

PLANNING PANELS VICTORIA

MELBOURNE PLANNING SCHEME AMENDMENT C305

1-7 QUEENS BRIDGE STREET, SOUTHBANK

&

93 – 103 CLARENDON STREET, SOUTHBANK

STATEMENT OF EVIDENCE PREPARED BY STUART MCGURN

URBIS

INTRODUCTION

1. My name is Stuart Andrew McGurn and I am a Director of Urbis Pty Ltd. My qualifications and experience are described in **Appendix A**. I have been instructed by Ashurst Australia on behalf of Crown Resorts Limited to undertake a town planning review of exhibited Amendment C305 to the Melbourne Planning Scheme in relation to properties at 1-7 Queens Bridge Street and 93-103 Clarendon Street, Southbank.
2. The location of the two parcels and their context is depicted in **Figure 1**.

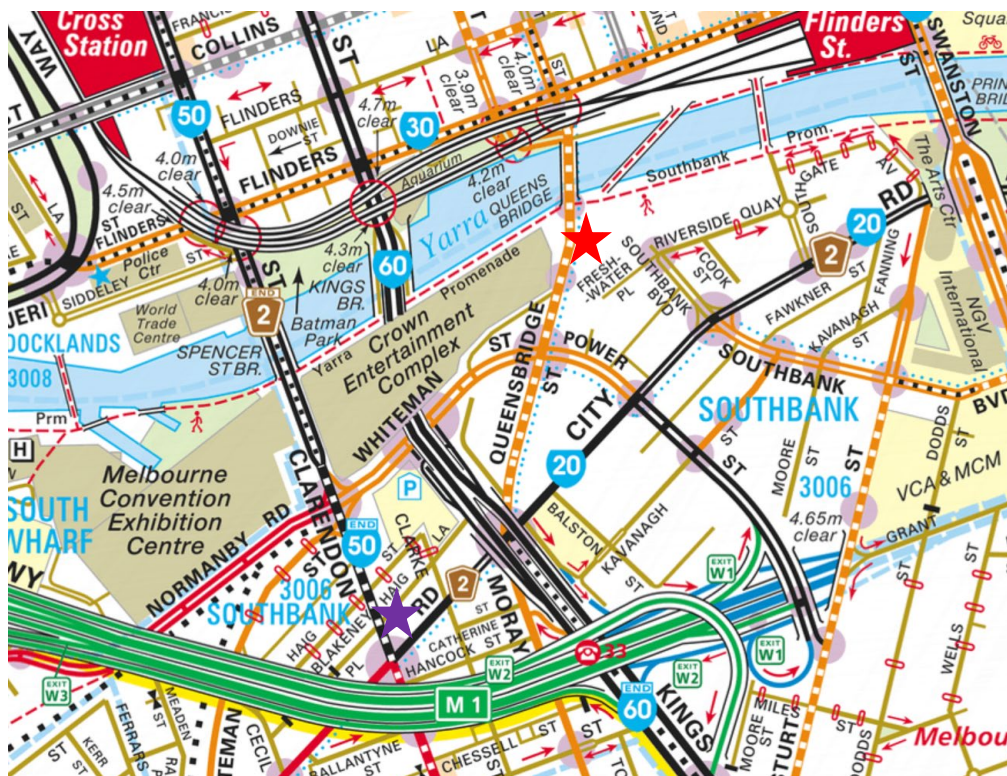


Figure 1: Location of 1-7 Queens Bridge Street (red) and 93-103 Clarendon Street (purple), Southbank

3. Amendment C305 proposes to implement the recommendations of the Southbank and Fisherman's Bend Heritage Review (June 2017) on selected land within Southbank and Fisherman's Bend within the City of Melbourne. In total it will apply to 48 heritage places. The Statement of Significance and the Heritage Places Inventory are proposed to be Incorporated Documents in the Scheme.
4. Within the Statement of Significance, both properties fall into the precinct described as '*Industrial South Melbourne from the Yarra River to Dorcas Street and backing on to the St Kilda Road area, including City Road, Queens Bridge Street, Sturt Street and surrounding streets in Southbank*' (p.8)
5. In respect of 93-103 Clarendon Street, Southbank, Amendment C305 proposes to apply;
 - A 'site specific' Heritage Overlay (HO1222), identified as the 'Eckersley and Co Soda Fountain Factory'. The property is identified as individually significant.
 - A precinct wide Heritage Overlay (HO1214) identified as the 'City Road Industrial and Warehouse Precinct', having a 'contributory' status in the precinct.
6. In respect of 1-7 Queens Bridge Street Southbank a site specific Heritage Overlay (HO1228) 'Queens Bridge Hotel' is proposed to apply.

7. My instructions are to *‘consider the implications of the application of the HOs in the manner proposed on the strategic planning objectives for the Sites and the immediate adjacent areas, having regard to the State and Local Planning Policy and strategic documents’*.
8. My review of the proposed Amendment has been informed having regard to:
- An inspection of the subject sites and the surrounding area.
 - The Melbourne Planning Scheme and reference documents of relevance.
 - Exhibited Melbourne Planning Scheme Amendment C305 (the subject amendment).
 - Exhibited Melbourne Planning Scheme C258 (to the extent it is relevant in a future policy sense).
 - Relevant submissions to Amendment C305.
 - City of Melbourne, Future Melbourne Committee Agenda Report 2 October 2018 reviewing submissions (noting submissions for the subject properties were made after this time).
 - An Incorporated Document ‘One Queens Bridge, 1-29 Queens Bridge Street, Southbank (Crown’s Queensbridge Hotel Tower), February 2017’ authorising a mixed use development, including the fourth hotel of the Crown Entertainment Precinct (since lapsed).
 - Review of expert statements
 - Structural (93-103 Clarendon Street), Mr Phil Gardiner, WSP
 - Heritage (both properties), Mr Peter Lovell, of Lovell Chen
 - Flood risk review, (1-7 Queens Bridge Street), Dr Andrew McCowan, Water Technology
9. Mr Lovell’s assessment concludes that both parcels do not warrant inclusion in the Heritage Overlays proposed by Amendment C305. I rely on Mr Lovell’s expert advice in forming my opinion.
10. Having regard to this I consider that the Heritage Overlays proposed to apply to the land at No. 1-7 Queens Bridge Street and 93 -103 Clarendon Street, Southbank, by Amendment C305:
- Would serve to potentially undermine legitimate development opportunities in a major, and well established urban renewal precinct;
 - Could potentially frustrate the achievement of positive design and architectural outcomes such as provision of active frontages at the ground floor level, creation of contemporary building podiums and the opportunities for improvements to the public realm (particularly in the case of the Queens Bridge Street land);
 - Cannot be adequately justified with respect to the Strategic Assessment Guidelines for Planning Scheme Amendments;
11. Additionally I consider that:
- The building at 93-103 Clarendon Street, Southbank is too isolated from other nominated buildings to contribute to cohesion of the urban form and does not warrant inclusion in the ‘City Road and Industrial Warehouse Precinct’.
12. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

1-7 QUEENS BRIDGE STREET, SOUTHBANK

DESCRIPTION OF SUBJECT SITE AND SURROUNDS

13. No. 1-7 Queens Bridge Street, Southbank is located on the east side of Queens Bridge Street, to the south of Queensbridge Square and the Yarra River. The site is irregular in shape and occupied by the two storey former Queens Bridge Hotel. It has an area of approximately 1,335 m sq. The land is affected by flood potential from the adjoining Yarra River and surrounding urban drainage system. These risks are addressed in the expert statement of Dr Andrew McCowan of Water Technology. The site and surrounds are shown in **Figures 2, 3 and 4** and a cadastral/zoning plan is at **Figure 5**.
14. Surrounding development includes:
 - To the north is Queensbridge Square and the south bank of the Yarra River Promenade. Queens Bridge Street crosses the River north to the traditional area of the Central City.
 - Immediately to the east is Freshwater Place residential tower (207 metre high) with a 9 storey podium including commercial uses facing Queensbridge Square and a blank wall along the boundary with the subject site.
 - Opposite on the west side of Queens Bridge Street is Crown Entertainment Complex and the Crown Tower Hotel (154.10 metres high). A major port cochere entrance to the Hotel and Complex is accessed from Queens Bridge Street.
 - Immediately to the south is 9-15, 17-23 and 25 – 29 Queens Bridge Street which are also owned by Crown Resorts Limited. Together with the subject site the survey identifies 1-24 Queens Bridge Street has having an area of approximately 5,059 m sq.
 - Further to the south is the Prima Pearl residential tower which has 40 metre high podium and 255.1 metre high residential tower.
 - A central tram stop is located on Queens Bridge Street adjoining the site.



Figure 2: Aerial Photograph of 1-7 Queens Bridge Street, Southbank (red outline). Balance of land under the 2017 Incorporated Document at 9 – 29 Queens Bridge Street shown yellow dashed.

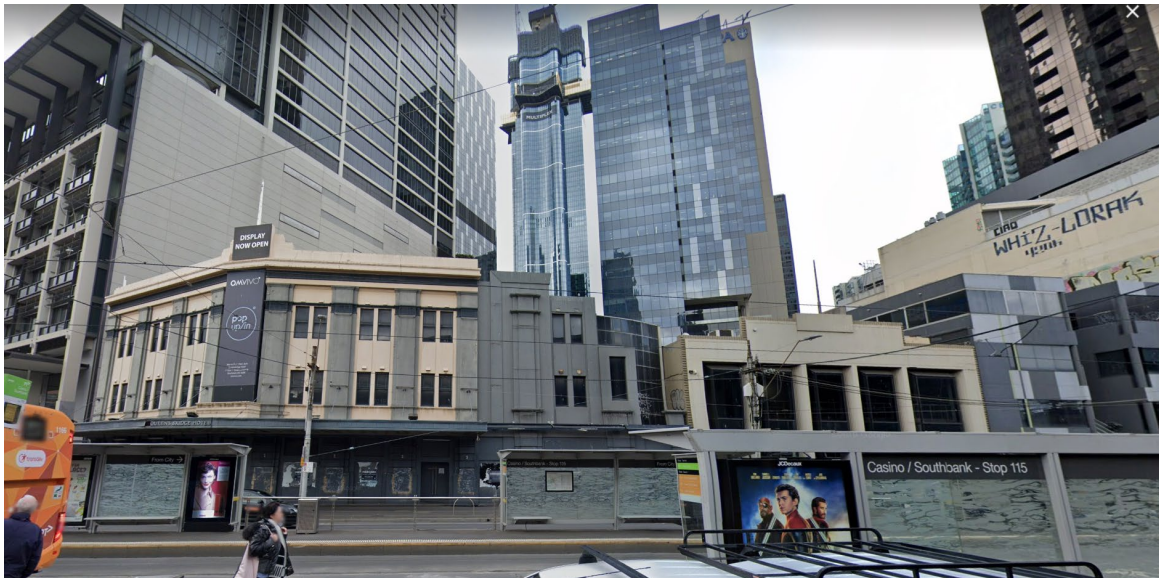


Figure 3: View of subject site from Queens Bridge Street tram stop.



Figure 4: View of subject site from Queens Bridge Street, south toward the Power Street intersection.

15. The properties at No. 1-29 Queens Bridge Street (i.e. including the subject site) were the subject of a major development approval under an Incorporated Document titled 'One Queensbridge, 1-29 Queens Bridge Street, Southbank (Crown's Queensbridge Hotel Tower), February 2017'. I have provided further detail of this below.

EXISTING ZONE AND OVERLAY CONTROLS

16. The Melbourne Planning Scheme identifies the site as within the Capital City Zone 3 'Southbank' (**Clause 37.04**). An extract from the zone plan is at **Figure 5**. Further details with respect to Schedule 3 of the Zone are set out below.
17. The land is subject to the following overlays (refer to property report at **Appendix B**):
 - Design and Development Overlay 1 – Area A3 'Active Street Frontages' (**Clause 43.02**).
 - Design and Development Overlay 3 - DDO3 'Traffic Conflict Frontage – CCZ' (**Clause 43.02**).
 - Design and Development Overlay 4 – DDO4 'Weather Protection -CCZ' (**Clause 43.02**) applies along the site's frontage.
 - Design and Development Overlay 10 'General Development Area – Built Form' (**Clause 43.02**).

- Parking Overlay 1 'Outside the Retail Core' (**Clause 45.09**).
- Subject to an identified area of Aboriginal Cultural Heritage Sensitivity.

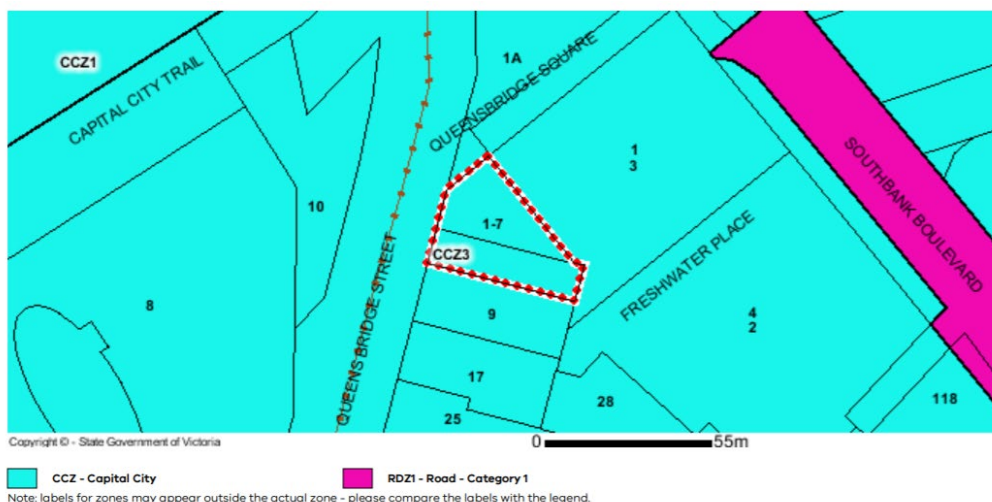


Figure 5: Extract from Melbourne Planning Scheme Zoning Map – 1-7 Queens Bridge Street

PROPOSED STATUS IN AMENDMENT C305

- The 'Southbank and Fisherman's Bend Heritage Review' (Biosis 2017) undertaken as part of Amendment C305 identifies 7 Queens Bridge Street as 'The Queens Bridge Hotel' which is proposed to be included in a site specific Heritage Overlay HO1228. The Review identifies the Hotel as a 'C Grade' property in a 'Level 3' Streetscape (p. 135).
- The proposed Incorporated Document 'Southbank Statements of Significance and Southbank Heritage Inventory 26 April 2018' identifies the building as being 'individually significant' and having historic and aesthetic significance.

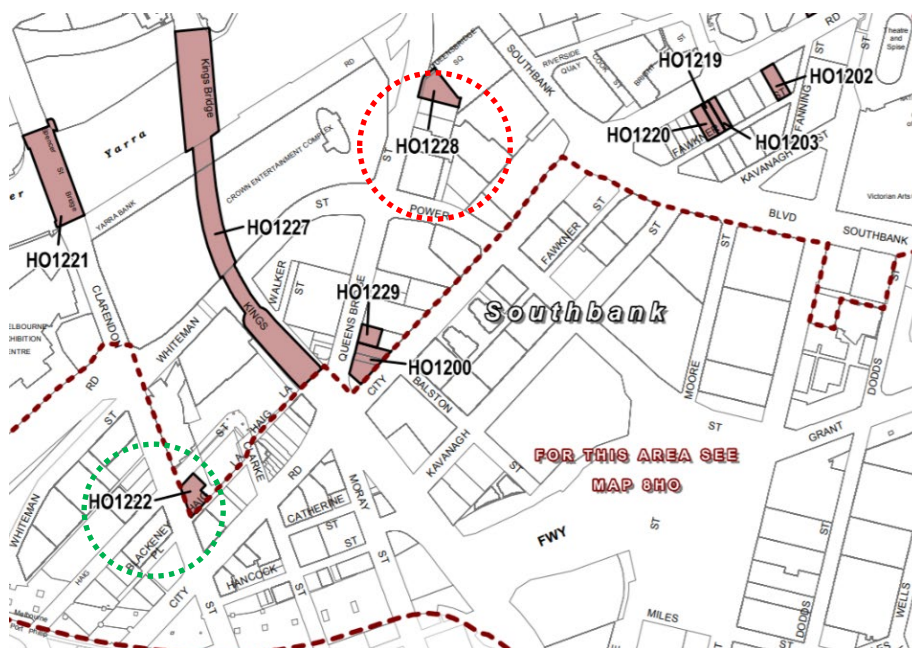
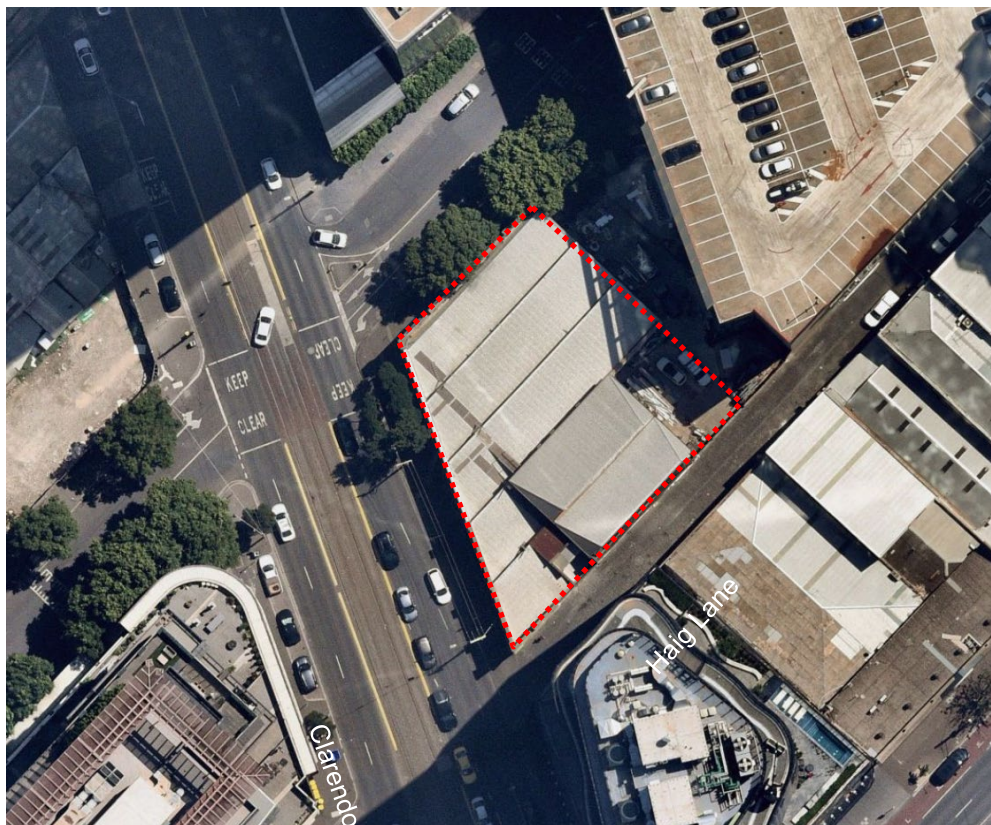


Figure 6: Amendment C305 – Proposed Heritage Overlays HO1228 (1-7 Queens Bridge Street) marked in red and HO1222 (93 – 103 Clarendon Street) marked in green.

93-103 CLARENDON STREET, SOUTHBANK

DESCRIPTION OF SUBJECT SITE AND SURROUNDS

20. The subject site is an irregular site located on the east side of Clarendon Street and north of Haig Lane. It has an overall area of approximately 1,265 metres sq and a frontage of 41.4 metres. Clarendon Street has a central tram line which connects north with the Hoddle Grid and south with the South Melbourne Activity Centre. The site and surrounds are shown in **Figures 7, 8 and 9** and a cadastral/zoning plan is at **Figure 10**.
21. The surrounding area is developed with a mix of lower scale commercial buildings and podium and tower apartment buildings and car parks associated with Crown Melbourne Resort. Surrounding development includes:
- To the north and east of the site is multi-level car parking associated with Crown Melbourne Resort.
 - Immediately north is Haig Street which provides ingress and egress to the car park from Clarendon Street.
 - To the south over Haig Lane is a contemporary podium and tower residential development at No. 105 Clarendon Street.
 - To the west over Clarendon Street is Clarendon Towers – a 28 storey apartment building with podium and ground level entrance foyer. South of this is Blakely Place and a service station.



Source: Nearmap (7.4.2019)

Figure 7: Aerial Photograph of 93 -103 Clarendon Street, Southbank.



Figure 8: Site Photograph of 93 – 103 Clarendon Street, Southbank.

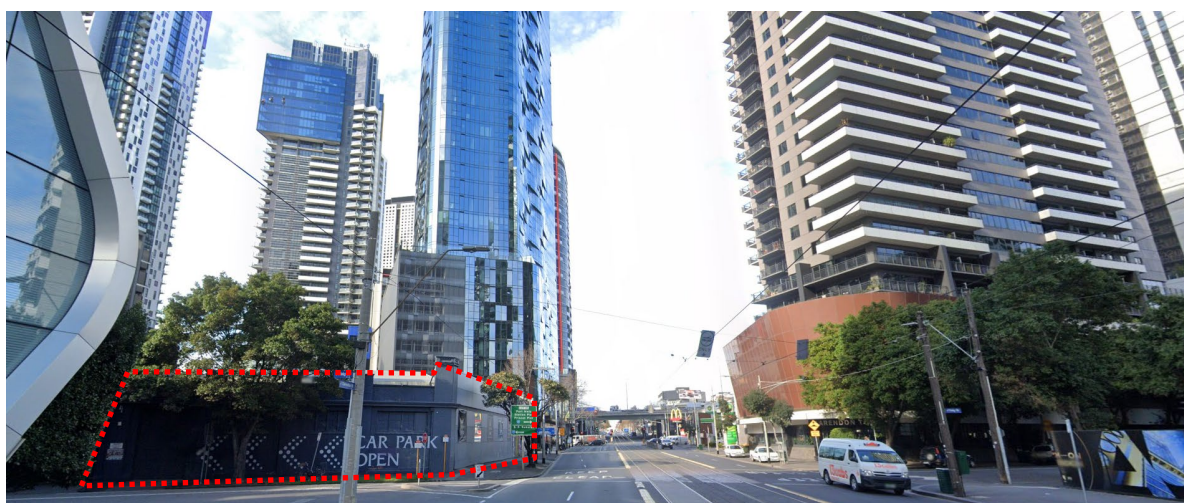


Figure 9: Photograph of 93 -103 Clarendon Street looking south along Clarendon Street.

EXISTING ZONE AND OVERLAY CONTROLS

22. The Melbourne Planning Scheme identifies the site as within the Capital City Zone 3 ‘Southbank’ (**Clause 37.04**). An extract from the zone plan is at **Figure 10**. Further details with respect to Schedule 3 of the Zone are set out below.
23. The land is subject to the following overlays (refer to property report at **Appendix C**):
 - Design and Development Overlay 1 – Area A3 ‘Active Street Frontages’ (**Clause 43.02**).
 - Design and Development Overlay 3 – ‘Traffic Conflict Frontage – CCZ’ (**Clause 43.02**).
 - Design and Development Overlay 10 ‘General Development Area – Built Form’ (**Clause 43.02**).
 - Heritage Overlay HO10222 and HO1214 (**Clause 43.01**) apply to the land on an interim basis, mimicking the controls proposed by Amendment C305. The overlay was introduced by Amendment C304 on 18 October 2018 while Amendment C305 was in progress and was not tested through a Panel process..
 - Parking Overlay 1 ‘Outside the Retail Core’ (**Clause 45.09**).

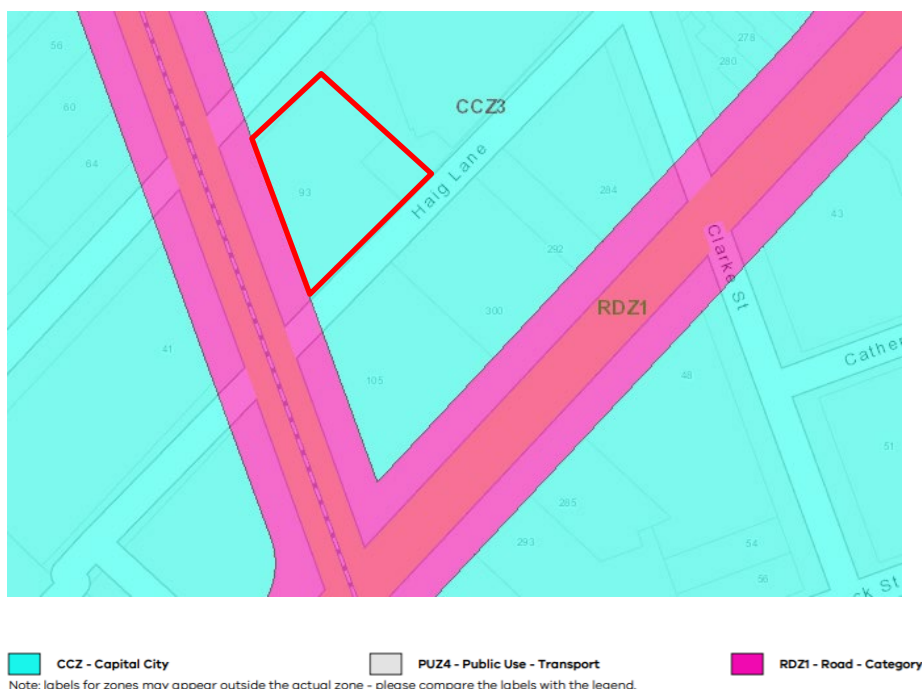


Figure 10: Extract from Melbourne Planning Scheme Zoning Map – 93-103 Clarendon Street

PROPOSED STATUS IN AMENDMENT C305

24. The Southbank and Fisherman's Bend Heritage Review undertaken as part of Amendment C305 identifies 93 -103 Clarendon Street as 'The Ecklersley & Co Soda Fountain Factory', being a Grade C building within a Grade 2 streetscape.
25. The proposed Incorporated Document 'Southbank Statements of Significance' identifies the building as *'one of the few remaining relatively intact engineering works'* in the area.
26. The Amendment proposes to apply (refer **Figure 11**):
 - A site specific Heritage Overlay HO1222 ('individually significant').
 - As part of the City Road Industrial and Warehouse Precinct HO1214 ('contributory').

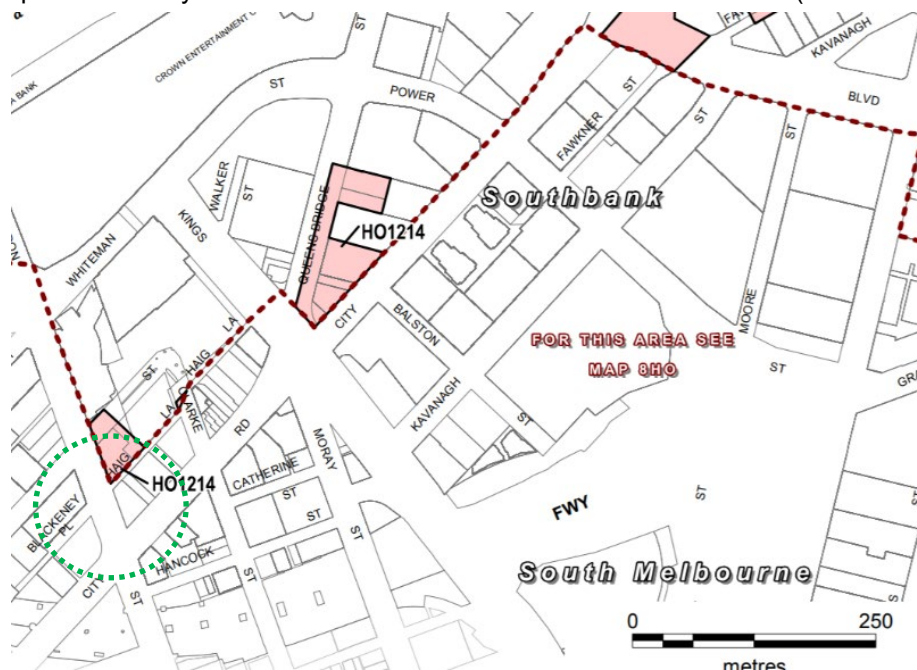


Figure 11: Amendment C305 – Proposed HO1214 Precinct (93-103 Clarendon circled)

MELBOURNE PLANNING SCHEME

27. Further detail of the planning controls for each site are set out below.

CAPITAL CITY ZONE 3

28. The Capital City Zone – Schedule 3 ‘Southbank’ has the following purposes:

- *To develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.*
- *To comfortably accommodate a residential and worker population in a pleasant neighbourhood where all public spaces are comfortable, bright and safe.*
- *To maintain and enhance the role of Southbank as a cultural and arts precinct.*
- *To develop Sturt Street as an arts and performance precinct with services and activities for local residents and visitors.*
- *To support art facilities and creative industry businesses along Sturt Street.*
- *To provide uses at ground floor and upper podium floors to promote a visual link with, and facilitate the passive surveillance of, the public realm.*
- *To support commercial, retail and community uses along pedestrian corridors.’*

29. A permit is required under **Clause 37.04-4** to construct a building (including demolition). Applications for works are exempt from public notice and review under the schedule to the Capital City Zone (**Clause 37.04-4**).

30. The CCZ includes a mandatory built form requirement for sites affected by DDO10, limiting development to a maximum floor area ratio of 1: 18 applies. The ratio can be exceeded with the provision of agreed public benefits and subject to assessment against the provisions of the Scheme.

31. **Clause 72.01** identifies the Minister for Planning as the responsible authority for development with a floor area in excess of 25,000 square metres.

DESIGN AND DEVELOPMENT OVERLAY 10 (CLAUSE 43.02)

32. The purpose of DDO10 ‘General Development Area – Built Form’ is to seek high quality built form outcomes for the Central City. The ‘design objectives’ are:

- *‘To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*
- *To ensure that development respects and responds to the built form outcomes sought for the Central City.*
- *To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.*
- *To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.*
- *To provide a high level of internal amenity for building occupants.*
- *To ensure the design of public spaces and buildings is of a high quality.*
- *To encourage intensive developments in the Central City to adopt a podium and tower format.’*

33. A permit is required for buildings and works under the Overlay. DDO10 includes built form controls which primarily address development in a podium and tower formation and specify:

- Street walls of between 20 and 40 metres (and up to 80 metres on major street corners).

- No additional overshadowing of the north and south bank of the river between 11.00am and 2.00pm on 22 June and development which avoids overshadowing of public spaces.
- Comfortable wind conditions in publicly accessible areas.
- Setbacks of between 5 metres and 10 metres above the street wall.
- Above 40 metres in height (i.e. above the podium), Setbacks of 5 metres or 6% of the overall height (whichever is greater) from side and rear boundaries. Buildings may potentially be built to one boundary up to 80 metres where there are existing walls on adjoining sites.
- Towers separated by a minimum of 10 metres within sites.
- Ability to adjust the location of tower 'footprints' but not less than 5 metres from site boundaries.
- No maximum building height, but the floor area ratio of 1:18 of the Capital City Zone 3 applies.

OTHER RELEVANT OVERLAYS

34. The other applicable overlay controls relate to detailed design issues and can be summarised as:

- Design and Development Overlay 1 – Area A3 'Active Street Frontages' (**Clause 43.02**) seeks that 'Major Pedestrian Areas' and 'Key Pedestrian Routes' within the Capital City Zone 3 have a positive architectural response and at least 80% of the street frontage as entries or windows.
- Design and Development Overlay 3 – 'Traffic Conflict Frontage – Capital City Zone' (**Clause 43.02**) requires a permit for works at the ground floor and avoids vehicle access.
- Parking Overlay 1 'Outside the Retail Core' (**Clause 45.09**) sets a parking limitation policy with a maximum of one space per dwelling. The decision guidelines consider minimising vehicle crossings and the design of parking for short stay car parks (amongst other things).

PLANNING POLICY FRAMEWORK

35. The policy identifies both sites as part of Melbourne's Central City. Key policy includes:

- Planning is to anticipate the needs of existing and future communities and provide serviced land for housing, employment, recreation and commercial and community facilities (**Clause 11 'Settlement'**).
- **Clause 15.01-1S 'Urban design'** and **Clause 15.01-2S 'Building design'** seek high quality urban design that contributes positively to local character and the public realm.
- Key strategies at **Clause 21.06-1 'Urban Design'** include:
 - *Ensure the design, height and bulk of development in the Urban Renewal Areas creates a high quality built form. (Strategy 4.1)*
 - *Ensure development in Urban Renewal Areas provides a complementary transitional scale to adjoining low scale buildings in areas where the existing built form character should be maintained. (Strategy 4.2)*
 - *In Hoddle Grid and Urban Renewal areas ensure occupancies in new tower buildings are well spaced and offset to provide good access to an outlook, daylight, sunlight and to minimise direct overlooking between habitable room windows. (Strategy 4.5)*
 - *To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm (Objective 5)*
 - *To improve public realm permeability, legibility and flexibility (Objective 6)*
- Energy and resource efficiency are encouraged by the State Policy at **Clause 15.02-1S**. This is supported by local strategies for sustainable development and infrastructure at (**Clause 21.06-3 'Sustainable Development'**).

- Development is encouraged to conserve and respect heritage places (**Clause 15.03-1S**). The objective of **Clause 21.06-2** 'Heritage' is *'to conserve and enhance places and precincts of identified cultural heritage significance'* (Objective 1).
- Housing diversity remains an important element of infrastructure (**Clause 16** 'Housing', **Clause 16.01-1S**). **Clause 21.07** 'Housing' recognises most significant housing /population growth in the City of Melbourne will be within the Central City and urban renewal areas.
- **Clause 16.01-2R** 'Housing Opportunity areas – Metropolitan Melbourne' seeks to *'Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.'* The supply of new housing is to be managed to provide development opportunities in the Central City and Urban Renewal Precincts.
- **Clause 17** – Economic Development seeks to *'strengthen and diversify the economy'* (**Clause 17.01-S**). **Clause 21.08** 'Economic Development' notes the Central City as the prime commerce location in Melbourne and the importance of business activity in areas under pressure from housing.
- Southbank is identified as an 'Urban Renewal Area' at **Clause 21.13**. Key policies include:
 - *'Support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses. Support a mix of uses, including residential development, with ground floor retail and small-scale business uses.'*
 - *Connect and integrate Southbank with the Central City and the Yarra River.*
 - *Position Southbank as the natural extension of the city establishing the Yarra River at the City's centre, not its edge.*
 - *Provide easy and attractive access to and across the river from the central and southern parts of Southbank.*
 - *Maintain low rise development on the northern and southern sides of the Yarra River and Arts Precinct to maintain the low scale river edge to protect key views to the Arts Centre Spire and prevent overshadowing of the south bank of the River.*
 - *Promote high rise, high density development, south of the Crown Casino and the Melbourne Exhibition Centre.'*
 - *Ensure all new development creates a high quality pedestrian environment and positively enhances the area's public realm.*
 - *Encourage a mix of public and commercial uses at ground level to support street life and provide pedestrian interest.*
- **Clause 18.02-2R** 'Principal Public Transport Network' seeks to *'Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect'*.

36. Other relevant policies in the Local Planning Policy Framework include:

- **Clause 22.01** – 'Urban Design in the Capital City Zone'.
- **Clause 22.02** – 'Sunlight to Public Spaces Policy' (currently under review by Amendment C278).
- **Clause 22.03** – 'Floor Area Uplift and Delivery of Public Benefits'.
- **Clause 22.04** - 'Heritage Places within the Capital City Zone'.
- **Clause 22.19** – 'Energy, Water and Waste Efficiency'.
- **Clause 22.23** – 'Stormwater Management (Water Sensitive Urban Design)'.

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37. Key policy directions of the Metropolitan Planning Strategy include:

- *'Support the central city to become Australia's largest commercial and residential centre by 2050'* (Policy 1.1.1)
- *'Plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high quality, distinct and diverse neighbourhoods offering a mix of uses'.* (Policy 1.1.2)

SOUTHBANK STRUCTURE PLAN 2010

38. The Southbank Structure Plan 2010 provides a strategy for the future of Southbank as an integral part of the Central City with the Yarra River at its centre. The preferred scenario for Southbank is to *'integrates land use, built form, mobility and access, open space, community infrastructure and sustainable infrastructure to achieve a liveable and sustainable Southbank'*.
39. The Plan outlines the characterisation of Southbank's public environs, where streets are transitional places rather than destinations. Improvements to the public realm through parks, public spaces and activity and land use are key directions in the Plan.

CENTRAL MELBOURNE DESIGN GUIDE (AMENDMENT C308)

40. The Central Melbourne Design Guide proposes application of urban design policy through the 'Central City and Southbank Design and Development Overlay' (DDO1). Key themes of the guide seek to: *'provide pedestrian connections that are lined by active frontages to enhance pedestrian connections, maximise activity and respond to the hierarchy of streets and lanes'*.
41. The Panel Report (13.6.2019) recommended adoption of Amendment C308, subject to changes. The introduction of the amendment will delete **Clause 22.01** Urban Design in the Capital City Zone and may also delete DDO3 (Traffic Conflict Frontage – Capital City Zone) if the Panel recommendations are implemented.

HERITAGE POLICY REVIEW (AMENDMENT C258)

42. Amendment C258 proposes to implement the recommendations of the 'Heritage Policies Review 2016' and the 'West Melbourne Heritage Review 2016'. This includes revisions to the heritage policies at **Clause 22.04** ('Heritage Places within the Capital City Zone') and **Clause 22.05** ('Heritage Places Outside the Capital City Zone'). The amendment also replaces existing Heritage Inventory Incorporated Documents with new Heritage Precinct Statements of Significance.
43. The Amendment was exhibited twice before being considered by an Independent Panel in May 2019. The amendment was adopted at a Future Melbourne Committee in February 2020 and submitted to the Minister for Planning for approval.

PLANNING REVIEW

WHAT IS THE DEVELOPMENT POTENTIAL OF 1-7 QUEENS BRIDGE STREET SOUTHBANK?

44. The Local Policy recognises the significance of the Central City and Southbank as areas which provide opportunity for the greatest growth and development for residential and commercial activity in Metropolitan Melbourne. The Capital City Zone 3 identifies Southbank as an extension of the Central City. The desire is for the area to be developed as a vibrant area with an intensity of land use and development. In response the Design and Development Overlay 10 encourages intensive developments in the Central City that adopt a podium and tower format and that contribute positively to the public realm and amenity for residents (amongst other things).
45. This site is defined by its opportunity to face and open out to the Yarra River Corridor, along with its immediate proximity to the Crown Entertainment Complex. It, in combination with the adjoining land at No. 9 – 29 Queens Bridge Street is a 'gateway' opportunity between the traditional Hoddle Grid of the Central City and Southbank.
46. The significance of this opportunity was previously recognised by Amendment C310 to the Melbourne Planning Scheme (2 March 2017) which approved redevelopment of the site by way of an Incorporated Document at **Clause 81.01** and **Clause 52.03** of the Scheme on 2 March 2017.
47. The Incorporated Document, 'One Queensbridge, 1-29 Queens Bridge Street, Southbank (Crown's Queensbridge Hotel Tower), February 2017' authorised demolition of the existing buildings and redevelopment of the land with a 90 storey building comprising a fourth Crown Hotel (388 rooms) and 708 luxury residences as well as a sky bar, viewing tower, destination restaurant, food and beverage offer and additional retail and office space. The development also included an elevated pedestrian connection over Queens Bridge Street to the Crown Complex and an extensive suite of public works adjoining Queens Bridge Street and Square and a pedestrian laneway connecting to Freshwater Place. These are referred to in the Incorporated Document included at **Appendix D**.
48. An application to extend the time for commencement under the Incorporated Document was refused by the Minister for Planning and the Document expired on 2 March 2019. An aerial photomontage depicting the development largely as it was approved is included at **Figure 12**. The ground floor plan is included at **Figure 13** and a street level render at **Figure 14**.



Figure 12: Aerial Photograph of Development under the One Queensbridge Incorporated Document.

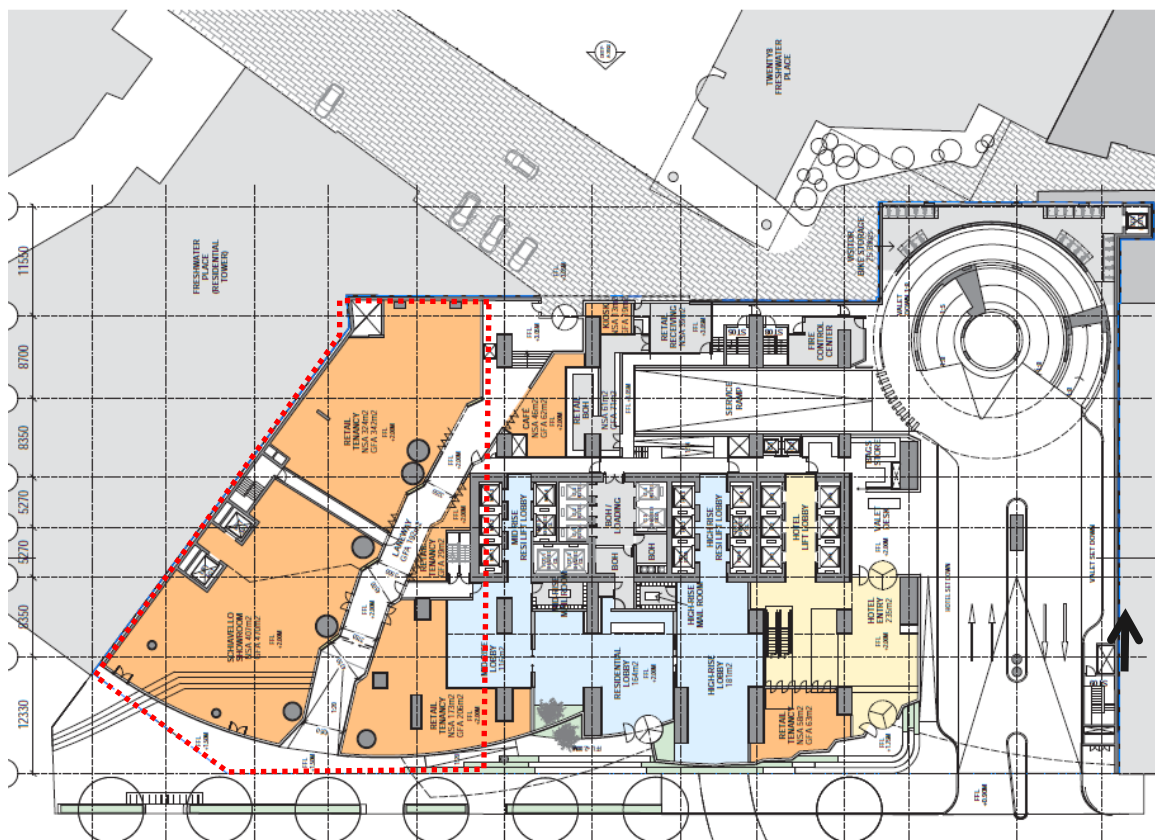


Figure 13: 1- 29 Queens Bridge Street, Ground Floor Plan (Incorporated Document 2017 – Rev 1 3.2.2017) – approximate outline of 1-7 Queens Bridge Street shown in red.



Figure 14: 1-29 Queens Bridge Street, Street Level Render (Incorporated Document 2017)

49. While this approval has lapsed my instructions are that a new proposal is being prepared for that land, continuing to encompass all parcels of land.
50. Clearly the site retains excellent development potential on account of its strategic location alongside the River and Central City, at the core of the Southbank precinct. I have assumed that a new development of the land will most likely take a podium and tower formation, consistent with major developments in the surrounding area, the site opportunity (and the previous approval). Obviously any new development proposals will be considered on their merits with reference to the Melbourne Planning Scheme and would need to consider the immediate interface with the adjoining residential towers.
51. However my observation is that the site comes with opportunities and constraints that could be better resolved at ground and lower levels through the presentation of a new building and by consequence demolition of the existing building. These include:
- Active pedestrian frontages having regard to the absence of windows in the existing building at the ground floor level.
 - Provision of a through link to Freshwater Place, not readily accommodated by retention of the existing building.
 - Resolution of difficult ground level conditions with respect to flood potential (while not subject to a SBO or LSIO).
 - Opportunity to create a contemporary podium level between 20 – 40 metres in height – being of a similar scale to podiums of the Crown Entertainment Complex, Freshwater Place and Prima Pearl Tower.
 - The practical opportunity to consolidate four existing buildings into one new form.
 - An opportunity to make public realm improvements (e.g. contributions to Queensbridge Square and Queens Bridge Street as per those in the Incorporated Document) associated with a major redevelopment.
52. Regardless of how a future development opportunity is progressed, I consider the position of the building in the Southbank precinct, combined with the adjacency to Queensbridge Square, the tram super-stop and Yarra River continue to provide an important development opportunity with the potential for off site benefits.

WHAT IS THE POLICY SETTING AND LAND USE AND DEVELOPMENT POTENTIAL OF 93-103 CLARENDON STREET, SOUTH MELBOURNE?

53. Like 1- 7 Queens Bridge Street this site sits within an area of the Central City in the Capital City Zone 3 which encourages the development of Southbank as *'an extension of the Central City to provide a mix of commercial and residential land uses that complement the capital city function of the locality'*. Southbank is recognised as a major urban renewal location in **Clause 21.01-3** and in particular it is sought to *'Promote high rise, high density development, south of the Crown Casino and the Melbourne Exhibition Centre.'*
54. The built form opportunity is largely defined by DDO10 which includes prescriptive requirements relating to street wall height and setbacks, to encourage buildings in a tower podium formation. In addition policy encourages the creation of vibrant urban environments and positive amenity outcomes for pedestrians, future residents and workers.
55. In planning terms the building is an older style single storey brick and render warehouse that extends around each street frontage. Portions of the building have previously been demolished and rebuilt, as outlined in the statement of Mr Lovell. The building makes limited, to no contribution to street activity given its generally solid appearance along Clarendon Street and Haig Lane.
56. The subject site is adjoined on the north eastern side by an existing commercial multi deck car park, associated with the Crown Melbourne Resort and accessed via Haig Street, off Clarendon Street.

57. This site is characterised by separation from other private land and access to two street frontages. The adjacent commercial car parks are not 'sensitive' to redevelopment, as can be the case with adjoining residential uses. The common ownership between the subject site and the car park land also provides potential for consolidation of land parcels to create a larger development opportunity.
58. Redevelopment of this site could take the form of commercial development or potentially a podium development along Clarendon Street (and returning along Haig Lane) with a tower set above.
59. Redevelopment of this site for a more active and intensive purpose, whether it is residential, commercial or mixed would be a positive outcome for this area where there are more limited active frontages due to the presence of existing car parking areas and former commercial buildings (such as the subject site).
60. In particular it would enable the creation of uses at the ground floor and upper podium floors which 'promote a visual link with, and facilitate the passive surveillance of, the public realm' (CCZ3). This would also provide the opportunity to support commercial, retail and community uses along the street, also consistent with the strategies at **Clause 21.01-3, DDO10** and **DDO1** 'Active Street Frontages' and the Urban Design Policy at **Clause 22.01**.
61. I anticipate that the scale of the podium would be in the order of 20 – 40 metres and incorporating habitable or commercial spaces along the street edges. This would provide visible activity to the street, and would not be an outcome that could be readily achieved in any substantive way with retention of the existing building.

IS THE APPLICATION OF THE HERITAGE OVERLAY TO 1-7 QUEENS BRIDGE STREET AND 93- 103 CLARENDON STREET APPROPRIATE?

62. Amendment C305 relates to the implementation of new heritage overlays to each site (not withstanding 93 -103 Clarendon Street is already subject to an interim heritage overlay). As I have noted above, this interim heritage overlay was imposed by Amendment C304 simultaneous with the progressing of Amendment C305, but was not subject to public exhibition or a Panel process.
63. Amendment C258 proposes to modify the heritage policies of the Melbourne Planning Scheme and have been adopted by the City of Melbourne and referred to the Minister for Planning for Approval in February 2020. If approved, these policies would apply to the consideration of new permit applications for land in the Heritage Overlay. The Amendments also includes the introduction of a Heritage Inventory which grades all heritage places using the significant/ contributory/ non contributory grading system. Corresponding to this, the methodology for the Southbank and Fisherman's Bend Heritage Review indicates that 'C' buildings are generally converted to 'significant' gradings.
64. Relevant to this matter, both places are proposed to be individually 'significant' under Amendment C305, while No. 93 - 103 Clarendon Street is to additionally be included in a Precinct based Heritage Overlay.
65. The particular considerations of heritage matters are outside of my area of expertise. A review of the heritage significance of each site has been undertaken by Mr Peter Lovell of Lovell Chen and Associates. I have reviewed his statement with respect to proposed Amendment C305 and rely on his expert opinion.
66. The review concludes in relation to the building at No. 1-7 Queens Bridge Street that (p.28):

'The former Queens Bridge Hotel while a long standing establishment, does not in my opinion meet the criteria or present as a building of individual significance which warrants inclusion in the Schedule to the Heritage Overlay. It is a building which in its history and design is representative of hotel buildings constructed in the interwar period, but not a building which is of sufficient individual note so as to warrant recognition for these reasons.'

67. Mr Lovell's key findings in reaching this view can be summarised as:
- Elements of external features described in the statement are no longer visible having been removed in the 1990s.
 - The external intactness of the building has been overstated, with the majority of the hotel demolished, other than the upper part of the facades and a short length of return wall to the east (and possibly part of the roof);
 - The reasons for its significance as having 'historical value' for travellers and workers could be drawn for virtually all such places;
 - The conclusion that the hotel has a 'landmark status' is overstated on the basis that is of an ordinary scale and not overly prominent in its surroundings.
68. In respect of the buildings at No. 93 -103 Clarendon Street, Mr Lovell concludes (p.25):
- '93 -103 Clarendon Street as assessed against the relevant assessment criteria does not meet the local threshold of significance for reasons of historical or aesthetic value so as to warrant individual recognition as a heritage place, nor does it warrant inclusion in the proposed 'City Road Industrial and Warehouse Precinct'.*
69. Mr Lovell's key findings in reaching this view can be summarised as:
- The architectural presentation is typical of the building type and broadly representative.
 - It is a less co-herent example of the type primarily because of the loss of a large part of the Clarendon Street façade, and changes to openings along the laneway.
 - The relative remoteness of the site (and physical changes which have occurred) combine to make contribution of the building to the 'precinct' limited.
 - While there are other examples of more intact buildings and retained facades (in redeveloped sites), the building is not engaged with the precinct in a manner which adds to its coherence or significance.
70. With the above in mind, the prospect of heritage protection needs to be considered in the context of the urban renewal designation of the locality and the anticipated degree of change envisaged by the Melbourne Planning Scheme.
71. I accept that there will be circumstances where the identification of heritage places within urban renewal areas and the Central City more broadly are important on account of the heritage significance of the building. Further, there are examples of integration of heritage buildings within dense, contemporary 'city' development. Relative to more domestic heritage settings, the interface with heritage buildings takes a more 'robust' approach where large and small buildings adjoin one another with obvious differences in scale.
72. However, given the importance of urban renewal precincts and the opportunity to deliver public benefits, the process cannot be simply to conclude that because it could be done, it should be done. There needs to be a rigorous justification of heritage controls, bearing in mind the weight of other significant existing policy designations and achieving balanced planning outcomes.
73. Having regard specifically to the site at 1 – 7 Queens Bridge Street and consolidation with the adjoining land, this is a significant and prominently located development opportunity. Application of the Heritage Overlay would compromise the opportunity to create more contemporary, activated ground floor frontages and podiums which respond to the setting of adjoining contemporary buildings. While Mr Lovell identifies that the Hotel occupies a prominent location and proximity to train stations and tram routes it does not present as a significant landmark in the area and nor does it meet the threshold of individual significance on the basis of aesthetic significance (p. 23).
74. Further, the particular constraints of this site include flood impacts from the Yarra River and the need to address the adjoining street level and square which is a well utilised pedestrian thoroughfare. Potential flood risks are addressed in the expert report prepared by Dr Andrew McCowan and are a matter outside my area of expertise. The report identifies multiple sources of flooding affecting the footpath, basement and cellar and internal areas of the Hotel.

75. I have been provided with an elevation of the existing Hotel indicating the projected flood impacts relative to the floor levels (refer to **Figure 15**). The 'freeboard' (or clearance) level is approximately 1.6 metres above the existing footpath level. This creates the need for a significant level change between the footpath and internal floor levels which would be difficult to manage in an equitable and positive way.
76. The assessment of Dr McCowan is that public realm improvements proposed as part of the One Queensbridge redevelopment would help alleviate 'nuisance' flooding of Queensbridge Street and improve the safety of pedestrian access along the footpath under current climate conditions.

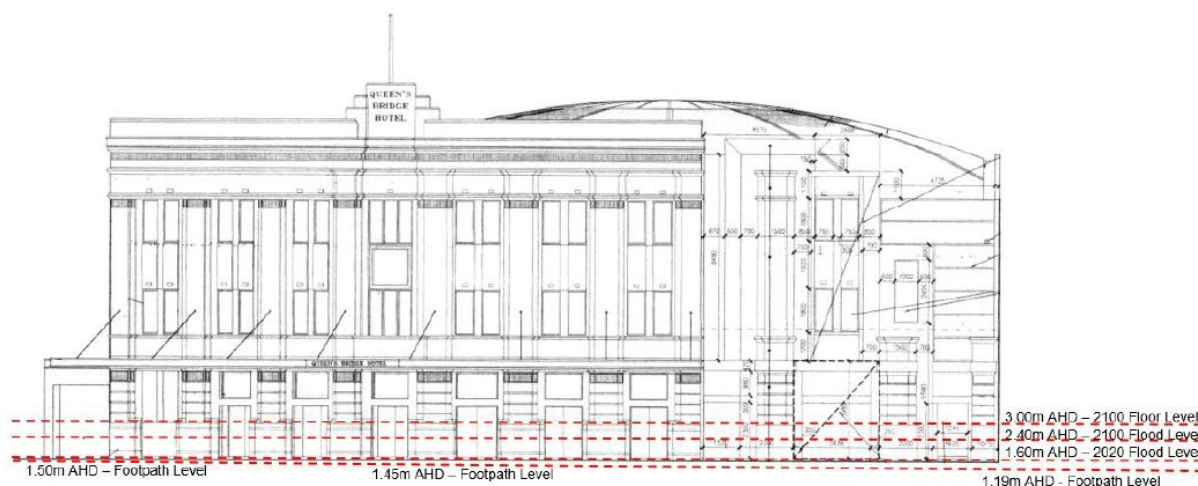


Figure 7-6 Flood Levels super-imposed on a Western Elevation of the Hotel

Figure 15: Existing Queensbridge Hotel and Projected Flood Impacts (extract from Figure 7-6 in statement of Dr Andrew McCowan).

77. Given the above redevelopment in the absence of the existing building would in my view potentially create better opportunities for pedestrian permeability and connectivity consistent with **Clause 22.01-3** as well as better addressing flood risks .
78. As I have noted above in relation to 93-103 Clarendon Street, the site has multiple street frontages and adjoins land in common ownership, maximising the development opportunity, while minimising the potential for amenity impacts on surrounding land or occupants. Redevelopment of the site in the absence of the existing building would provide an opportunity to create a permeable podium design with scale which relates to development in the surrounding area, introducing active uses up this frontage.
79. My observation is also that while the existing building reflects the former industrial history of the surrounding area it has few (if any) common reference points in the immediate vicinity. To this end I do not consider that it forms part of a cohesive or legible urban form that needs to be preserved.
80. This was essentially the view reached by Mr Lovell who noted (p.25) that *'while the precinct includes both complete buildings and retained facades in redeveloped sites, 93-103 Clarendon Street is not a building which is engaged with the precinct in a manner which adds to its coherence or significance'*, and further that *'albeit linked by a bluestone lane, the remnant facades as located in an otherwise transformed area convey little about the scale or richness of the industrial and commercial buildings within the precinct. As such any contribution which it makes to the precinct is low and not sufficient to be recognised as a contributory building'*.
81. In the face of this commentary, and combined with his observations that it is not a building making an important aesthetic contribution and not substantially intact, it seems that there is an absence of compelling reason to recognise the building within the proposed Heritage Overlays.

82. On the basis of Mr Lovell's analysis I am not persuaded that retention of the existing building facades in redevelopment of either site would preserve buildings of heritage significance. Further, their retention would not necessarily contribute to better urban environments.
83. In all circumstances there needs to be appropriate rigour and justification to place any property in a Heritage Overlay. The consideration of such decisions becomes particularly important when properties are located in areas of significant renewal and opportunity because of the potential to compromise these strategic outcomes. This is acknowledging that the role of identified urban renewal areas (but particularly one such as Southbank) is to make a broader contribution to the Metropolitan area.
84. It is fair when setting up policy, or seeking to introduce new policy that there be a cognisance of existing policy and how it will be potentially affected. To this end, there must be a strong strategic basis to include a new policy that potentially creates tension with competing strategic directions.
85. With this in mind, I consider that the application of the proposed heritage overlays is not adequately justified with respect to the Strategic Assessment Guidelines of Planning Scheme Amendments.

CONCLUSION

86. Having regard to this I consider that the Heritage Overlays proposed to apply to the land at No. 1-7 Queens Bridge Street and 93 -103 Clarendon Street, Southbank, by Amendment C305 to the Melbourne Planning Scheme:
- Would serve to potentially undermine legitimate development opportunities in a major, and well established urban renewal precinct.
 - Could potentially frustrate the achievement of positive design and architectural outcomes such as provision of active frontages at the ground floor level, creation of contemporary building podiums and the opportunities for improvements to the public realm (particularly in the case of the Queens Bridge Street land).
 - Cannot be adequately justified with respect to the Strategic Assessment Guidelines for Planning Scheme Amendments.
87. Additionally I consider that:
- The building at 93-103 Clarendon Street, Southbank is too isolated from other nominated buildings to contribute to cohesion of the urban form and does not warrant inclusion in the 'City Road and Industrial Warehouse Precinct'.

APPENDIX A STATEMENT OF QUALIFICATIONS AND EXPERIENCE

NAME AND ADDRESS

Stuart Andrew McGurn
Director
Urbis Pty Ltd
Level 12, 120 Collins Street
MELBOURNE VIC 3000

QUALIFICATIONS

- Bachelor of Arts 1984
- Graduate Diploma Urban Planning 1986

PROFESSIONAL EXPERIENCE

- Current Position: Director, Urbis Pty Ltd
- 2010-2015: Partner, Environmental Resources Management Australia Pty Ltd
- 1998 – 2010: Director, Fulcrum Town Planners Pty Ltd
- 1986 – 1998: Town Planner in local government – Cities of Broadmeadows and Melbourne, including role as Principal Planner – City of Melbourne

AREA OF EXPERTISE

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Consulting advice to a wide range of commercial and local government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to architects, project managers and other professionals involved in a range of projects and the built form and visual impact issues associated with the development of land.

EXPERTISE TO PREPARE THIS REPORT

Professional qualifications and expertise in town planning both in the public and private sectors.

INSTRUCTIONS WHICH DEFINED THE SCOPE OF THE REPORT

My instructions required me to undertake a town planning assessment and review the merits of the proposal. In so doing, I have relied upon those matters set down below.

FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

I have relied upon the following in the preparation of this report:

- Inspection of the subject site and surrounds.
- Review of the Melbourne Planning Scheme and strategic policies.
- Review of documents comprising proposed Amendment C305 to the Melbourne Planning Scheme
- Review of the Incorporated Document for 1-7 Queens Bridge Street, Southbank.
- Review of expert statements:
 - Structural (93-103 Clarendon Street), Mr Phil Gardiner, WSP
 - Heritage (both properties), Mr Peter Lovel, of Lovell Chen
 - Flood risk review, (1-7 Queens Bridge) Street, Dr Andrew McCowan, Water Technology

DOCUMENTS TAKEN INTO ACCOUNT

Relevant documents are described above.

IDENTITY OF PERSONS UNDERTAKING THE WORK

Stuart McGurn, Director, assisted by Christina McRae, Director.

SUMMARY OF OPINIONS

A summary of my opinions in relation to this matter is included at paragraph No. 86 -87 of my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal.



Stuart McGurn
Urbis Pty Ltd

APPENDIX B PLANNING PROPERTY REPORT 1-7 QUEENS BRIDGE STREET, SOUTHBANK

PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 01 July 2020 04:32 PM

PROPERTY DETAILS

Address: **1-7 QUEENS BRIDGE STREET SOUTHBANK 3006**

Lot and Plan Number: **More than one parcel - see link below**

Standard Parcel Identifier (SPI): **More than one parcel - see link below**

Local Government Area (Council): **MELBOURNE**

www.melbourne.vic.gov.au

Council Property Number: **108040**

Planning Scheme: **Melbourne**

[Planning Scheme - Melbourne](#)

Directory Reference: **Melway 2F D8**

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Melbourne Water Retailer: **South East Water**

Melbourne Water: **Inside drainage boundary**

Power Distributor: **CITIPOWER**

[View location in VicPlan](#)

STATE ELECTORATES

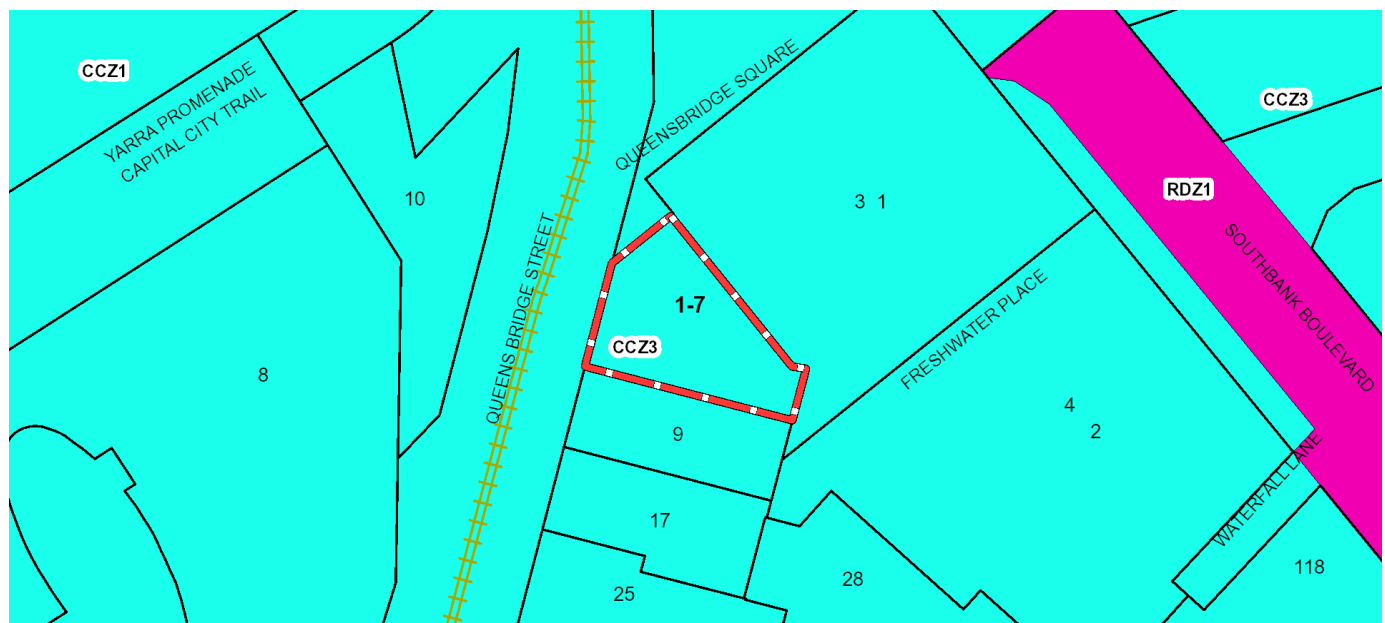
Legislative Council: **SOUTHERN METROPOLITAN**

Legislative Assembly: **ALBERT PARK**

Planning Zones

[CAPITAL CITY ZONE \(CCZ\)](#)

[CAPITAL CITY ZONE - SCHEDULE 3 \(CCZ3\)](#)



CCZ - Capital City **RDZ1 - Road-Category 1** **Tram line**

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

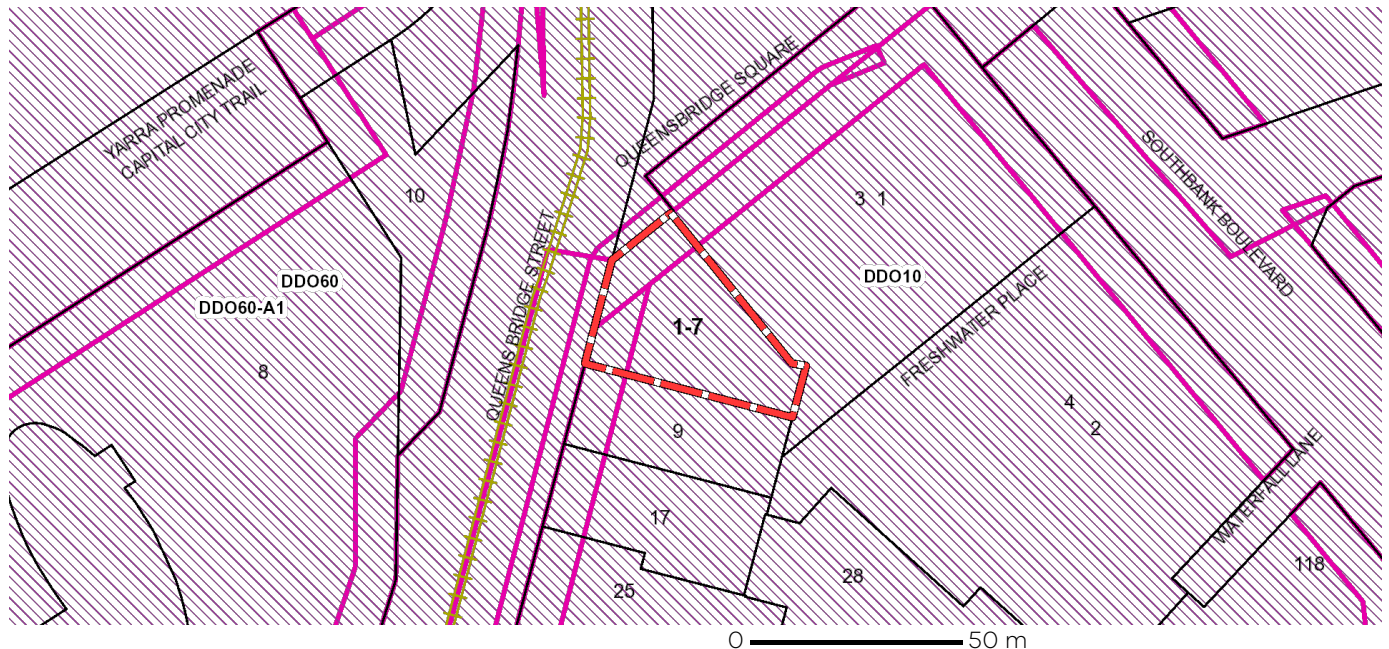
Planning Overlays

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 - TRAFFIC CONFLICT FRONTAGE \(DDO3\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 10 \(DDO10\)](#)

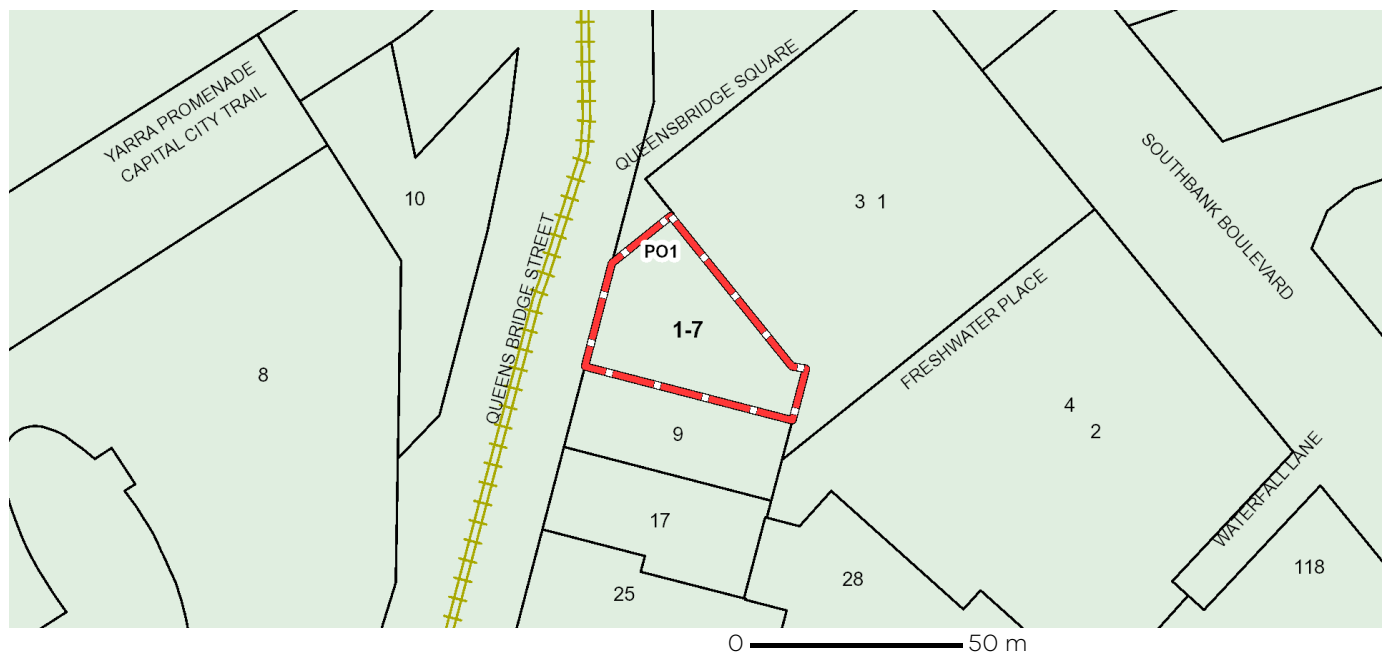
[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1 \(AREA 3\) \(DDO1-A3\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

[PARKING OVERLAY \(PO\)](#)

[PARKING OVERLAY - PRECINCT 1 SCHEDULE \(PO1\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

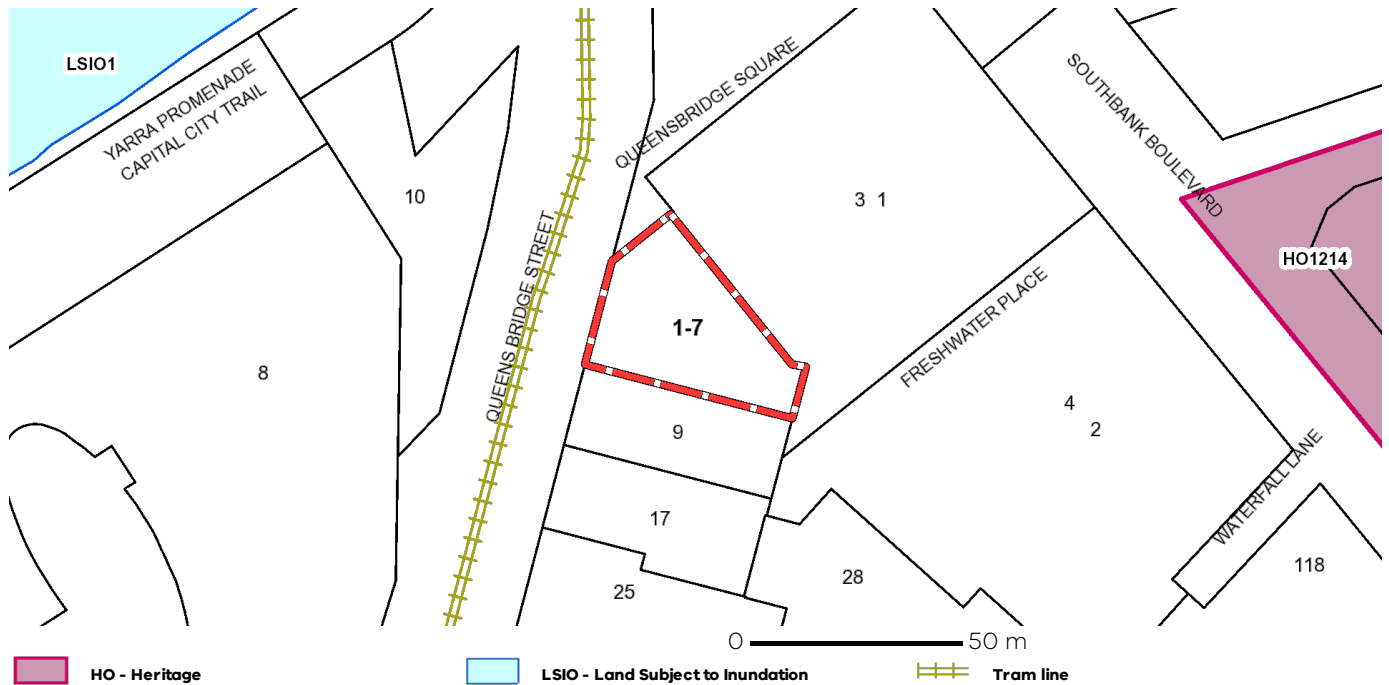
Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[HERITAGE OVERLAY \(HO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

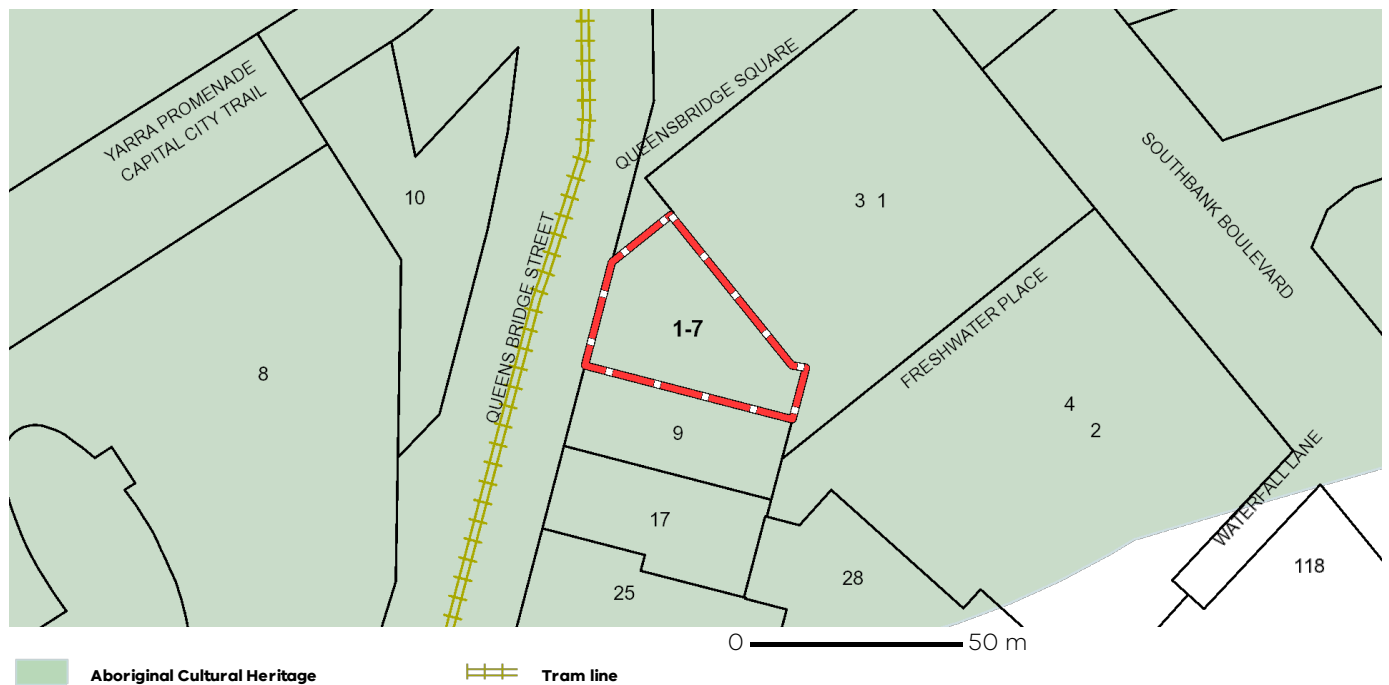
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



Further Planning Information

Planning scheme data last updated on 29 June 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

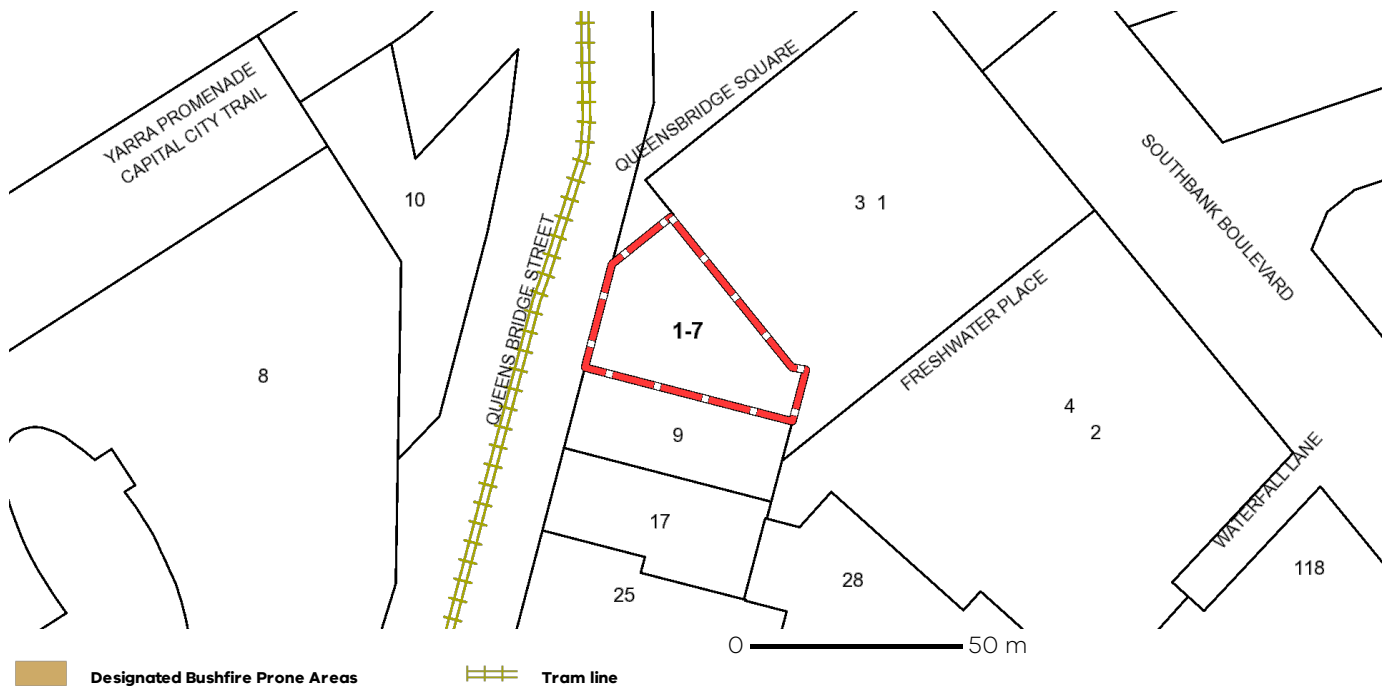
For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

APPENDIX C PLANNING PROPERTY REPORT 93 -103 CLARENDON STREET, SOUTHBANK

PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 02 July 2020 07:42 PM

PROPERTY DETAILS

Address: **93-103 CLARENDON STREET SOUTHBANK 3006**

Lot and Plan Number: **More than one parcel - see link below**

Standard Parcel Identifier (SPI): **More than one parcel - see link below**

Local Government Area (Council): **MELBOURNE**

www.melbourne.vic.gov.au

Council Property Number: **110481**

Planning Scheme: **Melbourne**

[Planning Scheme - Melbourne](#)

Directory Reference: **Melway 2F B10**

This property has 4 parcels. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Melbourne Water Retailer: **South East Water**

Melbourne Water: **Inside drainage boundary**

Power Distributor: **CITIPOWER**

[View location in VicPlan](#)

STATE ELECTORATES

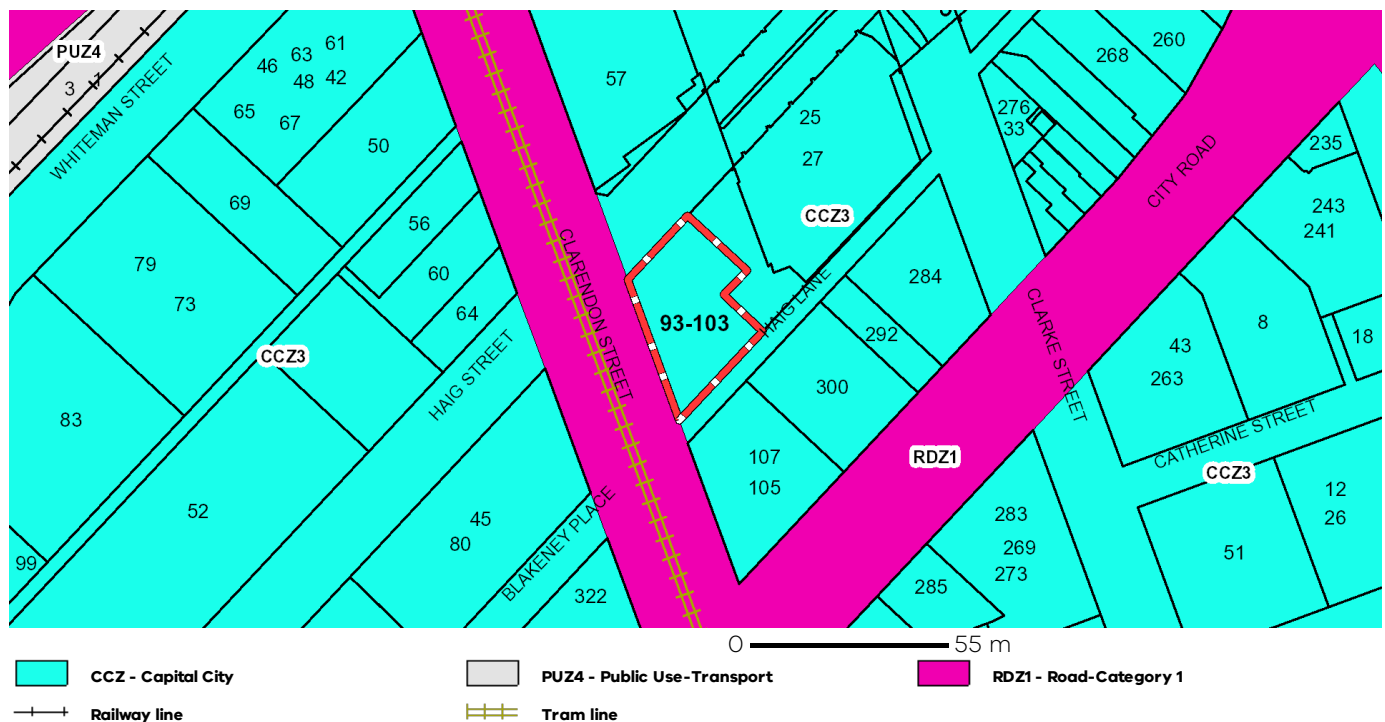
Legislative Council: **SOUTHERN METROPOLITAN**

Legislative Assembly: **ALBERT PARK**

Planning Zones

[CAPITAL CITY ZONE \(CCZ\)](#)

[CAPITAL CITY ZONE - SCHEDULE 3 \(CCZ3\)](#)



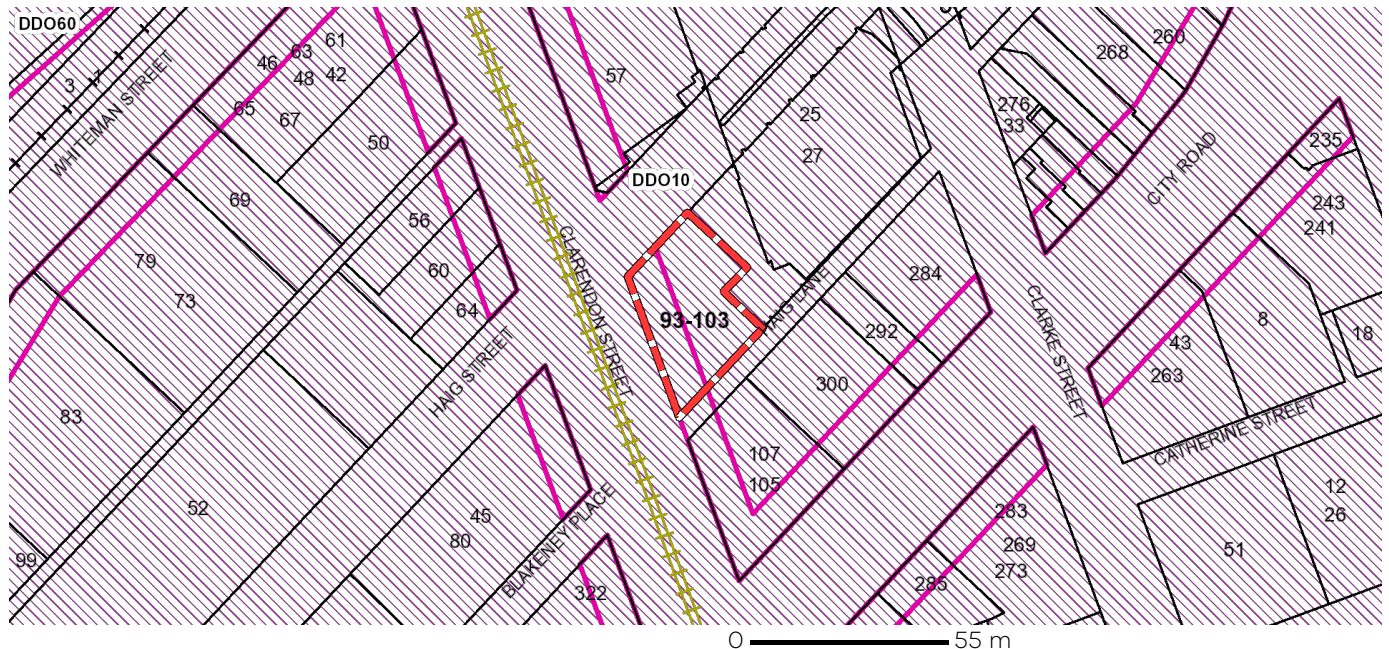
Planning Overlays

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 - TRAFFIC CONFLICT FRONTAGE \(DDO3\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 10 \(DDO10\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1 \(AREA 3\) \(DDO1-A3\)](#)

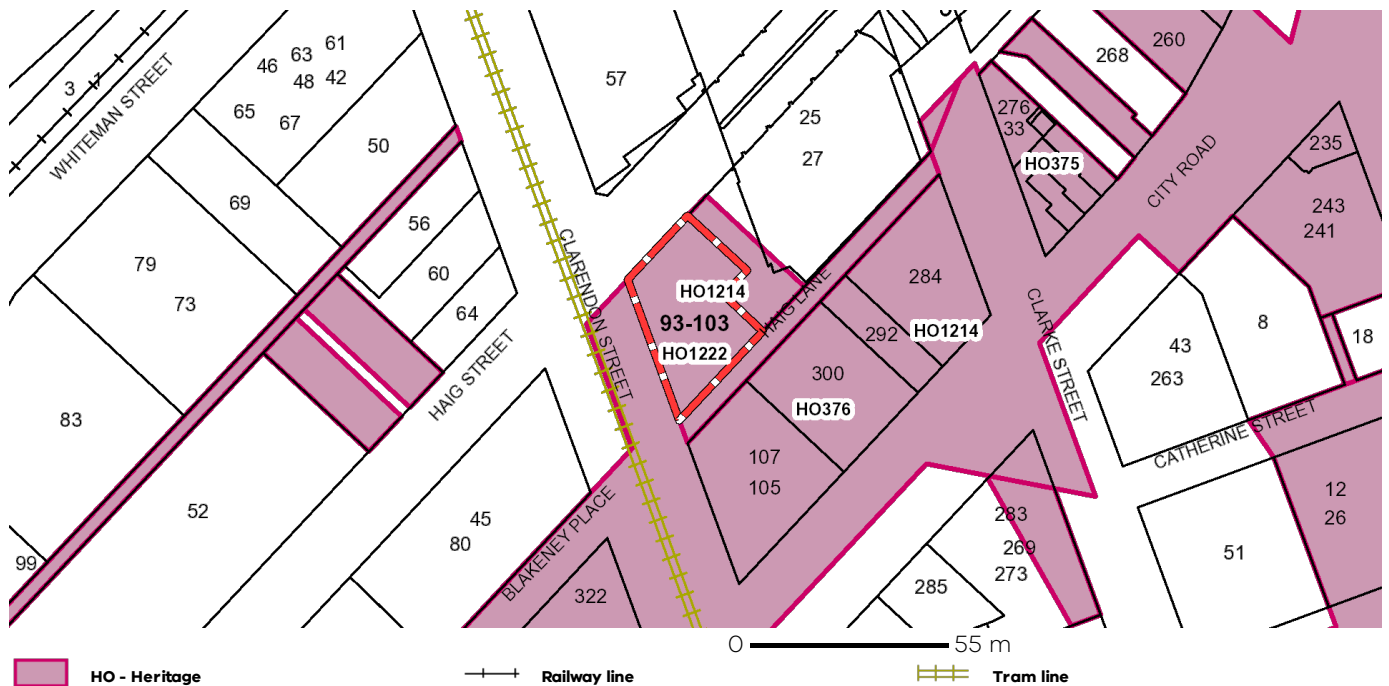


Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

[HERITAGE OVERLAY \(HO\)](#)

[HERITAGE OVERLAY - SCHEDULE \(HO1214\)](#)

[HERITAGE OVERLAY - SCHEDULE \(HO1222\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Planning Overlays

[PARKING OVERLAY \(PO\)](#)

[PARKING OVERLAY - PRECINCT 1 SCHEDULE \(PO1\)](#)



PO - Parking

Railway line

Tram line

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[ROAD CLOSURE OVERLAY \(RXO\)](#)



LSIO - Land Subject to Inundation

RXO - Road Closure

Railway line

Tram line

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 1 July 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

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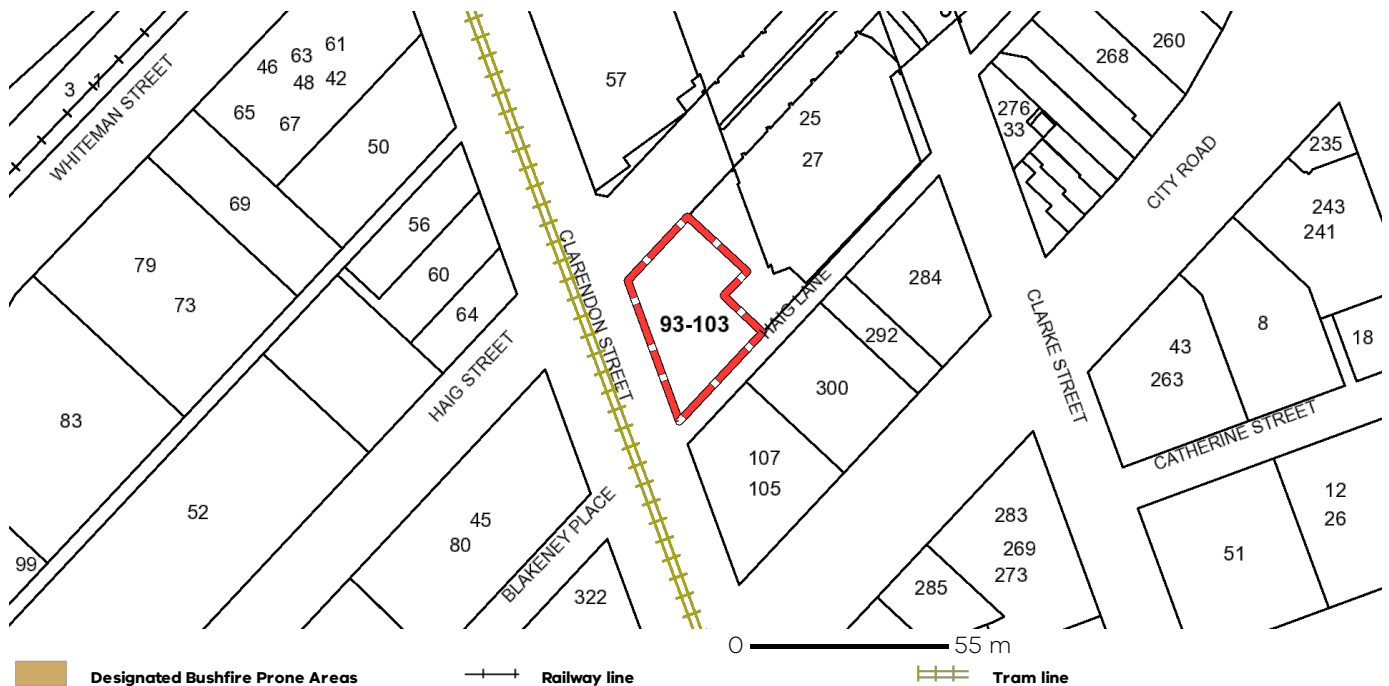
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Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

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For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

APPENDIX D ONE QUEENSBRIDGE INCORPORATED DOCUMENT 2017

MELBOURNE PLANNING SCHEME
Incorporated Document

**One Queensbridge, 1-29 Queens Bridge Street, Southbank (Crown's Queensbridge Hotel Tower),
February 2017**

**This document is an incorporated document in the Melbourne Planning Scheme pursuant to
Section 6(2)(j) of the *Planning and Environment Act 1987***

INTRODUCTION

This document is an incorporated document in the schedule to Clause 52.03 and the schedule to Clause 81 of the Melbourne Planning Scheme.

The land identified in the document may be developed in accordance with the specific controls contained in the document. The land identified in the document may not be developed in accordance with the specific controls contained in the document for a use other than that approved by the document. The specific controls may exclude other controls in the Scheme.

If there is any inconsistency between the specific controls and the general provisions of the Scheme, the specific controls will prevail.

ADDRESS OF THE LAND

This document applies to land at 1-29 Queens Bridge Street, Southbank and land adjacent to these sites described as follows:

- 1-7 Queens Bridge Street, Southbank (Lot 1 on Title Plan 369606P and Lot 2 PS332539X)
- 9-15 Queens Bridge Street, Southbank (Lot 1 on Title Plan 873768Y)
- 17-23 Queens Bridge Street, Southbank (Lot B on Plan of Subdivision 504017Y)
- 25-29 Queens Bridge Street, Southbank (Lot 1 of Plan of Subdivision 505293S)
- 1-8 Whiteman Street (Allot. 58e City of South Melbourne, Parish of Melbourne South) OP112471
- Queensbridge Square (Allot. 2170 City of South Melbourne, Parish of Melbourne South, Allot. (State) 2168 City of South Melbourne, Parish of Melbourne South (Council)) OP121921A
- Queens Bridge Street – Government Road
- Sandridge Rail Bridge Allot 2011 Parish of Melbourne North – Council and Allot 2007 Parish Melbourne North – Council
- Southbank Boulevard – Government Road
- Southbank Promenade Allot 15B City of South Melbourne Parish of Melbourne South – Council

APPLICATION OF PLANNING SCHEME PROVISIONS

For the purpose of Clause 52.01 the public open space contribution for the subject land is specified as 0%.

EXPIRY OF THIS SPECIFIC CONTROL

The use and development of the subject land permitted under this Incorporated Document must commence within two years of the gazettal date of Amendment C310 to this Scheme and must be completed within five years of commencement.

Upon expiry of the site specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

The permission for the signage that is authorised by this Incorporated Document will expire 25 years from the date of gazettal, unless otherwise approved by, the Responsible Authority.

THIS DOCUMENT ALLOWS

Despite any provision to the contrary in the Scheme the land may be used and developed including demolition for one multi-level tower containing Dwellings, Residential hotel, Office, Retail premises (other than Adult sex bookshop and Department store), and associated car parking, signage, an elevated pedestrian bridge across Queens Bridge Street connecting to Crown Complex and public realm improvements subject to the conditions set out in this Incorporated Document.

The use and development of the land must be generally in accordance with the detailed development plans endorsed under the conditions of this document and must be generally in accordance with the architectural plans dated 12 April 2016 (Revision 00) and 3 February 2017 (Revision 01) prepared by WilkinsonEyre Architects and the following plans which form part of this Incorporated Document:

- Document No. 01157-WEA-B-B1-DRTP-A-0510 titled Basement Level 01 Plan Revision 01
- Document No. 01157-WEA-B-B1M-DRTP-A-0515 titled Basement Level 01 Mezzanine Plan Revision 00
- Document No. 01157-WEA-B-B2-DRTP-A-0520 titled Basement Level 02 Plan Revision 00
- Document No. 01157-WEA-B-B3-DRTP-A-0530 titled Basement Level 03 Plan Revision 00
- Document No. 01157-WEA-P-00-DRTP-A-1000 titled Level 00 Plan Revision 01
- Document No. 01157-WEA-P-00-DRTP-A-1005 titled Level 00 Mezzanine Plan Revision 01
- Document No. 01157-WEA-P-01-DRTP-A-1010 titled Level 01 Plan Revision 01
- Document No. 01157-WEA-P-02-DRTP-A-1020 titled Level 02 Plan Revision 01
- Document No. 01157-WEA-P-03-DRTP-A-1030 titled Level 03 Plan Revision 01
- Document No. 01157-WEA-P-04-DRTP-A-1040 titled Level 04 Plan Revision 00
- Document No. 01157-WEA-P-05-DRTP-A-1050 titled Level 05 Plan Revision 01
- Document No. 01157-WEA-P-06-DRTP-A-1060 titled Level 06 Plan Revision 01
- Document No. 01157-WEA-P-09-DRTP-A-1090 titled Level 09 Plan Revision 01
- Document No. 01157-WEA-P-09M-DRTP-A-1095 titled Level 09 Mezzanine Plan Revision 01
- Document No. 01157-WEA-P-10-DRTP-A-1100 titled Level 10 Plan Revision 01
- Document No. 01157-WEA-P-11-DRTP-A-1110 titled Level 11 Plan Revision 01
- Document No. 01157-WEA-P-BB-DRTP-A-3101 titled Section BB- Podium Cross Section Revision 00
- Document No. 01157-WEA-P-DD-DRTP-A-3103 titled Section DD- Podium Long Section Revision 00
- Document No. 01157-WEA-P-E-DRTP-A-2103 titled East Elevation Podium Revision 00
- Document No. 01157-WEA-P-EE-DRTP-A-3104 titled Section EE- Podium Long Section Revision 00
- Document No. 01157-WEA-P-GG-DRTP-A-3106 titled Section GG- Podium Cross Section Revision 00
- Document No. 01157-WEA-P-W-DRTP-A-2101 titled West Elevation- Podium Revision 00
- Document No. 01157-QBT-P-XX-DRTP-A-8000 titled Bridge Link- L01 Plan and Roof Plan Revision 01
- Document No. 01157-QBT-P-XX-DRTP-A-8100 titled Bridge Link- South Elevation and Long Section Revision 01

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- Document No. 01157-WEA-P-ZZ-DRTP-A-2010 titled West and East Elevation Revision 00
- Document No. 01157-WEA-T-12-DRTP-A-1120 titled Level 12 Plan Revision 01
- Document No. 01157-WEA-T-28-DRTP-A-1280 titled Level 28 Plan Revision 00
- Document No. 01157-WEA-T-37-DRTP-A-1370 titled Level 37 Plan Revision 00
- Document No. 01157-WEA-T-38-DRTP-A-1380 titled Level 38 Plan Revision 00
- Document No. 01157-WEA-T-39-DRTP-A-1390 titled Level 39 Plan Revision 01
- Document No. 01157-WEA-T-40-DRTP-A-1400 titled Level 40 Plan Revision 00
- Document No. 01157-WEA-T-49-DRTP-A-1490 titled Level 49 Plan Revision 00
- Document No. 01157-WEA-T-53-DRTP-A-1530 titled Level 53 Plan Revision 00
- Document No. 01157-WEA-T-57-DRTP-A-1570 titled Level 57 Plan Revision 01
- Document No. 01157-WEA-T-58-DRTP-A-1580 titled Level 58 Plan Revision 00
- Document No. 01157-WEA-T-59-DRTP-A-1590 titled Level 59 Plan Revision 00
- Document No. 01157-WEA-T-60-DRTP-A-1600 titled Level 60 Plan Revision 00
- Document No. 01157-WEA-T-62-DRTP-A-1620 titled Level 62 Plan Revision 00
- Document No. 01157-WEA-T-68-DRTP-A-1680 titled Level 68 Plan Revision 00
- Document No. 01157-WEA-T-69-DRTP-A-1690 titled Level 69 Plan Revision 00
- Document No. 01157-WEA-T-77-DRTP-A-1770 titled Level 77 Plan Revision 00
- Document No. 01157-WEA-T-79-DRTP-A-1790 titled Level 79 Plan Revision 00
- Document No. 01157-WEA-T-80-DRTP-A-1800 titled Level 80 Plan Revision 00
- Document No. 01157-WEA-T-82-DRTP-A-1820 titled Level 82 Plan Revision 00
- Document No. 01157-WEA-T-84-DRTP-A-1840 titled Level 84 Plan Revision 00
- Document No. 01157-WEA-T-85-DRTP-A-1850 titled Level 85 Plan Revision 00
- Document No. 01157-WEA-T-86-DRTP-A-1860 titled Level 86 Plan Revision 01
- Document No. 01157-WEA-T-87-DRTP-A-1870 titled Level 87 Plan Revision 01
- Document No. 01157-WEA-T-88-DRTP-A-1880 titled Level 88 Plan Revision 00
- Document No. 01157-WEA-T-89-DRTP-A-1890 titled Level 89 Plan Revision 00
- Document No. 01157-WEA-T-RF-DRTP-A-1990 titled Roof Plan Revision 01
- Document No. 01157-WEA-ZZ-00-DRTP-A-0020 titled Site Plan – Ground Revision 01
- Document No. 01157-WEA-ZZ-AA-DRTP-A-3000 titled Section AA- Tower Long Section Revision 01
- Document No. 01157-WEA-ZZ-BB-DRTP-A-3001 titled Section BB- Tower Cross Section Revision 00
- Document No. 01157-WEA-ZZ-BB-DRTP-A-3001 titled Section BB- Tower Cross Section Revision 00
- Document No. 01157-WEA-ZZ-E-DRTP-A-2003 titled East Elevation Revision 01
- Document No. 01157-WEA-ZZ-N-DRTP-A-2000 titled North Elevation Revision 01
- Document No. 01157-WEA-ZZ-RF-DRTP-A-0000 titled Site Plan – Context Revision 00
- Document No. 01157-WEA-ZZ-RF-DRTP-A-0010 titled Site Plan – Roof Revision 00
- Document No. 01157-WEA-ZZ-S-DRTP-A-2001 titled South Elevation Revision 01
- Document No. 01157-WEA-ZZ-W-DRTP-A-2002 titled West Elevation Revision 01
- Document No. 01157-WEA-XX-XX-SK-A-0432 titled Signage: North Elevation Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0433 titled Signage: West Elevation Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0434 titled Signage: East Elevation Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0435 titled Signage 11: Tower Tip Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0436 titled Signage 10: Tower Tip Revision 00

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- Document No. 01157-WEA-XX-XX-SK-A-0437 titled Signage: West Podium Elevation Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0438 titled Signage 1 & 8: Schiavello Showroom Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0443 titled Signage 7: West Podium Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0444 titled Signage 5 & 6: West Podium Detail Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0445 titled Signage 3 & 4: West Podium Detail Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0446 titled Signage 2: West Podium Detail Revision 00
- Document No. 01157-WEA-XX-XX-SK-A-0447 titled Signage 9: East Podium Detail Revision 00
- Document 01157-WEA-XX-XX-SH-A-AreaSummary+KeyStatistics titled Area Schedule and Key Statistics Revision 00
- Document No. 01157-WEA-XX-XX-SH-A-ComparisonStudy titled Comparison Study Revision 00
- Document No. 01157-WEA-XX-XX-SH-A-PlanningResiUnitMix titled Planning Resi Unit Mix Revision 00

THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT AND OTHER ACTIVITIES PERMITTED BY THIS DOCUMENT

Detailed Development Plans

1. Before the development starts, including demolition and bulk excavation, amended plans must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The plans must be drawn to scale with dimensions and three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans submitted with the application by WilkinsonEyre Architects, plans as identified above and dated 12 April 2016 and 3 February 2017, but unless otherwise agreed, modified to show:
 - a) Amendments to plans dated 3 February 2017 that generally show:
 - i. Increased setback to Freshwater Place residential tower to a minimum tower separation of 13.8 metres;
 - ii. Increased setback to Prima Pearl residential tower to a minimum tower separation of 11.75 metres;
 - iii. Reduction of total building gross floor area from 306,666m² to 300,736m² (reduction of 5,930m²); and
 - iv. The through block link with a more direct link to Freshwater Place free of columns.
 - b) Staging plan detailing the proposed project staging and phase opening which shall include Stage 1 of which the (Residential Hotel) forms a part and Stage 2 (High rise Apartments) and any temporary works required as a result of the staging;
 - c) Details of the modifications to the façade design including the faceting generally in accordance with the concept plans of 18 August 2016;
 - d) Further details of the proposed through block link at a scale of 1:100 to demonstrate how the development resolves wayfinding through this space, including lighting and materiality;
 - e) Floor plans for all floors through the development;
 - f) Modification to the proposed canopies to include a minimum clearance to the underside of 5.0 metres to ensure no conflict with proposed street trees. The canopies should generally be setback from the kerb a minimum of 2 metres unless otherwise agreed as part of the detailed plans and public realm design taking into consideration wind studies and landscape design;
 - g) Further details regarding the pedestrian bridge design and its connection to the existing Crown Complex;
 - h) Detailed plans at a scale of 1:50 or 1:100 of the lower levels of the building to demonstrate how the development resolves its interface with the public realm including further resolution of the change in levels from the development to the footpath and podium screening to ensure appropriate concealment of car parking on Levels 2 to 9 inclusive;
 - i) Any amendments required in accordance with the recommendations of further wind climate assessment report required in the corresponding condition below;
 - j) Any amendments required to the plans as a result of the façade strategy and materials and finishes as required in the corresponding conditions below;
 - k) Any design changes required as a result of the further ESD report required in the corresponding condition below;
 - l) Any requirements for amended traffic circulation including ingress/egress, as required in the corresponding conditions below; and
 - m) Any changes required to comply with the Melbourne City Council Waste Guidelines and amended Waste Management Plan in the corresponding condition below.

Use and Development

2. The use and development of any land or building or part thereof as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority. Alterations to the use and development as shown on the endorsed plans that result in reduced setbacks beyond the minimum specified in Condition 1(a) above, increased podium or overall height or decrease in size of the Residential hotel cannot be considered under this provision.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Level 88 and 89 (Top of tower venue)

4. Before the use starts, the applicant must submit a Management Plan to detail the nature of the use. When approved the Management Plan will form part of the Permit. The Plan should detail the following:
 - a) Hours of operation for all parts of the premises.
 - b) Details of the provision of music.
 - c) Security arrangements including hours of operation and management to minimise queues outside the venue.
 - d) Entry and exit locations.
 - e) Pass-out arrangements.
 - f) Training of staff in the management of patron behaviour.
 - g) A complaint management process.
 - h) Management of any outdoor areas to minimise impacts on the amenity of nearby properties.
 - i) Management of patrons who are smoking.
 - j) Lighting within the boundaries of the site.
 - k) Security lighting outside the premises.
 - l) General rubbish storage and removal arrangements, including hours of pick up.
 - m) Bottle storage and removal arrangements, including hours of pick up.
 - n) Noise attenuation measures including the use of noise limiters.
5. Before the use commences, an acoustic report, prepared by a suitably qualified acoustic consultant, must be submitted to and approved by the Responsible Authority. The report must ensure that the noise levels generated by the premises do not exceed the levels specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. The report must identify all potential noise sources and sound attenuation work required. The recommendations of the report must be implemented by the owner at no cost to the Responsible Authority before the use commences.
6. Before the use commences, a Noise Limiter must be installed to the satisfaction of the Responsible Authority. The Noise Limiter must:
 - a) be set at a level specified by a qualified acoustic engineer;

- b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
- c) be maintained and operated at all times.

Land Title and Easements

- 7. Before the development starts, excluding any demolition or bulk excavation, a plan of consolidation into one title for the whole of the land (known as 1-7, 9-15, 17-23 and 25-29 Queens Bridge Street, Southbank) must be lodged at the Land Titles Office.
- 8. Before the completion of construction, all of the land being developed is to enjoy a legal form of access to Southbank Boulevard, generally over the private road named Freshwater Place from the proposed access link shown on the proposed plans, to the satisfaction of Melbourne City Council.

Demolition

- 9. Before the demolition hereby permitted starts, the owner(s) 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 Incorporated Document and that the owner(s) have made substantial progress towards obtaining an appropriate contract for the construction of the development.

In conjunction with Crown Casino

- 10. The Residential hotel component of the approved development must be managed and promoted in such a way as to foster and entrench a close ongoing association between the Residential hotel and the nearby Crown Casino, and must operate in conjunction with the nearby Crown Casino.

Legal Agreements

- 11. Before the development starts, including demolition and bulk excavation, the owner of the land must enter into legal agreement(s) under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and Melbourne City Council. The owner(s) must pay all of the reasonable costs and expenses of the agreement(s). The agreement(s) must make provision for the following:
 - a) require the construction of temporary works on the land to ensure an active street frontage and/or landscaping is provided at the main street frontage in the event that it remains vacant for 6 months after completion of the demolition, or construction activity ceases for a period of 6 months, or construction activity ceases for an aggregate of 6 months after commencement of construction. Before the construction of temporary works start, details of the works must be submitted to and be to the satisfaction of Melbourne City Council. Temporary works may include:
 - i. The construction of temporary buildings for short-term community or commercial use. Such structures shall include the provision of an active street frontage; or
 - ii. Landscaping of the site or buildings and works for the purpose of public recreation and open space.

- b) enable the removal of the agreement from the land once Stage 1 works have been completed in accordance with the endorsed plans.
12. Before the development starts, excluding demolition and bulk excavation, the owner of the land must enter into legal agreement(s) under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and Melbourne City Council. The owner(s) must pay all of the reasonable costs and expenses of the agreement(s). The agreement(s) must make provision for the following:
- b) give rights of public access to the internal arcade from Queens Bridge Street to Freshwater Place to the east subject to the following:
 - i. provide that the link will remain privately owned and controlled;
 - ii. require the owner to maintain unobstructed public access between 7am and 11pm, 7 days a week, unless otherwise agreed to;
 - iii. provide that the owner is solely responsible for the care and maintenance of the link at the owners cost and to the satisfaction of the Responsible Authority and Melbourne City Council;
 - c) the section 173 agreement does not end if the Incorporated Document lapses as some requirements relate to public spaces; and
 - d) the agreement must be registered on the land or the title of Stage 1 (Residential Hotel).
13. Within 12 months of the commencement of development, excluding demolition and bulk excavation, the owner of the land must enter into legal agreement(s) under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and Melbourne City Council. The owner(s) must pay all of the reasonable costs and expenses of the agreement(s). The agreement(s) must make provision for the following:
- a) require the owner(s) to construct and pay for public realm improvement works, or fund the Melbourne City Council to undertake the works by mutual agreement, consistent with the Public Realm Improvements Plan as outlined in the corresponding condition below as including but not limited to:
 - i. Queensbridge Square contribution to the value of \$25 million
 - ii. Queens Bridge Street contribution to the value of \$10 million
 - iii. Sandridge Rail Bridge contribution to the value of \$15 million
 - iv. Southbank Boulevard contribution to the value of \$5 million
 - v. Southbank Promenade contribution to the value of \$10 million;
 - b) require the owner to comply with all requirements of the Melbourne City Council regarding the design and physical treatment of Queensbridge Square, Queens Bridge Street, Southbank Boulevard, Sandridge Rail Bridge, and Southbank Promenade, including landscaping, street furniture, lighting and servicing infrastructure;
 - c) require the works associated with Sandridge Rail Bridge, Southbank Boulevard and Southbank Promenade to be completed prior to the occupation of Stage 1 (Residential Hotel) and works associated with Queensbridge Square and Queens Bridge Street to be completed before the completion of Stage 2 and require the agreement to be registered on the land or on the title of Stage 1 (Residential Hotel) if subdivided; and
 - d) enable the removal of the agreement from the land once works are completed in accordance with the endorsed Public Realm Improvements Plan required by the corresponding condition below.

Authorisation for the pedestrian bridge over Crown Land

14. The owner of the property must seek a tenure/ authorisation under the *Land Act 1958* from the relevant State Government department for building projections (the pedestrian bridge) over Crown Land (Queens Bridge Street). That tenure/authorisation must indemnify State Government and the land manager against any claims regarding the projections.

Public Realm Improvements Plan

15. Within 12 months of the commencement of development, excluding demolition and bulk excavation, a Public Realm Improvements Plan must be prepared for the detailed design and landscaping of all public realm works proposed within close vicinity of the subject site. The plan must be prepared to the satisfaction the Melbourne City Council, and when approved will be endorsed pursuant to this Incorporated Document. The Plan must:

- a) provide detail of all proposed public realm works to:
 - i. Queensbridge Square, contribution to the value of \$25 million including:
 - General upgrade of paving and planting with additional trees, as far as underground structures allow;
 - Design and installation of infrastructure for two new café opportunities (Sandridge Rail Bridge and Red Steps). Cafes to be developed under lease arrangement with Melbourne City Council. The Sandridge Rail Bridge location to include provisions for bridge access and transitioning to soften level difference;
 - New pedestrian access from Queens Bridge Street eastern footpath to south-west corner of Queens Bridge Square, providing a gradual transition to deal with the significant level difference (currently blocked by retaining walls and exhaust shafts).
 - ii. Queens Bridge Street, contribution to the value of \$10 million including:
 - Improve the look and feel of Queens Bridge Street through the removal of power and tram lines along the footpath (from Queensbridge Square to Power Street);
 - Upgrade the pedestrian experience and rationalise the grades along the Queens Bridge Street frontage to alleviate flooding (from Queensbridge Square to Power Street);
 - Upgrade paving and street furniture and incorporate street trees, as appropriate (from Queensbridge Square to Kings Way);
 - Regrade roadway paving (raise by +/- 100mm) to alleviate water ponding / flooding at tram stop crossings pursuant to concept design documentation provided by Melbourne City Council (from Queensbridge Square to Power Street);
 - Upgrade stormwater drainage collection points and rationalise with new paving grades (from Queensbridge Square to Power Street);
 - Install new 750 Stormwater Pipe and new Stormwater Discharge outlet between the project site and the river (from Queensbridge Square to Power Street).
 - iii. Sandridge Rail Bridge, contribution to the value of \$15 million including:
 - Rehabilitate and landscape the western side of the old rail bridge (to complement the eastern side), with “New York High Line style” treatment, including rest areas;
 - Provide Disability Discrimination Act compliant access from Queensbridge Square to south-western end of bridge, about 6 metres higher (note- bridge hits north bank at grade);

- Re-commission “Immigration Story” moving figures or provide an appropriate alternative concept.
 - iv. Southbank Boulevard, contribution to the value of \$5 million including:
 - Extension of the proposed Southbank Boulevard linear park from City Road north to the “Red Stairs”;
 - Western side road narrowing with new green landscaping.
 - v. Southbank Promenade, contribution to the value of \$10 million including:
 - Paving with bluestone and incorporation of a differentiated bike strip (pilot for other areas of Promenade);
 - Protect landscaping areas and direct water flow, to improve tree conditions.
 - b) incorporate urban design elements that include but are not limited to paving, lighting and seating, public art, and a clear demarcation of public realm and private space, including pedestrian bicycle and vehicle circulation;
 - c) show the position, soil depths, type and spread of all trees within the public realm to maximise opportunities for deep soil planting;
 - d) detail how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation. These measures should be generally consistent with the Water Sensitive Urban Design (WSUD) Report prepared by Eco-Harvest Australia dated 1 March 2016;
 - e) include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - f) include details of surface finishes of retaining walls, pathways, kerbs and laneways; and
 - g) detail the ownership, maintenance regime and management responsibilities for the public realm improvements proposed.
16. All improvements and/or capital contributions associated with Sandridge Rail Bridge, Southbank Boulevard and Southbank Promenade shall be made before the Residential Hotel that is included in Stage 1 of the building is occupied. All improvements associated with Queensbridge Square and Queens Bridge Street shall be completed before the final completion and occupancy of Stage 2 of the building unless otherwise agreed under the Staging and Construction Management Plan. All works associated with the approved Public Realm Improvements Plan as outlined above must be completed in accordance with the endorsed plans to the satisfaction of the Melbourne City Council.

Street Trees

17. In accordance with Melbourne City Council’s Tree Retention and Removal Policy, a Tree Protection Management Plan (TPMP) must be supplied to Melbourne City Council (Urban Forest and Ecology) to review and approve prior to any works commencement (demolition or construction) at the site.
18. The TPMP must be developed in accordance with AS 4970-2009 and follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction). This must be prepared by a certified project arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience).
19. All TPMPs will be accompanied by a bond or bank guarantee totaling the combined tree amenity and ecological value of subject trees. This will be held against the council approved TPMP for the duration of the works. Council may withhold part or the entire bond or bank guarantee should damage be sustained to any Council tree as a direct result of development activities.

Wind Assessment

20. Before the development starts, including demolition and bulk excavation, an amended comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development, including the proposed pedestrian bridge across Queens Bridge Street and the through block arcade, by a suitably qualified engineering consultant must be undertaken which considers the required changes under Condition 1 of this Incorporated Document. The Wind Climate Assessment must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by RWDI Consultant Engineers & Scientists dated 21 March 2016. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on street trees or other elements within the public realm to the satisfaction of the Responsible Authority.
21. The recommendations and requirements of the endorsed Wind Climate Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Façade Strategy & Materials and Finishes

22. Before the development starts, including demolition and bulk excavation, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority in consultation with the Office of the Victorian Government Architect. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with plans prepared by WilkinsonEyre Architects, titled 'OneQueensbridge' dated 12 April 2016 and 3 February 2017 and detail:
 - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
 - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features, including the pedestrian bridge and its abutments, which are important to the building's presentation.
 - d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
 - e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
 - f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built, durable outcome in accordance with the design concept.
23. Except with the consent of the Responsible Authority WilkinsonEyre Architects must be retained to complete and provide architectural oversight during construction of the detailed design as

shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes to the satisfaction of Responsible Authority.

24. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Landscaping Plan

25. Before the development starts in relation to on site landscaping, excluding demolition and bulk excavation, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Incorporated Document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Oculus dated 7 April 2016 but modified to show:
- a. A schedule of all soft and hard landscaping treatments. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, and all hard landscaping treatments.
 - b. Urban design elements including, but not limited to, paving, lighting, seating, wind amelioration measures and public art.
 - c. How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
26. Landscaping works as shown on the endorsed plans must be completed within 6 months of the overall completion of the development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

27. Before the development starts, a detailed Demolition and Construction Management Plan must be submitted to and approved by the Melbourne City Council. This Demolition and Construction Management Plan may be staged and is to be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
- a) Staging of construction;
 - b) Management of public access and linkages around the site during construction;
 - c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways);
 - d) Any works within the adjoining street network road reserves;
 - e) Sediment control and site drainage;
 - f) Hours of construction;
 - g) Control of noise, dust and soiling of roadways;
 - h) Discharge of polluted waters;
 - i) Collection and disposal of building and construction waste; and
 - j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Preliminary Environmental Assessment

28. Before the development starts, excluding remediation works necessary to facilitate the testing, the applicant must undertake an environmental assessment of the site to determine if it is

suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building, to the satisfaction of the Responsible Authority.

Should the environmental assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority, acting reasonably, consider require a significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the *Planning and Environment Act 1987* with the Melbourne City Council. This Agreement must be executed on title prior to the occupation of the building. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority or Melbourne Council.

Environmentally Sustainable Design (ESD)

29. Before the development starts, including demolition and bulk excavation, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the statement prepared by Aecom Australia Pty Ltd, dated 1 March 2016, or as otherwise to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
- a) A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent assessment demonstrating that the building meets the eco city goals and policy objectives referred to in Clauses 22.19-1 and 22.19-2 of the Melbourne Planning Scheme.
 - b) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star Multi Unit Residential rating tool or equivalent.
30. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by an accredited professional and must be implemented prior to occupancy at no cost to the Responsible Authority or the Melbourne City Council and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Noise Attenuation

31. Before the development starts, excluding demolition, bulk excavation and site preparation works, an amended report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control. The report must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by Renzo Tonin & Associates (VIC) Pty Ltd dated 1 March 2016. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority.
32. Before the occupation of the development, a report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority.

Melbourne Water

33. The ground floor finished floor levels, unless otherwise agreed to in writing from Melbourne Water, are to be constructed as follows:
 - a. The ground floor of the building, with the exception of the retail tenancies, are to be constructed with a finished floor level no lower than 3.00 metres to Australian Height Datum (AHD).
 - b. The retail tenancies at ground floor are to be constructed with a finished floor level no lower than 2.4 metres to Australian Height Datum (AHD).
 - c. All entries to the basement must be set no lower than 3.0 metres to Australian Height Datum (AHD).

Traffic and Public Transport Management

34. Unless otherwise agreed in writing with Public Transport Victoria and Melbourne City Council (Engineering Services), before the development starts, the Traffic Engineering Assessment prepared by TraffixGroup dated 14 April 2016 must be updated and approved by both Melbourne City Council and Public Transport Victoria to include the following:
 - a) an updated SIDRA analysis and signal phasing summary outlined in TraffixGroup Memorandum dated Thursday 23rd June 2016 Ref: G19045M2_AccessWorkshop2,
 - b) a review of upstream and downstream signal phasing in consultation with VicRoads to improve traffic flow where reasonable through the precinct.
35. Before the development starts, a Traffic Management Plan must be submitted to and approved by Public Transport Victoria and Melbourne City Council. The Traffic Management Plan must be prepared by a suitably qualified person and must identify potential disruptions to bus and tram operations on Queens Bridge Street and contain suitable mitigation measures to the satisfaction of Public Transport Victoria and Melbourne City Council. Any costs associated with the recommendations in the Traffic Management Plan must be fully met by the developer.
36. Unless otherwise agreed in writing with Public Transport Victoria, before the development starts, detailed construction / engineering plans and computations must be submitted to and

approved by Public Transport Victoria for the access works proposed including the tram stop works. The plans must be generally in accordance with the plans submitted with the application prepared by TraffixDesign Queensbridge Tower Hotel Access Concept Layout Plan Drawing Number G19045-02 Revision F dated 21 July 2016.

37. The access from Queens Bridge Street and tram stop works must be constructed at the full cost to the owner(s) as specified under 13 prior to the occupation of the development to the satisfaction of the Public Transport Victoria and deemed compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
38. During the construction period, the owner(s) must undertake an operational “bus & tram trial” for the amended intersection, as shown on the approved plan, to ensure bus and tram services can operate as designed. Any alterations to the intersection identified in the trial, must be implemented by the owner(s) at their full cost, to the satisfaction of Public Transport Victoria.
39. Unless otherwise agreed in writing with Public Transport Victoria, within three (3) months of the occupation of the development the owner(s) must undertake a review of the approved Traffic Engineering Assessment to the satisfaction of Public Transport Victoria, and in consultation with VicRoads and Melbourne City Council. The review must consider as appropriate the following:
 - a) A review of the actual intersection operation against the approved Traffic Engineering Assessment including the SIDRA operation of the proposed access.
 - b) Investigate traffic metering at the intersection of Power and Queens Bridge Streets northbound to reduce traffic queues over the access intersection, in consultation with Vic Roads.
 - c) Banning right turns into and out of the site at peak times.
 - d) Investigate alternative technologies / video monitoring to improve public transport priority
 - e) Installation of the western crossing access at the southern end of the tram stop (southbound lane) based on traffic flow movements.
 - f) Investigate measures to prevent the potential for queues across tram tracks from vehicles exiting Crown Complex and the subject land.

Any mitigation works identified in the review of the Traffic Engineering Assessment must be completed within six (6) months of the review being approved, at the full cost of the owner(s) and to the satisfaction of Public Transport Victoria.

40. The area set aside for car parking and access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
41. Vehicular ingress and egress must not be modified from that shown on the endorsed plans without the consent of the Responsible Authority.
42. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.

43. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

Waste Management & Loading/ Unloading

44. Before the development starts, including demolition and bulk excavation, an amended Waste Management Plan (WMP) shall be prepared and submitted to the satisfaction of Melbourne City Council (Engineering Services). The report must be generally in accordance with the report submitted with the request prepared by Leigh Design Pty Ltd dated 14 April 2016. The revised WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council (Engineering Services).
45. The loading and unloading of vehicles and deliver of goods to and from the premises must at all times take place within the boundaries of the site.
46. No garbage bins or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

Civil Works

47. Existing street levels in Queens Bridge Street adjacent to the subject site and including all areas of transition beyond the subject site must be raised to alleviate flooding experienced by the precinct in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).
48. Before the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).
49. The footpath adjoining the site along Queens Bridge Street must be reconstructed in sawn bluestone together with associated works including the existing bluestone pitcher crossings, renewal of kerb and channel and relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services). These works are included in the agreed \$10 million of works associated with the upgrade of Queens Bridge Street.
50. Any modifications to Queens Bridge Street outside Crown Towers on the western side of Queens Bridge Street must be in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).
51. Before their installation, all pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGSIs). Details of the TGSIs must be submitted to and approved by the Melbourne City Council (Engineering Services).

Lighting

52. Before the development starts, excluding demolition and bulk excavation, update and supplement public lighting in the precinct subject to works to include a review of current lighting levels in surrounding streets and submit a lighting design for Melbourne City Council approval and implementation of agreed works. Lighting design must meet AS1158 category P3 requirements at a minimum. CitiPower approved LED luminaries and poles must be incorporated in the lighting design.

Drainage

53. Before the development starts, excluding demolition and bulk excavation, the upgraded stormwater drainage and flood mitigation for Queens Bridge Street that is contemplated as a part of the Queens Bridge Street improvements adjacent to the subject site including Queensbridge Square to alleviate flooding experienced in the precinct must be progressed. The works must be designed and implemented in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).
54. Before the development starts, excluding demolition and bulk excavation, a stormwater drainage system incorporating integrated water cycle management design principles must be submitted to, and approved, by the Melbourne City Council (Engineering Services). This system must be constructed prior to the occupation of the development and provision made to connect this system to Melbourne's City Council's underground stormwater drainage system. Where necessary, the Melbourne City Council's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority (Engineering Services).

Building appurtenances

55. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.
56. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

Projections

57. The clearance to the underside of the proposed pedestrian bridge over Queens Bridge Street from the existing road surface must be a minimum of 5.0 metres. The pedestrian bridge must be drained to a legal point of discharge in accordance with plans and specifications approved by Melbourne City Council (Engineering Services).
58. The pedestrian bridge design and clearances must be agreed with Public Transport Victoria to avoid any impact on public transport infrastructure and its maintenance.

59. All projections over the street must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

3D Model

60. Before the development starts, or otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

Signage

61. The type, location, size, lighting and material of construction of the signs shown on the endorsed plan shall not be altered without the written consent of the Responsible Authority.
62. The signs, including their structure, as shown on the endorsed plans must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
63. The signs must be fitted with automatic ambient light condition sensors to control light intensity output/luminance to the satisfaction of the Responsible Authority.
64. The lighting of the signs must be positioned that no direct light or glare shall be visible from any street or from adjoining properties.
65. No animation, flashing or intermittent lighting may be used in the permitted signs unless otherwise approved by the Responsible Authority.
66. The signs must only contain a logo or name which identifies the business conducted on the site unless otherwise approved by the Responsible Authority.

Notes

- Approval for any temporary structures associated with the development which infringes on the prescribed air space under the *Airport (Protection of Airspace) Regulations 1996* may be required.
- Nothing in this Incorporated Document or any plans or documents approved in accordance with the conditions of this Incorporated Document should be taken to imply that the development meets the requirements of the *Building Act 1993* and its regulations.
- All necessary approvals and permits are to be first obtained from the Melbourne City Council (Engineering Services) and VicRoads and the works performed to the satisfaction of the Melbourne City Council (Engineering Services) and VicRoads.
- All necessary approvals and permit for works in the public realm including, but not limited to: temporarily relocate street lighting and their reinstatement, to temporarily relocate and/or remove street furniture, all street furniture such as street litter bins, recycling bins, seats and existing public street lighting must not be altered without the prior consent, and obtained and completed to the satisfaction of the Melbourne City Council (Engineering Services).

Melbourne Planning Scheme

- All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on the surrounding footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council (Engineering Services).
- Melbourne City Council note that all internal roads and pedestrian links must remain the responsibility of the Owner in perpetuity.

End of Document



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