

APPLICATION FOR PLANNING PERMIT: TPM-2012-9
148-156 QUEEN STREET, MELBOURNE

4 September 2012

Presenter: Martin Williams, Executive Officer Planning

Purpose and background

1. This application is presented to the Committee at the request of Councillor Ong.
2. The purpose of this report is to advise the Committee of an application for a planning permit lodged with the Minister for Planning for the demolition of an existing building and construction of a 67 storey tower comprising residential apartments, car and bicycle parking and commercial uses.
3. The subject site is located on the south-eastern corner of Queen Street and Bourke Street. It has a frontage to Queen Street of 23.9 metres, a frontage to Bourke Street of 40.22 metres and a total area of 913 square metres. It is currently developed with a thirteen storey building containing eleven office levels and two retail levels. Two street trees are located on the footpath along the Bourke Street frontage, and two street trees are located on the footpath along the Queen Street frontage (refer Attachment 2 – Locality Plan).
4. The application seeks approval for the demolition of the existing building and construction of a 67 storey residential building with ground level retail and associated six level car parking facility. The proposed building has a total overall height of approximately 226 metres comprising foyer and retail at ground floor, gymnasium, swimming pool, 555 apartments, 200 car spaces and 177 bicycle spaces. The proposed building has a gross floor area of 55,318 square metres and a plot ratio of 60.6 (refer Attachment 3 – Proposed Plans).

Key issues

5. The key issues for consideration in the assessment of this application relate to built form, external amenity and waste management.
6. The tower element (levels 14 to 67) is built to the Queen Street boundary and the eastern boundary; has setbacks ranging between 1.2 metres and 3 metres from the Bourke Street boundary; and setbacks ranging from 1.5 metres to 4.8 metres from the southern boundary. The proposed tower setbacks from both Queen Street and Bourke Street are well below the required 10 metre setbacks and are considered to create an unacceptable level of bulk in these streets.
7. The tower separation between the proposal and the previously approved residential tower at 128-146 Queen Street and 21-27 McKillop Street would be an average of 5.5 metres, which would create an unacceptable level of residential amenity in terms of outlook and daylight.
8. The wind report supplied with the application indicates that the wind conditions at ground floor where retail tenancies are proposed are consistent with 'walking' conditions rather than 'standing' conditions.
9. The Waste Management Plan does not comply with the 2012 City of Melbourne Waste Guidelines. Waste cannot be collected in Penfold Place as trucks cannot reverse down Penfold Place. Accordingly, a loading dock with a 4 metre height clearance is required. Access to and from Penfold Place must occur in a forward in/forward out manner.

Recommendation from management

10. That the Future Melbourne Committee:
 - 10.1. resolve that a letter be sent to the Department of Planning and Community Development expressing concern about the proposed development on the grounds set out in the recommendation of the Delegate Report; and

- 10.2. request that should the Minister determine to grant a permit for the development, the conditions listed in the Delegate Report be included on any planning permit issued (refer Attachment 4 – Delegate Report).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

SUPPORTING ATTACHMENT

Legal

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

Finance

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

Conflict of interest

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

Stakeholder consultation

4. The application is exempt from the giving of notice.
5. Officers have not referred the application to any other referral authorities. This is the responsibility of Department of Planning and Community Development as the Responsible Authority.

Relation to Council policy

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

Environmental sustainability

7. It is considered that the proposed development seeks to address relevant environmental/sustainability issues/opportunities by providing increased density within the Central City and providing a greater number of bicycle parking spaces than does the existing building.



Approx. Scale 1:1000



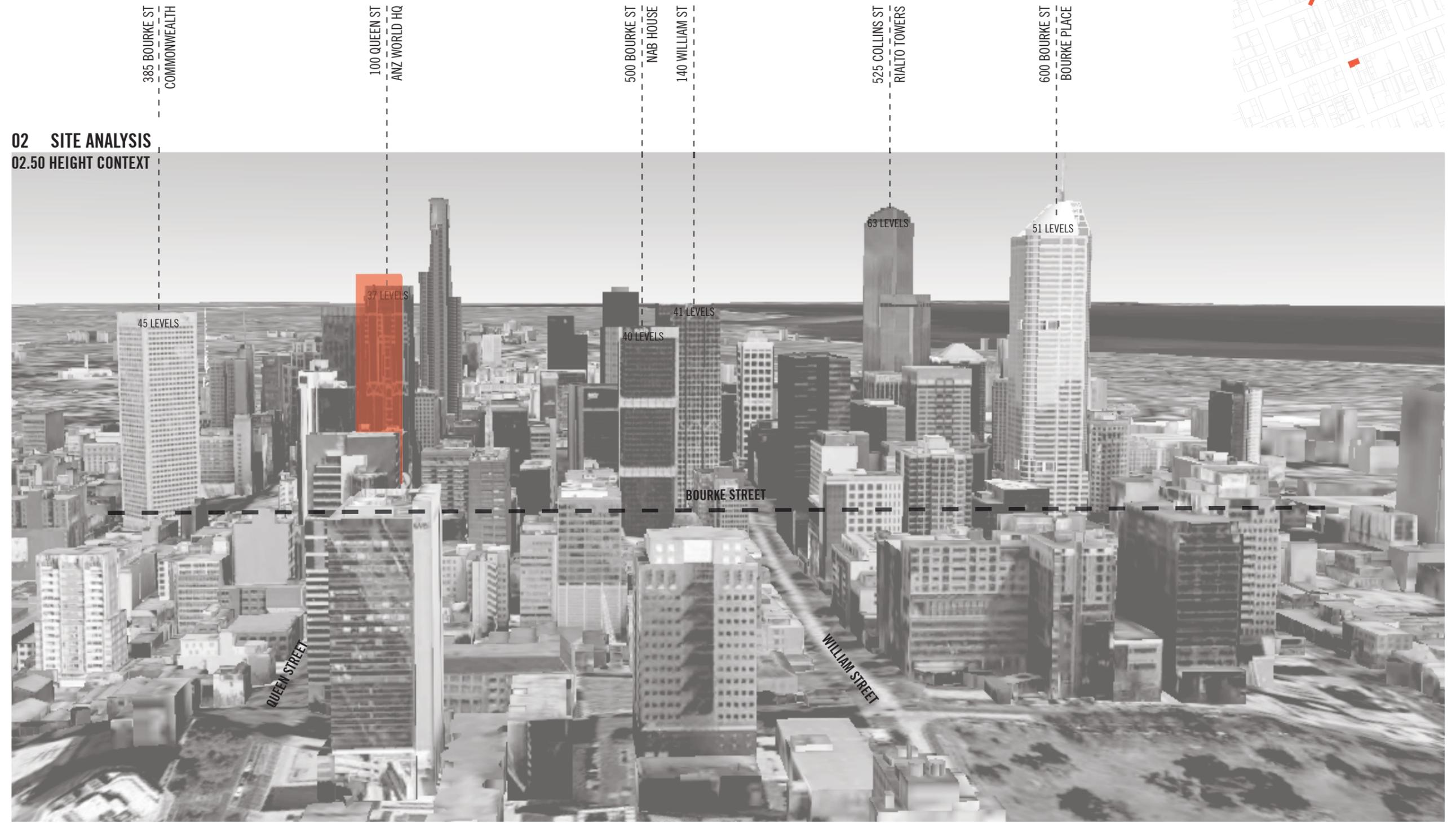
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VIEW FROM CORNER QUEEN STREET & BOURKE STREET



02 SITE ANALYSIS
02.50 HEIGHT CONTEXT



03 SETBACKS AND DEVELOPABLE ENVELOPE
03.30 SETBACKS ANALYSIS - 140 QUEEN STREET

An application for a permit regarding the re-development of 140 Queen Street was submitted by Kerstin Thompson Architects. Granted on the 24th June 2009, the scheme includes a serviced apartment complex with associated retail accommodation and car parking. It has an overall average setback of 2.3 metres from its northern boundary.

**140 QUEEN STREET
PERMIT SCHEME**

GFA (BLDG):
NSA (BLDG):

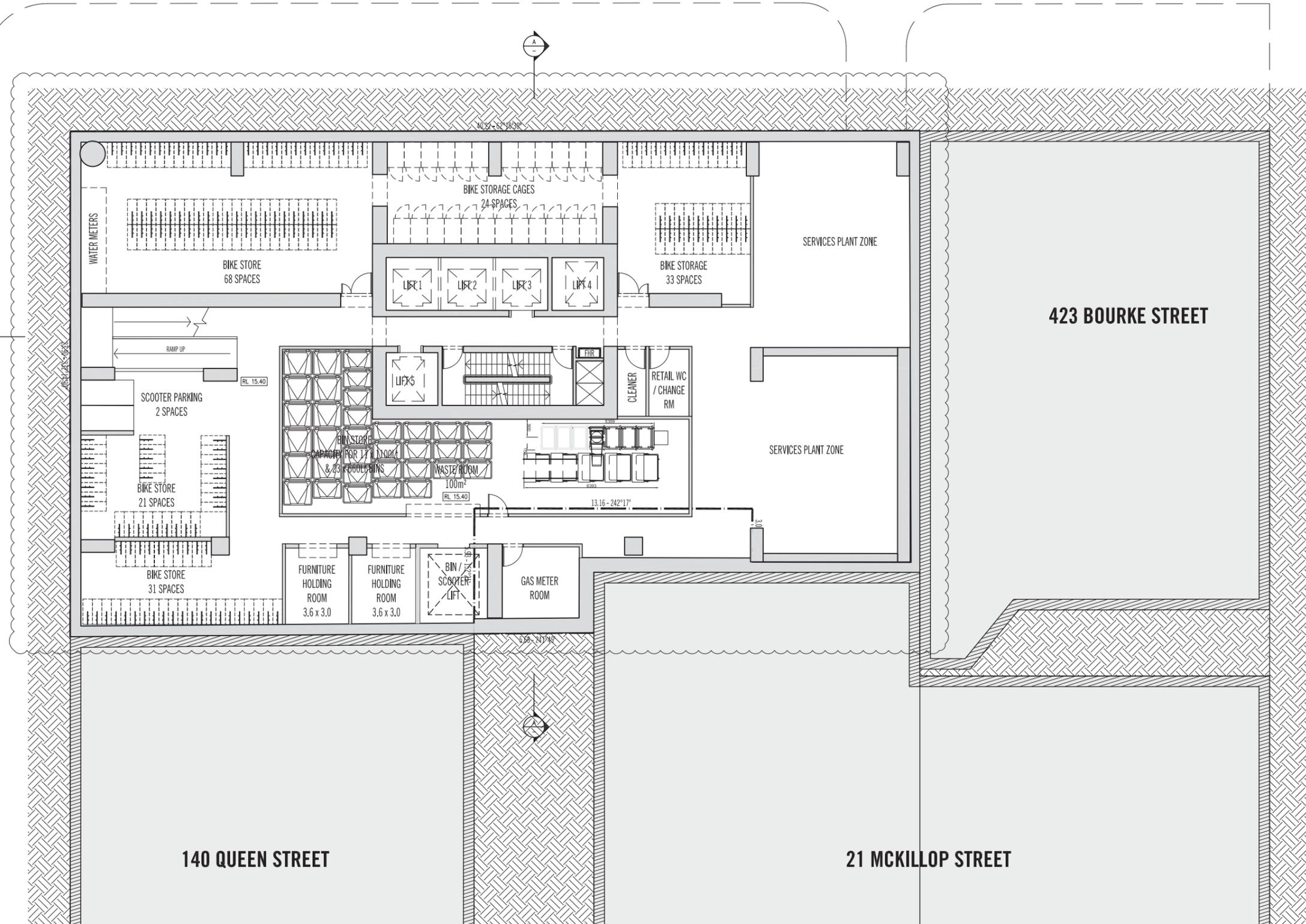
31522 SQM
19655 SQM



BOURKE STREET

LEVEL	BASEMENT 01
UNITS	-
GFA	912
NSA RES	-
NSA RET	-
EFF	-
TCE	-
CARS	10
RL	-

QUEEN STREET



140 QUEEN STREET

21 MCKILLOP STREET

423 BOURKE STREET

Rev	Date	Revisions or reason for issue
Rev 1	27.02.2012	ISSUED FOR INFORMATION
Rev 2	06.02.2012	DPD FOR ISSUE
Rev 3	06.02.2012	SCOOTER PARKING INCREASED TO MEET BCA REQUIREMENTS
Rev 4	06.02.2012	WASTE ROOM RELATED TO BASEMENT FLOOR LEVEL
Rev 5	06.02.2012	GAS METER ROOM ADDED ALONG SOUTHERN BOUNDARY
Rev 6	06.02.2012	SERVICE PLANT POSITIONING AMENDED

Issued By	OF	AM

Rev	Date	Revisions or reason for issue

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Project Title

**150 QUEEN ST
 MELBOURNE**

Client

CES QUEEN (VIC)

Drawing Title

**LEVEL B1
 BASEMENT**

Project Number

11075

Drawing Status

TP

Drawing Number

A100

Revision

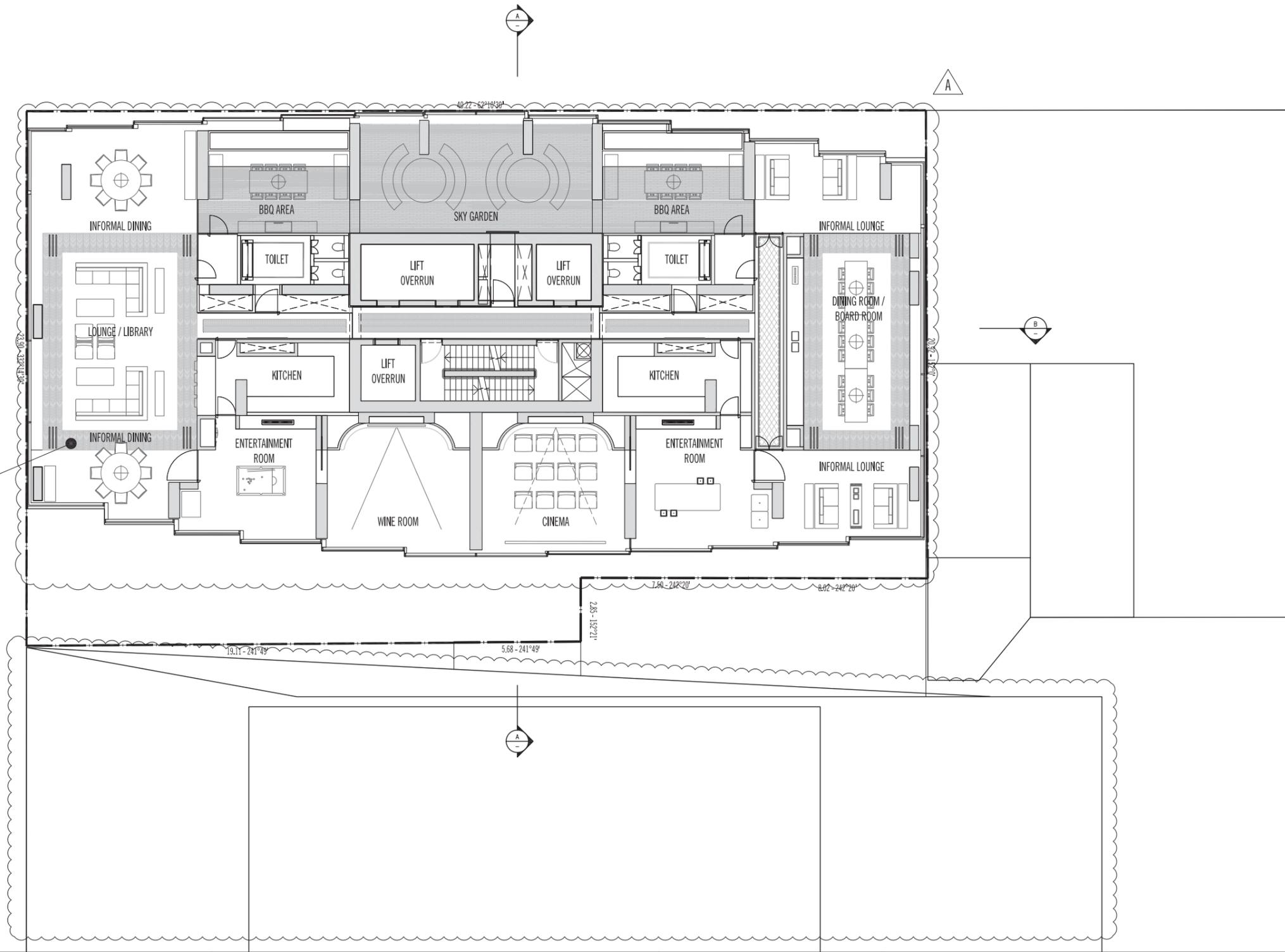
A

BOURKE STREET

QUEEN STREET

MC KILLOP STREET

150 QUEEN STREET
LEVEL 67 - RL:231.70



DRAWING A267 DISPLAYS INFORMATION PREVIOUSLY DISPLAYED ON DRAWING A265 (AS SUBMITTED FOR APPROVAL BY MELBOURNE CITY COUNCIL, REVISION - DATED 27.02.2012).

Rev	Date	Revisions or reason for issue
Rev A	07.06.2012	<ul style="list-style-type: none"> OPCD NOT ISSUE 150 QUEEN PROPOSAL SHOWN BELOW LAYOUT OF RESIDENTS FACILITIES RECONFIGURED RESIDENTS FACILITIES LEVEL BASED FROM LEVEL 60 TO LEVEL 67

Issued By	Rev	Date	Revisions or reason for issue

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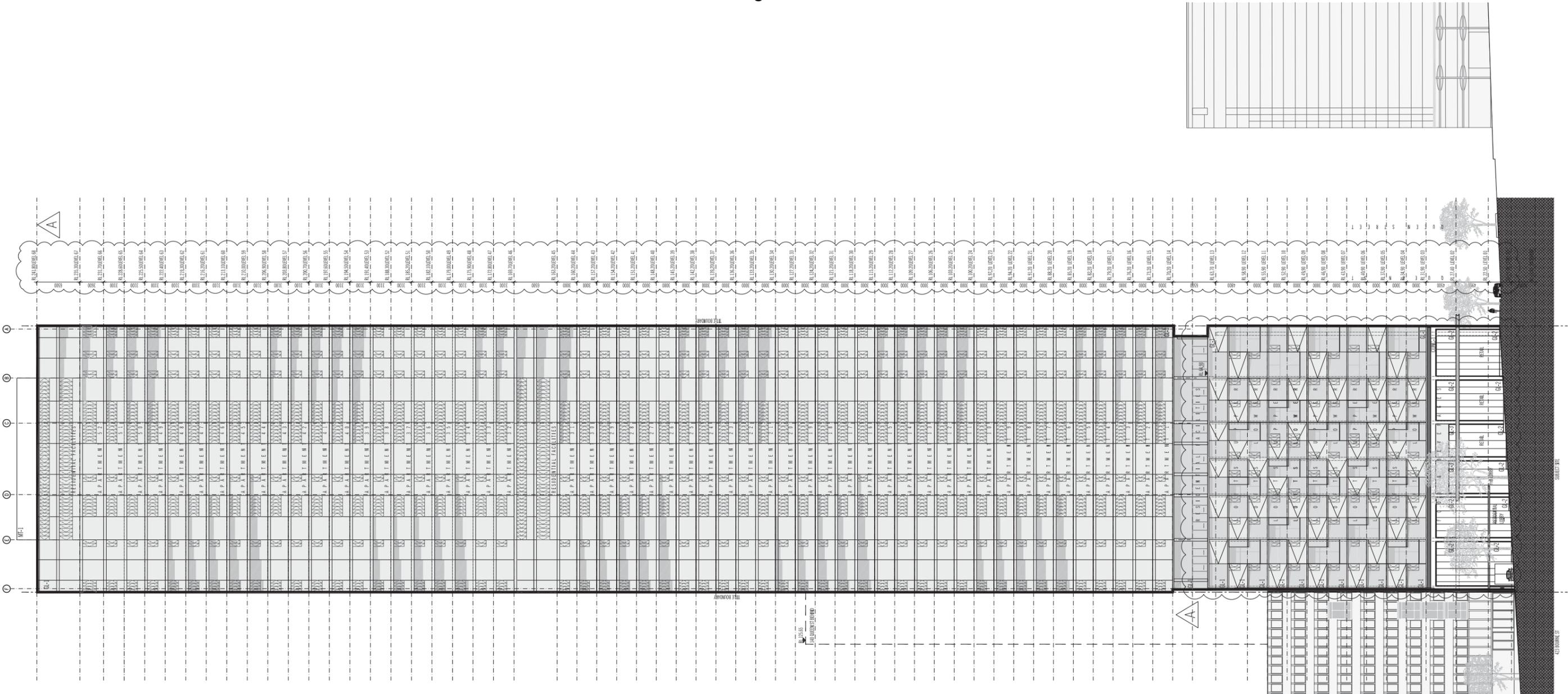
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LEVEL 67 RESIDENTIAL FACILITIES

Project Number
11075

Drawing Status
TP

Drawing Number
A267

Revision
A



EXTERNAL FINISHES & ABBREVIATIONS

GL-1	FEATURE GLAZING
GL-2	CLEAR GLAZING
GL-3	OPAQUE GLAZING
MT-1	METAL FINIS
MT-2	ANODISED ALUMINIUM SCREEN FEATURE
MT-3	METAL LOUVRE
MT-4	ANODISED ALUMINIUM CLADDING
CONC-1	CONCRETE WITH OXIDE FINISH

Rev	Date	Revisions or reason for issue
Rev A	27.02.2012	ISSUED FOR INFORMATION
	08.02.2012	OFFICE LEVELS - OFFICE LEVELS INDICATED, LEVELS & R/S UPDATED, OFFICE LEVELS REFINISHED, ADDITIONAL LIFT APARTMENT LEVELS ADDED TO POORUM & FIB TERRACE REFINISH

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Project Title
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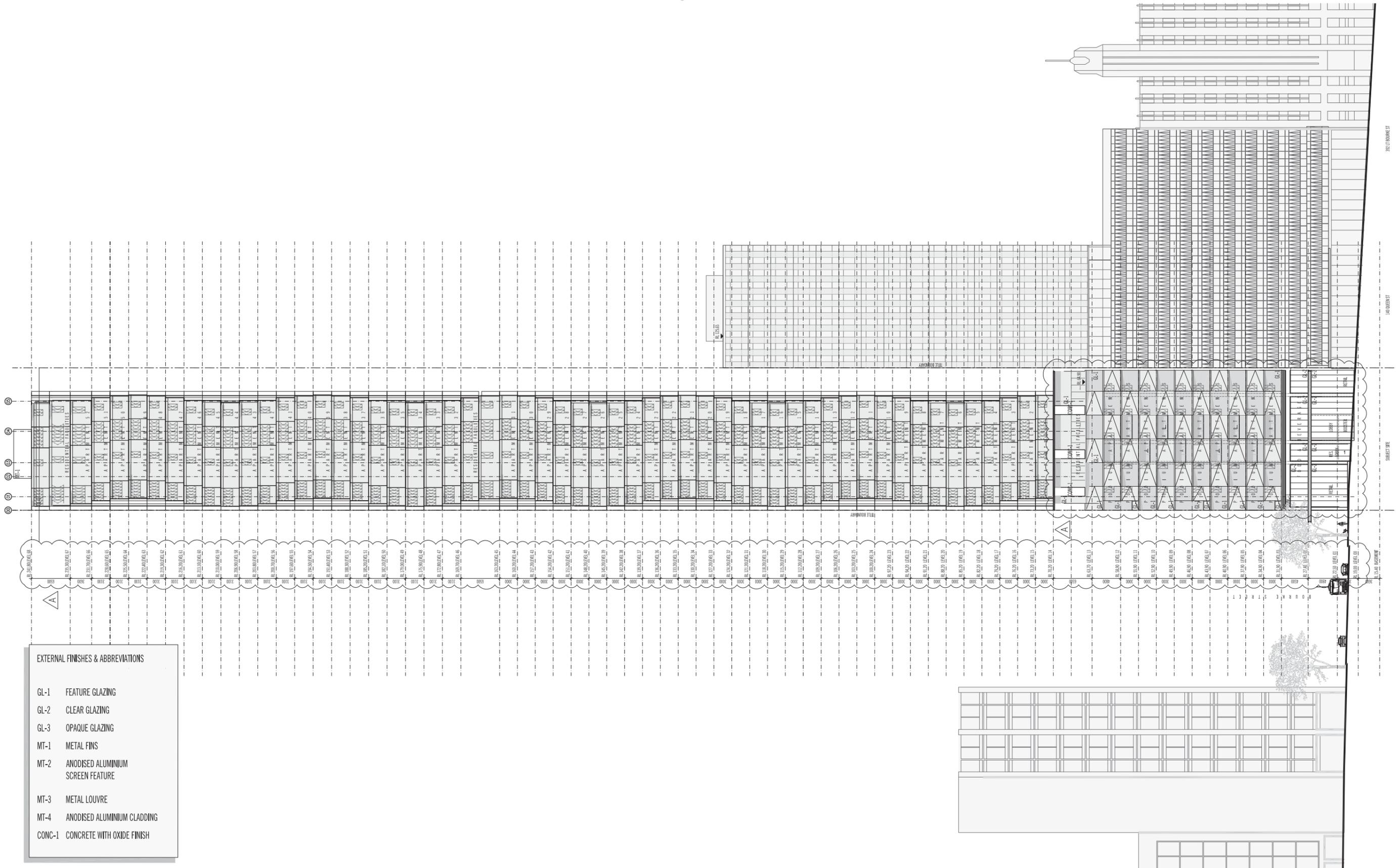
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BOURKE STREET ELEVATION

Project Number
11075

Drawing Number
A600

Revision
A

Drawing Status
TP



EXTERNAL FINISHES & ABBREVIATIONS	
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GL-2	CLEAR GLAZING
GL-3	OPAQUE GLAZING
MT-1	METAL FINIS
MT-2	ANODISED ALUMINIUM SCREEN FEATURE
MT-3	METAL LOUVRE
MT-4	ANODISED ALUMINIUM CLADDING
CONC-1	CONCRETE WITH OXIDE FINISH

Rev	Date	Revisions or reason for issue	Issued By	Rev	Date	Revisions or reason for issue	Issued By
Rev A	27.02.2012	ISSUES FOR INFORMATION					
Rev A	04.06.2012	OFFICE LEVELS - OFFICE LEVELS INDICATED LEVELS & R/S UPDATED. OFFICE LEVELS BEHIND QUEEN STREET LIBRARY WINGS. ADDITIONAL LOFT APARTMENT LEVEL ADDED TO PROGRAM. QUEEN STREET PREMIUM APARTMENTS ADDED & THE FINISHES DERIVED FROM QUEEN STREET					

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Project Title
150 QUEEN ST MELBOURNE

Client
CES QUEEN (VIC)

Drawing Title
QUEEN STREET ELEVATION

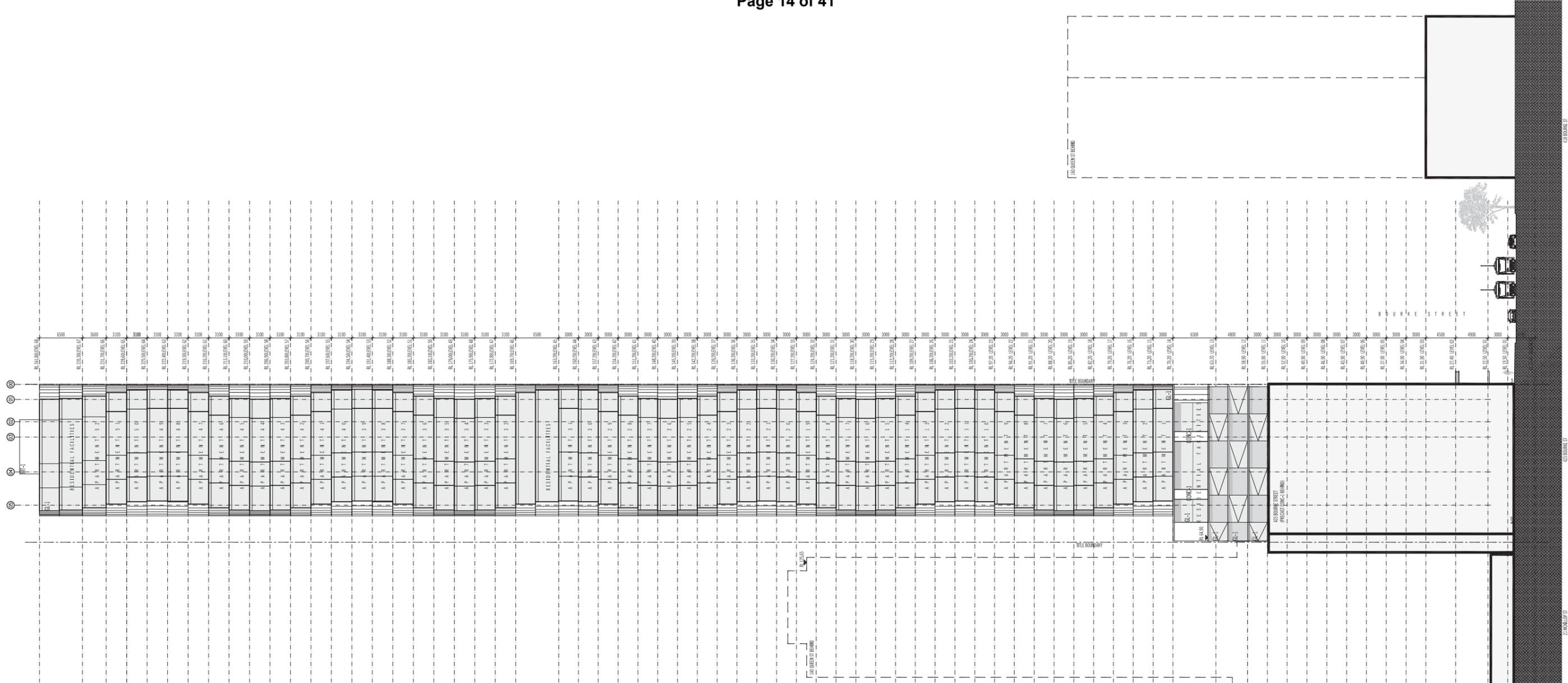
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Drawing Status
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Drawing Number
A601

Revision
A

Jun 08, 2012 - 10:01am



EXTERNAL FINISHES & ABBREVIATIONS	
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GL-2	CLEAR GLAZING
GL-3	OPAQUE GLAZING
MT-1	METAL FINIS
MT-2	ANODISED ALUMINIUM SCREEN FEATURE
MT-3	METAL LOUVRE
MT-4	ANODISED ALUMINIUM CLADDING
CONC-1	CONCRETE WITH OXIDE FINISH

DRAWING A603 IS A NEW DRAWING

Rev	Date	Revisions or reason for issue
Rev A	09.06.2012	OPCD RFI ISSUE - DRAWING ADDED TO A NEW DRAWING THAT DISPLAYS THE EAST ELEVATION - THERE IS NO OPERABLE FACADE ON THE EAST ELEVATION

Issued By	Rev	Date	Revisions or reason for issue
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Project Title
150 QUEEN ST MELBOURNE

Client
CES QUEEN (VIC)

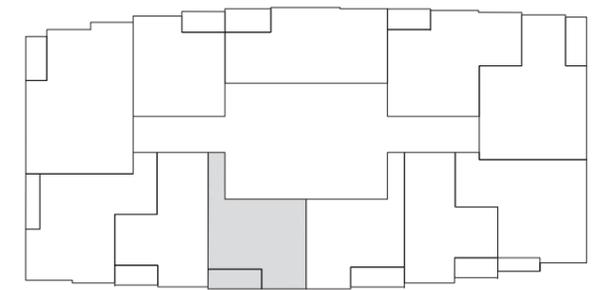
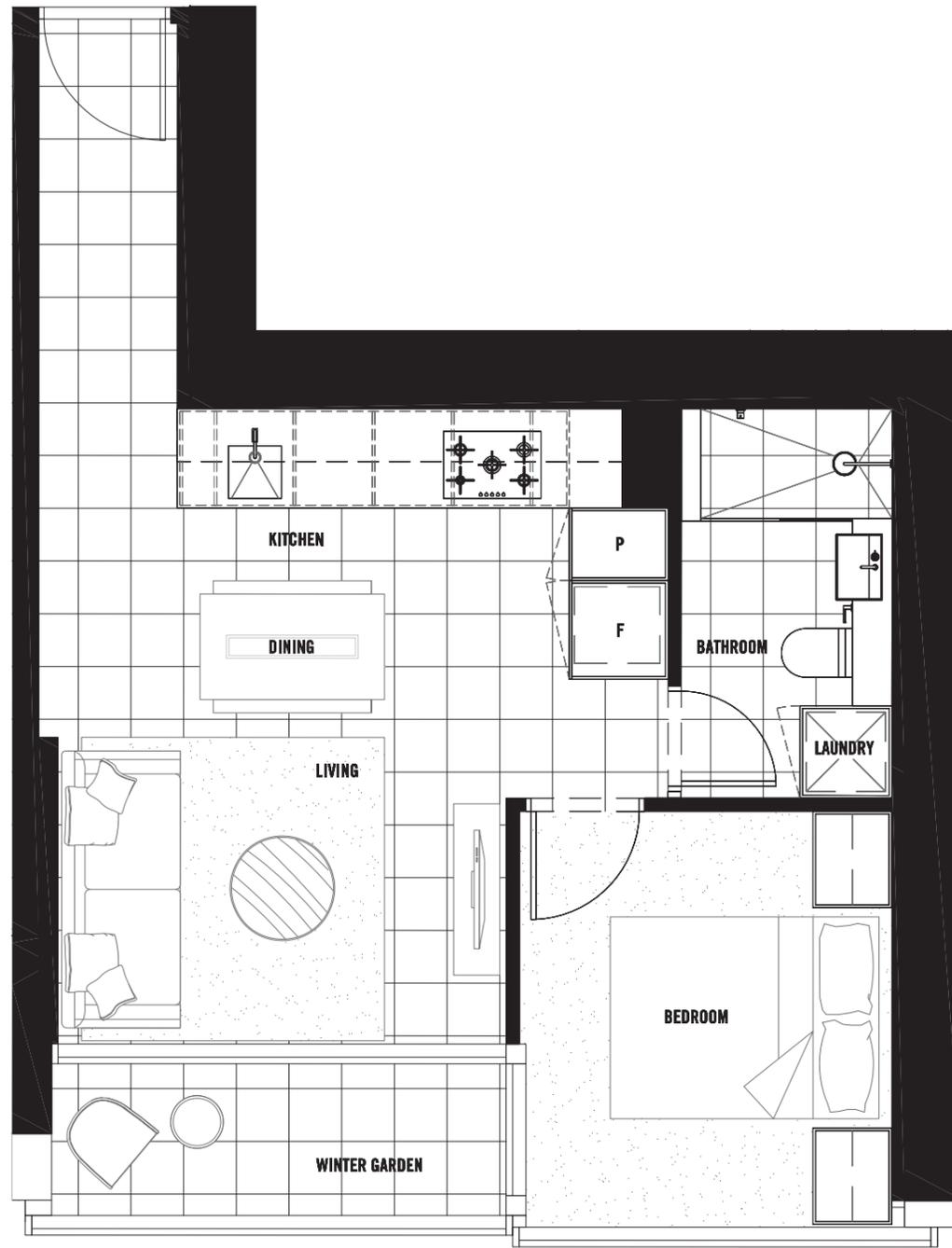
Drawing Title
EAST ELEVATION

Project Number
11075

Drawing Number
A603

Revision
A

Drawing Status
TP



DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev -	27.02.2012	ISSUED FOR INFORMATION	AL								
Rev A	08.06.2012	DPCD RFI ISSUE	EW								

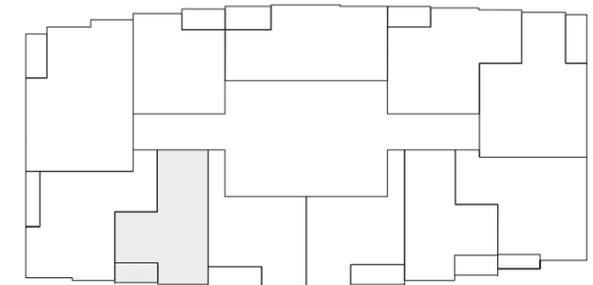
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Project Title
150 QUEEN ST
MELBOURNE
 Client
CEL

Drawing Title
APARTMENT TYPE A01.1
 Project Number
11075
 Drawing Status
TP
 Drawing Number
A900
 Revision
A



DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev -	27.02.2012	ISSUED FOR INFORMATION	AL								
Rev A	08.06.2012	DPCD RFI ISSUE	EW								

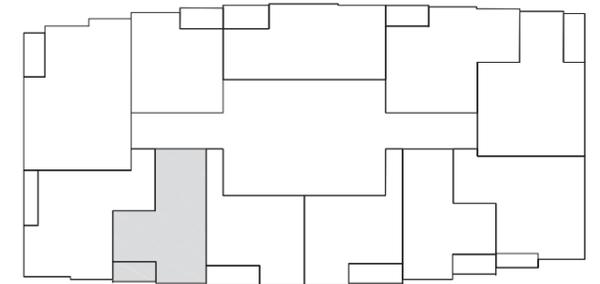
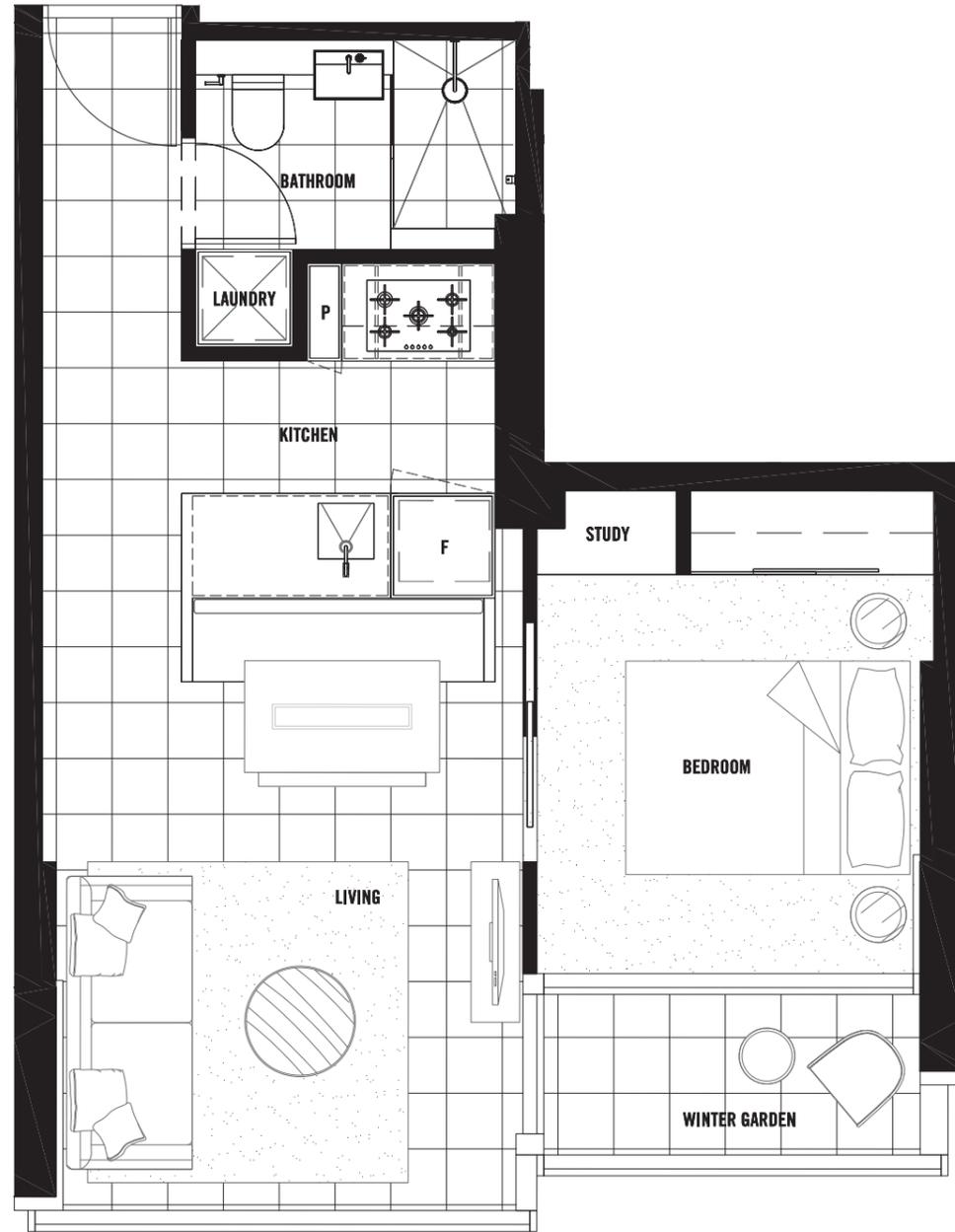
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Project Title
150 QUEEN ST
MELBOURNE
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CEL

Drawing Title
APARTMENT TYPE A02.1
 Project Number
11075
 Drawing Status
TP
 Drawing Number
A901
 Revision
A



DRAWING PREVIOUSLY DISPLAYED APARTMENT TYPE B01.1
 (AS SUBMITTED FOR APPROVAL BY MELBOURNE CITY
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DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev -	27.02.2012	ISSUED FOR INFORMATION	AL								
Rev A	08.06.2012	DPCD RFI ISSUE	EW								

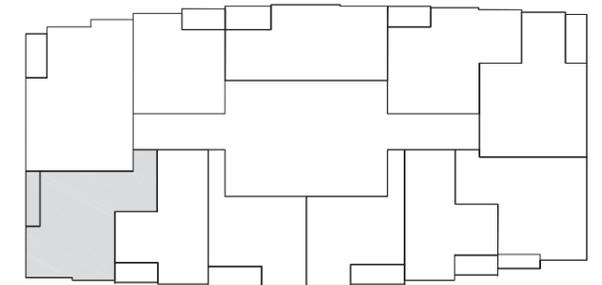
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Project Title
150 QUEEN ST
MELBOURNE
 Client
CEL

Drawing Title
APARTMENT TYPE A03.1
 Drawing Number
11075
 Revision
A
 Drawing Status
TP



DRAWING PREVIOUSLY DISPLAYED APARTMENT TYPE B03.1
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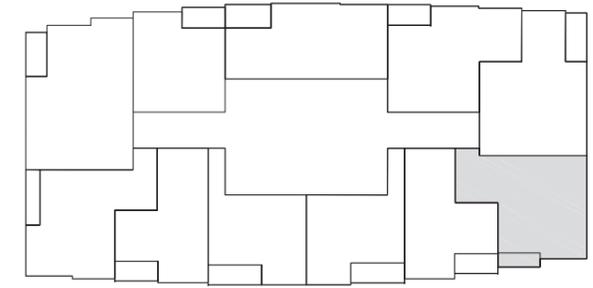
DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev -	27.02.2012	ISSUED FOR INFORMATION	AL								
Rev A	08.06.2012	DPCD RFI ISSUE	EW								

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Project Title	150 QUEEN ST MELBOURNE	Client	CEL	Project Number	11075	Drawing Title	APARTMENT TYPE B01.1
Drawing Number	A904	Revision	A	Drawing Status	TP		



DRAWING PREVIOUSLY DISPLAYED APARTMENT TYPE C01.1
 (AS SUBMITTED FOR APPROVAL BY MELBOURNE CITY
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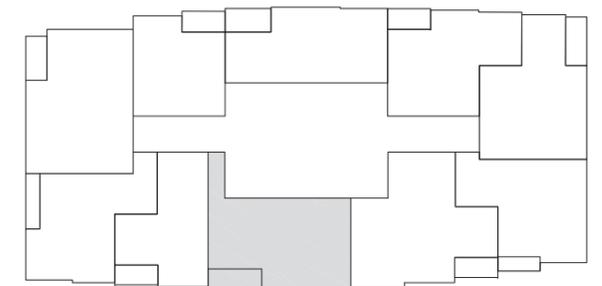
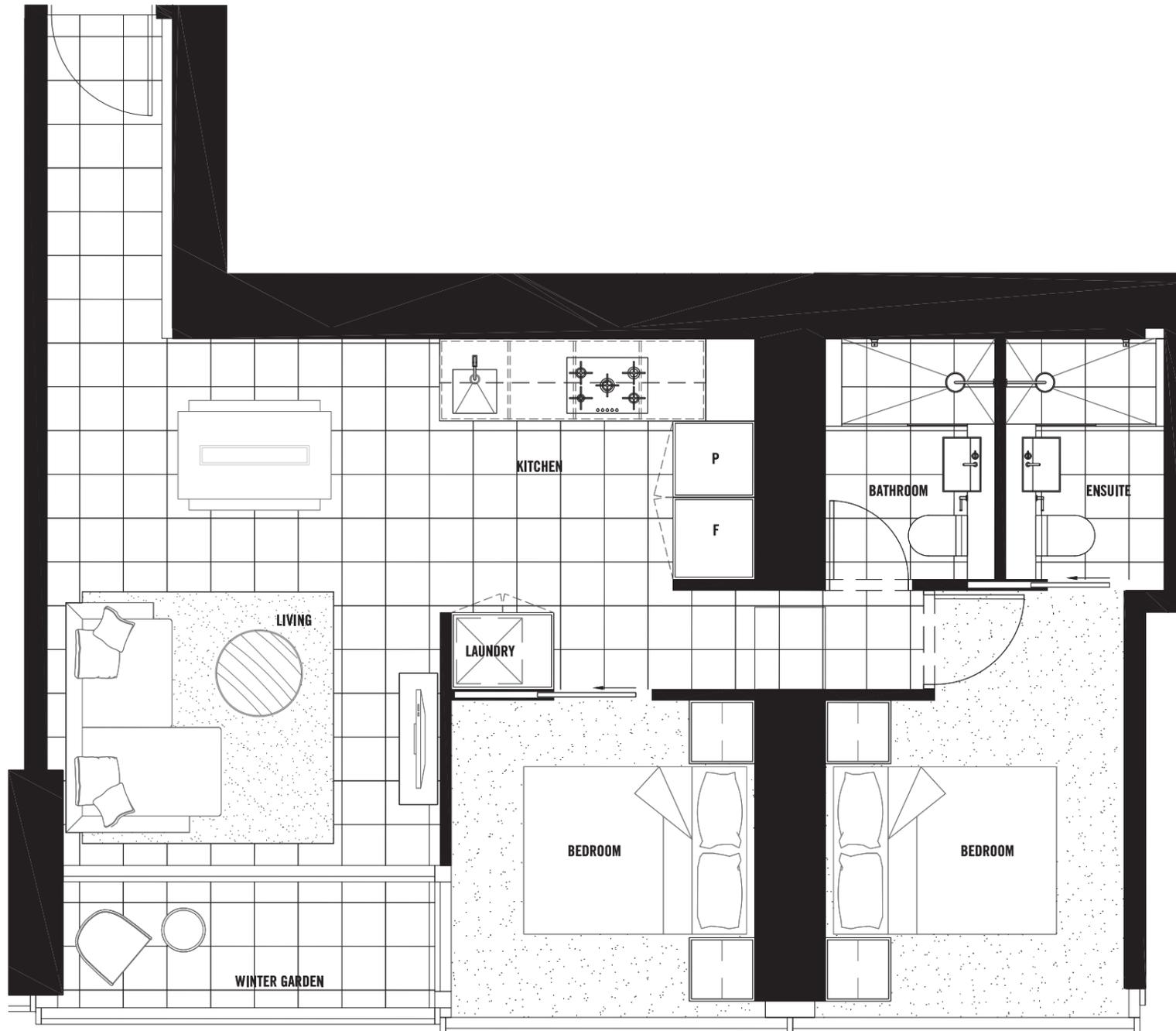
DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev - 27.02.2012		ISSUED FOR INFORMATION	AL								
Rev A 08.06.2012		DPCD RFI ISSUE - INTERNAL GLAZED PARTITION ADDED	EW								

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NOT TO SCALE 1:50
PRELIMINARY MARKETING
NOT FOR CONSTRUCTION
Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.

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Project Title 150 QUEEN ST MELBOURNE	Client CEL	Project Number 11075	Drawing Number A907
		Drawing Status TP	Revision A



DRAWING A909 IS A NEW DRAWING

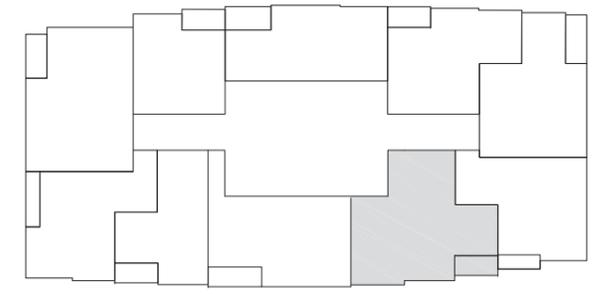
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Project Title	150 QUEEN ST MELBOURNE
Client	CEL
Drawing Title	APARTMENT TYPE B10.1
Project Number	11075
Drawing Status	TP
Drawing Number	A909
Revision	A



DRAWING A910 IS A NEW DRAWING

DATE	REVISION No.	REASON FOR ISSUE	CHECK BY	DATE	REVISION No.	REASON FOR ISSUE	CHECK BY
Rev - 27.02.2012		ISSUED FOR INFORMATION	AL				
Rev A 08.06.2012		DPCD RFI ISSUE	EW				

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Project Title
150 QUEEN ST
MELBOURNE
 Client
CEL

Drawing Title
APARTMENT TYPE C03.1
 Drawing Number
A910
 Revision
A
 Project Number
11075
 Drawing Status
TP

DELEGATED REPORT - MINISTERIAL REFERRAL

APPLICATION NO:	TPM-2012-9
APPLICANT:	Ces-Queen (Vic) Pty Ltd
ADDRESS:	148-156 Queen Street, MELBOURNE VIC 3000
PROPOSAL:	Demolition of the existing building and construction of a 67 storey tower comprising residential apartments and lower level commercial uses
DATE OF APPLICATION:	27 March 2012
RESPONSIBLE OFFICER:	Anne-Marie Edgley

1. SUBJECT SITE AND SURROUNDS

The subject site is located on the south-eastern corner of the intersection of Queen Street and Bourke Street. It has a frontage to Queen Street of 23.9 metres to Bourke Street of 40.22 metres and a total area of 913 square metres. It is currently developed with a thirteen storey building containing eleven office levels and two retail levels. The site has a slope towards the east and as a result, the retail tenancies at the lower levels are lower than street level. Two street trees are located on the footpath along the Bourke Street frontage, and two street trees are located on the footpath along Queen Street.

The site is generally rectangular, however the eastern title boundary measures approximately 20 metres and the western boundary measures approximately 23 metres. Therefore the subject site steps back 3 metres on the southern boundary at the mid point of the site.

An existing crossover is located at the eastern end of the site on Bourke Street which provides vehicular access to the subject site. Vehicular access is also gained from Penfold Place to the rear, off Little Collins Street.

North

Bourke Street forms the northern boundary of the site. On the opposite side of Bourke Street is a 15 storey office building at 160 Queen Street and an older 4-storey brick building to Kirks Lane. This building contains retail premises on the lower levels and offices above. To the east of 160 Queen are a number of small retail premises located extending to the intersection with Hardware Lane.

Further to the north along Queen Street, the scale of built form ranges considerably from the 4 storey historic office buildings (Lensworth House) up to 34 storey office buildings (200 Queen Street) with a number of 10 to 18 storey buildings in between. Along the Queen Street frontage ground floor premises are typically retail based with office uses above.

East

To the immediate east of the subject site is an 11 storey commercial building located at 423-431 Bourke Street. This building is currently used for retail at ground floor with

office uses above. Further to the east is McKillip Street, which is a retail street featuring a number of restaurants, cafes and shops. The Design and Development 2 – Area 2 applies to McKillip Street which limits height to 15 metres and seeks to reduce and the impacts of shadows from buildings on this street.

South

To the immediate south of the subject site is 140 Queen Street which is currently occupied by a 14 storey office building with retail uses on the ground floor and offices above. A planning permit, 2008-0786 (TPM-2008-31 in the CoM system) has been issued for this site for the development of a 27-level residential building. This permit has been extended and is now due to expire on 11 September 2013.

TPM-2008-0786 was approved by the Minister on 11 September 2008 and allows the following:

- Demolition of the existing buildings on site and construction of a 27 storey building for use as retail, office, and serviced apartments;
- The overall height of the development is 110 metres (RL. 128.50).
- Of particular importance to the assessment of this application, the northern part of the tower at 140 Queen Street is setback from the common boundary approximately 2 metres from level 12 upwards. This tower also has a 1 metre balcony protruding into that northern setback, resulting in a 1 metre setback from the common boundary shared with the subject site. The plans submitted as part of this application exclude the balconies of the adjoining site of 140 Queen Street.

Further to the south, across Little Collins Street, is the ANZ World Headquarters building, which is a 34 storey office tower; the Westpac building located at 360 Collins Street, which is a 39 storey commercial office building; and the Rialto Towers at 525 Collins Street which comprises two towers of 66 and 38 levels respectively.

West

The western boundary of the subject site is defined by Queen Street. On the western side of Queen Street are a range of office, residential and retail buildings ranging in heights from 5 levels (394 Collins Street) to 17 levels.(123 Queen Street).

Further west of the site are a number of notable buildings, including the 22 level RACV Building at 501 Bourke Street, the 36 storey NAB Headquarters at 500 Bourke and the 43 level office building at 140 William Street.

2. BACKGROUND AND HISTORY

This application for planning permit lodged was lodged with the Department of Planning and Community Development (DPCD) and referred on 28 March 2012 to the City of Melbourne for comment. A further information request was sent by DPCD to the applicant dated 24 April 2012. The response to the further information letter including revised plans was referred on 14 June 2012. This assessment relates to the revised plans.

Pre-application discussions

Pre-application discussions were arranged involving representatives from the City of Melbourne and the DPCD. Council's Urban Design Department expressed serious concerns about the high plot ratio, lack of setbacks from Queen and Bourke Streets and lack to tower separation to the south.

Planning Application History

A number of previous permits for minor proposals have been issued for the subject site but none are directly relevant to this application.

3. PROPOSAL

The proposal seeks approval for the demolition of the existing building and construction of a 67-level residential building with ground level retail and associated six level car parking facility. The proposed building has a total overall height of approximately 226 metres comprising foyer and retail at ground floor, gymnasium, swimming pool, 555 apartments, 200 car spaces, and 177 bicycle spaces. The Gross Floor Area (GFA) of the building is 55,318 square metres, hence the Minister for Planning is the Responsible Authority.

A fully automated car stacking unit providing 200 car parking spaces is proposed. Two entrance cabins are proposed, with a dedicated inbound lift and a shared inbound/outbound lift (which will include a turntable at ground level). Inbound vehicles will enter via Penfold Place, while outbound vehicles will exit into Bourke Street. Swept path diagrams have been provided demonstrating access to the stacker system for B99 vehicle, with vehicles being able to both enter and exit in a forward direction.

In the submission made to the Responsible Authority, the applicant states that the proposal includes a podium of 13 levels. The setbacks provided are as follows:

Queen Street (west)

- The Queen Street frontage is built to the title boundary up to level 12
- Level 13 has a setback of 2 metres
- Levels 14 to 67 the building is built to the boundary with zero setbacks.

Bourke Street (north)

- The Bourke Street frontage is built to the title boundary for levels lower ground, upper ground and level 2.
- Levels 3 to 12 have a staggered setback from the title boundary ranging from approx 0 metres to 0.25 metres.
- Level 13 has a setback ranging from approx 1.2 metres to 3 metres.
- Levels 13 to 67 have a staggered setback along the face of the building ranging from approx 0 metres to 2.5 metres, with the largest setback at the Bourke and Queen Streets corner.

South

- The southern portion of the building setback approx 0.5 metres from the title boundary up to level 13
- Levels 14 to 67 has a staggered setback ranging from 1.5 metres at the eastern most side to 4.8 metres at the western most side.

East

- The southern portion of the building setback approx 0.5 metres from the title boundary up to level 13
- Levels 14 to 67 the building is built to the boundary with zero setbacks.

Further details are summarised as follows:

- Basement – 177 bike spaces, 2 scooter spaces, waste storage, services plant zone and lift core.

- Lower Ground – vehicular access to the site from Penfold Place and Bourke Street, loading bay, retail skin to Bourke and Queen Streets, entrance to the car lift and entrance/lobby servicing residential apartments above.
- Upper Ground (level 1) - approximately half of the floorspace is services such as substations, goods lift, mail rooms, with the remainder a void over Lower Ground floor.
- Level 2 – two food and beverage tenancies, terraces overlooking Bourke and Queen Streets, delivery access via car lift constructed specifically for cars to access the car parking spaces.
- Level 3 to 12 – apartment levels, car parking spaces.
- Level 13 – residential facilities level containing gymnasium, sauna, spa, and pool.
- Level 15 to 66 – apartment levels and lift core.
- Level 67 – Residential facilities level containing sky garden, two BBQ areas, library, two entertainment rooms, wine room, cinema, board room and two informal dining rooms. These are anticipated to be for residential use only.
- Level 68 – lift motor room with 8.5 metre setback from the southern boundary, 2.5 metre setback from Queen Street, 4.2 metre setback from Bourke street and 2.8 metre setback from eastern boundary.

4. STATUTORY CONTROLS

Zoning and Overlay Controls

DDO4 Weather Protection

CCZ1 Capital City Zone 1

DDO1-A2 Active Street Frontage

The following controls apply to the site, with planning permit triggers as described.

Clause	Permit Trigger
37.04 Capital City Zone 1 (Outside the Retail Core)	<p>Pursuant to Clause 37.04-2, a permit is required to use the land unless specifically exempted by the schedule. The table of uses at 1.0 of CCZ1 specifies 'accommodation' and 'retail premises' as Section 1 — Permit not required uses.</p> <p>Pursuant to Clause 37.04-4 a permit is required for buildings and works unless specifically exempted by the schedule. Clause 3.0 of CCZ1 states that a permit is required for the following:</p> <ul style="list-style-type: none"> • to construct a building or construct or carry out works. • to construct a building which does not extend to the road boundary of the site. • to construct any part of a building within 10 metres of a road frontage which is inconsistent with the dominant road frontage parapet height. • to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage. <p>Decision guidelines are at 3.0 of CCZ1.</p> <p>Pursuant to Clause 37.04-4 a permit is required to demolish or remove a building or works if specified in the schedule. Clause</p>

	<p>4.0 of CCZ1 states that a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p>
<p>43.02 DDO1 – A2 DDO4</p>	<p>Pursuant to Clause 43.02 A permit is required to construct a building or construct or carry out works. This does not apply:</p> <ul style="list-style-type: none"> • If a schedule to this overlay specifically states that a permit is not required. <p>Schedule 1 states that a permit is not required under this overlay for buildings and works other than at ground level. Thus a permit is required to construct buildings and works at the ground level.</p> <p>Schedule 4 states that a permit is not required to construct a building or construct or carry out works if adequate weather protection to the street frontage is provided to the satisfaction of the responsible authority.</p>
<p>52.06 Car parking</p>	<p>Pursuant to the Schedule to Clause 52.06-6, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 2.0 of the Schedule.. This does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve on site use for dwellings or a residential hotel.</p> <p>The submitted traffic report prepared by Cardno Consultants states that the number of spaces allowed is 585. The proposal includes a total of 200 spaces and is therefore lower than the maximum threshold.</p>
<p>52.34 (Bicycle Facilities)</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive the standard bicycle parking requirement.</p> <p>The submitted traffic report prepared by Cardno Consultants states that the number of spaces required is 177 including 2 spaces for employees and 59 spaces for visitors. The proposal includes a total of 177 spaces in total which complies with this the requirement.</p> <p>As indicated in the Cardno Report the employee requirement for 2 bike spaces only, does not generate a requirement to provide showers or change rooms under Clause 52.34.</p>
<p>Schedule to Clause 61.01</p>	<p>Pursuant to this provision, the Minister for Planning (the Minister) 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 and for approving matters required by the scheme to be done to the satisfaction of the responsible authority in relation to:</p> <ul style="list-style-type: none"> • Developments with a gross floor area exceeding 25,000 square metres.

5. STRATEGIC FRAMEWORK

State Planning Policy Framework

The objectives of the State Planning Policy Framework (SPPF) relevant to the assessment of this proposal include the following:

Clause 10.04, Integrated decision making, states that planning authorities and responsible authorities should, 'endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations'.

Clause 15, Built Environment and Heritage, seeks to achieve high quality urban design and architecture that:

- 'Contributes positively to local urban character and sense of place
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.'

Clause 15.01-1, Urban design, sets out design principles for non-residential development relating to context, public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, light and shade, energy and resource efficiency, architectural quality and landscape architecture.

Clause 15.02, Sustainable development, seeks to 'encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.

Clause 17.01-1, Business, seeks to 'encourage development which meet 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'.

Clause 18.02-1, Sustainable personal transport, seeks to, 'Promote the use of sustainable personal transport'.

Clause 18.02-2, Cycling, seeks to, 'integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'.

Local Planning Policy Framework (Municipal Strategic Statement)

The Municipal Strategic Statement (MSS) is contained at Clause 21. The MSS includes the vision for the municipality, objectives and strategies. under four themes of land use, built form, transport and environment with each theme broken down into sub-themes and how the objectives and strategies of sub-themes are to be applied in the twelve Local Areas of the City of Melbourne.

Clause 21.08-1, Central City, includes the following vision:

'The Central City continues to be the primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria, and a place that facilitates the growth of innovative business activity.'

Clause 21.08-1 also includes the following relevant implementation strategies for the Central City:

'Height and scale in the Central City

- Ensure new tall buildings add architectural interest to the city's sky line.
- Ensure that the design of tall buildings in the Central City promotes a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.

Lanes and arcades

- Protect the built form, character and function of laneways and the laneway system as a significant determinant of Melbourne's built form and distinguish the laneways from other larger Central City streets.

Streetscape

- Ensure development fronting streets creates a continuous building edge and integrated streetscape.
- Ensure that security treatments for shopfronts allow for views into the premises at night and positively contribute to the streetscape.

Pedestrian amenity

- Ensure that pedestrian use is given priority in the Central City.
- Ensure that vehicle ingress and egress points do not impede pedestrian flow, safety and amenity along key pedestrian routes and areas.
- Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.
- Ensure that the design of buildings and public realm in the Central City enhances the safety of pedestrians, visitors and occupants of buildings.

Sunlight to public spaces

- Ensure sunlight penetration in the middle of the day to key public spaces, appropriate to their role and function.'

Local Planning Policy Framework (Local Policies)

Local Planning Policies are set out at Clause 22. The key local policies relevant to this assessment are summarised below.

Clause 22.01, Urban Design within the Capital City Zone, includes the following objectives:

- 'To ensure that new development responds to the underlying framework and fundamental characteristics of the Capital City Zone while establishing its own identity.

- To enhance the physical quality and character of Melbourne's streets, lanes and Capital City Zone form through sensitive and innovative design.
- To improve the experience of the area for pedestrians.
- To create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.
- To ensure that the design of public spaces, buildings and circulation spaces meets appropriate design standards.'

The policy has eight sections relating to building design, facades, city and roof profiles, projections, wind and weather protection, public spaces and access and safety in public spaces.

Clause 22.02, Sunlight to Public Spaces, includes the following objectives:

- 'To ensure new buildings and works allow good sun penetration to public spaces.
- To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
- To achieve a comfortable and enjoyable street environment for pedestrians.
- To protect and where possible increase the level of sunlight to public space during the times of the year when the intensity of use is at its highest.'

The policy states that developments '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'.

Clause 22.19, Environmentally Sustainable Office Buildings, includes environmentally sustainable design (ESD) objectives relating to greenhouse gas reduction and energy efficiency, overshadowing, water efficiency and waste management.

Clause 22.20, CBD Lanes, identifies the southern end of Finlay Alley (outside the subject site) as a Class 3 Lane which is defined as follows:

'Class 3 lanes show sign 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.'

The policy has three sections relating to general policy, laneway design and buildings and works adjoining lanes.

6. PARTICULAR/ GENERAL PROVISIONS

Particular Provisions

The following Particular Provisions are relevant to the assessment of this application:

- Clause 52.06, Car parking
- Clause 52.34, Bicycle facilities
- Clause 52.35, Urban context report and design response
- Clause 52.36, Integrated public transport

General Provisions

The following General Provisions are relevant to the assessment of this application:

- Clause 65, Decision Guidelines
- Clause 66, Referral and Notice Provisions

7. INTERNAL REFERRALS

The application was referred to the following areas of Council for comment:

Urban Design

Urban Design reviewed the plans submitted on 14 June 2012. In summary Urban Design objects to the proposal and are particularly concerned about the precedent that approval of the proposed building would set. They made the following specific comments:

Height and Massing:

The proposal is considered to be an overdevelopment of the site, and its exceptionally high plot ratio of about 60 is an index of this. The building would have an overwhelming impact on both Queen and Bourke Streets, and also on nearby McKillop St, where a 15m height limit aims to maintain “the low-rise, high-density and pedestrian oriented built form ...”.

Of particular concern are the limited setbacks, which are zero at the east and west boundaries, between zero and 2.25m from the north and between 1.1m and 6.25m from the south. (We note that the average south setback is about 3.5m, as the stated 4.5m does not take account of the stepped boundary line.) For a building of this height (226m), tower setbacks should be consistent with Clause 22.01, including 10m street setbacks. We would not recommend consideration of setbacks less than 6m from streets and 5m from common boundaries. We acknowledge that such setbacks would roughly halve the tower floor plate, but the development would still achieve a plot ratio of about 33 – far more than the maximum PR of 12 for the block.

As an alternative, consideration could be given to a tower floor plate similar to that proposed, but only up to a maximum height of 60 to 80m.

Wind:

We note that the criteria for standing are exceeded at locations 4, 5 and 7. It is unclear whether the wind report relies on the carpark being naturally ventilated. (It should not do so.)

Building Design:

The lack of setbacks from the east and west tends to generate flat facades of limited interest, contrary to the stated intention of a building which is soft and complex all round.

Pedestrian Network:

The site presents an opportunity to provide a pedestrian connection between Penfold Place and Bourke St, but no such link is currently proposed.

Carparking:

The above-ground carparking is now screened from Bourke St & Queen St frontages. It still impacts on Penfold lane, but is now considered acceptable.

Tree Planting

Tree Planting Department provided comments on 30 April 2012. The following comments were provided:

- The four street trees adjacent to this site are in good condition and must be retained. They have a combined amenity value of approximately \$60,000.
- The extension of the existing crossover on Bourke Street as currently proposed is not supported as the new kerb alignment will cut into the structural root zone of the adjacent street tree and cause it to become structurally unsound. If this crossover is to be extended, thought should be given to widen the crossover on the eastern side of the existing crossover so it does not impact on street tree root systems.
- The proposed canopy projections of 2 metres from the property line at level 1 on both Queen and Bourke streets will not adversely affect any current or future street trees and are supported. Any canopy projection greater than 2 metres would be problematic.
- There is sufficient room for an additional tree on Bourke Street, to the east of the intersection, so this should be incorporated with any plans for street dining.
- Consideration must be given to how a building of this size can be constructed with minimal impact on street trees.
- Minor pruning can be arranged to facilitate the construction of the canopies.
- General tree protection measures must be adhered to. No tree pruning, root pruning or removal is to take place without the written consent from City of Melbourne Urban Landscapes Department .

The following conditions were provided for any permit issued.

- Prior to commencement of demolition a detailed Tree Protection Management Plan (TPMP), prepared in accordance with the Australian Standard for tree protection on development sites (AS-4970-2009) and in consultation with the City of Melbourne's Tree Planning Team, must be submitted to and approved by the City of Melbourne Tree Planting Team. The TPM shall include the steps necessary to protect existing street trees during the construction of the development.
- No street tree adjacent to the site may be pruned, removed, lopped, or root-pruned without the prior written consent of City of Melbourne Urban Landscapes Department.

Engineering Service – Waste

Engineering Services provided comments on 26 June 2012 which supersede the comments provided on 4 April 2012 (refer copy on file):

Council's waste management department states the proposal includes an appropriate number, type and size of bins for the residential and commercial the development. It separates the two waste services. The bin rooms are of adequate size. The single chute dual waste stream chute is satisfactory.

However the Waste Management Plan does not comply with the 2012 City of Melbourne Waste Guidelines. The submitted Waste Management Plan has been amended since the previous version to propose off-site waste collection. Waste cannot be collected in Penfold Place. Trucks cannot reverse down Penfolds Place. A loading dock with a 4.0m height clearance is required. Access to and from Penfold Place must occur in a forward in – forward out direction. Changes to the ground floor and upper ground floor are required to accommodate an 8.8m long 4.0m high rigid (MRV).

Engineering Services – Infrastructure

Engineering Services provided comments on 4 April 2012 which are still relevant to the amended plans. (refer copy on file). Council's Infrastructure Department provided a series of conditions which are to be placed on any planning permit granted.

Engineering Services – Traffic

Car Parking and Access

Access to the car park using the automated car stacking unit is acceptable. Given that the Melbourne Planning Scheme (MPS) specifies a maximum provision of 585 car parking spaces, the proposed provision of 200 spaces complies with the MPS.

A dedicated on-site loading bay is proposed at the rear of the site, accessed via Penfold Place. The bay has been designed to accommodate a 6.4m small rigid vehicle. Swept path diagrams have been provided demonstrating access to/egress from the loading bay.

Traffic generated by the development would not have an adverse impact on the street network. Queuing into and out of the car parking would be acceptable subject to conditions. The following specific comments were provided

1. Bicycle parking should be designed in accordance with the relevant Australian Standards and/or Bicycle Victoria guidelines.
2. It is understood that another development has been approved in 2008 at 128-146 Queen Street and 21-27 McKillop Street. This neighboring development (*comprising 135 studio apartments, 190 serviced apartments, 13 retail premises, 2 offices, 3-level basement parking with 80 spaces, 2 car lifts, valet parking/taxi drop-off bay and a loading bay*) is expected to generate 51 vehicles in Penfold Place during the peak periods. An assessment should be made of the combined impacts of all the approved/proposed developments which are accessed via Penfold Place, to ensure that all traffic movements can be accommodated.
3. Although it is proposed to widen the existing vehicular crossing in Bourke Street by approximately 1m, it would encroach very close to a mature tree. Approval to extend the crossing must therefore be sought from Council's

Urban Landscapes branch. However, if the crossing is to be widened, then the exiting vehicles should be directed towards its western end (using physical barriers/line-marking), in order to achieve the required pedestrian sight lines to the east (*while also providing sight lines to the west, possibly using transparent materials for the appropriate sections of the building's structure*).

4. Given the restricted pedestrian sight lines, a signalling system/flashing devices must be installed at the exit, to the satisfaction of Manager-Engineering Services, designed to alert pedestrians of exiting vehicles & vice-versa.
5. Exiting vehicles must be restricted to left turns only, to ensure that they don't delay trams. It is therefore recommended that "Left Turn Only" signage be installed in Bourke Street, facing exiting vehicles. Signage/line-marking should also be installed within the development, advising drivers to turn left. Appropriate tram separation kerbing may also be required in the vicinity of the development, in consultation with Yarra Trams, with a view to physically preventing vehicles from turning right.
6. Delays may be experienced by vehicles accessing the development, which could either be caused by vehicles stopping in the Loading Zones in Penfold Place or by vehicles accessing/egressing the proposed neighboring development or other existing car parks.
7. A note must be placed on any future planning permit, stating: *"Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. The residents who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions."*

Land Survey

The property has public rights of way over Penfold Place and then private carriageway rights (under Instrument AH815762V) over the rear of property at No. 140 Queen Street. No objection to the proposal.

Building

Construction Management Plan is required to be a condition to any planning permit granted. A consistent 6.5 metre separation between the south facing apartments and the adjacent building is required.

8. ASSESSMENT

The proposal seeks the demolition of the existing building and construction of a 67-level residential building with ground level retail and office and associated basement parking. The key areas of consideration in the assessment of the application include built form, external amenity and waste management.

Built form

The proposed 67-level residential building with ground level retail and associated six level car parking facility has an overall height of approximately 226 metres. The applicant has stated that the proposal includes a podium containing 12 levels. The submitted plans indicate that Level 13 (recreational level) is set back 2 metres from

Queen Street, 1.2 to 3 metres from Bourke Street and 0.5 metre from both the south and east boundaries. The tower element (levels 14 to 67) is built to the Queen Street boundary and the eastern boundary; has setbacks ranging from 1.2 metres to 3 metres from the Bourke Street boundary; and setbacks ranging from 1.5 metres to 4.8 metres from the southern boundary.

With regard to built form, Clause 22.01 includes policy relating to building design including podium heights and tower setbacks, facades and wind and weather protection. The key issue raised by the proposal relates to the tower setbacks therefore, this matter will be dealt with first.

The street setbacks of the tower are not consistent with policy at Clause 22.01. In particular, Clause 22.01 states that towers should be set back at least 10 metres from street frontages. The proposed tower setbacks from both Queen Street and Bourke Street are well below this. The Decision Guidelines of the Capital City Zone Schedule 1 indicates the requirement to assess 'the potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places'. The result of having limited setbacks of the 226 metre building would be the wind flowing down the tower to the footpath, which creates an uncomfortable pedestrian environment. The Decision Guidelines of the Capital City Zone Schedule 1 also require assessment against the 'existing and future use and amenity of the land and the locality'. The ground floor is proposed to be retail. The wind report details that the wind conditions at ground floor are consistent with 'walking' requirements rather than 'standing' requirements. Retail uses generally encourage pedestrians to stop and look at shop window displays. The limited tower setbacks would render the footpath uncomfortable for pedestrians to stand a look into retail windows. The impact of wind is further discussed below in terms of external amenity.

While Clause 22.01 encourages buildings on street junctions to emphasise the street corner, it is important to note that if the tower setback proposed were replicated along Queen and Bourke Streets the impact to the pedestrian amenity would result in an overwhelming pedestrian experience in terms of solid built form. Clause 22.01 further states that towers should have a tower setback from the podium of 10 metres. The tower has very limited setbacks and does not meet the requirements, thus is not supported.

In addition to street setbacks, the lack of side setbacks of the tower is also not consistent with policy at Clause 22.01. In particular, Clause 22.01 states that towers above 45 metres should be set back 24 metres from any surrounding podium-tower development and that 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'.

The Decision Guidelines of the Capital City Zone Schedule 1 include the requirement to assess 'where new buildings incorporate dwellings that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of the adjacent site does not cause a significant loss of amenity to the subject site.

In terms of adjoining lots, a planning permit (2008/0786) was issued on 11 September 2008 by the Minister for Planning for demolition of the existing buildings and construction of a 110 metre high tower (27 level) at 128-146 Queen street and 21-27 McKillop Street. The building has not been constructed but according to the plans approved under Planning Permit 2008/0786 the building has residential apartments built to the common boundary up to level 12 for a length of 18.5 metres

into the site. Behind that 18.5 metres is apartments from level 1 to 12 which are setback 2 metres from the common boundary. The plans also indicate a tower element from level 12 to level 27 with a setback of 2 metres from the common boundary with the subject site. That part of the tower contains apartments which each have a 1 metre wide balcony which protrudes into this setback, resulting in the balconies being only 1 metre from the common boundary. The balconies are not shown on the submitted plans for this application.

On the subject site, the setback from the southern common boundary is proposed to range from 1.1m and 6.25m (the average south setback is about 3.5m, as the stated 4.5m does not take account of the stepped boundary line). Therefore the tower separation between the proposal and the previously approved tower at 128-146 Queen street and 21-27 McKillop Street would be an average of 5.5 metres, which is well below the required 24 metre separation, and is not supported. It is considered that the proposed tower separation is insufficient in respecting the amenity of the neighbouring approved apartments. The proposal does not respect the development approved at the neighbouring site to the south and would cause a significant loss of amenity to their apartments, as well as the proposed apartments in this development.

Urban Design does not support the proposed setbacks and tower separation and commented that they 'remain strongly opposed to this proposal, which, if approved, could set a dangerous precedent, making it difficult to achieve acceptable building envelopes in other, future developments.' Urban Design further note that 'for a building of this height, tower setbacks should be consistent with Clause 22.01, including 10m street setbacks.'

The Decision Guidelines of the Capital City Zone Schedule 1 include the requirement to assess 'The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.' The subject site is limited in size (913 square metres). Locating a tower on this site, particularly in the form proposed, is considered to be an over development of the site. The result of placing a tower with limited setbacks to all boundaries is the negative impact to the experience of the public realm.

The site is located within the Design and Development Overlay, Schedule 1 (DD01), and the ground floor does provide active frontage to both Bourke and Queen Streets with a retail use and entries for the office above.

The Decision Guidelines of the Capital City Zone Schedule 1 indicates the requirement to assess 'the adequacy of entrance to and egress from the site'. The ground floor retail components and the lobby entrance are considered to provide adequate egress and ingress for pedestrians in relation to the location of entrances. However, as previously mentioned, the wind impacts resultant from the built form with have a significant effect on the pedestrian experience of these spaces.

In summary, by virtue of its height, lack of meaningful podium and limited setbacks, the proposal is considered to be an overdevelopment of the site. As pointed out in the comments from Urban Design, this is illustrated in the proposed plot ratio of 60 which is five times the maximum recommended for any block in Clause 22.01. The building will have an overwhelming impact on both Queen and Bourke Streets, and also on nearby McKillop Street, where a 15 metre height limit aims to maintain the 'low rise and pedestrian oriented built form'.

External amenity

The site is affected by DD04 relating to weather protection. The proposal, includes a canopy to the Queen and Bourke Street frontages which is positive but no details are provided to ensure it considers the existing street tree and is consistent with the *Road Encroachment Operational Guidelines*.

City of Melbourne Tree Planning has recommended conditions requiring Tree Protection Management Plan for the street trees which forms part of the recommendation.

The application included Wind Tunnel Test dated 22 February 2012 by Vipac Engineers & Scientists Ltd. Urban Design note that at locations 4, 5 and 7 the wind impacts should meet the standing requirement on the footpath, as locations 4 and 5 are the entrance to the lobby and location 7 is entrance to the proposed retail, as such a revised Wind Tunnel Test should be obtained via condition if the Minister decides to issue a permit to ensure the pedestrian experience of Bourke Street is not unreasonably impacted upon by the development.

Clause 22.02 states that development should not reduce the amenity of public spaces by casting any additional shadows between 11.00 am and 2.00 pm on 22 September. No public parks will be overshadowed by the proposal. The shadow diagrams for the 11.00am to 2.00pm on 22 September indicate that the proposed building would overshadow footpaths and roads at various time but these spaces are already overshadowed by existing buildings.

Finally, the *Design Guidelines for Higher Density Residential Development* provides guidance relating to other external amenity impacts on adjacent dwellings such as overlooking (Objective 2.9) and overshadowing (Objective 2.6.2) of secluded private open space. In this case, the adjacent site to the south is proposed to be a multiple dwelling high rise building 107 metres in height with bedroom windows facing the subject site. The submitted plans indicate that any potential overlooking will be dealt with via privacy screens up to level 33. Details of these privacy screens have not been provided, further details should be requested as part of a planning permit condition.

Waste Management

Waste Department has indicated that the Waste Management Plan does not comply with the 2012 City of Melbourne Waste Guidelines. The submitted Waste Management Plan has been amended since the previous version to proposed off-site waste collection. Waste cannot be collected in Penfold Place. Trucks cannot reverse down Penfolds Place, A loading dock with a 4.0m height clearance is required. Access to and from Penfold Place must occur in a forward in – forward –out direction. Changes to the ground floor and upper ground floor are required to accommodate an 8.8m ling 4.0m high meduim rigid vehical (MRV). Should a planning permit be issued by the Minister a revised Waste Management Plan should be a condition of the permit.

9. CONCLUSION

On the basis of the built form issues outlined above, the proposal is not supported in its current form.

10. RECOMMENDATION

That a letter be sent to DPCD advising:

A. that the City of Melbourne does not support the subject application on the basis of the following:

- The proposal by virtue of its height and lack of setbacks detracts from Queen Street and Bourke Street and would be contrary to Clause 22.01 (Urban Design Outside the Capital City Zone) and the Decision Guidelines of the Capital City Zone Schedule 1, of the Melbourne Planning Scheme.
- The proposal by virtue of its height and lack of setbacks detracts from surrounding properties and would be contrary to Clause 22.01 (Urban Design Outside the Capital City Zone), the Decision Guidelines of the Capital City Zone Schedule 1 of the Melbourne Planning Scheme and the Design Guidelines for Higher Density Residential Development.
- The proposal is an overdevelopment of the site as indicated by its 53 plot ratio which significantly exceeds the requirements in Clause 22.01.

B. that any permit granted after all the above concerns are satisfactorily addressed should contain all the following notes and conditions:

1. Prior to the commencement of the development, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received on 14 June 2012 but amended to show:
 - a. A 1:20 elevation indicating further details of the proposed overlooking screens to the south.
 - b. The existing crossover to Bourke Street to remain unchanged
 - c. Any changes necessary to comply with the City of Melbourne Waste Guidelines
 - d. Any changes necessary to comply with the 'standing' wind requirements at points 4, 5 and 7, as indicated in the wind report.
 - e. Any changes necessary to ensure the bicycle parking is designed in accordance with the relevant Australian Standards and/or Bicycle Victoria guidelines.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. The development as shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority.
3. Prior to commencement of demolition a detailed Tree Protection Management Plan (TPMP), prepared in accordance with the Australian Standard for tree protection on development sites (AS-4970-2009) and in consultation with the City of Melbourne's Tree Planning Team, must be submitted to and approved by the City of Melbourne Tree Planting Team. The TPM shall include the steps necessary to protect existing street trees during the construction of the development.

4. No street tree adjacent to the site may be pruned, removed, lopped, or root-pruned without the prior written consent of City of Melbourne Urban Landscapes Department.
5. Prior to the commencement of the use and/or development, an amended Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
6. Prior to the commencement of construction, a statement prepared by an accredited professional must be submitted for approval by the Responsible Authority demonstrating that the design of the building will achieve a minimum performance outcome of 4 Green Star Office Rating, minimum 4.5 ABGR base building rating, and maximum water consumption of 30 litres/day/person using Green Star Water Calculator.
7. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures.
8. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. The construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
 - a. public safety, amenity and site security;
 - b. operating hours, noise and vibration controls;
 - c. air and dust management;
 - d. stormwater and sediment control;
 - e. Street tree protection measures;
 - f. waste and materials reuse; and
 - g. traffic management.
9. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a. the removal of the windows / openings on the boundary when the adjoining property is further developed in a manner which would affect these windows / openings.

The owner of the land being developed must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including Land Victoria registration fees.

10. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
11. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority. All services must be sited and suitably screened so as to minimise visual impact to the satisfaction of the Responsible Authority.
12. There must be no air conditioning units or other permanent structure located to the balconies unless screened to the satisfaction of the Responsible Authority.
13. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
14. Prior to the commencement of the development, plans/details showing treatment to the habitable room(s) windows/openings to limit internal noise to a maximum of 45dB(A) in accordance with relevant Australian Standards must be submitted to the satisfaction of the Responsible Authority.
15. Prior to occupation of the development a detailed signalling system/flashing devices plan must be submitted to and be approved by the City of Melbourne -Engineering Services. The signalling system/flashing devices must be installed at the exit and designed to alert pedestrians of exiting vehicles & vice-versa
16. Prior to occupation of the development a detailed plan showing directional signage must be submitted to and be approved by the City of Melbourne - Engineering Services. The plan must contain "Left Turn Only" signage installed in Bourke Street, facing exiting vehicles. The plan must also contain signage/line-marking installed within the development, advising drivers to turn left.
17. Prior to the commencement of construction, a detailed plan showing all specifications of the projections over the street alignment and how they are drained to a legal point of discharge must be submitted to and be approved by the City of Melbourne -Engineering Services.
18. Prior to the commencement of construction, a detailed plan showing the proposed drainage, incorporating water sensitive urban design, within the development and make provision to connect this system to Council's stormwater drainage system, must be submitted to and approved by City of Melbourne - Engineering Services

19. Prior to the commencement of construction, a detailed plan showing the construction of all necessary vehicle crossings, demolition of all unnecessary vehicle crossings adjacent the subject land must be submitted to an approved by City of Melbourne - Engineering Services.
20. The existing footpath/road levels in Bourke Street, Queen Street and Penfold Place must not be altered for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the City of Melbourne - Engineering Services.
21. The footpaths in Bourke Street and Queen Street must be upgraded and reconstructed in sawn bluestone together with associated works, including the renewal and/or relocation of kerb and channel and the relocation of all services pits and covers as necessary, at the cost of the owner/developer in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
22. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.
23. This permit will expire if one of the following circumstances applies:
 - the development is not started within two years of the date of this permit.
 - the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES:

The permitted development has not been assessed against the Building Regulations 2006, Part 5, Division 2 – Projections. It is the responsibility of the Relevant Building Surveyor to make such an assessment prior to issuing a Building Permit. Matters that do not meet the requirements of the Regulations require the Report and Consent of the City of Melbourne prior to a Building Permit being issued.

All necessary approvals and permits for works in the public realm are to be first obtained from the City of Melbourne — Engineering Services and the works performed to the satisfaction of the City of Melbourne — Engineering Services.

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements.

The residents who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Engineering Services.

All street lighting temporarily relocated must be reinstated to the satisfaction of the City of Melbourne - Engineering Services.

Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne – Engineering Services.

All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Engineering Services.

All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Bourke Street and Queen Street footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.

Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

10. Decision

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 3 August 2012.

This application has been called in to the Future Melbourne Committee Meeting of 7 September 2012.

Anne-Marie Edgley
Planning Officer

25 July 2012