



# 84-90 Queens Bridge Street, Southbank

Planning Permit Application 2013/009634

# 1 Application Details

<b>Land /Address:</b>	84-90 Queens Bridge Street, Southbank VIC 3006
<b>Application No:</b>	2013/009634
<b>Proposal:</b>	Development of the land associated with a 54 level, 184 metre high building for use as dwellings, office and retail premises including alteration of a vehicle crossover, waiver of loading and unloading requirements
<b>Applicant:</b>	Shriar Nominees Pty Ltd and D&L Harris Investments Pty Ltd C/- Contour Town Planners Pty Ltd Rothe Lowman Architects
<b>Zone:</b>	Capital City Zone – Schedule 3 (Southbank)
<b>Overlay(s):</b>	Design and Development Overlay- Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2) Design and Development Overlay- Schedule 3 (Traffic Conflict) Design and Development Overlay- Schedule 4 (Weather protection) Design and Development Overlay- Schedule 60 Southbank – Area 2 Land subject to Inundation Overlay (LSIO) Parking Overlay- Schedule 1 (PO1)
<b>Restrictive Covenants and/or Agreements</b>	Not Applicable (no such encumbrance applies)
<b>Notification</b>	Not Applicable – The permit application is exempt from notice
<b>Recommendation</b>	Permit

1.1 [REDACTED]

[REDACTED]

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[REDACTED]

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NAME: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 7 May 2014

Ph: [REDACTED]

## 2 Site and Surrounds

The subject site is irregular in shape with a frontage of approximately 40 metres to Queens Bridge Street and 29 metres to Hannah Street. The Kings Way overpass runs roughly parallel to the south west frontage of the site above Hannah Street. There is a double crossover on the site with a frontage to Queens Bridge Street which is proposed to be made good and moved further north to the property boundary. There is also a double crossover to Hannah Street which is proposed to be removed. The site has a total area of approximately 940sqm. The site is currently developed with two double storey commercial buildings and at grade on site parking.

The land surrounding the site is developed as follows:

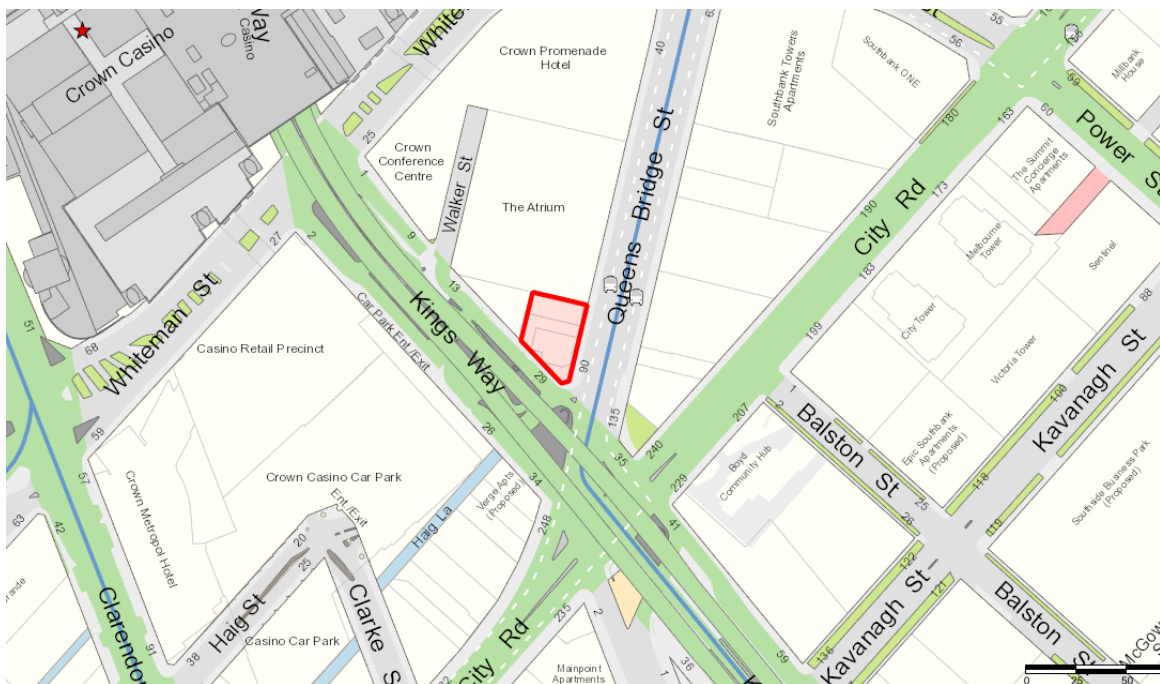
**North** of the site is a two-storey building and a large open lot car park.

**South** is Kings Way: a two way service street at ground level and the Kings Way overpass. Below the overpass is a large taxi waiting bay area. The application documentation refers to the Kings Way service street as Hannah Street.

**East** is Queens Bridge Street which is a north-south road consisting of two lanes of traffic, two bicycle lanes and tram lines in the centre and footpaths on the periphery. Farther east are the former Castlemaine Brewery heritage brick buildings. These buildings are A graded and are currently used for retail purposes.

To the **west** is a triangular vacant site which currently contains construction materials.

**Figure 2 - Site Locality Plan**



## 3 Proposal

The proposal lodged on 2 December 2013 includes demolition of the existing buildings and construction of a 54 level residential tower (184.5 metres inclusive of building plant) comprising an 8 level podium of 29.25 metres in height. There are no basement levels to the building due to the site's potential for flooding.

Details of the application are as follows:

- Demolition of the existing buildings.
- Construction of an 8-level podium providing 116 car parking spaces accessed via Queens Bridge Street, bike storage, gym, office tenancies and building services.
- The building will contain 295 apartments over 46 levels, 108 car spaces, 91 bicycle spaces.
- A gym for residents is included over two levels (level 6 and 7) as well as dining facilities and a large communal terrace of 97.6m on the north side of the top of the podium (level 8).
- Two separate retail tenancies (92 and 94 sqm) are proposed at ground level facing Queens Bridge Street. Two further commercial tenancies of 75.9 sqm are proposed at level 3 and 4. A total of 338.6 sq.ms.
- The proposed gross floor area of the development is 31,115 sq.ms.
- A ground floor comprising the residential lobby, two retail premises, and building services including waste disposal, and vehicle ingress and egress via Queens Bridge Street. The floor to ceiling heights of the ground floor is 6.4m.
- Level 8 containing a communal dining area and common terrace and five dwellings (four one-bedroom apartments and one two-bedroom apartment).
- Level 9 containing six dwellings: four one-bedroom apartments and two two-bedroom apartments.
- Levels 10-24 providing seven dwellings per floor with five one-bedroom apartments and two two-bedroom apartments.
- Levels 25-41 providing six dwellings per floor consisting of one one-bedroom apartment and five two-bedroom apartments.
- Level 42 containing a resident dining/cinema room/viewing deck as well as five dwellings consisting of four one-bedroom apartments and one two-bedroom apartment.
- Levels 43-54 providing six dwellings per floor with one one-bedroom apartment and five two-bedroom apartments.
- Two levels of plant and lift overrun above level 54.

## 4 Planning Policies and Controls

### 4.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application.

The following key SPPF policies are relevant:

- Clause 15 (Built Environment and Heritage)
- Clause 17 (Economic Development)
- Clause 16 (Housing)
- Clause 18 (Transport)

■ Clause 19 (Infrastructure)

The thrust of the above policies is to encourage appropriate land use and development which enhances the built environment; supports economic growth, delivers diversity in housing supply to meet existing and future needs and integrate transport and infrastructure planning.

An assessment against the above policies is provided in section 9 of this report.

## 4.2 Local Planning Policy Framework

The Municipal Strategic Statements (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure.

The following key local planning policies (Clause 22) are relevant to the proposal:

- 22.01 Urban Design within the Capital City Zone
- 22.02 Sunlight to Public Spaces
- 22.19 Energy, Water and Waste Efficiency

The thrust of the above policies is to encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

An assessment against the above policies is provided in section 9 of this report.

## 4.3 Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s)
Capital City Zone – Schedule 3  Southbank	Under Clause 37.04-3 a <b>permit is required</b> to construct a building or construct or carry out works.  Under Clause 37.04-4 a <b>permit is required to</b> demolish a building or remove a buildings or works.  Under Clause 3.0 of the CCZ1 a <b>permit is required</b> to construct a building exceeding 40 metres within 10 metres of a road frontage.  Decision guidelines and application requirements are at Clause 3.  Retail land use (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) and Accommodation do not require a planning permit in the zone.  Accordingly there is no land use permission sought under the application.
Design and Development Overlay- <b>Schedule 60 (Area 2)</b>  (Clause 43.02)	<b>A permit is required</b> to construct a building and construct or carry out works pursuant to DDO60, DDO1 and DDO3 of the schedules to the Design and Development Overlay.  An application to construct a building or construct or carry out works for land that is within the Capital City Zone is exempt from the notice

<p>Design and Development Overlay- <b>Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2)</b></p> <p>Design and Development Overlay- Schedule Design and Development Overlay- <b>Schedule 3 (Traffic Conflict)</b></p> <p>Design and Development Overlay- <b>Schedule 4 (Weather protection)</b></p>	<p>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>The subject site is located within Area 2 – Southbank Central Interface which recommends:</p> <ul style="list-style-type: none"> <li>• a maximum building height of <b>160 metres</b>;</li> <li>• podium heights not exceeding <b>30 metres</b>;</li> <li>• development above a podium should be setback a minimum of 10 metres from the front, side and rear boundaries;</li> <li>• towers should be a minimum of 20 metres from an adjoining tower, unless the majority of the built form outcomes are met; and there is an inadequate tower setback on a neighbouring site. The minimum set back of towers in this case should be 10 metres; and ground floors of buildings should have a floor to ceiling height of 4 metres</li> </ul> <p><b>A permit is required for buildings and works</b> at ground level.</p> <p>An application to construct a building or 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.</p> <p>At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises. Built scale appropriate to the street and pedestrians. Clear glazing (security grilles must be transparent).</p> <p><b>A permit is required</b> to construct a building or carry out works associated with the creation or alteration of a crossover or vehicle access way.</p> <p><b>A permit is not required</b> because the application proposes a canopy to Hannah and Queens Bridge Street.</p>
<p>Parking Overlay (PO1)</p>	<p><b>No permit is required</b> under the Parking Overlay.</p> <p>The provisions of the parking overlay works in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Schedule 1 to the Parking Overlay requires a planning permit to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>In this case, where a site is used partly for dwellings (including common areas serving the dwellings) the car spaces must not exceed 1 space per dwelling.</p> <p>For that part of the site devoted to other uses , (excluding common areas serving the dwellings) the spaces must not exceed the maximum spaces using one of the following formulas:</p>

**Department of Transport, Planning and Local Infrastructure**

	<p><b>Maximum spaces =</b></p> <p align="center"><u>5 x net floor area of buildings on that part of the site in sq m</u> 1000 sq m</p> <p align="center">or</p> <p align="center"><u>12 x that part of the site area in sq m</u> 1000 sq m</p> <p>A maximum parking provision of 295 spaces for the residential component and 0 spaces for the retail component is permitted without triggering a permit under the Parking Overlay. The decision guidelines are at 52.06-9.</p> <p>108 parking spaces are proposed within the building which is well under the maximum of 295 allowed under the Planning Scheme without a permit.</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> <p>Given the use includes ground level retail, Clause 52.07 triggers a requirement for a loading bay.</p> <p><b>A permit is required</b> to waiver the requirements of Clause 52.07 as a loading bay is not proposed to be provided on the ground level.</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.</p> <p>This clause triggers a statutory requirement for 91 resident bicycle spaces. 91 bicycle spaces are proposed to be provided and therefore a <b>permit is not required</b> to reduce this requirement.</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. This has been provided by the applicant.</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 (Public Transport Victoria) for a residential development comprising 60 or more dwellings or lots.</p> <p>On 22 January 2014 Public Transport Victoria responded to the Department's referral letter of 9 December 2013 stating that PTV did not object to the grant of a planning permit subject to 4 conditions it requires to be placed on any permit issued.</p>
<p>Vic Roads (Clause 52.29 Land adjacent to a Road in a Road Zone Category 1, or a</p>	<p>The application proposes to create or alter access to a road in a Road Zone, Category 1 (Queens Bridge Street).</p> <p>The application was referred to VicRoads on 9 December and a response was received on 2 January 2013. The response asked for</p>

Public Acquisition Overlay for a Category 1 Road	additional information from the applicant and includes 5 recommendations about the application in relation to access.
LSIO – Melbourne Water (Clause 44.04)	Pursuant to Clause 44.04-5 the application was referred to Melbourne Water on 9 December 2013. Melbourne Water responded on 19 December 2013 advising that it did not objection to the application subject to 8 conditions and 2 footnotes. The conditions required a finished floor level of 3.0m AHD for the lobby, 2.40m AHD for the retail spaces and 1.60m AHD for the bicycle storage area and the waste area.
General Provisions (Clause 61.01)	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.
Decision Guidelines (65.01)	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.
Referral and Notice Provisions (Clause 66.03)	Under Clause 66.03 an application must be referred to the person or body specified as the referral authority. In this case, the Director of Public Transport is a specified referral body under Clause 52.36.
Reference Documents	Guidelines for Higher Density Residential Development. The Southbank Structure Plan 2010

## 5 Other Strategic Matters

### 5.1 Amendment C171 (Southbank)

Amendment C171 was gazetted on 20 June 2013 and made various changes to local policy, zones and overlays affecting the Southbank area. It also introduced the Southbank Structure Plan 2010 as a reference document into the Melbourne Planning Scheme.

Through the development of the Southbank Plan a number of shortcomings with the way the area was developing were identified. These included a generally poor quality public realm for pedestrians and a lack of street life activity.

These issues, together with the area's profile of rapid development, led the City of Melbourne to proceed with a new Structure Plan for Southbank and a Planning Scheme Amendment to implement the Structure Plan, as a matter of priority.

### 5.2 Amendment C208 (Development Contributions Plan)

The Minister authorised Melbourne City Council to prepare Melbourne Planning Scheme amendment C208 on 5 August 2013.

C208 proposes a Development Contribution Plan implemented by application of the Development Contribution Plan Overlay over existing urban renewal precincts including Arden Macaulay, City North



and Southbank. Council has decoupled the Arden Macaulay precinct from the amendment due to delays associated with the panel considering the Arden Macaulay Structure Plan.

C208 has undergone public exhibition with submissions closing on 16 December 2013. The submissions are being considered by Council and the amendment is yet to go before an independent panel.

While significant work has been undertaken to progress C208, the amendment is yet to be reviewed by an expert panel and subsequently adopted by Council. Therefore Amendment C208 is not a "seriously entertained" amendment and does not have any official status in the Planning Scheme therefore the rates applied under the proposed development contributions plan do not apply to the permit application.

The City of Melbourne has recommended that a condition be placed on the permit and the Applicant/owner make a development contribution in accordance with C208 to the City of Melbourne. Given that C208 is not a seriously entertained amendment, it is premature and inappropriate for this condition to be placed on the permit.

## 6 Notification

Under Schedule 1 of the Capital City Zone, an application to demolish a building and construct or carry out works, and under Schedules 1, 3 and 60 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.

## 7 Referrals

The application was referred to DTPLI Urban Design Unit, the City of Melbourne, and pursuant to Section 55 of the Planning and Environment Act 1987 to the Director of Public Transport. The following comments were provided:

**City of Melbourne:** The permit application was considered at Council's Future Melbourne Committee on 1 April 2014.

Council resolved to recommend that a permit be granted for the development subject to conditions. The conditions addressed minor issues of protection of street trees, canopy clearances, traffic and parking matters and measures to ensure that the walking criterion is met along each street frontages. The City of Melbourne have provided recommended conditions which are largely considered appropriate and are able to be adopted subject to some minor adjustments.

**Urban Design (DTPLI):** DTPLI Urban Design are supportive of the proposal advising that the proposal represents "a convincing resolution of the developmental demands on a challenging site".

DTPLI Urban Design's comments may be summarised as follows:

- The height of the development is appropriate, only marginally in excess of the recommended DDO height limit of 160 metres and is considered to be appropriate both in the immediate context and the context of recent planning approvals.
- Despite a relatively small challenging site, the proposal will support equitable development opportunities on neighbouring sites.
- The proposed car park louvres should address possible light spill onto Kingsway.

- The proposed elevations are well considered and consistent.
- The different character of the Hannah and Queens Bridge Street interfaces is acknowledged however it is recommended that the applicant undertake further consideration of the Hannah Street facade to reduce the visual presence of the service area louvers and increase the extent of visually engaging detail at the pedestrian level.
- The proposed canopies should be adjusted to respond to the City of Melbourne's guidelines about road encroachment.
- The proposal complies with the planning scheme in relation to overshadowing however the impact of shadowing beyond 2pm should be documented.
- The Applicant should submit revised documentation to respond to the recommended options in Section 9 of the wind report.
- The proposal achieves a Green Star rating of 4.6. We recommend additional energy efficiency measures are investigated including potential construction practices or techniques to bring the proposal as close as practicable to the target of 5.0 star Green Star.

**Public Transport Victoria:** Offered no objection to the proposal subject four conditions being placed on the permit.

**Melbourne Water:** Offered no objection to the application subject to seven conditions and standard footnotes are placed on the permit. It is noted that the finished floor levels recommended in Melbourne Water's conditions are the levels proposed by the development.

### **VicRoads**

The application was referred to VicRoads because the site is directly adjacent the Kingsway overpass above Hannah Street which is a Road Zone Category 1. VicRoads did not object to the application but requested further cross sectional plans to assess the impact and the proximity of the development to the Kingsway overpass. The cross sectional plans shows that the building will be between 4.2 metres and 5 metres from Kingsway.

In this letter VicRoads provided the advice which they recommended be taken into consideration and then wrote to the Department again on 10 April following receipt of the further information they requested and recommended one note be placed on the permit. The advice has been included in permit conditions.

## 8 Assessment

### 8.1 Consistency with Planning Policy

The proposal is a well resolved scheme which has a high degree of consistency with State and Local policy objectives achieved by:

- Providing a high quality, high density residential development in close proximity to infrastructure, the Principal Public Transport Network and public open space facilities.
- Improving housing choice to existing and future residents in the City of Melbourne and integrating with and making better use of existing infrastructure services.
- Providing a design that will improve the public realm experience of the area for pedestrians by inclusion of a weather protection canopy and active ground level uses.
- Offering a high quality architectural design that will enhance the attractiveness of Southbank and the city skyline.
- Responding to the site's context through the provision of a built form that is responsive to the corner context of the site, significant constraints of the site (Kingsway) and is considerate of adjacent buildings and land uses.

- Enhancing the quality of the public realm through high quality architecture and materials
- and improving the public realm for pedestrians by provision of activation at ground level, weather protection via canopies and greater safety through surveillance of the street.
- Providing a building height, form and scale responding to the context of Queens Bridge Street as an area transitioning between the CBD, Southbank and the Fishermans Bend Urban Renewal Area where high rise podium and tower forms are envisaged. The combination of high quality materials and articulation will provide further visual interest.
- Providing a liveable, attractive and walkable residential environment due to its proximity to key services and infrastructure and by the design of the building providing for reasonable levels of internal amenity.
- Recognising the status of the land as a 'development site' as per Figure 9.1 of the Southbank Structure Plan 2010 and responding to land use and built form objectives to increase active frontage, podium and tower typology and improve environmental building performance.

*MSS*

- Responding to Clause 21.13-1 (Urban Renewal Areas – Southbank) through:
  - Delivering an extension to the Central City with development providing a mix of commercial and residential uses.
  - Providing high rise, high density development south of the Crown Casino and the Melbourne Exhibition Centre.
  - Improving the quality of the pedestrian environment through provision of a weather protection canopy, active uses at ground level and surveillance of the street through introduction of new commercial, retail and residential uses.

*LPPF*

- Responding to Clause 22.01 (Urban Design with the Capital City Zone) by delivering development to Queens Bridge Street which will activate the corner.
- Responding to Clause 22.02 (Sunlight to Public spaces) by ensuring that the building and works allow good sun penetration to public spaces.
- Responding to Clause 22.19 (Energy, Waster and Water) by including environmentally sustainable building initiatives within the design of the development to ensure energy and water efficiently.

## 8.2 Overlays

### **Design and Development Overlay- Schedule 1** (Active Street Frontage Capital City Zone (DDO1 – Area 2)

DDO1 applies to the Queens Bridge Street frontage of the development site. The combined total of the two retail tenancies equals 55% of the street frontage which is below the 80% recommended by the overlay. The remainder of the Queens Bridge frontage is taken up by a fire booster cupboard and the vehicle access. Given the remainder of the frontage is taken up by essential requirements of the development and the corner retail frontage wraps around the corner with Hannah Street, the development is considered to meet the objectives of this overlay by providing areas of activity and vitality at ground level and maintaining continuity of street frontages.

Although, Hannah Street is not covered by the overlay and is a lower quality urban environment to Queens Bridge Street, the development creates an opportunity to further improve Hannah Street. Assessment by DTPLI Urban Design highlighted the opportunity to better define the bicycle parking entrance to Hannah Street. The design should include some creative, urban art feature which can assist to define the bicycle entry and also enhance safety through lighting and surveillance for bicycle users entering and exiting. This is reflected in a recommended permit condition.

### **Design and Development Overlay- Schedule 3** (Traffic Conflict)

This overlay includes the requirement that vehicular ingress or egress points, excluding loading and unloading bays, should not be constructed on a traffic conflict frontage or in a lane leading off a

traffic conflict frontage. The application involves a proposal for a new double crossover ingress point on the north side of the property from Queens Bridge Street which involves making good an existing crossover to this frontage and simply moving the crossover. This is considered acceptable because it will just alter the existing conditions of the site (one crossover) and this will not unduly affect pedestrian flow, amenity and safety and will meet the objectives of the overlay.

**Design and Development Overlay- Schedule 4** (Weather protection)

A canopy is proposed to be provided at level 1 to both Hannah Street and Queens Bridge Street which meets the requirements of the overlay. Conditions should address the height and clearance of the canopy from the footpath in accordance with the City of Melbourne's guidelines.

**Design and Development Overlay- Schedule 60** Southbank – Area 2

Table 1 to the Schedule 60 of the DDO specifies a recommend height of 160 metres and encourages built form outcomes which achieve an appropriate backdrop to the Yarra corridor and the dominant streetscape scale. The objectives of Area 2 are to avoid detriment to the public realm from new buildings, to provide a pedestrian scale at street level and to provide adequate spacing between buildings.

The proposed development is set well back from the river corridor and is consistent with the form and scale of surrounding development in Southbank. In this context, the additional height of the development (174 metres) above the recommended height of 160 metres is acceptable. The proposed height of the podium meets the recommended DDO60 height of 30 metres.

The development is assessed to achieve appropriate spacing between buildings as a setback from the north of 7 metres will allow ample future tower spacing if an equal setback is applied to the neighbouring property. No setback is provided to the west however given the triangular shape and orientation of the site to the west, the lack of setback supports maximisation of the future development potential of this property. The development will be significantly separated from other buildings to the south and west by width of Queens Bridge Street and Kingsway.

Pedestrian amenity will be enhanced by retail/commercial ground level activation and the addition of a canopy.

The overshadowing impacts of the development on the public realm are assessed to be acceptable and in accordance with the planning scheme requirements.

In summary the development is in accordance with the objectives and recommended built form outcomes of DDO60.

## 8.3 Design and Built Form

### *Height*

As indicated above, the height of the proposed development is assessed to be sufficiently consistent with the Design and Development overlay recommended height and will sit comfortably within the existing context of tall buildings interspersed with lower rise developments which characterise this portion of Southbank which is experiencing ongoing urban renewal.

### *PANS/OPS AND OLS*

The building height at 184 metres in this location is approximately 95.7 metres below the Obstacle Limitation Surface (OLS) and approval may be required for construction activities. The building is well below the PANS-OPS level of approximately 310 metres. It is the responsibility of the permit holder to ensure compliance with all aviation requirements and federal legislation.

*Built form and Setbacks*

Clause 22.01 includes both general objectives and specific objectives which relate Southbank. These objectives relates to integration of the Southbank with the Central City, pedestrian and cycling connections, encouraging vibrancy and an improved public realm and the ability to convert carparks to alternative uses.

The proposal has a high degree of compliance with Clause 22.01 (Urban Design with the Capital City Zone) for the following reasons:

- The design acknowledges the site context by aligning with the street pattern and strongly defining the corner site in accordance with the policy, providing giving definition to the junction of Queens Bridge Street, Hannah Street, City Road and the Kingsway overpass.
- While the site is compact, the ground floor plane is very well resolved in terms of balancing necessary infrastructure and services such as fire booster cupboards, a substation and vehicle access and providing a highly activated interface with Queens Bridge Street which is the main pedestrian and public realm interface. This will significantly improve the public realm around the site and enhance pedestrian amenity and safety.
- Although Hannah Street is unlikely to ever be the principal pedestrian frontage due to the nature of this interface, some additional activation through a defined entry to the bicycle parking area could improve this elevation of the building, as encourage by DTPLI Urban Design. This matter can be addressed via a permit condition.
- The proposed weather protection canopy is a welcome addition to the Queens Bridge (and Hannah) Street elevations which will improve the experience for pedestrians, as encouraged by Clause 22.01.
- The building includes a tower and podium typology with the tower setback 7 metres from the north, 1.5 metres from the south and 4.5 metres from the east boundaries. The 1.7 metre tower setback from Kings Way is supported given that this section of Kings Way is not a highly pedestrianised space. A reduced setback is considered appropriate to provide for the amenity of the apartments and allow adequately clearance from the overpass. The 7 metres setback from the north will provide for the equitable development of the neighbouring site provided a similar approach to setbacks is adopted. The 4.5 metre tower setback from Queens Bridge Street is considered appropriate given the compact size of the site and the substantial width of Queens Bridge Street.
- These setbacks provide ample separation from neighbouring sites to the north and west if these were to be developed with towers in the future.
- Despite building to the west boundary with no windows or openings to this elevation, this approach preserves the development potential of the neighbouring triangular site to the west as it would allow the future development of the neighbouring site to locate its core at this interface to maximise the size of the site.
- The proposal is assessed to be a high standard of architecture which includes a striking faceted tower that is designed "in the round". The development is likely to make a significant contribution to improving an area of Southbank that is dominated by transportation infrastructure and in need of urban repair.
- The south elevation will be acoustically treated which responds appropriately to the neighbouring freeway.

## 8.4 Street Level Activation and Pedestrian Safety

The development includes a highly activated frontage to Queens Bridge Street which returns the corner approximately 3 metres along Hannah Street. This will offer activation and surveillance of the street and is further supported by a canopy that will address wind and weather. While the level of activation is somewhat inhibited by the raised floor level, this is required by Melbourne Water to meet the LSIO requirements.

## 8.5 Microclimate (Wind, Weather Protection, Overshadowing) & Internal Amenity

### *Wind*

The application was accompanied by a wind tunnel test report prepared by Windtech Consultants. The results of the testing indicated that the north west balconies and the podium level would be adversely affected by wind conditions which could be addressed by options recommended in the Windtech report.

These options have not been incorporated into the design and it is recommended that they are, by condition of the permit. Subject to adoption of the recommendations of the Windtech report, the proposal will satisfactorily meet the planning schemes requirements in relation to wind conditions.

### *Overshadowing*

Pursuant to Clause 22.02 development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.

The overshadowing that will occur as a result of the proposed development will largely fall over road and will reach the edge of the proposed new built form of the Boyd School site at 2pm. The proposal therefore meets the planning scheme policy standard in relation to overshadowing. The development will overshadow the Boyd School and the adjacent public open space in the afternoon beyond 2pm. Given the distance of the proposal to the site, it is likely that the "depth" of the shadow affecting these sites will not be significant.

### *Internal Amenity*

The amenity of the proposed apartments is assessed to be of a good standard. All apartments have either a winter garden or balcony and all apartments and habitable room windows are oriented to provide for direct access to natural light, through all sides of the building. None of the apartments are dependant on borrowed light.

The sizes of apartments are ample and will provide good amenity to residents with the one bedrooms ranging from 48.1 to 55.8 sq.ms) and two bedrooms ranging from 60-73sq.ms.

### *Acoustic*

Developments for new and refurbished residential 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. 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 45 dB in accordance with the relevant Australian Standards for acoustic control'.

An acoustic report prepared by Wood and Grieve Consultants was submitted with the application and details testing of ambient noise levels around the site which are quite high at an average of 70.5 dBA during the day and 58-68 dBA tonight. The report acknowledges the requirement to achieve the planning scheme standard of 45 dBA in accordance with the Australian Standards and indicates that the development will be designed to achieve this standard.

It is recommended that a condition of the permit address this issue and ensure that the above standard is met to ensure acoustic amenity of the apartments given the proximity of the site to Kingsway.

## 8.6 Environmental Sustainable Development (ESD)

An ESD statement prepared by Wood and Grieve was submitted with the permit application. This report confirms that the development will achieve Best Practice Environmental design standards and is consistent with the Eco city goals for residential development as outlined in Clause 22.19 of the Melbourne Planning Scheme. The development will achieve:

- a 4.6 star Greenstar Multi-Residential rating
- approximately a 6.4 star NatHERS rating achieved through roof and wall insulation, energy efficient glazing and incorporation of an external shading design integrated into the architecture of the building.
- A condition has been imposed to ensure this level is achieved.

## 8.7 Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities

The development scheme includes 295 apartments and it is proposed to provide 108 car parking spaces for residents within the seven level podium car park along with 91 bicycle spaces. These rates of provision do not exceed the maximum rates of parking in the scheme and accordingly do not generate a permit requirement under the Parking Overlay.

The City of Melbourne's Engineering Department have assessed the proposal and are generally satisfied with the traffic and parking arrangements for the development. It is recommended that standard conditions in relation to car parking and vehicle entry be applied to the permit.

The proposal includes 4 retail or commercial tenancies and therefore triggers a permit requirement under Clause 52.07 to provide 4 loading bays of an area of 27.4 sqm. No loading bay is proposed to be provided on site due to the compact nature of the site area. Clause 52.07 provides discretion to grant a waiver to this requirement if the land area is insufficient and this waiver is recommended to be granted. The proposed retail spaces are not large in size and are therefore unlikely to generate any significant adverse impacts if the existing on street loading spaces are used for loading.

A Waste Management report has been prepared by Leigh Design and has been assessed and is supported by the City of Melbourne's Urban Services Team.

In addition to the note required by VicRoads to be placed on the permit, it is recommended that the advice provided by VicRoads in its letter dated the 2 January 2014 is sound and should be reflected in planning permit conditions.

## 9 Recommendation

That planning permit 2013/009634 for demolition of the existing building and construction of a multi-storey mixed use tower is issued subject to conditions.

Prepared by:

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Date: 7 May 2014

Approved by

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Date: 27 May 2014

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