

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

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Name: * Kendra Reid

Email address: * kendra@klrconsulting.com.au

Date of meeting: * Tuesday 1 February 2022

Agenda item title: TP-2021-200

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I strongly oppose the planning permit application for 115-127 Russell Street Melbourne. There are at least two large residential buildings next to this building in Little Collins Street and the noise of a rooftop bar will be detrimental to these residential buildings. Not to mention the noise on the street from people leaving the premises, which is already loud and there is often vomit and rubbish left in the street from the existing venue on that corner, so this would only be exacerbated by the construction. At a time when people are deserting living in Melbourne CBD – which has always benefited from its reputation as a "livable city" this construction is ill advised to maintain existing residents who contribute so much to the city.

Please indicate whether you would like to address the Future Melbourne Committee live via phone or Zoom in support of your submission: * No

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*

Name: * Jillian Luttin

Email address: * jill.luttin@bigpond.com

Date of meeting: * Tuesday 1 February 2022

Agenda item title: 6.1

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

That the open air rooftop development not be allowed for the following reasons.

Nowhere in any of the plans or the noise mitigation report is The Hero Apartment Building at 118 Russell Street mentioned, therefore there has been no noise mitigation testing done.

The building is directly opposite!!

It would appear to be a deliberate omission–118 Russell Street has been an apartment building for over 20 years.

The new development plan is on top of a very low building–the only way for noise to go is up and out–directly hitting the Hero building. This will also affect the accommodation hotel being built at 124 Russell Street as well as adjacent residential/ hotel buildings.

Noise is also more intense at night.

The health and welfare of residents as well as use of our amenity at Hero and surrounding residential buildings in this relatively quiet area of the city be permanently effected.

The liquor licence for this bar is extensive and the Crafty Squire is a sports hotel.

It is the Melbourne home of Several UK and European soccer clubs—these extensive licence hours are ideal for watching matches on the rooftop!!

Melbourne has an increasing permanent resident population and the council must maintain a balance between commercial development and health and well-being of its residents.

Alternatively you may attach your written submission by uploading your file here:

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: * Yes

If yes, please indicate if you would like to make your submission in person, or via a virtual link (Zoom) to the meeting. Please note, physical attendance will be limited in accordance with City of Melbourne security protocols and COVID-safe plans and be I wish to make my submission in person

allocated on a first
registered, first
served basis. *

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*

Name: * Patricia Caswell

Email address: * tricia@caswellassociates.com

Date of meeting: * Tuesday 1 February 2022

Agenda item title: 6.1

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Agenda item title: * 6.1

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

That the open air rooftop development not be allowed for the following reasons. It is yet another encroachment on the liveability of the area that Council must take seriously for the future of City residents.

Nowhere in any of the plans or the noise mitigation report is The Hero Apartment Building at 118 Russell Street mentioned, therefore there has been no noise mitigation testing done.

The building is directly opposite!!

It would appear to be a deliberate omission–118 Russell Street has been an apartment building for over 20 years.

The new development plan is on top of a very low building–the only way for noise to go is up and out–directly hitting the Hero building. This will also affect the accommodation hotel being built at 124 Russell Street as well as adjacent residential/ hotel buildings.

Noise is also more intense at night.

The health and welfare of residents as well as use of our amenity at Hero and surrounding residential buildings in this relatively quiet area of the city be permanently effected.

The liquor licence for this bar is extensive and the Crafty Squire is a sports hotel.

It is the Melbourne home of Several UK and European soccer clubs–these extensive licence hours are ideal for watching matches on the rooftop!!

Melbourne has an increasing permanent resident population and the council must maintain a balance between commercial development and health and well-being of its residents.

Unfortunately I am not able to be present at the meeting.

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Name: * Sonya Oberstar

Email address: * Sonya.oberstar@davidsonwp.com

Date of meeting: * Saturday 1 February 2020

Agenda item title: * Panning Permit Application TP2021 200

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am. How does Aus Venue Co or the planners of the proposed bar plan on reducing any noise levels for the proposed Roof Top Bar for the occupants and residents of 133 Russell Street and the Hero apartments as neither of these residences have been addressed within the planning submission and personally, my bed room window is next to the proposed open air bar resulting in a loss of any quiet enjoyment rights.

Please indicate whether you would like to address the Future Melbourne Committee live via phone or Zoom in support of your submission: * No

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*

Name: * Peter Collins

Email address: * petehc22@gmail.com

Date of meeting: * Tuesday 1 February 2022

Agenda item title: Noise Testing

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

In the submission there was no mention of the 12 residential lots directly overlooking the proposed development. Is the applicant aware of the overlooking dwellings (not hotel) ? If so why were there no studies taken from this height or angle level to the proposed development. We could easily hear the conversations of James Squires staff members assembling, playing music, building an unknown structure and barbecuing during the most recent Victorian lockdown when the premises was ordered closed. The noise that would come from the proposed development and or extension to their operation would have a substantial affect on the noise levels on the Portland lane side of 133 Russell Street.

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: * No

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*

Name: * Melanie Van Twest

Email address: * msvantwest@yahoo.com.au

Date of meeting: * Tuesday 1 February 2022

Agenda item title: Planning Permit Application TP-2021-200 – 115-127 Russell Street

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I live in the 'Hero' building at 118 Russell Street. The building is a residential building converted from a Telephone Exchange and Post Office in 2002. I have lived here since September 2019 and my apartment is on the north side, facing Bourke Street and overlooking Melbourne Place.

The Crafty Squire at 115-127 Russell Street is directly opposite my building. Although my apartment does not face Russell Street, I frequently hear noise from the pub, particularly people shouting or speaking loudly when leaving; groups of people cheering and shouting during sporting games (often very early in the morning, between 1-5am if European football is being played), and noise from the dining settings on the street.

While I am prepared to tolerate the current levels of noise I am deeply concerned about the prospect of an open air, rooftop bar and dining area.

Noise from The Crafty Squire is channelled down Melbourne Place and comes directly up and into my apartment windows, which I usually keep open for ventilation. Overnight noise is particularly noticeable and disturbing when the rest of the city is relatively quiet.

Council will be aware that the Hero building has two adjacent demolition and construction sites occurring simultaneously, at 124–130 Russell Street and 130 Collins Street. For the past four months the noise of building demolition has been intolerable. My apartment was unliveable at times from noise and vibration. This will soon be replaced by the noise of excavation and then construction which will continue for at least the next 18 months or more.

Night-time (and Sundays) is the only time we currently have respite from the demolition site noise. The prospect of having party noise occurring overnight on top of construction noise all day is deeply upsetting and distressing. Not to mention the construction noise that will arise from yet another construction site. Our building will be surrounded on three sides.

I urge Council to give consideration to the amenity and welfare of CBD residents over this application. While I accept that businesses have a right to expand, and Council wishes to encourage economic activity, the City must remain a liveable environment for those of us who have chose to make it our homes.

Since the demolition work began I have given serious thought to selling up and moving away from the CBD and may yet do so. It is not my preference: I love my apartment and its position. But the redevelopment work nearby is having a significant and detrimental effect on my mental health and welfare.

Council must balance the needs of economics and residents more effectively if it wishes the CBD to be an attractive option to more residents. At the present time the rate of redevelopment and the lack of consideration for resident welfare means I would discourage people from moving to the CBD, despite its obvious attractions.

Thank you for considering this submission.

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Name: * David Hamilton

Email address: * drhamilton@ghic.com.au

Date of meeting: * Tuesday 1 February 2022

Agenda item title: * Ministerial Planning Referral:ID-2021-4 Agenda Item 6.2

Alternatively you may attach your written submission by uploading your file here:



[triptych_ocps_612409c_submission_to_fom_1_feb_2022_agenda_item_6.2.pdf](#)

665.14 KB · PDF

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

Yes

If yes, please indicate if you would like to make your submission in person, or via a virtual link (Zoom) to the meeting. Please note, physical attendance will be limited in accordance with City of Melbourne security protocols and COVID-safe plans and be allocated I wish to make by submission via Zoom

on a first registered, first served
basis. *

Subject: Resident Concerns and Issues with Ministerial Planning Referral ID-2021-4

Purpose: To brief the Future Melbourne (Planning Committee) (FOM) on the concerns of Owners Corporation OCPS 602109C (aka Triptych) which represents the residents at 8 Kavanagh St in Southbank 3006 the building immediately adjacent to the site the covered by Ministerial Planning Referral ID-2021-4. These need to be considered by Council and the Head of Statutory Planning as soon as possible.

Background:

1. The proposal to the development of the site in question will have major impacts on residents at Triptych and other buildings in Kavanagh St and Fanning St.
2. Triptych was completed in late 2010. It has a significant design aesthetic. It features one of the largest pieces of Contemporary Art in Australia comprising the facade of the building at 8 Kavanagh St and it is featured prominently by the Applicant at Pages iv, and 12 of the MAPT SCO Master Plan. The image on Page iv of the MAPT SCO Master Plan shows a view of Triptych from St Kilda Road and on Page 12 of the MAPT SCO Master Plan superimposes the built form of the NGVC over the facade of Triptych. The image on Page 12 highlights the impact of the NGVC on Triptych, and on page 41 Triptych has been whitewashed out of existence by the NGVC.
3. The importance of the facade at Triptych, and what distinguishes this building from other facades in Melbourne apartment buildings, is that the facade is a commissioned piece of contemporary art created by Robert Owen, a noted Australian modern contemporary artist whose work can be found galleries internationally as well as in the Australian Museum of Contemporary Art. The following link to the Artist's web site sets out his vision when designing the facade at Triptych [Robert Owen - Triptych](#), and a profile of Robert Owen and his commissions can be downloaded at [Robert Owen Profile and Commissions](#). The Owen facade and the 6 stories of vertical garden on the southern façade, which is the largest such installation in Australia, are key to why the building received national design awards and daily attracts interstate and international visitors.
4. OCPS 602109C has submitted its analysis of the MAPT application to the DELWP which is at **Attachment 1** to this submission to Council and is referenced in this submission to the FOM.

Key Issues:

The Urban Context and Design Response: (See Pages 1,2,3, &4 of Attachment 1)

1. Throughout the planning phase none of Development Victoria, Creative Victoria, or the City of Melbourne have engaged with the residents in the buildings immediately adjacent to and directly impacted by the proposed development either on the 7 to 8 year construction phase both throughout or its subsequent operations. Yet, the *Decision Guidelines in the Melbourne Planning Scheme "Melbourne Arts Precinct"* at Schedule 7 require "the impact the use will have on the amenity of existing dwellings and adjacent and nearby sites" is considered.
2. This lack of consultation means that the Melbourne Arts Precinct Transformation (MAPT) development application is flawed in its analysis of both the URBAN CONTEXT and its DESIGN RESPONSE. If these are flawed, then the proposal itself is flawed as we set out in our attached submission (Attachment 1 at Para 3 and 4).
3. Key to this flawed analysis is the assumption in the MAPT SCO Master Plan that this development is only about the development of a destination gallery for Victoria. There is no attempt is to identify the context of the NGVC and the public realm to its local immediate community. The failure to engage and identify the context of this facility as part of Southbank is a fatal flaw that flows into not only the design response but also the brief and analysis undertaken in all the supporting studies.
4. Quarantining the MAPT SCO Master Plan from the neighbourhood in which it is situated and the adjoining buildings, which will be 15m to 25m from the NGVC and less than 100m from the Public Realm ignores, or at best devalues, the existing context, potentially misinforming the Design Response and MAPT Strategies. This is an exercise of pure sophistry on the part of MAPT.
5. A 60m Building Envelop will dominate the area and surrounding facilities in the Arts Precinct. It assumes a 30,000 sqm building with only 10,000sqm devoted to gallery and education purposes. We have benchmarked this development against 7 other Contemporary Arts galleries worldwide. The proposed NGVC is the least efficient use of a building envelop we have surveyed with 33% efficiency. (See page 3 of Attachment 1).
6. Reducing the building envelop to 35-40m delivers a 9,000sq m gallery and coupling this with sharing facilities with the NGV and repurposing the NGV car park delivers still the desire of the NGV director to have a building 2 times the size the Museum of Contemporary Art in Sydney.

In summary we submit that the Design Response should be reconsidered and aligned with:

- *The local Southbank community, and the adjacent sites, into which the NGVC is to be integrated. This is essential if the requirements of the Melbourne Planning Scheme "Melbourne Arts Precinct"*

at Schedule 7 that “the impact the use will have on the amenity of existing dwellings and adjacent and nearby sites” is to be met.

- The height limits envisaged for the site and area contained in Melbourne Planning Scheme Amendment C171 of 24m and 40m dating since 2013.
- A more efficient use of the site to lower the built form from 60m to 35m bringing it within C171. This could reduce the build costs and long-term operating costs, potentially reducing dependence on “block buster exhibitions”, making it a facility that sponsors Australian and Victorian visual artists.
- Repurposing the NGV car park and maximising shared common facilities within the existing NGV rather than duplicating them will reduce the building envelop to align with C171.
- The existing arguments in the Urban context for the MAPT SCO Master Plan can be viewed as founded on Utilitarianism with the residents of Southbank, and the adjoining buildings becoming collateral damage. Obviously, something that needs to be addressed.
- If the context is widened to include the role of a state-wide facility for the arts in its neighbourhood, then the built form and the design response need to be rethought from what has been proposed.

The Counterfactual Analysis of the Impact on the Health and Wellbeing of residents of the proposed MAPT Development (See P5&6 of Attachment 1)

1. As way of understanding the impact of the proposed development on Southbank, in which it sits, we have framed a counterfactual as the tool to assess the development. Counterfactual analysis is applied extensively in regulatory environments against which to test a proposal. Our counterfactual assumes that the development proposed in Ministerial Planning Referral ID-2021-4 exists today and a developer seeks approval to construct an apartment building (aka Triptych) adjacent to the site. In that instance the Responsible Planning Body would apply the Victorian Govt’s Planning Provisions and DWELP’s own Apartment Design Guidelines to protect the health and wellbeing of apartment residents.
2. The Counterfactual Analysis demonstrates that no consideration has been given in either the application or the supporting studies to:
 - Wind tunnelling in Kavanagh St
 - Overlooking from the development into habitable rooms (bedrooms and living areas) at Triptych.
 - Overshadowing of the primary communal outdoor space at Triptych
 - Noise levels from both from mechanical plants on the NGVC roof and the public realm space to ensure that they do not exceed *Victoria Planning Provisions* Clauses 58.04-3 and (Standards B16 and D40) of 35db+ between the hours of 10.00pm and 6.00am in bedrooms at Triptych on the eastern facade and of 40dB+ for living areas at Triptych on the eastern facade of the building between the hours of 6.00am and 10.00pm where no such noise exists today. This will impact on the health and wellbeing of residents unless adequate controls are included in the planning approval.
 - Light pollution from the public realm space.

In summary if Triptych were being built with the MAPT in existence then the planning authority would require these issues to be addressed. This same standard needs to be applied to the MAPT development & its approval.

Supporting Studies are deficient in key areas of analysis (See Pages 7,8, &,9 of Attachment 1)

1. The Planning Officer report to Council has flagged some of the deficiencies in the supporting studies. We share these concerns especially in relation to the:
 - *Traffic Management study* – which has many flaws in its analysis and conclusions even greater than those flagged by Council. (See P7)
 - *Wind studies* – which ignore Kavanagh St and wind tunnelling both at street level and up to 60m. (see P 8)
 - *Noise Studies* – which just do not exist yet are key to resident health and wellbeing with noise from the both the Public Real and the NGVC plant. (See P9)
2. At best the studies can be characterised as weak bordering on being cursory. This arises from the limited brief given the consultants to restrict their analysis within the boundary of CCZ7 ignoring CCZ3’s interface with CCZ7. Limiting the consultants brief delivers a skewed analysis. Accordingly, all studies need to be redone to incorporate the full impact of the development on adjacent areas in CCZ3.

Recommendation:

*That the Future Melbourne (Planning Committee) request the Head of Planning at the MCC engage directly with the Committee of Management at OCPS612409C (Triptych), ASAP, to incorporate the matters set out by OCPS 612409C in **Attachment 1** into any MCC response to the purposed Planning Scheme Amendment C356MELB.*

David Hamilton for OCPS612409C (Triptych)

8 Kavanagh St Southbank 3006

31 January 2022

8 Kavanagh St Southbank Vic 3006

SUBMISSION BY OWNERS CORPORATION - OCPS 612409C - TRIPTYCH COMMITTEE OF MANAGEMENT (CoM) on the:

APPLICATION to the Minister for Planning by the Department of Jobs, Precincts and Regions (DJPR), to approve Amendment C356melb to the Melbourne Planning Scheme to cover the by Ministerial exercise of his powers under section 20(4) of the Planning and Environment Act 1987.

Amendment C356 relates to the Melbourne Arts Precinct Transformation Specific Control Overlay application (MAPT SCO Master Plan) for the National Gallery of Victoria Contemporary (NGVC) and Public Realm projects in Southbank 3006.

1. Background and context to this Submission

The Committee of Management (CoM), representing the owners, at 8 Kavanagh Street Southbank (an apartment complex of 29 floors known as Triptych) – the COM - is opposed to the proposal as submitted to construct a building of an equivalent height of 20 residential floors on the footprint of the current CUB building, the creation of a Public Realm to the rear of the existing National Gallery connecting St Kilda Road and Sturt Street and Southbank Boulevard, requiring the closure of Sturt Street to through traffic from City Road and Southbank Bld.

The COM supports the NGV Contemporary (NGVC) project but at a lower density to accommodate a balance between the desirability of the development and proper regard for the neighbourhood and adjacent buildings covered by CCZ7 and CCZ3. It also believes that a plan should be devised to achieve suitable access to the NGVC and Arts Centre without necessitating the complete closure of Sturt Street to access.

2. The Triptych Building

Triptych was completed in late 2010. It has a significant design aesthetic. It features one of the largest pieces of Contemporary Art in Australia comprising the facade of the building at 8 Kavanagh St and it is featured prominently by the Applicant at Pages iv, and 12 of the MAPT SCO Master Plan. The image on Page iv of the MAPT SCO Master Plan shows a view of Triptych from St Kilda Road and on Page 12 of the MAPT SCO Master Plan superimposes the built form of the NGBV over the facade of Triptych. The image on Page 12 highlights the impact of the NGVC on Triptych, and on page 41 Triptych has been whitewashed out of existence by the NGVC.

The importance of the facade at Triptych, and what distinguishes this building from other facades in Melbourne apartment buildings, is that the facade is a commissioned piece of contemporary art created by Robert Owen, a noted Australian modern contemporary artist whose work can be found galleries internationally as well as in the Australian Museum of Contemporary Art. The following link to the Artist's web site sets out his vision when designing the facade at Triptych [Robert Owen - Triptych](#) and a profile of Robert Owen and his commissions can be downloaded at [Robert Owen Profile and Commissions](#). The Owen facade and the 6 stories of vertical garden on the southern façade, which is the largest such installation in Australia, and for which the building received national design awards and daily attracts interstate and international visitors.

3. The Urban Context used by the MAPT SCO Master Plan

The starting point for this MAPT SCO Master Plan is its urban context. Urban Context refers to the strategic setting of a development. It includes the natural, social, and economic environment of the area, existing physical surroundings, features that make a particular place distinctive, neighbourhood character, and the likely future character of the area. In some cases, urban context refers to valued aspects of the existing character, and in other circumstances, such as urban renewal precincts, it may refer to an emerging or preferred future character.

The assumption made in the MAPT SCO Master Plan is that this development is only about the development of a destination gallery for Victoria. There is no attempt is to identify the context of the NGVC and the public realm to its local immediate community. The Arts Precinct is part of Southbank and is clearly delineated as such by the boundaries of Postcode 3006. The failure to

engage and identify the context of this facility as part of Southbank is a fatal flaw that flows into not only the design response but also the brief and analysis undertaken in all the supporting studies.

Quarantining the MAPT SCO Master Plan from the neighbourhood in which it is situated and the adjoining buildings, which will be 15m to 25m from the NGVC and less than 100m from the Public Realm ignores, or at best devalues, the existing context, potentially misinforming the Design Response and MAPT Strategies. This is an exercise of pure sophistry on the part of the Applicant. It is instructive that significant destination galleries worldwide all seek to place the context of the gallery in the neighbourhood in which they operate. The NGV ignores Southbank rather than embracing it and becoming actively engaged with the neighbourhood not only in its programs but its day-to-day operations.

The arguments contained in the Urban context for the MAPT SCO Master Plan simply ignore existing physical surroundings, features that make a particular place distinctive, neighbourhood character that is Southbank, Kavanagh Street, and in particular Triptych's contemporary art façade. It fails to identify how the proposal interfaces and complements that artwork facade. These arguments in the Urban context for the MAPT SCO Master Plan could be viewed as founded on Utilitarianism with the residents of Southbank, and the adjoining buildings becoming collateral damage. Obviously, something that needs to be addressed.

If the context is widened to include the role of a state-wide facility for the arts into its neighbourhood, then the built form and the design response need to be rethought from what has been proposed.

Today the driving force appears to be a desire to construct a 30,000 SqM project with 10,000 SqM of gallery space to be the largest in Australia and on a par with the Tate Modern and larger than the Guggenheim in Bilbao. Whilst all of this may lead to claims that, [NGV boasts new contemporary art gallery will be 'twice as big' as Sydney's \(SMH 25 Nov 2020\)](#) is not the basis upon which to frame the Urban Context.

A contemporary gallery of significant size and international relevance can be created within the precinct and on the site but within a built form much smaller than that considered to date and in keeping with the needs of the Southbank as well as the Victorian community. One option would be to close the NGV car park in line with the Government's sustainability and transport objectives and repurpose that area to take on much of what is proposed to be inside the NGVC and then building an exhibition space on the site at 77 Southbank Blvd with a built form of 30m to 40m. This would achieve an outcome aligned with the existing physical surroundings.

When considering the Urban Context of the MAPT SCO Master Plan the Department should conclude that:

- In the absence of a clear public demonstration of economic benefit testing of the project than the basis upon which the MAPT SCO Master Plan is founded is flawed and should be questioned.
- By ignoring the existing physical surroundings and the neighbourhood character that make the Southbank distinctive, and Kavanagh Street in particular Triptych's contemporary art facade, then the underlying premise upon which the MAPT SCO Master Plan is founded is flawed.
- Basing its existence on perceived utilitarian arguments is unsupportable.

4. The Design Response proposed by the MAPT SCO Master Plan

The Design Response that the MAPT has pursued is to create a destination facility bigger than any comparable gallery in Australia and bigger than almost every other contemporary art gallery in the world and to impose this on a local community. It is proposing a 30,000sqm building with only 10,000 sqm devoted to exhibition and public education.

If the only purpose of the gallery is to become a destination gallery filled with blockbuster exhibitions, then its contribution to the development of Victorian visual arts community may be marginal. While it will have an education facility and attract school tours, little of this will promote Australian and Victorian artists. Its exhibition spaces will most likely be devoted to "names" gathered for a one-off exhibition to generate the cash flows and visitor numbers needed to deliver on its business case.

Benchmarking the efficiency of the Design Response

We have benchmarked the efficiency of the proposed **Design Response** against a sample of comparable galleries locally and internationally. This indicates that what is proposed for the NGVC is a highly inefficient Design Response. Our analysis of a range of destination galleries revealed that:

Gallery	Total Size (SQ M)	Exhibition and Education Space (SQ M)	Efficiency
Tate Modern including the Turbine Hall	34,500	11,127	32.25%
NGVC	30,000	10,000	33.33%
Museum of Contemporary Art Australia (Sydney)	14,193	5,298	37.33%
Guggenheim Bilbao	24,000	9,000	37.50%
Whitney Downtown NY	19,000	7,500	39.47%
Broad Los Angeles	10,700	4,700	43.93%
Musée National d'Art Moderne (within the Pompidou) ¹	28,000	18,500	66.07%
Mona Hobart	9,000	6,500	72.22%
Average excluding NGVC - What NGVC should target	19,913	8,946	44.93%

As we demonstrate from this representative sample of destination contemporary galleries, the average efficiency that a modern gallery aims to devote around 45% of the total building area to exhibitions and education facilities. The NGVC (excluding the Tate and its unique characteristics²) will be the least efficient use of space of all the galleries surveyed. Adjusting the NGVC to become an efficient gallery operator its building envelope could shrink to around 35m from the 60m proposed. Not only would this translate into lower capital costs, but also lower running costs.

Coupling this built form as the design response with repurposing the NGV car park area and maximising shared facilities with the existing NGV would increase the efficiency even more and make this gallery a world leader. None of this appears to be appropriately considered in the Design response in the MAPT SCO Master Plan.

The Design response is outside the parameters set by Melbourne Planning Scheme Amendment C171 as recently as 20 June 2013.

Melbourne Planning Scheme Amendment C171, a planning process that commenced in April 2011 and concluded in June 2013 defines the height for the site which is proposed for the NGVC. Schedule 60 to C171 sets the Building Height for the Arts Centre at 24m and 40M for Sturt St. Both well below the 60m proposed by the Applicant for the area.

Nothing is submitted as to why the existing height limits contained in C171 should be breached. C171 is an important reference as it is the only comprehensive analysis of the entire Southbank Area undertaken in recent years and encompasses the Southbank Structure Plan as a core input which the Panel at the time indicated should inform State Government infrastructure investment in the area in improving the built form of Southbank. Ignoring C171 when considering this application will undermine public confidence across the entire Victorian community that despite a rigorous and public planning process height controls can be ignored by the State at whim. Something any other developer would be called to account by the Minister for Planning.

Is the proposed development aligned with all aspects of the Use of Land requirements for the Melbourne Arts Precinct defined in the Melbourne Planning Scheme Schedule 7 to Clause 37.04 Capital City Zone and C323?

In addition to height concerns, we note that the plan envisages the building going beyond the crown allotment into the pedestrian walkway areas, impacting on the space available for pedestrian movements.

The application does not consider the impact of the comparatively very large building on the ambience and very significant designs of the buildings in the existing Arts precinct, all built to a

¹ This demonstrates the improvement in efficiency when shared facilities are used. Something not considered for the NGVC, but which would alter the planning dynamic for the Design Response.

² The Tate's efficiency is impacted by its repurposing of a brownfields power station site.

comparatively low height. The buildings around the main St. Kilda Rd arts buildings (such as the Southbank Theatre and the Melbourne Recital Centre) very deliberately have been limited in their height, obviously to be sympathetic in their design with the main Arts buildings. These surrounding buildings, as well as the ABC building, will be dwarfed by the new NGVC if it is built to 60M. While the State Government can in effect by-pass the planning limitations on the buildings in the area, it should not do so without a comprehensive community consultation about this significant change in concept for the Arts precinct. The COM believes that this consultation has not occurred as we detail below in our comments on Community Engagement.

In essence, maximising the potential height of the NGVC would seem to run counter to the precinct and will significantly change the planning and design approach which has so carefully been adopted over many decades, most recently in the consultation around Melbourne Planning Scheme Amendment C323 which cements the Melbourne Arts Precinct into the Scheme. It is hard to avoid the impression that this new building, if built to the potential full height, will invariably prompt an unavoidable race “to the top” along Sturt Street making a mockery of the whole C323 planning process.

In summary:

The Design Response should be reconsidered and better aligned with:

- *The local Southbank community, and the adjacent sites, into which the NGVC is to be integrated. This is essential if the requirements of the Melbourne Planning Scheme “Melbourne Arts Precinct” at Schedule 7 that “the impact the use will have on the amenity of existing dwellings and adjacent and nearby sites” is to be met.*
- *The height limits envisaged for the site and area contained in Melbourne Planning Scheme Amendment C171 of 24m and 40m*
- *A more efficient use of the site to lower the built form from 60m to 35m bringing it within C171. This could reduce the build costs and long-term operating costs, potentially reducing dependence on “block buster exhibitions” and making it a facility that sponsors Australian and Victorian visual artists.*
- *Repurposing the NGV car park and maximising shared common facilities within the existing NGV rather than duplicating them.*

5. The Engagement Process:

The flaws we have highlighted in our analysis of both the Urban Context and the Design Response is a consequence of the limited scope of engagement the project has had to date with the local community. This narrow approach to engagement requires broader consultation with neighbouring properties than the Applicant has conducted to date. It is instructive, that in an area with a high proportion of owners and residents from non-English speaking backgrounds, that the only document that has been provided on the project in a language other than English was advice provided by the Committee of Management of Triptych in simplified Chinese. This is even referenced at Page 9 of the Capire “Engagement Summary Report”. This is a significant indictment of the adequacy of the approach to planning and involvement of the Southbank community by this project to date and does not reflect the engagement and diversity values espoused by the current government.

Despite repeated attempts by members of the Triptych community of owners throughout 2020 and 2021 to engage with the NGV and Creative Victoria on the proposed built form, those attempts were rebuffed at times in a dismissive fashion. It was not until 1 Sept 2021 that the local community received its first briefing on the project, some 9 months after the design competition began with a brief, we understand that defined the NGVC to be a 60m building.

It would have been preferable for community engagement to have commenced before issuing the design brief and throughout the design competition so that designers would have the benefit of the views of the Southbank the community and residents in adjacent dwellings. This would have created a more organic design process.

Subsequent meetings held by the project team of the MAPT, well after the design brief and business case had been formulated have attempted to redress the lack of input, but this came too little, too late to be of any consequence to impact the predetermined outcomes of the built form.

How the outcome of a design competition can be adjusted to a smaller built form is unclear. Have designers been asked for buildings of various sizes? Can their designs be shrunk to a lower profile?

What we do know is that none of the design teams have engaged with the residents in the buildings adjacent to the proposed NGVC yet the **Decision Guidelines** in the *Melbourne Planning Scheme* "Melbourne Arts Precinct" at Schedule 7 require that "the impact the use will have on the amenity of existing dwellings and adjacent and nearby sites" is considered.

We understand that this project's economics and design are predicated on a business case that is not for public assessment and evaluation and as such "engagement" is nigh on impossible to be able to question the key assumptions and decisions on the Urban Context and the Design Response. Concealed business cases in major public sector projects are frequently associated with marginal or flawed economic analysis with unverifiable assumptions. Their use can be best described as leading to politically courageous decisions by governments. The business case should be visible to all Victorians ahead of any planning approval.

Before proceeding the Minister should require that the Applicant undertakes a thorough consultation and engagement process with residents across Southbank so that the implications of the project can be thoroughly understood, and the community's needs reflected in the final design approval.

6. Specific Concerns of the Triptych CoM

The owners at Triptych have not been consulted about any aspect of the project, but simply advised that planning processes are underway, most notably including a major design competition, the results of which are apparently to be announced soon. Building up to 60m (or 20 storeys in residential building height), or twice the height of the present building, will put this large new building effectively side by side with our building in a manner which significantly changes the ambience and amenity of our building and other neighbouring residential buildings. Obviously, views and light access will be obstructed for residents in Triptych up to 20 storeys and beyond. Neighbouring buildings will be similarly impacted.

The COM is pleased to know that a gallery is going to be built on the site, but it should be built to a height which is commensurate with the existing C171 limits that other Arts buildings in that "dress circle" arts location meet. The approach to conceiving this piece of public infrastructure has adopted a cavalier approach to the Application Requirements contained for the area specified in Schedule 7 to Clause 37.04 Capital City Zone (CCZ7) of the Melbourne Planning Scheme at Paragraphs 2 and 4. *We detail the errors and omissions of the Applicant in this regard below and require that they be addressed both in the conditions attached to any permit issued by the Minister and for some ahead of the Ministerial Decision.*

The Counterfactual analysis

We believe that there are a range of significant planning and amenity issues of concern that **Decision Guidelines** in the *Melbourne Planning Scheme* "Melbourne Arts Precinct" at Schedule 7 require which the Applicant has failed to address.

A logical way of understanding and assessing the MAPT SCO Master Plan in planning terms is to set up a counterfactual. Namely, to assume that the NGVC and the Public Realm existed today, and a developer was seeking approval to construct a 157 residential apartment building (i.e. Triptych) alongside the NGVC. What requirements in terms of design would that developer have to factor into their planning application to obtain approval by the Minister, to build a residential apartment building alongside an Arts Precinct containing the proposed NGVC and the Public Realm space?

This counterfactual exposes the flaws in the Application to approve MAPT SCO Master Plan. This should inform the Department and the Minister when assessing the impact of the NGVC. It also points to what measures are needed to be incorporated in the Ministerial Approval process as part of his exercise of his delegations under Section 20(4) of the Planning and Environment Act 1987 to minimise these impacts. This will ensure any development arising from MAPT SCO Master Plan will meet Victoria Planning Provisions and the Department's own Apartment Design Guidelines for Victoria protecting the health and well being of residents adjacent to the proposed development.

The COM believes that the plan as proposed:

- a. Will result in wind tunnelling and shadowing of the vertical garden on the side of the building in Kavanagh St. This vertical garden provides a valuable local sink for CO₂ in Southbank and is threatened by the proposed built form at 60m.
- b. Will result in shadowing wind tunnelling of the primary communal outdoor open space at Triptych on level 6 facing Kavanagh Street leading to a breach of *Victoria Planning Provisions* in particular Clause 58.03-3 (Solar access to communal outdoor open space) namely that primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. The studies submitted in support of the Application indicate that the solar access requirements of the *Victoria Planning Provisions* will be breached by the construction of the NGVC building form to 60m.
- c. Has the potential for overlooking with direct views into habitable room windows (both bedrooms and living areas) of residents at Triptych on the eastern and southern facades of Triptych from both the proposed Public Realm space and NGVC
- d. Will generate noise levels from the public realm spaces more than that prescribed in the *Victoria Planning Provisions* Clauses 58.04-3 and (Standards B16 and D40) of 35db+ between the hours of 10.00pm and 6.00am in bedrooms at Triptych on the eastern facade and of 40dB+ for living areas at Triptych on the eastern facade of the building between the hours of 6.00am and 10.00pm where no such noise exists today. This will impact on the health and wellbeing of residents unless adequate controls are included in the planning approval.
- e. May result in noise sources, from mechanical plants on the NGVC roof of 35db+ between the hours of 10.00pm and 6.00am in bedrooms at Triptych facing that area and of 40db+ between the hours of 6.00am and 10.00pm in living areas at Apartments on the eastern and southern facades of Triptych which face that area, where no such noise exists today thus impacting on the health and wellbeing of residents, unless adequate controls are included in the planning approval.
- f. May result in noise levels from the NGVC's operations (including garbage removal via Kavanagh Street) between the hours of 10.00pm and 6.00am exceeding 35db+ in bedrooms at Triptych on the eastern and southern facades of Triptych unless adequate controls are included in the planning approval.
- g. May result in light pollution incursions from the Public Realm space as well as signage from the NGVC into both the living areas and bedrooms of apartments on the eastern facade at Triptych unless adequate controls are included in the planning approval on hours of operation and activities that can be undertaken in the public realm space. The MAPT SCO Master Plan refers to a range of activities including cafes, outdoor entertainment etc. Effectively it is transferring a "Federation Square" into a residential neighbourhood without any controls or assessment on the health and wellbeing of those living within 100m of this space.
- h. Will degrade key Triptych's sustainability features that were incorporated in the 2008 design well in advance of then and current approaches in multi-unit high rise apartment buildings. Key amongst these was the use of cross flow ventilation in all apartments and in all hallways and common spaces. This feature means that all apartments can be cooled without air-conditioning using openable windows in all bedrooms and living spaces. Further all hallways in the common area are similarly ventilated with an automatic building management system which opens and closes the windows. This is regulated in part by external wind measurements which are monitored in real time 24/7 at various heights in the building including the roof.

We are concerned that the potential noise levels and light pollution from both the Public Realm and the NGVC will require residents to keep their apartment windows closed. Further the increased wind speeds from wind tunnelling will mean that the windows in the hallways will remain shut leading to oppressive temperatures in these areas. Both actions will impede cross flow ventilation being available to residents both in the common areas and in their apartments.

This loss of amenity needs to be addressed in the conditions contained in any approval Amendment 356 to the Melbourne Planning Scheme for the MAPT SCO Master Plan by imposing constraints on the hours of operation, uses, and acceptable noise levels in the Public

Realm and the NGVC. Most importantly the wind impacts can be addressed only by a lower profile building than the 60m for which approval is sought.

- i. Will alter the outlook from many apartment dwellings at Triptych which currently enjoy a reasonable visual connection to the external environment. Their outlook will be replaced by a wall of the NGVC along Kavanagh St which appears to have been designated as the location of the service entrance and loading docks for the building.

Supporting Studies - Significant Errors and Omissions particularly in the Traffic Management and Wind Studies used to support the MAPT SCO Master Plan

Traffic Management

There are several very problematic issues concerning traffic management which highlight the unsuitability of the immediate area for the change in traffic movements, as foreshadowed by the closure of Sturt Street behind the Arts Centre and the NGV.

We note a number of these issues as follows:

- a. The building and the proposed closing of Sturt Street after Southbank Bld will have a significant effect on traffic flows, sending access to the Arts Centre/NGV car parks down the narrow Fanning Street and likely creating significant congestion on City Road heading toward the city and jamming up Kavanagh Street and the entrance to our building, making ordinary traffic flows in and out of the residential buildings in the immediate area very difficult, if not impossible, at key times of the day and on weekends. The planning documents fail to deal with traffic volumes during and after construction.
- b. In effect, traffic flows to the Arts Centre/NGV car park, the Ballet Centre car park, and the residential buildings along Kavanagh Street (from Southbank Boulevard) will predominantly be directed through Kavanagh Street. Currently, there are points of access from Sturt Street and City Road, as well as Kavanagh Street – these alternative points of access will become inaccessible.
- c. To the extent that traffic might enter Fanning Street from City Road, this would cause enormous congestion. Fanning Street is a narrow, two ways back street which was never designed for significant traffic flows. Traffic entering from Fanning Street will cause significant congestion at City Road and make City Road in the direction of Port Melbourne unusable during significant event days at the Arts complex – which will likely coincide with peak periods of traffic in any event.
- d. Kavanagh Street, in particular past Southbank Boulevard heading toward the Arts Centre, is at present essentially a residential street. It is designated as a “local street”. It was not planned as a major traffic access street. Access to our building, and neighbouring buildings will come to a standstill as this residential street is turned into a major traffic thoroughfare. There will, of course, be significant and unacceptable increases in air and noise pollution.
- e. The COM is very greatly concerned also that our building (and nearby residential buildings), could well become inaccessible to emergency vehicles during busy traffic periods in the early and late evening and on weekends. This would be intolerable, for example, if there was a fire or other requirement for emergency evacuation or a need for urgent ambulance access.
- f. These concerns extend to proper access for delivery, maintenance, waste collection and removalist vehicles.
- g. In essence, the adjoining area of buildings is a neighbourhood precinct, which house some thousands of people in what has been sought to be encouraged as a true neighbourhood, and is be promoted as such by, for example, the development of green spaces in the vicinity. Popular local cafes have sprung up to meet the business of the passing foot traffic and are very important to our sense of neighbourhood. The area was never designed to accommodate large traffic flows/jams through Kavanagh Street, which threaten to overwhelm the amenity of the area and change its character for all time.
- h. From a planning perspective, these considerations have not been duly considered in the published Traffic Study of which the COM is aware. Proper traffic management considerations have been omitted from the plan. In fact, Page 39 of the MAPT SCO Master Plan proposes a Bus

and Commercial Passenger Vehicle drop off being located on the bend of City Road where drivers of approaching vehicles will have their line of sight obscured so creating an accident black spot. This is a prime example of the problems arising from what would appear to be a lack of integrated analysis of the impact of significantly changed traffic movements. The Traffic Study available has focussed on pedestrian and bicycle access and ignored the role that vehicles accessing the NGV and Ballet Centre Car parks play in the CBD and for events in both the Arts and Sports precincts. Further the impacts on adjoining buildings (e.g., the Ballet School) and the residents of adjoining buildings are not referenced.

In summary, the Traffic Management study submitted for this major piece of public infrastructure is lacking in relevant detail. It is not fit for the purpose it claims to support. It ignores:

- *Lacks any useful traffic counts of vehicle movements into the area bounded by City Road, Southbank Boulevard, and Kavanagh Street upon which sensible modelling can be undertaken of the likely traffic movements and journey times post project completion.*
- *Origin and destination analyses for users of the NGV over a time series, including how they travelled to the NGV.*
- *Origin and destination data on users of the NGV and Ballet Centre Car parks again over a time series.*
- *Ignores the impact of the recent narrowing of Southbank Blvd and the associated signalisation work undertaken by the City of Melbourne.*
- *Any understanding of the context of City Road as the CitiLink bypass.*

Despite the Study commissioned by the Applicant recommending the hierarchy of site access should be to pedestrians and public transport the MAPT DESIGN has ignored this and instead assumed the primary method of access by people from outside the neighbourhood will continue to be vehicles.

If The MAPT DESIGN was to be internally consistent with the findings of its own Traffic Management Study it should have considered repurposing the NGV Car Park to become part of the floor space of the NGVC, as flagged above, to be logically consistent with the findings of its own traffic management study.

Wind Studies

- a. Similarly, the Wind Studies are problematic because they fail to comment on the Wind Flow Channelling in Kavanagh St. The well-known canyon effect occurs when a large volume of air is channelled through a constricted pathway. To maintain flow continuity the wind must speed up as it passes through the constriction (e.g. between two towers or a narrowing street) as will occur in Kavanagh street with the proposed doubling of the height of the NGVC to 60m and the associated narrowing of distance between the NGVC buildings adjacent in Kavanagh St from that which exists today.
- b. It is instructive that the wind consultants recommended that entrances to the NGVC be positioned away from the intersection of Kavanagh St and Southbank Blvd and Kavanagh St and Sturt St (Ref ViPac Report dated 26 July 2021 Page 42). This is an unspoken admission that wind flow channelling will result from when the building height is doubled, and the street narrowed.
- c. The ViPac report has been used selectively to convey that the wind impacts in the area can be managed in the public realm with planting and in other areas with glass balustrades. Ignoring Kavanagh St and the impact on surrounding buildings and their public spaces is a glaring omission in the study and diminishes its usefulness in assessing the planning application. It appears that the public garden spaces at 8 Kavanagh St as well as the 18m vertical garden on the facade of the building potentially will become uninhabitable and exposed to wind damage by the NGVC's built form at 60m.

- d. Finally, there is no assessment on the impacts of wind on pedestrians in Kavanagh St. We only imagine that on some days street level wind speeds will make the area very inhospitable.³

Noise Studies are non-existent.

MAPT has failed to conduct any analysis of the noise impacts of the Public Realm and NGVC on the surrounding areas. We regard the absence of this data as a significant flaw in the studies provided and renders the assessment of the application and its impact on residents and the community extremely difficult. No private developer would be able to seek approval for a development without a comprehensive Noise Analysis to assess the impact of their proposal on residents. Further no Apartment development could be proposed without an assessment of the adjacent noise impacts on resident health and wellbeing.

Financial Issues associated with the Project

- a. At a community level, we also wish to raise concerns about the likely cost of such a large project - estimated at present around \$1.8B. No doubt this cost has been considered by government and the directly interested parties - the Arts Centre and the NGV - but the cost does not appear to have been exposed to a proper process of community consultation which would normally be part of a planning process for infrastructure works of this scale. We note that this is proposed to be incurred in circumstances where our existing Arts infrastructure, including the Arts Centre itself, requires upgrades. Further the reported comments that filling the gallery is going to require significant philanthropic input will further deplete access to this scarce form of giving for other forms of artistic expression at a local community, state, and national level. Ultimately this will lead to additional demands on the Victorian and Australian governments for assistance for groups deprived of support from the limited philanthropic pool that exists.
- b. The COM has also received no input or advice about the detail of the proposed building project, and the damage (including likely harm to capital values of apartments in Triptych) and inconvenience which will be caused during what will no doubt be a protracted building phase, no matter what scale of project is finally adopted, save that the project may not be completed until 2028. The COM should be part a partner in discussions about proper management of the building project.
- c. There may well be a need to address compensation during this process for the harm caused to owners at Triptych, with such compensation needing to be part of the project budget.

We are aware that since practical completion at Triptych in October 2010 many owners, prior to purchase of their apartment, undertook due diligence with the relevant planning authority and searched the public records. This due diligence informed them that the site, subject to the proposed NGVC, was subject to height controls well below 60m as proposed by the applicant. Specifically, Melbourne Planning Scheme Amendment C171, a planning process that commenced in April 2011 and concluded in June 2013, defined the height for the site which is proposed for the NGVC. Schedule 60 to C171 sets a Building Height for the Arts Centre at 24m and for Sturt St of 40m. Both well below the 60m proposed by the Applicant for the area.

We believe that this adds weight to the potential for harm should the project proceed within its stated design envelop.

7. CONCLUSION:

While the COM endorses a new gallery space for the contemporary collection of the NGV, it has strong reservations about the impact of this project at the scale proposed, many of the proposed solutions for traffic management, the inadequate consideration of issues such as noise, light pollution, overlooking, wind, and shadowing, as well as the lack of proper local or community consultation to date.

Nothing is submitted as to why the existing Building Height limits of for the Arts Centre at 24m and 40m for Sturt St contained in Melbourne Planning Scheme Amendment C171 should be breached. C171 is an important reference as it is the only comprehensive analysis of the entire Southbank Area

³ As noted earlier in this submission the building management system at Triptych monitors external wind speeds 24/7 in Kavanagh St and around the building. This data could have been a valuable input to the consultants if the MAPT had chosen to engage with residents in the design process rather than planning in secret.

undertaken in recent years and encompasses the Southbank Structure Plan as a core input which the Panel at the time indicated should inform State Government infrastructure investment in the area in improving the built form of Southbank. Ignoring C171 when considering of this application will undermine public confidence across the entire Victorian community that despite a rigorous and public planning process height controls can be ignored by the State at whim. Something any other developer would be called to account by the Minister for Planning.

The buildings around the main St. Kilda Rd arts buildings (such as the Southbank Theatre and the Melbourne Recital Centre) have been very deliberately limited in their height obviously to be sympathetic in their design with the main Arts buildings. These surrounding buildings, as well as the ABC building will be dwarfed by the new NGVC if it is built to 60M. Maximising the potential height of the NGVC would seem to run counter to the precinct and will significantly change the planning and design approach which has so carefully been adopted over many decades, most recently in the consultation around Melbourne Planning Scheme Amendment C323 which cements the Melbourne Arts Precinct into the Scheme. It is hard to avoid the impression that this new building, if built to the potential full height, will invariably prompt an unavoidable race “to the top” along Sturt Street making a mockery of the whole C323 planning process.

One of the key sustainability features incorporated into the design of Triptych likely will be jeopardised by both the activities allowed in the Public Realm and the height of the NGVC unless adequate controls are imposed at the time of approving Amendment 356 to the Melbourne Planning Scheme to enable the MAPT SCO Master Plan. Absent controls we propose below there will be an impact on the health and wellbeing of all residents at Triptych.

Recommended conditions to be contained in Ministerial Approval of Amendment C356 to the Melbourne Planning Scheme to enable the MAPT SCO Master Plan:

In the Ministerial exercise of his powers under section 20(4) of the Planning and Environment Act 1987 to approve Amendment C356 to the Melbourne Planning Scheme to enable the MAPT SCO Master Plan, we believe that approval must contain adequate safeguards for the local Southbank community and nearby residents. As a minimum these safeguards should include:

- i. imposing a height limit of 35m, which is adequate to deliver a 20,000 sqm world class contemporary art gallery on the site with 9,000 sqm of exhibition and education space and bring the building height on the site of the NGVC to more closely align with those contained in Melbourne Planning Scheme Amendment C171.
- ii. adequate controls on noise levels 24/7 from both the NGVC and the Public Realm, consistent with the *Victorian Planning Provisions for Apartment Design* as highlighted in this submission, and these are included in the planning approval.
- iii. adequate controls on hours of operation of not only the NGVC but any facilities operating from the Public Realm, consistent with the *Victorian Planning Provisions for Apartment Design* as highlighted in this submission, these are included in the planning approval. This is essential to avoid converting a residential area into a “Federation Square”.
- iv. adequate controls on light pollution from both the NGVC and the Public Realm, consistent with the *Victorian Planning Provisions for Apartment Design* as highlighted in this submission, and these are included in the planning approval. This is essential to avoid converting a residential area into a “Federation Square”.
- v. adequate controls on overlooking into both bedrooms and habitable rooms in Triptych from both the NGVC and the Public Realm, consistent with the *Victorian Planning Provisions for Apartment Design* as highlighted in this submission, and these are included in the planning approval.
- vi. require the MAPT SCO Master Plan to repurpose the NGV car park to become part of the NGVC gallery in line with the Government’s sustainability objectives and promote the use of public transport to access these facilities and aid pedestrianizing the locale.
- vii. requiring the MAPT SCO Master Plan to maximise shared facilities with the existing NGV to improve its operational performance and reduce duplication of facilities.
- viii. requiring both Ambulance Victoria and Fire Rescue Victoria to assess the post completion access arrangements for emergency vehicles not only for the Arts Centre Theatres and the

NGVC but also residents in the area bounded by Southbank Blvd, Kavanagh St, and City Road during both peak and off-peak times and make those assessment publicly available as a condition of Ministerial approval.

- ix. requiring VicRoads to review the impacts of the proposals in the MAPT SCO Master Plan with respect to City Road and the potential for traffic incidents on the CitiLink bypass at the proposed drop off zones and with traffic entering and exiting off City Road into Fanning St and make those assessment publicly available as a condition of Ministerial approval.
- x. requiring that the Applicant to undertake a through consultation and engagement process with residents across Southbank so that the implications of the proposals in the MAPT SCO Master Plan can be thoroughly understood and the community's needs reflected in the final design before designs are put to contract.

We hope that the current design competition for the NGVC yields an impressive result, but good design is not just about the design of a single building and associated works. This is at the heart of the issues concerning the NGVC and associated works plan. It fails to address the impact on the neighbouring area. The impact of such a project on the surrounding area needs to be properly addressed through consultation and community engagement. This simply has not occurred to date, and certainly has not occurred with the neighbouring building adjacent to the site.

The Triptych CoM stands ready to be actively and fully engaged to ensure that all stakeholder needs are properly considered in the development of this important precinct. We can be contacted via our Building Manager on (03) 9686 9603 or via bm@triptychapartments.com.au to discuss this submission.

Kind regards

**Your neighbours and members of the
Committee of Management
Triptych (OCPS 612409C)**

16 December 2021



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Submission to Future Melbourne Committee

City of Melbourne, Council Meeting Room, Melbourne Town Hall Administration Building
01 Feb 2022, 5.30pm – Meeting No.27
Agenda Item FMC 6.2 Ministerial Planning Referral: ID-2021-4, Amendment C365: Melbourne Arts Precinct Transformation Masterplan

The Southbank Residents Association (SRA) agrees with the recommendations from management to the FMC that further detail is required in the Master Plan.

The specific concerns are:

- Overshadowing of the Southbank Boulevard linear park. Given the shortage of public space in Southbank and the cost of developing the linear park, every effort should be made to maximise the benefit of the linear park. The shadowing of the linear park by the existing building should not be taken as the acceptable minimum.

Instead there should be a priority to have some sun on the part of the linear park in front of the ABC at all times of the year, even if it means lowering the southern edge of the roof of the NGVC.

- Cycling. Southbank residents know only too well the problems caused by cyclists along Southbank Promenade and the complications involved in re-designing the Promenade to overcome those problems.

The SRA strongly advises that not only should cycling be banned in the MAPT, but there should be detailed plans as to how this would be done. The SRA is well aware the challenge of this task as wheelchair access should be enabled. However given the capacity of the MAPT to be a major showpiece and drawing card for the City of Melbourne, it most imperative that this issue is given a high priority, otherwise the value of the MPT will be seriously diminished.

- Height of the NGVC. The SRA is appreciative of the effort to design the building's profile to reduce overshadowing of Sturt St and Southbank Boulevard. However some thought should be given the obstruction of the view of those in apartments North and West of the NGCV, those in Kavanagh and Fanning Sts.

As residents of Southbank we are certainly aware that the commercial nature of building construction means that no view can be guaranteed in perpetuity,



however we are of the view that it is not a good look if a Government acts in the same way.

The SRA recommends that possible changes to the roof profile of NGVC should be investigated out of respect for the building's neighbours.

- Traffic implications of the removal of the left turn from City Rd into Fanning St. Recent traffic accidents on City Rd, in particular the Power St accident that injured several pedestrians, indicates that any changes to traffic flow on City Rd have to be considered carefully.

The SRA supports management's recommendation that 'any analysis conducted on the road network as part of the MAPT considers the proposed changes on City Road in the City Road Master Plan to determine the impacts of these proposed changes, including the proposed removal of the left-turn slip lane at Southbank Boulevard as well as the removal of left-turns into Fanning Street'.

Dan O'Keeffe, OAM
Southbank Residents Association

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Tristan Davies

Email address: *

contact.tristandavies@gmail.com

Date of meeting: *

Tuesday 1 February 2022

Agenda item title: *

6.3 Ministerial Planning Referral: TPRM-2021-11, 204-208, 212, 226, 230 and 232 King Street, Melbourne Part 1 of 2

Alternatively you may attach your written submission by uploading your file here:



[mha_submission_2feb2022.docx](#) 325.04 KB · DOCX

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

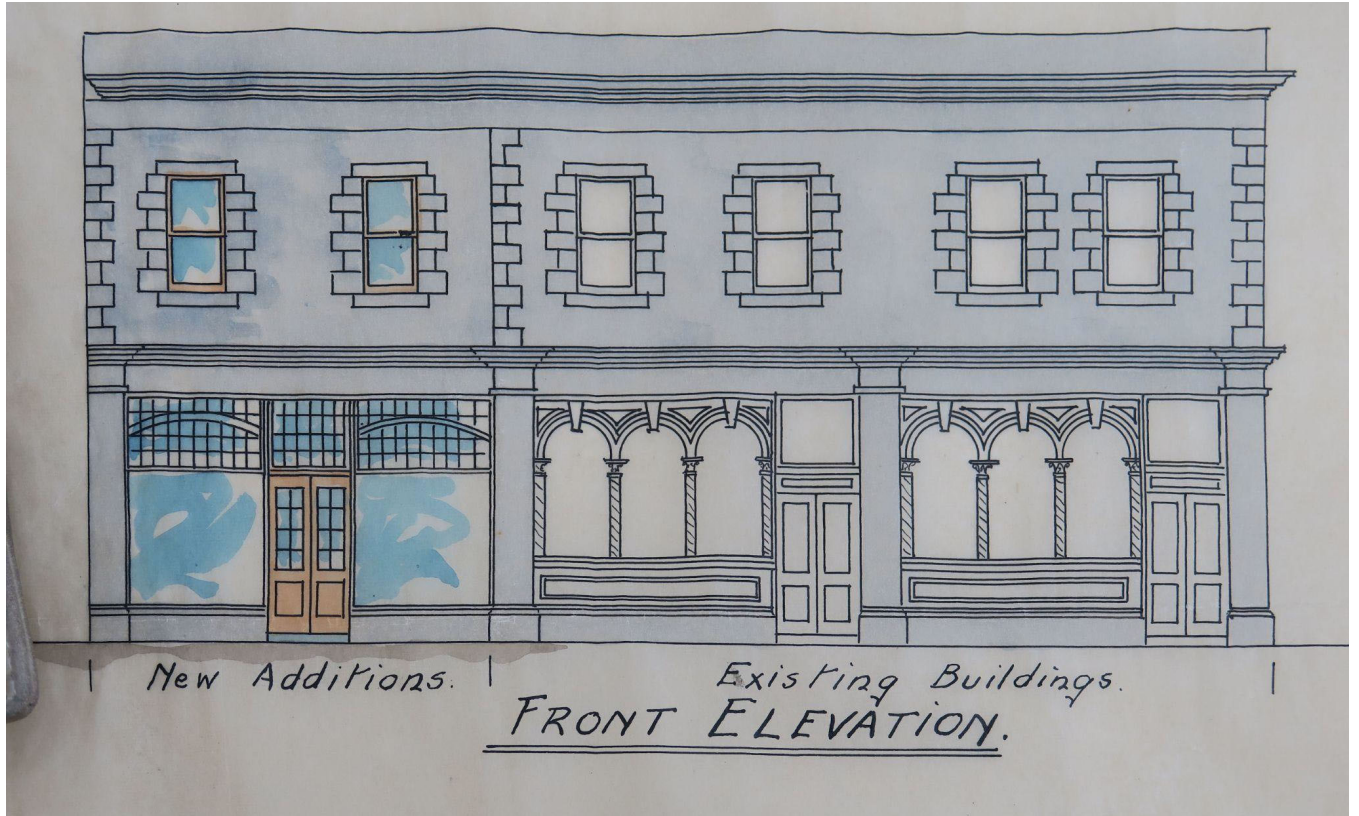
No

We are happy to see plans to retain both the facades of the Greater Western Hotel and Tramway House on the other end despite a lack of current heritage listing. It is also great to see the pub will actually retain its function as a pub post-development, something sadly lacking in many recent pub redevelopments in the CBD. The use of masonry in Brown Alley is also great, though we have to note this does involve the destruction of an entire brick lanescape with unique hook pattern, which will be turned into a straight line, yet another unique laneway pattern sadly made generic

This is an issue of the City of Melbourne not protecting many historic laneway facades where the main street facades are less intact, where we believe laneway sides should be looked at the same as main street heritage. It is commendable that the developers are retaining and partially restoring facades that haven't yet been heritage listed. We do note though its also disappointing that the City of Melbourne's heritage guidelines regarding setbacks can't be applied here, as the Greater Western Hotel is certainly deserving of a 'significant' heritage status in the planning scheme.

Ideally we would like to see more retention of the sides and backs of both buildings being retained, especially the original bluestone rear and brick chimneys of the Hotel. The new scheme is also a vast improvement on originally approved plans, though we would also ideally hope for more setback or recess of the tower from the Greater Western Hotel

One suggestion which could easily be incorporated is to restore, or at least re-create a similar ground floor as evidenced by 1920's images found below, as opposed to the current ground floor openings or the proposed new openings, neither of which are historically accurate. This would provide both historical context and even more ground activation/transparency to the facade, which we would assume are a net positive for the developers.



Greater Western Hotel c. 1920

Thanks,
Melbourne Heritage Action