

**APPLICATION FOR PLANNING PERMIT:
150 QUEEN STREET, MELBOURNE**

Application Number: 2012/002933

Proposal: Demolition of the existing building and construction of a multi-storey building comprising residential apartments and retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern)

Applicant: CES- Queen (Vic) Pty Ltd
C/- Urbis Pty Ltd

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

Overlays: Design and Development Overlay- Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2)
Design and Development Overlay- Schedule 4 (Weather Protection) (DDO4)

Application Received: 29 March 2012

Further Information Requested and Received: Requested: 24 April 2012
Received: 15 June 2012

Number of Objections: Not applicable

Recommendation: Permit

PLANNER'S NAME: [REDACTED]
Ph: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 11.09.12

PROPOSAL

1. Permit application 2012/002933 was lodged on 29 March 2012. The application seeks approval to demolish the existing building and construct a 68-storey residential tower comprising of residential accommodation and lower level commercial uses (other than adult sex bookshop, department store, hotel, supermarket and tavern). The proposed gross floor area is 55,318m².
2. Details of the application are as follows:
 - Demolition of the existing building on site;
 - Construction of a residential tower measuring at 68-storeys (221.6 metres measured from the centre of the Queen Street frontage excluding plant). The building includes a 14-storey 'podium' built hard edged to the Title boundaries, with the curved form of the tower commencing at Level 14 and above, and is built to both the east and west boundaries of the site. The tower has a waved facade (its footprint tapering away from the corners of the site) and the facade includes a staggered setback of 0.75 metres to 2.25 metres across the Bourke Street alignment (and alternates up the face of the tower) and an average setback of 5 metres from the southern boundary;
 - The tower comprises of 581 dwellings (197 x one-bedroom one-bath, 208 x 2-bed one-bath, 94 x 2-bed 2-bath, and 52 x 3-bed 2-bath, and 30 x townhouse), and retail premises fronting Queen and Bourke Streets and a lower level food and drink premises (other than adult sex bookshop, department store, hotel, supermarket and tavern);
 - Construction of a basement level comprising of bicycle storage and spaces, 2 motorcycle spaces, service plant and gas meter room;
 - Vehicle access is provided at ground from Bourke Street. Provision of 200 car parking spaces is contained within the podium of the tower accessed via car lifts, and a total of 177 bicycle spaces and 2 motorcycle spaces (located within the basement);
 - Ground floor retail including first floor food and drink premises totalling 803m² and also includes storage cages (22);
 - Residential facilities in the form of gymnasium, pool, garden, dining/ meeting/ lounge/ business rooms are provided at Level 13, 45 and 67;
 - Materials and finishes include glazing (clear and opaque), metal fins, anodised aluminium screen feature, metal louvre, anodised aluminium cladding and concrete with oxide finish; and
 - The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD report.

SITE AND SURROUNDS

3. The site is located on the south-east corner of Bourke and Queen Streets, Melbourne. The site is irregular in shape with a frontage to Queen Street of 23.9 metre metres, a frontage of 40.22 metres to Bourke Street and a total area of 913m². There is a slope along both Bourke and Queen Streets, with a fall of 2.29 metres west to east along Bourke Street and a fall of 1.34 metres north to south along Queens Street.
4. The site is currently occupied by a 13-storey office building that is built to its street edges excluding the recessed ground floor. A crossover is located to Bourke Street towards its eastern boundary providing access to the site, there is also access to/from Penfold Place to the south. The building is not graded under Council's conservation study.
5. Development surrounding the site is described as follows:

North:

 - 160 Queen Street (north-east corner of Bourke St) is a 15-storey office building built to the street.

- Further east of 160 Queen Street are lower scale retail premises of 2-3 storeys leading to Hardware Lane. Further north of 160 Queen Street along Queen Street are a series of office towers with lower level retail premises of varied heights between 4- 18 storeys in height. All are built to street edges.
- North of Little Bourke Street is 200 Queen Street which is a 34-storey office tower built to the street edges, except the corner splay on the corner of Queen and Little Bourke Streets.
- North of Bourke Street, on the corner of Queen Street at 155 Queen Street is a 13-storey office building which is built to the street.
- Further north along Queen Street leading to Little Bourke Street are a 13 and 12 storey office building built to the street, with the 19-storey Medina Grand building on the corner of Little Bourke Street at 189 Queen Street.

South:

- 140 Queen Street is a 14-storey office building built to the street edge. This building has a graded in the Council's conservation study, however is not covered by a heritage overlay. Permit 2008/0786 was issued on 11 September 2008 allowing '*demolition of the existing buildings and development of the land for the purpose of Residential hotel and Retail premises (other than Adult sex bookshop, department store, hotel, supermarket and tavern) with associated parking*'. The approved 27-storey building envelope above Level 12 includes a 2 metre setback with balconies encroaching on that setback by 1 metre. This permit expires on 11 September 2013.
- Further south of 140 Queen Street are 6- 12 storey buildings for office and serviced apartments.
- On the south-east corner of Little Collins and Queen Street is the ANZ World Headquarters which includes a 34-storey office tower.
- On the southwest side of Queen Street, at 123 Queen Street, is the former RACV building on the corner of Little Collins Street, which is a 17-storey building which includes a low podium and minimal setback at the upper levels.

East:

- Immediately to the east of the site is 423-431 Bourke Street, on the corner of McKillop Street, an 11-storey office building built to the street.
- On the other side of McKillop Street are a series of lower scale fine grain buildings varying from 3 to 6 storeys in height.
- Further east of the McKillop Street properties is 405 Bourke Street (The Foundry) is subject to a permit application (2012/005554) for a 42 storey office building.
- East of the Foundry is the Galleria redevelopment, predominantly a two-level glass roofed shopping gallery with the 42-storey office tower located towards the Elizabeth Street frontage, currently tenanted by Commonwealth Bank and also includes a 90 metre tall office tower to Little Collins Street (approved under Permit 2009/004756).

West:

- On the south-west corner of Bourke Street (455 Bourke Street) is a 13-storey office building built to the street.
 - South of this corner building are a 10-storey and 13-storey office buildings which are built to the street.
 - Further west along Bourke Street is 461 Bourke Street a 19-storey office building built to the street.
 - Further west of 461 Bourke Street is the new RACV building which is a 23-storey building.
6. The broader precinct consists of largely office building stock constructed in the early 1960's to 1970's. The building envelopes are typically built to the street and at the heights constructed, exceed the 40 metre podium sought by the Scheme.

STATUTORY CONTROLS

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

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Capital City Zone-Schedule 1 (Outside the Retail Core)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • The table of uses specifies 'accommodation', 'office' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) is permitted as of right (Section 1 use) at Clause 1.0 of the Schedule; • Does not exempt the demolition or removal of a building, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, or buildings and works from requiring a permit; • Exempts demolition and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 1 and at Clause 65.
Design and Development Overlay-Schedule 1 (Active Street Frontages) Schedule 4 (Weather Protection)	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • Does not exempt ground floor buildings and works from requiring a permit; • Exempts buildings and works from notice and appeal requirements; <p>Schedule 4:</p> <ul style="list-style-type: none"> • No permit is required to construct a building or construct or carry out works if adequate weather protection is provided to the satisfaction of the Responsible Authority. The proposal provides weather protection to Bourke Street frontage, therefore no permit is required. <p>Decision guidelines are contained at 43.02-5 and at Clause 65.</p>
Car Parking (Clause 52.06)	<p>Under Clause 52.06-3 a parking precinct plan affects the Capital City Zone including the site.</p> <p>The Schedule to this Clause specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 585 spaces. The provision of 200</p>

	<p>car spaces on site is below the maximum allowed under the maximum allowed; therefore no permit is required.</p> <p>The Schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient. The proposal includes 2 motorcycle spaces, therefore no permit is required.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>A loading facility is provided on site, however does not comply with the requirements of this Clause; therefore a permit is required to partially waiver the requirement.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 177 spaces (174 spaces for residents and visitors and 3 for retail employees and visitors). The application provides for 177 spaces, therefore no permit is required under this provision.</p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</p>	<p>Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response.</p> <p>Under Clause 52.35-3 the responsible authority must inform the applicant in writing before notice of an application is given that the urban context report meets the requirements of Clause 52.35-2. A letter was sent confirming the above on 4 September 2012.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 3 April 2012 the application was referred to the Director of Public Transport.</p>

General Provisions

8. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
9. **Decision Guidelines:** Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
10. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 (Director of Public Transport).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

11. The following policies within the SPPF are relevant:

- Clause 10.04 (Integrated Decision Making)
- Clause 11.01-2 (Activity Centre Planning)
- Clause 11.04-4 (Central Melbourne)
- Clause 13.04-1 (Noise Abatement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 16.01 (Residential Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 10.0202 (Cycling)

Municipal Strategic Statement (MSS)

12. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City, Docklands and Southbank.
13. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with a vision being *'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'*.
14. Clause 21.04 (Land Use) sets out objectives and strategies to *'ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants'*.
15. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
16. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and *'create an accessible, safe, inclusive and engaging public environment'*. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
17. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
18. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
19. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.
20. Clause 21.08-1 (Central City) sets out the local area policies for Central City and includes a vision for the area is to continue its primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria as a 24-hour City, co-locates these uses with residential uses, and provides appropriate high quality built form that continues to make the city attractive for workers, residents and visitors. The Local Area Map for Central City at Figure 12 seeks to

'support permanent and temporary residential development in the Central City which accommodates a diverse population'. Important principles for Central City relevant to the application include:

- Encourages new dwellings are designed to provide occupants with a reasonable amenity level to ensure that existing and new businesses are not undermined by this interface;
- Active street frontages, interesting building tops and building design that promotes human scale, integrates with existing fabric, including respect for heritage buildings and provides visual interest; and
- Requires development to incorporate a high level and quality of pedestrian and bicycle access.

Amendment C162

21. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and is 'seriously entertained' but has not been submitted for approval to date. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which supports residential accommodation and built form that responds to the regular grid layout and that the design of tall buildings in the Hoddle Grid promote a human scale at street level, and add to the city's skyline, provide equitable access to outlook and sunlight.

Amendment C186

22. Amendment to the Melbourne Planning Scheme C186 (Central City (Hoddle Grid) Heritage Review) was adopted by Council on 4 September 2012 and is a 'seriously entertained' document, but has not been submitted to date. The amendment includes 98 additional heritage places in the Schedule to the Heritage Overlay. The site is not included in this amendment.

Amendment C188

23. Amendment to the Melbourne Planning Scheme C188 (Built Form Review) is awaiting authorisation. Amongst other things, the built form review proposed to amend the existing controls to contain most of the built form principles under Design and Development Overlay-Schedule 2 where the site would be affected by a mandatory 40 metre height control.

Local Planning Policy Framework (LPPF)

24. The following policies within the LPPF are relevant:

- 22.01 (Urban Design within the Capital City Zone)
- 22.02 (Sunlight to Public Spaces)
- 22.20 (CBD Lanes)

Other relevant policy/ matters

25. Other relevant policy/ matters include:

- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

NOTIFICATION

26. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 and 4 of the Design and Development Overlay, an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

REFERRALS

27. The application was given to the Department's Urban Design Unit, the City of Melbourne, and pursuant to referred under Section 55 of the Act to the Director of Public Transport. The following comments were provided:
28. **Urban Design (DPCD):** Offered general support for the application. Issues for resolution include the southern tower setback to a minimum of 5 metres (excluding architectural articulation of 500mm). Also the overall height of the weather protection provided is over scaled and unlikely to provide adequate protection to pedestrians. These matters can be resolved though appropriate conditions.
29. **City of Melbourne:** Council does not support the application. The comments indicate that the proposal by virtue of its height and lack of setbacks detracts from Queen and Bourke Streets and from surrounding properties and would be contrary to Clause 22.01 (Urban Design within the Capital City Zone) and the decision guidelines of schedule 1 to the Capital City Zone of the Melbourne Planning Scheme, and is considered to be an overdevelopment of the site with a plot ratio of 53 exceeding the requirements at Clause 22.01. Standard conditions were proposed for inclusion with modifications to plans limited to further details of the screening to habitable areas to the south, retaining the existing crossover to Bourke Street, changes to comply with Council's Waste Management Guidelines, changes to the envelope to ensure 'standing' wind criterion is met to Bourke and Queen Streets, and changes to the bicycle parking in accordance with the Australian Standards.
30. **Director of Public Transport:** offered no objection to the proposal subject to five conditions being included on any permit issued. Letter dated 20 July 2012.

ASSESSMENT

Land Use

31. The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions, will increase the residential population and contribute to the on-going revitalisation of a 24-hour Central Activities District.
32. The development provides higher density housing and responds appropriately with the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.

Design and Built Form

Demolition

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

Urban Context Response/ Setbacks/ Tower Separation

34. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.

35. Amendment C188 to the Scheme is a review of the built form controls in the City, the first in over 25 years. The review reconsiders podium height, tower setback and tower separation, amongst other things. This review acknowledges the challenges that the City faces, particularly its develop-ability. The proposed controls seek to introduce a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street, and 5 metre tower setback from common boundaries (to achieve a minimum of 10 metres tower separation).
36. The proposed tower provides for a 68-storey (221.6 metre tall tower, measured from the centre of the Queen Street frontage, excluding plant). The tower has a curved footprint (tapering away from the corners of the site) and includes a minimum setback of 0.75 metres up to 2.25 metres to the north-east and north-west corners of the development. An average setback to the southern boundary of 5 metres is provided to achieve tower separation from the approved, but not constructed, tower at 140 Queen Street (Permit 2008/0786).
37. The broader precinct consists of largely office building stock constructed in the early 1960's to 1970's. The building envelopes are typically built to the street and at the heights constructed, exceed the 40 metre podium sought by the Scheme.
38. The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development.
39. The lack of tower setbacks, in this instance, is considered to respond to the performance measures sought by Policy, whilst not compliant with the preferred podium/ tower typology. The use of architectural variation in the façade and the 'shift' from a form, consistent with the street pattern, ie. rectangular, and the introduction of the curved façade above, provides an articulated podium and tower without the typical tower setback. The site is located on the south-east corner of the Bourke and Queen Street intersection which limits overshadowing to the public realm. The building maintains open views to the sky and through its form deflects wind downdrafts.
40. The site is directly abutted to the east and south. Tower separation is less than 24 metres stipulated in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:
 - East: The 11-storey office building directly abuts McKillop Street and is partially affected (its southernmost portion) by Design and Development Overlay- Schedule 2 (Area 2), a 15 metre discretionary height control which seeks the design outcome; *'the low -rise, high-density and pedestrian oriented built form of the Chinatown, Bourke Hill, and McKillop/ Hardware/ Guilford Lane precincts is maintained'*. The likely redevelopment of this site in an intensive way is less likely, particularly due to the design outcome sought for McKillop Street, with a pedestrian orientated street with low rise built form. The limited tower setback from this boundary is considered to be appropriate on this basis.
 - South: The 14-storey office building is built to the street. Permit 2008/0786 was issued on 11 September 2008 (and expiring on 11 September 2013) allowing *'demolition of the existing buildings and development of the land for the purpose of Residential hotel and Retail premises (other than Adult sex bookshop, department store, hotel, supermarket and tavern) with associated parking'*. The approved 27-storey building envelope above Level 12 includes a 2 metre setback with balconies encroaching on that setback by 1 metre. Revised plans were informally provided which illustrate an increased offset to an average 5 metres from its common boundary and the introduction of a saw tooth form to the boundary, which angles views away from the common boundary. With the further offset of the building envelope achieves tower separation of between 5 metres and 8 metres to this envelope. Whilst less than the preferred 10 metre tower separation (sought by Amendment C188), provides offset of habitable rooms and is not considered to compromise the redevelopment of this property.

Street Level Frontages & Pedestrian Safety

41. The proposed development incorporates retail tenancies at ground floor and first floor level to Bourke and Queen Streets and the remainder of the 'podium' is skinned with apartments concealing above ground car parking. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The upper level apartments provide passive surveillance of the site's immediate surrounds and allow for future conversion due to the floor to ceiling heights within these areas.

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

42. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. Whilst there are limited tower setbacks to both Queen and Bourke Streets, the waved nature of the facade assists in wind deflection, therefore appropriate wind conditions are produced at street level as confirmed in the wind tunnel testing undertaken. Council has requested that plans be modified to achieve 'standing' criterion at points 4, 5 and 7 as detailed within the wind tunnel assessment provided with the application. The applicant does not oppose this inclusion.
43. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the west and south, predominantly contained within existing shadowing conditions. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. The most significant increase in shadowing is to Queen Street between 1 and 2pm. It is noted however that the development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

Internal Amenity

44. Developments for new and refurbished residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This can be dealt with via condition.
45. The building design provides a good standard of amenity for future residents. There is no reliance on borrowed light. All proposed dwellings have access to varying sized balconies. The dwellings will also not be constrained by any future development given the orientation of the apartments, including those located to the south with the introduction of the saw tooth form.
46. The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the *Design Guidelines for Higher Density Housing* DSE 2004 so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity, including provision of storage.

ESD

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

48. Council sought the inclusion of the Green Star office rating condition. It is noted that there is no office proposed in the development and the application of Clause 22.19 only applies to office with a gross floor area of 2,500 square metres or more. In this instance it is not applicable.

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

49. The level of car parking provided on site is supported, which is under the maximum limitation policy, and commensurate with the site's level of access to public transport, employment and facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.

50. Council also sought a condition requiring the retention of the existing crossover to Bourke Street and did not support its extension due to the kerb alignment and that it will cut into the structural root zone of the street tree. The applicant is not supportive of the inclusion of this condition. The car parking utilises the Klause Multiparking system with a dedicated inbound lift and shared inbound/outbound lift will service the automatic parking system. Inbound residents will enter the site via the two entrance cabins available from Penfold Place. Outbound vehicles will utilise the shared lift, which will also include a turntable at ground level, and exist to Bourke Street in a forward direction. The extension of the crossover is to improve sightlines for existing vehicles. A flexible condition allowing the potential extension of the crossover, on the basis of not interfering with the structural root zone is considered to be appropriate.

51. The application provides a loading facility, which does not meet the requirements at Clause 52.07 of the Scheme. The proposed on-site loading facility is accessed from Penfold Place. Concerns regarding the loading bay and access have been raised by Council. The Waste Management Plan does not comply with the 2012 City of Melbourne Waste Guidelines. The loading dock must be modified to comply with on-site loading and entering/ exiting Penfold Place is a forward direction. Council has proposed conditions to address this issue and the applicant does not oppose its inclusion.

52. The application provides for a total of 177 spaces which is consistent with the requirements at Clause 52.36 of the Scheme. Signage should also be provided, this can be conditioned accordingly. Council has raised concerns with the spaces being designed in accordance with the Australian Standard. It is considered appropriate to impose a condition requiring compliance with the design of bicycle spaces, and associated signage in accordance with the requirements of Clause 52.34 of the Scheme.

RECOMMENDATION

53. That you approve planning permit application 2012/002933 at 150 Queen Street, Melbourne for the development of a 68-storey mixed use tower subject to conditions.

Prepared by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 11 September 2012

Approved by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 13 September 2012