

**APPLICATION FOR PLANNING PERMIT:
720 BOURKE STREET, DOCKLANDS**

Application Number: 2012/004943

Proposal: Use of the land for retail premises and construction of a multi-storey building comprising of office (including medical centre) with ancillary minor sport and recreation facility

Applicant: CBUS Property
C/- JH Town Planning Pty Ltd

Zoning: Docklands Zone- Schedule 4 (Stadium Precinct)
Road Zone Category 1

Overlays: Design and Development Overlay- Schedule 12 (Noise Attenuation Area) & Schedule 52 (Stadium Precinct)
Development Plan Overlay- Schedule 5 (Stadium Precinct)

Application Received: 5 June 2012

Further Information Requested and Received: Requested: 3 July 2012
Received: 2 October 2012

Number of Objections: Not applicable

Recommendation: Permit

[REDACTED]

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

SIGNATURE: [REDACTED]

DATE: 16.11.12

PROPOSAL

1. Permit application 2012/004943 was lodged on 5 June 2012. The application seeks approval to use the land as retail premises and construct a 25-storey office tower with ancillary minor sport and recreation facility. The proposed gross floor area is 65,725m².
2. Details of the application are as follows:
 - Use of the land for 'retail premises'. The applicant nominated the minor sport and recreation facility as requiring a permit, however it is noted the proposed multi-purpose court is for employees only and is considered an ancillary use to the office;
 - Construction of an office tower measuring at 25-storeys (107.36 metres measured from the centre of the Bourke Street frontage excluding plant- RL111.1 to AHD). The building includes a waved tower form above the lower level which include stair links from Bourke Street to the stadium concourse, a multipurpose court to the western edge of the site, a public park to the east of the site. The ground floor tenancies to the concourse are offset and include level changes;
 - The tower comprises of leasable office area to be predominantly used by Medibank (46,893m²) with lower level retail premises (1,400m²), place of assembly (1,002m²), private recreation space on level 6 (997m²), public open space (2,213m²), and recreation space (437m²);
 - Vehicle access is provided from Bourke Street including loading and unloading facilities, 70 car parking spaces, a bike store containing 475 bicycle parking spaces, and 10 motorcycle/ scooter spaces;
 - Materials and finishes include glazing, perforated sports mesh, metal cladding, aluminium composite, metal louvered screens, bluestone, stone, timber and concrete; and
 - The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, crowd modelling performance report, feature lighting report, access for disabilities report, environmental site assessment, and ESD report.

BACKGROUND

3. There are several historic permits for the site, including:
 - Permit No. 2008/0795 ("Bourke Junction", 716-738 Bourke Street), approved on 7 November 2008, allowed for retail use and development of North Tower, South Tower, Hotel, Central Retail Building and a Tavern and associated buildings and works. The tallest approved building, the North Tower, was 24 storeys (117 metres) in height for office uses. The permit was never acted upon. There have been no extensions of time and this permit has now expired.
 - Permit 2012/002972 was issued on 11 May 2012 allowing Stage 1 preliminary works including site preparation (clearing, levelling and establishment and removal of soil); site establishment (hoardings, gantry layout, cabins, gantry installation) and demolition (hard standing areas).
 - Permit 2012/004033 was issued on 25 May 2012 allowing Stage 2 preliminary works including piling and piling caps across the entire development site; core rafts; in-ground services; demolition of the existing concourse staircase upon erection of temporary stairs; and site excavation.
 - Amended Permit 2012/004033A was issued on 8 August 2012 allowing Stage 2 structural slabs and columns for Levels 000, 001, 002 and 003, cores up to the underside of Level 02 and associated structural elements for these levels.

SITE AND SURROUNDS

4. The site is located on the south-east section of land within the Stadium Precinct, generally bounded by the stadium concourse (north), Wurrundjeri Way (east), Bourke Street (south) and Telstra Dome car park entry (west). The site is located on three separate lots. The site is owned by Places Victoria and has no restrictive covenants. Confirmation has been provided by the applicant and the owner has been notified of the current application.

5. Works to date on site are underway and are consistent with preliminary works approved under Permit 2012/002972 and 2012/004033A allowing site preparation, site establishment, demolition, core rafts, in-ground services, excavation, and structural slabs and columns for Levels 000-003 inclusive and cores up to the underside of Level 2 and associated structural elements.
6. The site includes a negligible fall across the Bourke Street frontage, a fall of 7 metres across the stadium concourse frontage (from east to west) and a level change of 7.56 metres from the stadium concourse to Bourke Street.
7. Surrounding developments include:
 - Victoria Point (37 storeys), Bendigo Bank (9 storeys), and Tavern (2 storeys) to the west;
 - Watergate (6 storeys), National Foods (11 storeys), Goods Shed North (1 storey), and 717 Bourke Street (new Channel 9 building - 18 storeys) to the south of Bourke Street;
 - Nearly complete NAB office building (15 storeys) to the north of the stadium concourse; and
 - Wurundjeri Way, rail yards and Southern Cross Station to the east.

STATUTORY CONTROLS

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

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Road Zone - Category 1 (RDZ1)	<p>Under Clause 36.04-2 a permit is required to construct a building or construct or carry out works for a use in Section 2 (innominate use) of Clause 36.04-1.</p> <p>Under Clause 36.04-3 before deciding on an application, the responsible authority must consider the views of the relevant road authority. VicRoads views were sought.</p>
Docklands Zone-Schedule 4 (Stadium Precinct)	<p>Under Clause 37.05-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.05-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 4:</p> <ul style="list-style-type: none"> • The table of uses specifies 'office' is permitted as of right (Section 1 use) and 'retail premises' is a permit required use (Section 2 use) at Clause 1.0 of the Schedule; • Does not exempt the construction or carrying out of works from requiring a permit; • Specifies that an application for use or to construct or carry out works must be referred under section 55 of the Act to the referral authority specified in the schedule to Clause 66.04 (Places Victoria); • Exempts uses and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 4 and at Clause 65.
Design and Development Overlay-Schedule 12 (Noise Attenuation) Schedule 52 (Stadium)	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 12:</p> <ul style="list-style-type: none"> • The requirements of this schedule do not apply as the application does not seek to accommodate new residential or

<p>Precinct) (Area 4)</p>	<p>other noise-sensitive uses.</p> <p>Schedule 52:</p> <ul style="list-style-type: none"> • Does not exempt the buildings and works from requiring a permit. The table for Area 4 specifies a tower not exceeding 120 metres. Whilst the application does not exceed this height, I note that there is an already approved tower at 700 Bourke Street, therefore requiring permission under this schedule; • Exempts buildings and works from notice and appeal requirements. <p>Decision guidelines are contained at 43.02-5, within Schedule 52 and at Clause 65.</p>
<p>Development Plan Overlay- Schedule 5 (Stadium Precinct)</p>	<p>Under Clause 43.04-1 before a permit is granted a development plan must be prepared to the satisfaction of the Responsible Authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority.</p> <p>Under Clause 43.04-2 an application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements, decision requirements under the relevant sections of the Act.</p> <p>Schedule 5:</p> <ul style="list-style-type: none"> • Specifies that a permit may be granted for use or construction of carrying out of works before a development plan has been prepared to the satisfaction of the Responsible Authority; in this instance there is no existing approved development plan for the site; • It is noted that there is no requirement under the DPO to prepare a Development Plan. Development Plans referred to in the Planning Scheme are a reference to the old planning permit approval process (prior to the translation of the Docklands controls into the planning scheme); • The application is exempt from notice requirements as no Development Plan has been prepared (under the Old Format provisions) and therefore the proposal is not a departure from any existing Development Plan for the site. Therefore any notice requirements are as prescribed under the zone, other overlays or the particular provisions of the Scheme, where relevant. <p>Decision guidelines are contained within the schedule to the Development Plan Overlay.</p>
<p>Car Parking (Clause 52.06)</p>	<p>Under Clause 52.06-3 a parking precinct plan affects the Docklands Zone including the site.</p> <p>The Schedule to this Clause specifies a maximum number of car parking spaces (calculated at 1 space/100m² GFA for all of the proposed uses). The limitation policy allows for 657 spaces. The provision of 70 car spaces on site is below the maximum allowed; therefore no permit is required.</p>
<p>Loading and Unloading of Vehicles (Clause</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless</p>

52.07)	<p>space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>A loading facility is provided on site and complies with the requirements sought; therefore a permit is not required under this clause.</p>
Bicycle Facilities (Clause 52.34)	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities, shower facilities and associated signage has been provided on the land.</p> <p>The standard requires the provision of 211 spaces (161 spaces for employees and 50 for visitors). The application provides for 475 spaces, therefore no permit is required under this provision.</p> <p>Based on the number of employee spaces provided shower and change room facilities are required. A total of 40 showers (20 per sex) are provided adjacent to the bicycle parking storage area.</p> <p>Therefore no permit is required under this provision.</p>
Integrated Public Transport Planning (Clause 52.36)	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for an office development of 10,000 square metres of leasable floor area. On 8 June 2012 the application was referred to the Director of Public Transport.</p>

General Provisions

9. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
10. **Decision Guidelines:** Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
11. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 (Director of Public Transport) and under the schedule to Clause 66.04 an application for use and development within the Docklands Zone must be referred to Places Victoria.

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

12. The following policies within the SPPF are relevant:
 - Clause 10.04 (Integrated Decision Making)
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 11.04-4 (Central Melbourne)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 17.01-1 (Business)
 - Clause 18.01 (Integrated Transport)
 - Clause 18.02-2 (Cycling)

Municipal Strategic Statement (MSS)

13. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in Docklands, the Central City and Southbank.
14. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with a vision being *'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'*.
15. Clause 21.04 (Land Use) sets out objectives and strategies to *'attract more office development to the municipality and to maximise employment opportunities'*. Clause 21.04-3 (office and commercial use) sets out strategies and objectives to *'reinforce the City's role as Victoria's principal centre for commerce and professional and innovative business and financial services'* and *'to encourage employment opportunities for local residents'*.
16. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
17. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and *'create an accessible, safe, inclusive and engaging public environment'*. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
18. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
19. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
20. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.
21. Clause 21.08-2 (Docklands) sets out sets out the local area policies for Docklands and includes a vision for the area to provide for *'a mixed use environment with all the services and facilities that provide for the local residential community, the local work force and visitors to the area.'* The Local Area Map for Docklands at Figure 13 seeks to *'support the ongoing operation of Docklands Stadium as a significant sports and entertainment facility'*. Important principles for Docklands relevant to the application include:
 - Support for mixed use development including office and commercial development in the Stadium Precinct;
 - Active street frontages;
 - Encouragement of a built form profile within the Docklands that forms an extension of the central city building profile; and
 - Requiring the development of Docklands to incorporate a high level and quality of pedestrian and bicycle access.

Amendment C162

22. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and is *'seriously entertained'* and has been submitted to the Minister for approval. The site is identified in the Docklands area which supports mixed use development in including office and commercial development in the Stadium Precinct, and built form that ensures

Docklands is physically and visually linked with the west end of the Hoddle Grid, that buildings provide weather protection and an attractive built form to promote an attractive, vibrant, safe and comfortable street environment, encourage a development pattern that acknowledges Melbourne's traditional hierarchy of streets, lanes and arcades, the development should be permeable and fine-grain.

Local Planning Policy Framework (LPPF)

23. The following policies within the LPPF are relevant:
- 22.18 (Urban Design within the Docklands Zone)
 - 22.19 (Environmentally Sustainable Office Buildings)

NOTIFICATION

24. Under Schedule 4 of the Docklands Zone an application to use the land and to construct or carry out works, and under Schedule 52 of the Design and Development Overlay, an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.
25. Under the Road Zone Category 1, the application for is not exempt from the notice and decision requirements and review rights of the Act. Given that the works that are affected by the zone are limited to the footpath linking from the existing stadium concourse to the entrance of the park on the eastern side of the development and affected parties associated with the management of the bridge (Places Victoria, City of Melbourne and VicRoads) have been consulted on the application, notice is not warranted.

REFERRALS

26. The application was given to the Department's Urban Design Unit, the City of Melbourne, and pursuant to referred under Section 55 of the Act to the Director of Public Transport. The following comments were provided:
27. **Urban Design (DPCD):** Offered general support for the application subject to detailed resolution of the transition across levels and edges, stair links, facade strategy, public invitation from the park, lift legibility, Bourke Street canopy and integrating the multi-purpose court.
28. **City of Melbourne:** Council supports the application, subject to detailed design resolution captured through conditions.
29. **Office of the Victorian Government Architect:** Raised concerns with the detailed resolution of a number of matters associated with the transition across levels and edges- these need to be seamless, clear and legible for the public to navigate their way around the site to the broader precinct. Concerns were also expressed regarding the facade strategy, particularly how to overcome using faceted glass for the curved facade.
30. **Places Victoria:** offered no objection to the proposal subject to conditions being included on any permit issued. Letter dated 7 November 2012.
31. **Director of Public Transport:** offered no objection to the proposal and did not include conditions to be included on any permit issued. Letter dated 30 July 2012.
32. **VicRoads:** Offered no objection to the proposal and did include conditions. Letter dated 21 November 2012.

ASSESSMENT

Land Use and Strategic Planning Response

33. The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal to redevelop the subject site with a 25-storey tower for office, retail tenancy and ancillary place of assembly and minor sport and recreation is consistent with the purpose of Schedule 4 of the Docklands Zone which encourages the development of a mixed use environment.
34. The proposal demonstrates a high level of consistency with the objectives of the State Planning Policy Framework. In particular it reinforces the capital city role of the City of Melbourne and contributes to the diversity and vitality of the local economy by providing additional employment generating opportunities (Clauses 11.03, 17.01 and 17.02).
35. The proposal demonstrates a high level of consistency with the Municipal Strategic Statement. In particular the development supports the role of the Central City and Docklands as *'Victoria's premier centre for commerce, professional, business and financial services.'* The proposal achieves the objectives of Clause 21.04 (Land Use) which seeks to *'attract more office development to the municipality and to maximise employment opportunities'* and *'reinforce the City's role as Victoria's principal centre for commerce'*.
36. The site is located within the Stadium Precinct Development Plan Overlay. There is no approved development plan for this precinct and each site is assessed on its merits, particularly its built form response, discussed further below.

Design and Built Form

37. The proposal is generally consistent with the provisions of the Local Planning Policy Framework. Of particular note is Clause 22.18 (Urban Design within the Docklands Zone). The scale of the proposed building is considered appropriate having regard to the zoning of the subject land and the evolving character of the area. In particular:
- The development responds positively to the public realm (including the Stadium concourse) adopting active frontages along its facades.
 - The building mass is broken down through the introduction of the curved facade to alleviate its length.
 - The proposed building will add to the interest of built form in Docklands and does not unreasonably affect key views or vistas within the precinct.
 - The proposal will provide 24 hour access around the development improving connectivity between Bourke Street and the stadium concourse to Southern Cross Station, Etihad Stadium and Harbour Esplanade.
 - Pedestrian flow modelling is considered to be appropriate.
 - The provision of 24 hour access via the western and eastern stair from Bourke Street to the stadium concourse will provide permeability and assist in reducing pedestrian pinch points/bottlenecks where the pedestrian bridge meets the Stadium concourse during peak-hour and event-related pedestrian movements.
 - The evidence supplied by the applicant in the wind report (dated 7 March 2012, MEL Consultants) is generally supported. A condition has been included to require the recommendations of the wind assessment to be implemented, including modifications required by a revised wind tunnel assessment.
 - Analysis of the shadowing conditions has been undertaken and shows that the additional shadowing occurs to the west and south, predominantly contained within existing shadowing conditions. Given the overall height of the proposed building, increased overshadowing is inevitable. It is noted however that the development does not overshadow any public parks or gardens, or public square, it is therefore considered to be acceptable.
38. Outstanding matters for detailed resolution predominantly relate to the ground floor interfaces to both Bourke Street and the stadium concourse, the success of the stair links, and the execution of the park to the east, the multi purpose court to the west and the detailed facade resolution of the

office tower above. These matters also respond directly to Clause 22.18 (Urban Design within the Docklands Zone) which seeks:

- The facades should be attractive to passing pedestrians and blank walls are strongly discouraged.
- Safe comfortable and direct pedestrian routes, which are fully accessible by day and night, should be provided.
- Connections between transport modes should avoid conflicts between pedestrians and vehicles and provide weather protection for interchanging passengers.
- Strong pedestrian links to tourism focal points such as the Docklands Stadium, Victoria Harbour and the Yarra River should be provided.
- Development should generally be constructed to the street boundary to define and enclose streets and other public spaces, creating continuous street frontage whilst allowing variations in individual buildings and uses.
- Environmental conditions should be addressed with appropriate site layouts, building forms, materials and finishes which respond to issues of solar access, salt air and wind patterns.
- Provide a range of spaces, including water places, urban places, urban squares, promenades and precinct open spaces, both public and private, to cater for diverse activities and uses.
- Continuous building edge should be provided where retail and service uses (such as cafes and restaurants) abut the footpath to enable continuous awnings, with arcades and/or colonnades where deeper setbacks occur.
- Landmark buildings and spaces should be encouraged at significant sites, junctions, gateways and key destinations. Maximise opportunities within the site to reinforce view corridors or terminate axes via buildings, structures or landscape treatments. The applicable Design and Development Overlays identify the location of landmark buildings in Docklands.

39. The Schedule 52 to the Design and Development Overlay (DDO52) is a discretionary control relating to heights, design and maximum number of towers permissible in each precinct. Under the DDO52 a permit is required for the current proposal. The proposal is considered to meet the design objectives and decision guidelines for the overlay.

40. The works are consistent with and build upon the early works approvals referenced above.

ESD

41. Clause 22.19 (Environmentally Sustainable Office Buildings) encourages office with a gross floor area of more than 5,000 square metres to achieve a 4 star rating under the Green Building Council of Australia's Green Star Rating Tool or equivalent, including criteria of a minimum 4.5 star base building and a maximum water consumption of 30 litres/day/person using the Green Star Water Calculator.

42. The proposal seeks to achieve 6 Star Green Star Office Design rating, which is in excess of the requirements of the Policy, which seeks a 4.5 Star ABGR Base Building Rating. The will be secured through appropriate permit conditions.

Environmental Audit

43. An environmental audit has been provided for the site previously and resolved through appropriate conditions on the early works approvals.

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

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

45. The application provides a loading facility which meets the requirements at Clause 52.07 of the Scheme.

46. The application provides for a total of 475 spaces which is in excess of the requirements at Clause 52.36 of the Scheme. Signage should also be provided, this can be conditioned accordingly.

RECOMMENDATION

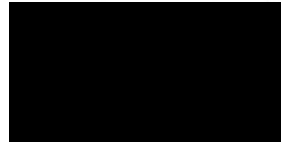
47. That you approve planning permit application 2012/004943 at 720 Bourke Street, Docklands for use of the land for retail premises and construction of a multi-storey building comprising of office (including medical centre) with ancillary minor sport and recreation facility subject to conditions.

Prepared by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 16 November 2012

Reviewed by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 16 November 2012