Local Planning Policy Framework (LPPF)

11. The following key policies are relevant:

MSS

- Clause 21.02 Municipal Profile
- Clause 21.03-1 Vision
- Clause 21.04 Land Use
- Clause 21.05-2 Structure and Character
- Clause 21.05-3 Public Environment
- Clause 21.05-5 Sustainable Built Form
- Clause 21.06-1 Public Transport
- Clause 21.07-1 Environmentally Sustainable Development
- Clause 21.08-1 Central City

LPPF

- 22.01 Urban Design within the Capital City Zone
- 22.02 Sunlight to Public Spaces
- 22.19 Environmentally Sustainable Office Buildings
- 22.20 CBD Lanes

Refer to **Appendix 1** for an outline of the key SPPF and LPPF policies relevant to the proposal.

Other Strategic Matters

Amendment C162

12. 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 submitted to the Department for approval. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which is an ongoing change area supporting residential accommodation and built form that responds to the regular grid layout.

Amendment C186

13. Amendment C186 seeks to include site's of heritage significance into the schedule to the Heritage Overlay. The site is not affected by this amendment.

Amendment C187

14. Amendment C187 seeks to introduce a new policy for Energy, Waste and Water Efficiency. The amendment has been exhibited and considered by Planning Panels Victoria and will replace the existing Clause 22.19 (Environmentally Sustainable Office Buildings Policy) which only applies to office uses. The amendment has not been submitted for approval to date. The proposal is consistent with this amendment and implementation of specified performance measures are achieved through permit conditions.

Amendment C188

15. Amendment to the Melbourne Planning Scheme C188 (Built Form Review) is awaiting authorisation. Amongst other matters, the built form review proposes to amend the existing controls and introduce mandatory height and setbacks controls within parts of the City. In this instance, the review identifies that the site is located within an area where a podium of 40 metres with towers rising above this height is anticipated with 6 metre upper level setbacks.

Amendment C209

16. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% contribution for the Hoddle Grid. Whilst not a 'seriously entertained' policy document, the contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

Other policy documents

17. Other relevant policy/ matters include:
- ESD Design Guide: Office and Public Buildings, May 2007

NOTIFICATION

18. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 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

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

20. **Urban Design (DPCD):** Not supportive of the initial scheme lodged with the permit application. Further to the submission of amended plans DPCD Urban Design offered general support for the height, setbacks and revised architectural response. Remaining issues for resolution include the articulation of the podium mass, detailed analysis of wind impacts, continuation of the ground level canopies and their widening where possible. Additionally, correction of plan anomalies relating to stair core access to the goods lift was also identified. These matters can be resolved via permit conditions.
21. **City of Melbourne:** Council objected to the scheme lodged on 9 February 2012. Following the submission of amended plans Council by way of email on 17 August 2012 supported the revised scheme.
22. In summary, the alternative podium height of approximately 40 metres is acceptable provided that the tower's side walls are well presented and recessive. Council expressed preferred tower setbacks of 5m from the south boundary; 5-6 metres from Queen Street, 3 metres from Little Lonsdale Street and a zero metre setbacks from 399 Little Lonsdale Street. Hence the key issues for consideration relate to the matter of tower setbacks. This will be discussed further below.
23. **Director of Public Transport:** Supports the proposal subject to conditions being included on any permit issued. Letter dated 20 March 2012.

ASSESSMENT

Land Use

24. The proposed uses replace and reinvigorate a mostly underutilised and otherwise inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions as it will; increase the provision of high quality office and retail spaces and contribute to the on-going revitalisation of a 24-hour Central Activities District (CAD).
25. The development provides commercial floor space within the CAD commensurate to an increased level of residential development being experienced within the central city. Provision of an office building responds appropriately to the purpose of the zone which seeks to provide a range of financial, legal, administrative, cultural, recreational, entertainment and other uses that complement the capital city function. This broad strategic intent is outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.

Design and Built Form

26. The application includes the demolition of an ungraded building. The proposal includes a replacement building consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.
27. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks also assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
28. Amendment C188 to the Scheme is a review of the built form controls in the City, the first in over 25 years. The review reconsiders, amongst other matters, podium height, tower setback and tower separation. This review acknowledges the challenges that the City faces, particularly the need to maintain develop-ability.
29. The proposed controls seek to introduce a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street, and 5 metre tower setback from common boundaries (to achieve a minimum of 10 metres tower separation). The review anticipates that this site could be developed with a tower of substantial height.

30. The building will also comply with Amendment C187 which seeks to introduce new energy and waste water efficiency guidelines applying a minimum of NABERS office 5 star rating or equivalent. This performance measures can also be implemented via permit condition.
31. The performance measures contained within the Local Policy Clause 22.01 (Urban Design within the Capital City Zone), of the Melbourne Planning Scheme provide guidance for development and is not intended to be interpreted as prescriptive mandatory controls.
32. The development proposes a design and built form that is consistent with the 'podium' and 'tower' typology found throughout the CBD. The podium whilst taller than the existing neighbours adopts the typical building envelope envisaged by Clause 22.01 and it is expected that this height will be matched by adjoining sites over time. The podium contains framed in-board balcony areas that puncture an otherwise uniform building envelope. This provides contrast and visual interest alleviating the perception of mass.
33. The tower form contains cantilevered elements and building modulation which is in contrast to the rectangular and symmetrical form of the previous scheme. The tower is divided into three sections being; low, mid and high rise with breaks in the buildings between each section. These 'breaks' coupled with a modulating corner treatment reveals the building when viewed within its context, extenuates the corner of Little Lonsdale Street and Queen Street achieving good design. The glazing used will have alternate glass colour differentiating the podium and tower adding to visual interest and articulation.



North-West Corner

Ground Floor and Podium Design



Height & Setbacks

34. The overall height of 50 storeys (205.2 metres), setbacks of between 4 to 5 metres from the southern and western title boundaries and reduced setbacks of between 1 metre and 2.982 metres from Little Lonsdale Street in this instance, is considered to respond to the performance measures sought by policy. Whilst not compliant with the typical podium/tower setback typology sought by the City of Melbourne, it achieves differentiation between both the tower and podium form, responds to interfaces with adjacent sites and applies a high quality architectural language.
35. This approach is also consistent with similar developments within proximity to the site which include, but is not limited to, 150 Queen Street, Celtic Club and 450 Elizabeth Street all of which

proposes reduced tower setbacks to achieve high quality design outcomes whilst maintaining develop-ability.

36. The site is located within the Hoddle Grid and more particularly is within a part of the city experiencing transformation in the form of substantial tower development. The *Central City (Hoddle Grid) Built Form Review* does not recommend a maximum height limit for the site and in effect anticipates increased development (generally west of Queen Street) to continue in the form of multi-storey towers above a 40 metre high podium. This is particularly relevant for sites fronting Queen Street which is a wide road reserve with a central medium capable of absorbing a building of substantial scale.
37. The site has two street frontages and is directly abutted to the east and south with low scale buildings. Notwithstanding the existing conditions of adjacent land, these sites have the potential to contain significant development. No. 399 Little Lonsdale Street located to the east has the benefit of a live permit (Permit 2009/1035) issued by the Minister for Planning for demolition of the existing building and construction of a multi storey residential tower. This permit allows a building envelope for a 40 storey building built to the boundaries of the site. Minimal setbacks are proposed, with intended sections proposed in the north-east and north-west corners of the development along Little Lonsdale Street providing light and air into habitable rooms for apartments facing Little Lonsdale Street. The lift core of this development will centrally abut 272-282 Queen Street for a length of approximately 20 metres.
38. The development responds to the layout proposed for 399 Little Lonsdale Street by creating a hard edge along the eastern boundary interfacing with what will ultimately be a lift core, except for the area recessed for amenity reasons closest to the future apartments. This design response enables greater setbacks to be achieved from the remaining boundaries without compromising an efficient office floor plate.
39. The setbacks from the northern, western and southern boundaries have come about following ongoing discussion between the permit applicant, City of Melbourne and the Department to; strike a balance for the site which responds to built form context (both existing and proposed), maintain develop-ability and ensure a reasonable level of amenity and development equity for both the public realm and adjacent sites.
40. It is recognised that to achieve substantial redevelopment south of the site (Bank of China) with a tower of significant scale, the consolidation of lots extending to Finlay Alley would likely be required. Whilst challenging this not impossible given the limited number of land owners in this location. To this end, an average 5 metre setback from the southern boundary appropriately responds to this possibility thus achieving the capacity for 10 metre tower separation should development occur. Additionally, the setbacks ensure that the light court easement requirements are also maintained.
41. The City of Melbourne generally supports the revised plans, however, seek greater setbacks in the form of a minimum 6 metres from Queen Street and 3 metres from Little Lonsdale Street. The remaining setbacks are not in contention. Should these setbacks be adopted it would result in a reduction in office floor plate compromising the 'build-ability' of the site given the need for retaining the building core and provision of lifts with associated infrastructure necessary for a development of this scale.
42. The varied setbacks proposed create visual interest by modulating the building form which wouldn't otherwise be achieved if a basic tower envelope were established. Furthermore, the stepped edge along Little Lonsdale Street ensures that the building responds to future residential development in a sensitive manner whilst mitigating wind downdrafts.

Laneways

Finlay Alley which is part of the subject land is classified as a Class 3 lane under Clause 22.20 (CBD Lanes) which provide vehicular access to rear of buildings for loading and service requirements and where possible may benefit from upgrading and enhancement.

43. Hardware Street and Hardware Lane North located further east and south-east of the site are however classified as Class 1 which is the highest classification and have a character and function that requires protection. The development does not seek to alter any Class 1 laneways and will upgrade the quality and use of Finally Alley (Class 3) therefore complying with policy.
44. 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. The permit applicant has provided a shadow analysis based on the previous and larger scheme which shows that additional shadowing will occur predominantly within existing shadowing conditions. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable however it will not detrimentally impact key public spaces.

Street Level Frontages & Pedestrian Safety

45. The proposed development incorporates retail uses at the ground floor and office uses within the podium along both street interfaces. The inclusion of retail tenancies and a glazed foyer sleeving the development at the ground level will increase activity and improve safety. This is a desired outcome when considering the limited activation currently present on site.
46. The City of Melbourne engineering department have requested that the corner of the building on Little Lonsdale and Queen Street be splayed or 'cut-away' to increase site lines and provide better pedestrian flow around this corner. Whilst site lines and pedestrian movement is important, setting back a building from the street corner is discouraged within a central city context as it results in poor urban design outcomes and creates unsafe and poorly maintained areas. In the 1980s the planning scheme was modified to remove building 'splays'. To this end, it is recommended that the building be constructed to the street corner consistent with the current and established ground level setbacks.

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

47. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. Whilst there are limited tower setbacks to both Little Lonsdale and Queen Street, the setbacks provided combined with the inboard terraces assists in wind deflection, therefore appropriate wind conditions are produced at street level as confirmed in the wind assessment undertaken by ViPac dated 11 October 2012.
48. Given the modification of the building form since lodgement an updated study including a full wind tunnel test should be undertaken to ensure that the development achieves a 'walking' criterion from all directions around the site and achieve 'stationary' criterion at the main building entries. This matter can be addressed via permit condition.
49. It is noted that canopies are proposed along Little Lonsdale and Queen Street, however, these structures can be increased to improve weather protection and wind downdrafts. This matter can be addressed by permit condition.

Environmental Sustainable Development (ESD)

50. The proposed building is a commercial development and therefore the ESD requirements are subject to Clause 22.19 of the Melbourne Planning Scheme. The proposal is intended to exceed a 4.5 Star NABERS Building Rating. Accordingly, the development can achieve a minimum 5 star requirement has envisaged under Amendment C187 of the Melbourne Planning Scheme.
51. The permit application as accompanied by a desktop preliminary ESD analysis and as such a full report will be required via permit conditions which details the design elements to be incorporated into the building. The desktop assessment identifies the opportunity to improve glazing performance. These matters can be addressed via permit conditions.

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

52. Car parking for the proposal is to be provided within five basement levels. A total of 90 car parking spaces are proposed, including one disabled space and eight motorcycle spaces. In

addition a total of 201 bicycle spaces are provided. These spaces will be accessed via the internal good lifts and will be accompanied by showers and change room facilities. A loading bay for small vehicles is provided within the basement.

53. A waste management plan has been prepared for the proposed development by Leigh Design Pty Ltd. The plan describes that waste will be stored at ground level and brought to the existing loading area on Little Lonsdale Street for collection by a private contractor, whom will also be responsible for the transfer bins between the site and collection point. This matter can be implemented via permit condition to the satisfaction of Council.
54. The schedule to Clause 52.06 applies a car parking limitation which when applied results in a maximum of 233 car spaces. Therefore the car parking provided does not exceed the requirements of Clause 52.06.
55. The permit application is supported by a traffic and car parking impact assessment prepared by GTA Consulting (Vic) Pty Ltd. The assessment identified that the likely traffic outputs of the proposal will have minimal impact on the existing operation of the surrounding road network including the use of Finlay Alley that is a shared accessway for multiple sites.
56. The permit applicant has submitted that internal loading for the site of 28.6 sqm would likely be used by smaller vehicles associated with the cafe and offices, and hence the area nominated within the car park is sufficient. There are also alternative loading options from within the street, including a loading zone located on Little Lonsdale Street directly in front of the site.
57. The City of Melbourne's Engineering Department have reviewed the proposed car park layout and traffic impact assessment. A number of recommendations were made in Council's memorandum of 15 March 2012. The permit applicant has responded to each matter as appropriate and permit conditions have been recommended by Council to address any outstanding items relating to design detail.
58. The car parking proposed is supported, which is under the statutory maximum limitation policy, and commensurate with the site's level of access to public transport, employment and facilities. Bicycle parking and associated facilities is also provided on site, which will encourage cycling both within and to the City for the journey to work.

RECOMMENDATION

59. That you approve planning permit application 2012/001292 at 272-282 Queen Street, Melbourne for the development of a 50-storey office tower subject to conditions.

Prepared by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 12 December 2012

Approved by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 14 December 2012

APPENDIX 1 - PLANNING POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

The State Planning Policy Framework (SPPF) seeks to develop objectives for planning in Victoria to foster land use and development planning and policy which integrates relevant environmental, social and economic factors. The sections of the SPPF, which are particularly relevant to this matter include:

- *Clause 15 (Built Environment and Heritage)* - seeks to ensure all new land uses and development appropriately responds to its landscape, valued built form and cultural context and protect places and sites with significant heritage, architectural aesthetic, scientific and cultural value.
- *Clause 17 (Economic Development)* - seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. It encourages development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. One of the key strategies of this Clause is to locate commercial facilities in or near existing and/or planned activity centres.
- *Clause 18 (Transport)* - seeks to establish and support an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and co-ordinates reliable movements of people and goods. In particular this clause seeks to ensure that urban developments are planned to make jobs and communities more accessible.
- *Clause 19 (Infrastructure)* - promotes development of social and physical infrastructure that are provided in a way which is efficient, equitable, accessible and timely. Planning is to also recognise social needs by providing land for a range of accessible community resources such as educational, cultural health and community support facilities.

The overarching purpose and intent of the above policies is to ensure that all new land use and development appropriately responds to planned future growth in a manner reflective of a site's valued built form and cultural context.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

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.

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 Vision statement identifies that:

The key to achieving Council's vision is the recognition that different parts of the municipality have to be managed differently and that development potential varies markedly. There is a mixture of activities and built form throughout the City and understanding the local context of a proposal is the key to understanding whether or not a proposal is acceptable.

Clause 21.04 (Land Use) sets out objectives and strategies for land use under the key themes of Housing and community, Retail, entertainment and the arts, Office and commercial use, Industry, Education and hospitals.

Figure 6 (Business, Retail, Arts & Entertainment) at Clause 21.04 spatially represents different areas where further increases in business investment is contemplated. Within the municipality, Docklands, Southbank (north of City Link) and the Central City will over the next ten years be areas that accommodate the most significant population growth. Commensurate with expected population growth is the need to provide employment opportunities and reinforce the Central City's role as Victoria's principal centre for commerce, professional, business and financial services. The subject site is located within the broad catchment of "Central City and Docklands" where investment in business related services is encouraged.

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.

The subject site is located in the Central City where substantial built form change is envisaged and future development should reinforce the significance and visual image of the Hoddle Grid. In achieving this objective buildings should ensure adequate spacing and reasonable outcomes having regard to interface amenity and the development potential of adjacent sites.

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.

Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.

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.

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.

Clause 21.08-1 (Central City) sets out the local area policies for Central City and includes a vision for the area is to continue its primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria as a 24-hour City, co-locates these uses with residential uses, and provides appropriate high quality built form that continues to make the city attractive for workers, residents and visitors.

The Local Area Map for Central City at Figure 12 identifies that the site is located within a part of the Hoddle Grid where it is generally encouraged to develop new and innovative commercial and retail business. The key elements of Clause 21.08 relevant to the proposal are as follows:

'Office and Commercial use in the Central City'

- *Support the Central City's role as the principal centre in the State for government, commerce, professional, business and financial services.*
- *Encourage the development and establishment of new and innovative professional, commercial and retail business which take advantage of the City's central location, technology, and its accessibility by a range of transport nodes.*
- *Support the continued development and growth of the broad range of existing business in the Central City.*

Local Policies

The following local planning policies within the LPPF are relevant:

22.01 (Urban Design within the Capital City Zone) identifies that the future vitality and success of Melbourne will be achieved by new development responding to the underlying urban framework and

characteristics of a site's context whilst establishing its own identity and character. The policy has eight sections addressing Building Design, Facades, City and Roof Profiles, Projections, Wind and Weather Protection, Public Spaces, Access and Safety in Public Spaces and Policy Implementation.

Of particular relevance to the proposal are the policy objectives relating to podium height, tower separation and setbacks. It is policy that design of buildings is assessed against the following guidelines:

- *The maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1, unless it can be demonstrated that the development is consistent with the function, form and infrastructure capacity of the city block, including the capacity of footpaths, roads, public transport and services. The existing plot ratio for each city block is shown on Map 1.*
- *Towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm.*
- *Towers above the podium should be setback at least 10 metres from street frontages.*
- *Towers should be well spaced to equitably distribute access to an outlook and sunlight between towers and ensure adequate sun penetration at street level as follows:*
 - *Development above 45 metres be set back 24 metres from any surrounding podium–tower development.*
 - *Tower separation setbacks may be reduced where it can be demonstrated that towers are offset and habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining lots*
 - *Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.*

Clause 22.02 (Sunlight to Public Spaces) applies to public spaces such as parks and gardens, squares, streets and lanes, and includes privately owned spaces accessible to the public, such as building forecourts, atria and plazas within the municipality excluding the Docklands Zone. It requires that development not cast additional shadows between 11.00am and 3.00pm at the equinox (22 September and 22 March) that would prejudice the amenity of public spaces.

Clause 22.19 (Environmentally Sustainable Office Buildings) applies to all land within the municipality excluding the Docklands Zone and requires amongst other matters, development of in excess of 5000 sqm to achieve a 4 star rating under the Green Building Council of Australia's Green Star Rating Tool or equivalent.

Clause 22.20 (CBD Lanes) applies to all existing and proposed laneways and all land with a boundary to a laneway in the Central Business District bounded by Flinders Street, Spring Street, Victoria Street, Peel Street, La Trobe Street and Spencer Street, excluding the RMIT University. The purpose of this policy is to identify the important characteristics of the city's lanes and to indicate the preferred character and form of development along lanes. It also classifies lanes against four core value characteristics relating to connectivity, active frontages, elevational articulation, and views.

Finlay Alley is a Class 3 lane which shows signs of two or less of the four core value characteristics. Many of these lanes may benefit from upgrading and enhancement to realise their full potential with regard to pedestrian amenity and urban design. These lanes generally provide vehicular access to the rear of buildings for loading and service requirements or access to car parking areas.