

2 Riverside Quay, Southbank

Planning Permit Application 2014/000984

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1 Application Details

Key elements	Comments
Land:	2 Riverside Quay, Southbank
Application No and proposal:	2014/000984 Development of a multi-storey (12 levels) office building above an existing commercial car park with ground level retail, landscaping and public realm works to Riverside Square and variation of loading and unloading requirements pursuant to Clause 52.07.
Zone and Overlay controls	Capital City Zone Schedule 3 (Southbank CCZ3) Design and Development Overlay (DDO60 – Area 1) Design and Development Overlay (DDO1-A2) Design and Development Overlay (DDO3) Parking Overlay (PO1)
Use	Existing commercial car park levels 1-8 to be retained, 12 new levels of commercial office and ground level retail tenancy
Height	21 levels, 84.6m (excluding plant)
Setbacks	The development extrudes the tower above the existing car park form and as a result there are no setbacks.
Car parking	No new provision of parking. 528 car spaces of the existing commercial car park (upon which the office is to be built) will be available for use by the office on a normal commercial basis.
Floor area (GFA) [REDACTED]	GFA 27,318 sqm - [REDACTED]
Applicant / Developer	Mirvac Victoria c/-Urbis Pty Ltd
City of Melbourne	Supports subject to conditions
Public Notification	Exempt from 3rd party notice and appeal.
PANS-OPS / Flight Paths	Not relevant – 84.6m

1.1

[REDACTED]

NAME: [REDACTED]

SIGNATURE:

[REDACTED]

DATE: 7 August 2014

Ph: [REDACTED]

2 Background

The permit application was lodged on 5 March 2014. The development application as submitted proposed to build over a small triangular portion of land at the south western edge of the lot. This triangular portion of land is included amongst the public open space directly abutting the site to the east called Riverside Square. Riverside Square is owned by the City of Melbourne and is covered by the Section 173 agreement that requires the land to be retained as public open space.

The City of Melbourne raised significant concerns with the application through the referral process because:

- a. The application proposed building on the triangular portion of land (lot 2) owned by the City of Melbourne and was subject to the S173 agreement that requires the land to be kept as open space.
- b. The application includes entry doors to the building along the east elevation that open directly onto the City of Melbourne owned land, which in their view, would constrain the use of City of Melbourne owned land.

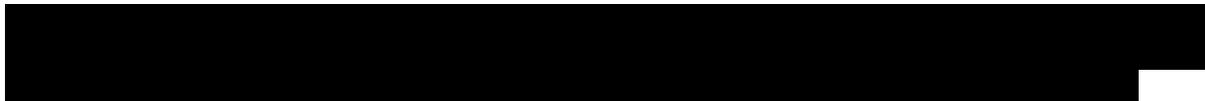
In response to this issue, the Applicant revised the application on 2 July 2014 to amend the design of the building so that:

- it does not involve building on the triangular portion Riverside Square owned by the City of Melbourne
- all canopies protruding from the site into City of Melbourne owned land are removed, and;
- the entry is located on the north side of the site, from land owned by Mirvac.

This revised plan is referred to as Scheme A.

The Applicant has also submitted a Scheme B plan, which is provided for information and has been submitted in the hope that if negotiations to purchase the triangular portion of Lot 2 are successful, this plan can be referenced in permit conditions to allow the building to extend onto the triangular portion of land as originally proposed. The key difference between this plan, (Scheme B) and the

originally submitted application (apart from the difference that it builds on the triangular piece of land) is that the entrance to the building has been shifted from a central position along the eastern frontage to a location at the north end of the east frontage, so access is gained from Mirvac owned land and not from Riverside Square, given the City of Melbourne’s concerns about constraining their land.



Accordingly, Scheme A now forms the application plans, however this scheme is ultimately not the plans the Applicant wishes to progress. The Scheme B plans have been informally submitted and will be considered as part of the information submitted with the application.

The Applicant has commenced the process of purchasing the triangular piece of land from the City of Melbourne and expunging the S173 Agreement.

3 Site and Surrounds

The subject site is located on the north east corner of Southbank Boulevard and Riverside Quay. It is made up of six parcels of land as follows:

Lot 4 on PS304276N	2 Riverside Quay
Lot 9 on PS304276N (owned by City of Melbourne)	8-10 Riverside Quay which is the public realms space known as Riverside Square
Lot 2 on PS411060Q	The corner portion of Riverside Square which Mirvac has commenced the process to purchase.
Lot 1 on PS304276N (owned by Mirvac)	Public realm spaces between buildings to be upgraded under the masterplan
Lot 2 on PS304276N (owned by Mirvac)	Public realm spaces between buildings to be upgraded under the masterplan
Lot 3 on PS304276N (owned by Mirvac)	Public realm spaces between buildings to be upgraded under the masterplan

The above 6 lots are included in the application because it proposes a public realm masterplan which will encompass the public realm spaces around the Mirvac owned buildings that front the River promenade. However the primary focus of this application are lots known as:

- Lot 4 on Plan of Subdivision 304276N known as 2 Riverside Quay which has an overall area of 2194 sqm and is occupied by an 8 level building which is used as a Wilson Parking commercial car park highlighted in red below in **Figure 1** and;

- Lot 9 on PS304276N which is the public open space directly to the east of the site known as Riverside Square owned by City of Melbourne, pictured in **Figure 2**.

Figure 1



Figure 2



The eight-level Wilson Parking building has been purpose built as a commercial car park and offers little in the way of amenity or architectural contribution to the surrounding area. It has frontages to

Riverside Quay and Southbank Boulevard Primary pedestrian access to this car park is from the east of the site via the main entrance to the car park (see above).

Vehicle access to the car park is from Riverside Quay, via three existing crossovers. The westernmost access is a private vehicle entrance used by Mirvac, while the central access has three traffic lanes, comprised of a dedicated inbound, dedicated outbound and a central shared inbound / outbound lane each serving the commercial car parking levels. The easternmost access is utilized for waste collection. The verge on Southbank Boulevard is currently landscaped and includes a wide footpath. At the north-west corner of the site, Southbank Boulevard provides 90 degree indented loading bays which service the surrounding developments.

The site is surrounded by the following interfaces:

North

The Wilson Car park building is directly to the south of three large office buildings owned by Mirvac which front the Southbank Bank promenade and the Yarra River and range from 7-10 storeys.

East

To the east of Building 3 is a wide pedestrian thoroughfare which connects Riverside Quay to the Southbank Promenade and also provides access to Riverside Square which is a paved public open space area owned by the City of Melbourne located immediately to the east of the subject site. On the opposite side of Riverside Square to the east is the Exxon Mobil building (17 storeys), the Langham Hotel (25 storeys) and the Southgate shopping centre.

South

To the south of the site is the Riverside Apartments and the Eureka Tower, Melbourne's tallest building.

West

To the west of the subject site is Southbank Boulevard, the Freshwater Place Commercial Tower and a 60 storey Residential tower.

4 Proposal

The proposal seeks retain the existing car park building and construct 12 new levels of office building atop of the car park building (84.6m in total) and re-facing the exterior of the car park with an art screen to create a new office building. The key changes to the car parking building would be as follows:

Office building

- Create two new lift cores at the eastern and western edges of the building to accommodate the office structure above.
- Construct a new office entrance lobby in the north eastern corner of the site (with no building proposed on the City of Melbourne triangular piece of land as per the "Scheme A" revisions and all protruding canopies removed).
- Create a new retail tenancy in the south eastern corner of the site which will be able to be accessed from the office lobby.
- Relocation of the loading and refuse area from the south side to the north western edge of the building, to be accessed off Southbank Boulevard.

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- Retention of all of the car park levels of the building; however 32 car park bays will be removed to accommodate new services and facilities associated with the new office building. Total numbers of car spaces will reduce from 560 to 528.
- The external facade of the car park building will be modified and upgraded to integrate with the new office building improve its streetscape presentation. An urban art commission is proposed to decorate the upgraded external facade of the car park.

The new office building will include the following:

- A transitional level which will incorporate plant and services and a new bicycle parking and end of trip change facilities for occupants of the building.
- The bicycle parking area will include 202 bike spaces, 18 showers and will be accessed via a dedicated bike lift from the western edge of the core.
- Levels 10-20 will comprise office floors with a total of approximately 20,000 sqm area.
- Level 21 is the roof top level that will incorporate a kitchen area and a large landscaped roof deck.
- Gross Floor Area of approximately 27,318sqm.
- The building will have an overall height of 84.6m.

Public Realm

As part of the redevelopment of 2 Riverside Quay, the application also proposes to upgrade the public realm areas around the site, in particular, Riverside Square, to further enhance the precinct. A landscape plan prepared by Aspect Studios has been submitted which includes full upgrade of Riverside Square, including new landscaping and paving and art installation. The application proposes only a conceptual scheme of landscape and public realm upgrades with no specific details of the plans provided. In general terms, the public realm upgrade includes:

- Riverside Square to be re-landscaped with a raised lawn at the southern edge, seating pods arranged around the square and the addition of a large public dining table.
- The north-south and east-west laneways between the proposed building and buildings 1, 2 and 3 are to be upgraded to create a CBD laneway feel.
- In the long term, the public space that connects Riverside Square with Southbank Promenade is to be upgraded to create a children's playspace.

It is noted that Riverside Square and this connecting public space are owned by the City of Melbourne. The City of Melbourne has commented that the proposed public realm works will involve modifications to existing on street parking arrangements, footpaths, kerbs and Council trees within proximity of the site.

Masterplan

The application seeks the facility for submission and approval of a masterplan for the public realm spaces around the subject site. Pre-application discussions and a site walk with the applicant and their architect was conducted which underlined that the public realm spaces adjacent to the subject building and around the existing Mirvac owned buildings is quite degraded and could be vastly improved. The masterplan will therefore address the following matters:

- Public realm walkway materials and finishes
- New hard and soft landscaping (to Mirvac owned public realms spaces and City of Melbourne spaces)
- Urban art
- Potential for new weather protection and canopies to the spaces between the Mirvac owned buildings and 2 Riverside Quay
- Opportunities for retail activation to internal walkway spaces.

5 Planning Policies and Controls

5.1 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 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.

5.2 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.

Clause 21.04 1-2 Sets out objectives and implementation strategies for the various areas of Melbourne:

"Starting in the early 1980s as an "Engaging with the Yarra River Initiative", Southbank has been under urban renewal for close to 30 years. It has now brought the Yarra River into the heart of the city's life and provided a dynamic extension of the Central City with good commercial and residential high-density development opportunities..."

The Southbank Structure Plan 2010 was prepared to update the 1999 and 2007 plans. It provides a vision and strategy for the next 30 years for the area's continued development as an extension of the central city, with a high-density mix of commercial and residential uses, a built form of a human scale and fine grain detail, greater permeability, activity and pedestrian priority at street level."

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

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.23 Water Sensitive Urban Design

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.

5.3 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)
<p>Capital City Zone Schedule 3</p>	<p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.</p> <p>Under Clause 37.04-4 a permit is required to demolish a building or remove a buildings or works.</p> <p>Pursuant to Clause 3.0 of Schedule 3 to the Capital City Zone, a permit is not required for, amongst other things:</p> <ul style="list-style-type: none"> - Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne. - Street furniture. - A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne. <p>This clause is not triggered by the application which does include decorations, gardens, street furniture and planting as part of the Riverside Square upgrade because the proposed public realm upgrade is not to be done on behalf of the City of Melbourne. Accordingly, a planning permit is required for buildings and works for the landscape upgrade of Riverside Square.</p> <p>Office use does not require a planning permit in the zone.</p> <p>Decision guidelines and application requirements are at Clause 3.</p>
<p><i>Parking Overlay – Schedule 1</i></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>Where no part of the site is used for dwellings the number of car park the following formulas:</p> <p>Maximum spaces = 5 x net floor area of buildings on the site in sq m divided by 1000 sq m or 12 x site area in sq m divided by 1000 sq m</p> <p>The proposal seeks to retain the existing commercial car park but reduce the number of spaces from 560 to 528 spaces.</p> <p>A permit is not required under the PO1.</p>
<p>Design and Development Overlay 60 – Area 1.</p>	<p>A permit is required to construct a building and construct or carry out works pursuant to DDO60.</p> <p>The subject site is located within Area 2 – Southbank Central Interface which recommends:</p> <ul style="list-style-type: none"> • Building height of 24 metres <p>DDO60 recommended the following built form outcomes for Area 1:</p>

<p>Design and Development Overlay- Schedule Design and Development Overlay- Schedule 3 (Traffic Conflict)</p> <p>Design and Development Overlay (DDO1-A2) Active Street Frontages – Capital City Zone</p>	<ul style="list-style-type: none"> • Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne. Low scale development that enhances the sense of openness along both the Yarra River and St Kilda Road. • Development that enhances the prominence of the Yarra River by the grading of building heights down to low along its banks. • The protection of the stature of heritage and civic buildings along St Kilda Road. • The maintenance of the importance of St Kilda Road as a grand entrance to the City. • To ensure that the height of new buildings does not overwhelm the public domain. <p>Pursuant to this overlay, a permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way. 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. Decision guidelines are at Clause 4.0.</p> <p>A permit is required under this overlay buildings and works at ground level.</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>A permit is required under this overlay buildings and works at ground level.</p>
<p><i>Loading and Unloading of Vehicles (Clause 52.07)</i></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>A loading bay is provided but at dimensions that vary from those specified at Clause 52.07. A permit is required to vary the loading requirements.</p>
<p><i>Bicycle Facilities (Clause 52.34)</i></p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The application provides for 202 bike spaces and therefore a permit is not required to reduce this requirement.</p>
<p><i>Urban Context Report and Design Response for Residential Development of Four</i></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. The application was accompanied by an urban context and design report.</p>

<i>or More Storeys (Clause 52.35)</i>	
<i>Integrated Public Transport Planning (Clause 52.36)</i>	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.
<i>Advertising Signs (Clause 52.05)</i>	A permit is required to display a business identification sign or a panel sign.
<i>General Provisions (Clause 61.01)</i>	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.
<i>Decision Guidelines (65.01)</i>	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.
<i>Referral and Notice Provisions (Clause 66.03)</i>	Clause 66.03 works in conjunction with Clause 52.326 (amongst other requirements) and requires an application to be referred to the person or body specified as the referral authority. As previously mentioned, the Director of Public Transport and Vicroads is a specified referral body under Clause 52.36.
<i>Relevant Reference Documents / Guidelines</i>	Plan Melbourne – Metropolitan Planning Strategy 2014

6 Other Strategic Matters

6.1 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 2007 (a joint City of Melbourne / Victorian Government 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.

The proposed development is considered to address the essence of the vision of the Southbank Structure Plan which is to enhance activity and improve the quality and amenity of public realm spaces. The application achieves this by revitalising an existing blank car park building to be a mixed use office with ground level activation and an upgraded adjacent public realm space.

More specifically, the proposed development implements key objectives of the Southbank Structure Plan 2010 as follows:

2 *New Directions*

3 *A high quality expanded public realm*

Riverside Square will be upgraded to enhance the way it is used by the surrounding residential and commercial community which will meet the aim of this objective.

4 *A new streetscape vision.*

An existing 'blank' building will have activated frontages introduced at ground level on the key east and west frontages which will meet the aim of this objective.

6 *Sustainable buildings.*

The existing car park building will be recycled and re-used as an office building with contemporary sustainability measures including recycling of stormwater for toilet flushing and a green roof. No additional parking will be provided on site and excellent bicycle facilities will be provided to encourage sustainable transport. The features of the building will meet the aim of this objective

6 *Open Space Network*

Objective 5 Upgrade existing public open spaces. Pg 58 of the Structure Plan identifies Riverside Square as an existing public open space which is to be upgraded as part of the proposal.

6.2 Amendment C208 Development Contributions.

This amendment seeks to apply the Development Contributions Plan Overlay over the urban renewal areas of Southbank and City North. The amendment has been exhibited and referred to a planning panel. The panel has not yet been appointed at the time of writing this report.

The City of Melbourne has recommended a condition applying development contributions associated with this amendment. The Department has not placed conditions on the recommended permit as per the City of Melbourne's recommendation as it is inappropriate to apply conditions related to an amendment which has not yet been approved.

6.3 Plan Melbourne

Plan Melbourne is the Government's long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies Southbank as an existing area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

7 Notification

Under Schedule 3 of the Capital City Zone, and under the three Design and Development Overlays that apply to the site, an application to demolish a building and 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.

8 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 5 August 2014. Council resolved to support the application subject to the inclusion of recommended conditions.

Urban Design (DTPLI): DTPLI urban design is supportive of the proposal and DTPLI UD's comments have been addressed in conditions.

Public Transport Victoria: The application was referred to Public Transport Victoria on 5 May 2014. PTV responded on 4 June 2014 and indicated no objection to the proposal and did not request any permit conditions.

VicRoads: The application was referred to VicRoads because the application proposes minor changes to the access to Southbank Boulevard which is in a Road Zone 1. These minor changes relate to the existing access point from Southbank Boulevard at the north west corner of the building. VicRoads responded on 4 June 2014 that it had considered the application and had no objection to the proposal. VicRoads did not request that any conditions be placed on the permit.

9 Assessment

9.1 Consistency with Planning Policy

The proposal offers recycling and urban repair of an existing unsightly building in the urban renewal area of Southbank. The proposal responds well to a range of objectives and initiatives identified in the Southbank Structure Plan 2010. The proposal achieves State and Local policy objectives by:

State Policy

The proposal is consistent with the applicable key State planning policies and objectives by:

- Supporting the role and function of Southbank as an extension of Melbourne's capital city functions through location of high scale and high density commercial development in Southbank.
- Providing development that supports employment and business activity.
- Promoting reduction of private motorised trips by provision of appropriately designed bicycle and car parking facilities and location of higher order land uses such as commercial office in the Capital City Zone close to the Principal Public Transport Network (PPTN).

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- Creating a safe and functional urban environment which improves the existing site conditions, enhances public realm attractiveness, safety and amenity.
- Revitalising an unattractive building and implementing sustainable development by reusing the existing structure.
- Ensure new development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of the Yarra River corridor.

Local Policy

- Providing development in an Urban Renewal area which responds to urban design policy at Clause 21.06 which seeks to reinforce the city structure, maintain the pedestrian focus of the Yarra corridor, protect iconic views in the city, maintain the preferred built form of an area and add vitality and amenity to public realm areas.
- Providing development that responds to objective 1 (strategy 1.3) of Clause 21.06 which encourages efficient recycling of buildings to be adapted to a variety of uses.
- Responding to policy at Clause 21.08 which seeks to reinforce the City's role as Victoria's principal centre for commerce. This policy recognises Southbank's role as a vibrant business area which is an extension of the Central City. The proposal locates a major new commercial office in an area which is established as an appropriate locale for intense commercial development and head offices.
- Providing development which responds to Clause 21.09-5 Private Motor Transport Strategy 1.8 which encourages the co-location and sharing of car parking facilities, given the existing commercial car park will be retained and be available for both the new office building and other users in the precinct.
- The development responds to Urban Renewal Areas policy at Clause 21.13 by providing development that is an extension of the Capital City, offering medium scale development which further supports the connection between Southbank, the Yarra River and the city through an upgraded public open space area.
- Responding to Clause 22.01 (Urban Design with the Capital City Zone) assisting to connect and integrate Southbank and the Central City and the Yarra Corridor and to contribute to a high quality public realm.
- Responding to Clause 22.02 (Sunlight to Public spaces) by ensuring that key public spaces are not adversely affected by overshadowing.
- Responding to Clause 22.19 (Energy, Waster and Water) and Clause 22.23 (Water Sensitive Urban Design) by including environmentally sustainable building initiatives within the design of the development to reduce energy consumption and water efficiently.

9.2 Land Use

The office and retail use proposed within the building does not require a planning permit and accordingly there is no land use permission sought under the application.

9.3 Design and Built Form

The objectives and policies contained within State and Local policy including Clause 22.01, Urban Design within the Capital City Zone, Clause 22.02 Sunlight to Sunlight to Public spaces, Guidelines for Higher Density Residential Development and the Schedule 3 to the Capital City Zone (CCZ1) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope, internal amenity, architectural design and activation are common threads through each of these policy documents and controls.

The proposal represents a unique scenario of construction of a new office building atop an existing car park building. In this context, the proposal responds well to the relevant policy by recycling an existing building to significantly improve and rehabilitate an unsightly building to accommodate a new commercial use which significantly improves the building's relationship and contribution to the surrounding public realm.

The car park will be re-facaded with a new facade with an urban art treatment that will wrap around all sides of the building, improving the site's aesthetic appearance and adding interest and texture to the public realm. At ground level, the building facing Riverside Square and Southbank Boulevard will be activated by inclusion of entrances and a cafe facing Riverside Square which will service the office floors above and the surrounding area. This will functionally improve the manner in which the building is used by pedestrians and its relationship to surrounding spaces which is currently blank, with no activation. The proposal will therefore enliven the contribution of the building to the activity and movement in and around the site.

Riverside Square is proposed to be re-landscaped and upgraded to create an attractive, functional public open space area that will invite use by the occupants of the new office building and the surrounding area in general. A new relationship will be created between the east elevation of the building and the Square, by the introduction of the glazed lobby and cafe spaces. In this regard, the scheme responds well to the themes of relevant policy by improving the physical quality of the building and the quality of the public realm surrounding the site.

The relationship between the proposed building and the square would be further enhanced by entries and openings directly to Riverside Square.



This issue will be addressed in more detail under the heading "Scheme A and Scheme B".

There are fairly strong limitations on the capacity of the building to meet the podium and tower setback policies of Clause 22.01 given the proposal is modification to an existing building rather than an entirely new proposal. The building at 84.6m is also taller than the discretionary 24m Design and Development Overlay height control that applies to the site.

The following built form outcomes under DDO60 are (as relevant):

- Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne. Low scale development that enhances the sense of openness along both the Yarra River and St Kilda Road.
- Development that enhances the prominence of the Yarra River by the grading of building heights down to low along its banks.
- To ensure that the height of new buildings does not overwhelm the public domain.

The subject site is located behind the line of buildings (such as building no. 1, 2 and 3 owned by Mirvac) which at their current height serves to respect and protect the prominence of the Yarra corridor.

The height of the building at 84.6m is considered to be consistent with a general stepping up of height behind the immediate river frontage buildings and the backdrop of even taller buildings such as Crown towers, the Eureka Building and Freshwater Place (both commercial and residential towers).

The addition of 12 levels of height to the car park building is therefore considered to result in an overall height outcome that protects the Yarra river environs, surrounding public spaces and the

character of Southbank. The proposal is therefore considered to be consistent with the DDO60 Built Form Outcomes.

9.4 Scheme A and Scheme B

Two versions of the proposal's plans have been submitted, which are referred to as scheme A and scheme B. The two sets of plans have been submitted because the applicant has not yet purchased a portion of land from the City of Melbourne which is needed to properly develop the site. scheme A is therefore an interim proposal until this land is purchased. Once the land is purchased, the Applicant would like to gain endorsement of the scheme B plans

Scheme A

This scheme shows a cafe with an angled corner treatment at the south east corner of the building and an entry lobby on the north east corner of the building accessed via the existing raised walkway that provides access to buildings 1, 2 and 3 which face the river promenade. The angled treatment extends up through the tower.

Scheme B builds out to the corner and includes an entry and lobby directly facing south to Riverside Quay and instead the cafe is located on the north east side of the building.

The difference between the two schemes is not significant. Both schemes provide activation at ground level across the eastern frontage with the same central lift core and importantly remove the loading dock from the prominent south eastern corner of the building.

In urban design terms, there is a preference to generally build out to the front boundary of sites in areas where the context is generally zero lot boundaries. However, in this instance, the angled section of Scheme A in effect defers to and provides an activated frontage to what is a well used pedestrian "ant trail" as pedestrian move through Riverside Square on the way to the Freshwater Place commercial building further to the west. The angled section is considered less ideal in the upper levels of the building as it creates an awkward resolution to the corner of the building and internal layout inefficiency.

Alternatively, Scheme B includes a disabled entry access and a main stair entry in the south east corner of the building, accessed off Riverside Quay. This is not ideal because an excessive amount of the south east corner of the building is devoted to disabled entry and the entry is not located in an appropriate focal point of the building which will complement other initiatives of the proposal like upgrade of Riverside Square. This is proposed to be addressed via a condition relating to the redesign of the Scheme B entry and the Applicant has provided a sketch plan that can be referenced in this condition.

The conclusion of assessment is that both Scheme A and B are generally acceptable and but that a better location for disabled access for Scheme B should be resolved that does not dominate the prominent south east corner of the building which should be better used to activate the external edge of the building.

An issue which is not well resolved in either Scheme A or B is direct and central access from the eastern elevation of the building to Riverside Square. This would better activate the Square and create a better relationship between the Square and the building. It is understood that this has not been included because the City of Melbourne objects to a direct entry onto the public open space as this might constrain the use of the public open space much in the same way that a window on the boundary of a property may constrain use and development of a neighbouring site that may be developed to the boundary in the future. While this reason is not considered to be entirely valid as the Square is unlikely to be developed in a way that would rule out an entry point to the Square, the applicant has chosen to defer to the City of Melbourne's concerns and this is reflected in both Scheme A and Scheme B.

9.5 Street Level Activation and Pedestrian Safety

Clause 22.01 (Urban Design with the Capital City Zone) including the objectives of Schedule 3 to the Capital City Zone (Southbank) emphasises the objectives of pedestrian connection and integration of Southbank with the Central City and the Yarra River corridor and the quality of the public domain. Other planning controls which address street level activation and safety are:

- Design and Development Overlay- Schedule Design and Development Overlay- Schedule 3 (Traffic Conflict) which requires 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 and;
- Design and Development Overlay (DDO1-A2) Active Street Frontages – Capital City Zone which requires that buildings with ground-level street frontages to major pedestrian areas must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority.

The proposal includes a loading dock entry along the west elevation which is subject to the DDO3 Traffic Conflict overlay. The new loading dock utilises an existing crossover so this involves no change to the existing conditions other than an opening will be created adjacent the crossover. This is considered acceptable given it is an existing condition. Some modification will be required to the street pavement and existing bollards which should be addressed via permit conditions. It is noted that although Riverside Quay is not subject to this same control, the existing loading dock will be relocated away from the prominent south east corner of the building and will significantly enhance activation and the pedestrian experience around the south eastern side of the building.

Changes are proposed to the west elevation which will significantly increase activation and the overall experience of this elevation for pedestrians by the addition of an office lobby entry which also provides bicycle access to the building and a new retail space to the north west corner of the building.

Urban Art Wall

The urban art wall which is proposed to “wrap” the car park building will also offer a degree of activation and interest that will enhance the public realm spaces around the subject site. The urban art screen is a pragmatic design feature to enhance the appearance of the car park levels of the building whilst also continue to provide some natural ventilation to the car park. Conditions should address the urban art screen to ensure proper resolution at the corners of the building, high quality materials and a high quality urban outcome on the surface of the screen. Given the size of the screen and its impact on the public realm, the design of the screen should be guided by artist input. In the context of an existing car park building which is to be recycled and refurbished to be an office building, the changes to the building to achieve improved activation at ground level are an excellent public realm result subject to appropriate conditions.

9.6 Landscape design

A key component of the project is the proposal to upgrade Riverside Square which is a City of Melbourne public open space. The changes to the Square include:

- Grade the levels of the Square (the uneven levels are currently bridged by small groups of stairs that take pedestrian from the higher eastern edge to the lower western edge of the Square) and pave with bluestone that complements the City of Melbourne bluestone used in surrounding streets.
- A raised planter/lawn area on the southern edge of the Square.
- New plantings in the square with some retention of existing planting.
- A large communal dining table with a roof structure and a raised lawn on the southern edge.

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- Wireless infrastructure to support the use of the Square as an outdoor work space.
- Lighting and signage.

In addition to these changes, the proposal would require some removal of trees, both in the Square and on Southbank Boulevard (2 trees) to facilitate the new loading bay.

The proposal is to also operate a program of temporary fittings and furniture to be regularly moved into the Square. This would involve a management regime whereby seating such as deck chairs, rugs and heating are moved into the space on a regular if not daily basis to further enhance the activity, comfort and atmosphere of the Square.

The City of Melbourne has considered and commented on the Landscape scheme and the proposal to remove trees and their views maybe summarised as follows:

- Openings and entries that open directly to the public open space are not supported as they would encumber the park and its function in favour of benefits and the function of the proposed office building. The City does not consider that these openings offer any direct benefit to the broader community who use the park.
- The large communal table is not supported and there has been no consultation about whether there is a need for such a table and whether there is justification for the table to occupy such an extensive area of the park. It is also noted that the large table could constrain the ability to plant more trees in the park.
- The canopies that extend over the park are not supported.

The "programmed" aspect of the proposal has little bearing on the approval as these aspects of the scheme are not fixed and permanent and do not require planning approval. These matters are the domain of the City of Melbourne and the administration of their local laws.

The City of Melbourne's comments in relation to openings and canopies are reflected in the plans. In relation to the detail of the communal table, this should be subject to conditions which require full details which can then be assessed by the City of Melbourne and the Department.

Masterplan – Other public realm areas

The proposal includes public realm upgrade of the spaces around the other Mirvac owned buildings that line the river corridor. These spaces are currently unattractive and poorly used and the upgrade of these spaces is welcomed. However, full details of the proposal are required and accordingly conditions of the permit address this by requesting submission of a masterplan and then full detailed drawings and reports to be submitted, both of which must be first approved by the City of Melbourne before submission to the Responsible Authority.

9.7 Microclimate (Wind, Weather Protection, Overshadowing) & Internal Amenity

Wind

A Wind report prepared by Mel Consultants was submitted with the application and concluded in summary that wind conditions as a result of the development would be on or within the criterion for walking comfort for all directions around the building. A review of the 'wind roses' of the report shows that the proposal meets and exceeds this standard and actually achieves the standard of long term stationary in all directions with the exception of one small exceedance to the west elevation.

This is considered to respond well to the requirement of Clause 3.0 of Schedule 3 to the Capital City Zone which includes a more rigorous standard of 'long term stationary' conditions in the area covered by Schedule 1 to the Design and Development Overlay (Active Street Frontages – Capital City Zone).

This overlay only applies to the west elevation facing Southbank Boulevard. The proposal accordingly meets the requirements of the scheme in relation wind impacts.

Weather Protection

The initial application originally included a 10m wide canopy to be erected 10m from ground level to the eastern elevation of the building. Given this would protrude over City of Melbourne owned Riverside Square, the canopy was deleted as part of the revision to the application. One canopy is proposed over the western elevation bicycle lobby entry. While the extent of canopies for weather protection is limited, this is partly a function of the constraints of the existing building and the adjacent public open space.

Overshadowing

The proposal will result in overshadowing of public spaces including Riverside Quay and Southbank Boulevard adjacent the opening to the Crown car park and in the forecourt area of the Freshwater Place commercial building. The development will result in some minor overshadowing of Riverside Square between 1.30 and 2pm in the south east corner; however this equates to a relatively small area above and beyond that which is already overshadowed by the existing building. No other key public spaces will be significantly affected by shadows as a result of the development and Queensbridge Square will not be affected. While there will be some overshadowing of Riverside Square will occur as a result of the development, this is considered to be acceptable on balance when considered in the context of the height scale of surrounding buildings and the improvements and recycling of the car park building and the and upgrade to Riverside Square.

9.8 Environmentally Sustainable Development (ESD)

An Environmentally Sustainable Design Statement prepared by Umow Lai was submitted with the permit application. According to this report the development will achieve a good standard of environmental performance with the following benchmarks met:

- Minimum 4.5 star NABERS Base Building Energy rating
- Green star office design version 3.0 5 star rating.
- Green star as built version 3.0, 5 star rating.
- Minimum of 3 points under the Wat 1 Green star credit.

It is recommended that a condition be placed on the planning permit to require implementation of these standards.

9.9 Waste Management, Loading and Unloading

A waste management report prepared by Wastetech Services Pty Ltd was submitted with the application and the City of Melbourne has noted that this report and is generally satisfied with it but need revised swept path diagrams for a 9.2m collection truck. This can be addressed by a condition of the permit.

9.10 Traffic, Car Parking and Bicycle Facilities

The application proposes to provide no new parking for the office and for the commercial car park to continue to operate.

As part of the modifications to the building, it is proposed to reduce the number of car spaces from 560 to 528. Provision of no new parking does not trigger a planning permit under the Parking Overlay and represents a sustainable approach to parking.

The bicycle parking requirements of the planning scheme for the proposal are as follows:

- Cafe 1 space
- Office use 67 spaces
- Office visitor 20 spaces
- 7 showers

The proposal is to provide 202 bicycle spaces on site with 18 showers with 1 DDA compliant shower. The proposed bicycle provision is therefore well in excess of the planning scheme requirements and complies. The City of Melbourne supports the design and provision of bicycle parking.

9.11 Signs

Three zones have been indicated on the elevation plans for business identification signs on the north east and west elevations. The size of the sign zones is assessed to be satisfactory and proportional to the building and conditions are proposed to required full details of the signs. However signs are normally considered as a separate application so the approval of the signs should be left out of the permit considering full details of the signs have not been provided. Given the location adjacent to a Road Zone, if the signs are illuminated, they may be required to be referred to VicRoads. However at this stage the details as to their illumination or otherwise has not been provided and accordingly a separate approval for the signs should be sought from the City of Melbourne.

10 Recommendation

That planning permit 2014/000984 for partial demolition of the existing building and construction of a multi-storey mixed use building and variation of the loading requirements of the Melbourne Planning Scheme is issued subject to conditions.

Prepared by:

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