

Department of Transport, Planning and Local Infrastructure
Statutory Approvals – Central City Planning
Delegate Report

APPLICATION FOR PLANNING PERMIT: Building 4D, 727 Collins Street, Docklands	
Application Number:	2013/006976
Proposal:	Development of a 38 storey commercial building
Applicant:	Walker Corporation
Zoning:	Docklands Zone- Schedule 3 (Batman's Hill Precinct) Design and Development Overlay – Schedule 12 (DDO12)
Overlays:	Design and Development Overlay – Schedule 51 (DDO51) Development Plan Overlay – Schedule 4 (DPO4) Parking Overlay – Schedule 7
Application Received:	31 July 2013
[REDACTED]	[REDACTED]
Number of Objections:	Not applicable
Recommendation:	Permit to issue

[REDACTED]

[REDACTED]

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

SIGNATURE: [REDACTED]

DATE: 12.11.13

Purpose

1. To brief you on Planning Permit No.: 2013/006976 at 727 Collins Street, Docklands for development of the land for a 38 storey (145 metre) commercial building with associated retail tenancies.

Background

2. The Minister for Planning (the Minister) is the Responsible Authority for assessing the planning permit application under Clause 61.01 of the Melbourne Planning Scheme (the Scheme) as the site is over 25,000 sqm Gross Floor Area (GFA).
3. The applicant lodged Planning Permit No.: 2013/006976 on 31 July 2013.
4. On 1 November 2007, the Minister for Planning endorsed the Batman's Hill Precinct (Collins Square/Village Docklands) Outline Development Plan.
5. On 29 June 2011, the Minister for Planning approved the Collins Square amended outline development plan.
6. On July 2013, the Minister for Planning approved addendum Volume 3 to the Collins Square Outline Development Plan.

Subject Site

7. The site is part of the 'Collins Square' Development located on the south side of Collins Street, bounded by Village Street to the east, Batman's Hill Drive to the west, Collins Street to the north and building 4D is to the east and building 4A (Australian Taxation Office) is to the north. Building 4B located to the north east has been recently completed..
8. The site is largely a regular shape with a frontage of 50 metres to both Village Street and Brentani Way, and site area of 3,150 square metres. The site is located with the Batman's Hill Precinct of Docklands.
9. The subject site is located within a short walking distance to the CDB, Southern Cross Station and existing uses within the Docklands Area. The site is currently vacant.
10. The subject site is owned by Walker Corporation and has no restrictive development covenants.

Proposal

11. The proposal is for a 38 storey (145 metre) commercial office building and ground level retail uses, and associated works. Specifically the building will contain the following;
 - **Basement** - car parking and building services.
 - **Village Street/Brentani Way frontages** - substations and an entry on Village Street; a retail tenancy on the corner of Village Street and Brentani Way; and a bicycle store (with the possibility of retail conversion) to Brentani Way. Internally the ground floor includes car parking, building services and bicycle parking and change room facilities. An awning is proposed to Village Street and Brentani Way.
 - **Lower levels to Level 8** – Collins Street: An entry foyer that links the building to Building 4B's entry and four retail tenancies. A conference facility, car parking, change rooms, diesel generators.
 - **Levels 9 to 24** - office space
 - **Level 25** - plaza and office
 - **Level 26 to 35** - office space

Setbacks and Tower Separation

Direction	Setback Distance to Title Boundary	Tower Separation
North (internal to site)	0m to 3.6m (0.5m encroachment on upper levels)	0m to 7.2m 4 metre overhang on upper levels
South (Brentani Way)	0m	10.7m to 34m
West (internal to site)	0.5m	12m
East (Village Street)	0m	N/A

12. The building is proposed to have a 5 star Green Star and NABERS rating.
13. Vehicular access is from Brentani Way and main pedestrian access is principally provided via Collins Street with limited pedestrian access to Brentani Way and Village Street.
14. The overall building has an overall gross floor area of 56,245 m² (GFA).

Statutory Controls

15. The site is affected by the following zones, overlays and particular provisions under the Melbourne Planning Scheme:
 - Docklands Zone, Schedule 3 (DZ3) – Batman’s Hill Precinct;
 - Design and Development Overlay, Schedule 12 (DDO12) – Noise Attenuation;
 - Design and Development Overlay, Schedule 51 (DDO51) – Batman’s Hill Precinct
 - Development Plan Overlay, Schedule 4 (DPO4) – Batman’s Hill Precinct;
 - Clause 52.06 (Car parking);
 - Clause 52.07 (Loading and unloading of vehicles);
 - Clause 52.34 (Bicycle facilities); and
 - Clause 52.36 (Integrated public transport planning).

Zoning

16. The subject site is included within the Docklands Zone – Schedule 3 (DZ3) under the Melbourne Planning Scheme and is included within the Batman’s Hill Precinct.
17. The purpose of DZ3 is to ensure that development takes account of the relationship of the Melbourne Docklands area to the Central Activities District and the policies relating to the future development of the Central Activities District and other parts of the capital city.
18. Both the land use ‘office’ and ‘retail’ represent as-of-right uses within the schedule of this zone.

19. The proposal is exempt from the notice and review requirements of the *Planning and Environment Act 1987* (the Act) under Clause 4 (for applications for buildings and works) of the DZ3.
20. Clause 37.05-04 of Docklands Zone specifies that a permit is required unless the schedule specifies otherwise. Schedule 3 states that a permit is required for buildings and works.
21. Buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00am and 2.00pm on 22 June are prohibited.

Overlays

22. The site is affected by a Design and Development Overlay – Schedule 12 (DDO12), Schedule 51 (Areas 2 & 3), (DDO51) and Development Plan Overlay - Schedule 4 (DPO4).

Design and Development Overlay Schedule 12 (DDO12)

23. The subject site is affected by DDO12 – Noise Attenuation Area, and an acoustic assessment has been provided by Acoustic Logic. Attenuation is required for sensitive uses however as none are proposed this overlay is not applicable.

Overlay – Design and Development Overlay Schedule 51 (DDO51)

24. The entire site is affected by DDO51 – Batman’s Hill Precinct (Area 3).
25. Under the DDO51 a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to Schedule 51 of the DDO are met, which are as follows:

Area 3 – Building height of 40m with the exception of towers not exceeding 60m, one tower in the south east portion of this area which must not exceed a height limit of 90m

26. The proposal is for a 38 storey building located in Area 3, measuring 145 metres height to the top from the natural surface level of the site’s Village Street frontage.
27. The proposal is above the 90 metre height threshold, and therefore does not meet the requirements listed in Table 1. Therefore, the proposal requires a planning permit for buildings and works under DDO51.

Overlay – Development Plan Overlay Schedule 4 – Batman’s Hill Precinct (DPO4)

28. The Village Docklands Outline Development Plan was approved on 29 June 2011 and the development plan was amended to allow for an increase in height for this building site from 110m to 145m (i.e. to a height that does not overshadow the southern bank of the Yarra River) was approved by the Minister for Planning on 13 August 2013
29. The proposed development is generally in accordance with the approved development plan.

Particular Provisions

Clause 52.06 (Car parking)

30. The purpose of Clause 52.06 is, among other things, to:
 - To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.
 - To ensure that the design and location of car parking areas:
 - Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
 - Achieves a high standard of urban design.
 - Creates a safe environment for users, particularly at night.

- Enables easy and efficient use.
- Protects the role and function of nearby roads.
- Facilitates the use of public transport and the movement and delivery of goods.

Parking Overlay – Schedule 7

31. A maximum parking ratio is applicable for this site.

32. There are 111 car parking spaces are proposed as part of this development and as this is below the maximum allowed number a permit is not required.

Clause 52.07 (Loading and unloading of vehicles)

33. The purpose of Clause 52.07 is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

34. Under Clause 52.07 no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- Space is provided on the land for loading and unloading vehicles as specified in the table contained in Clause 52.07;
- The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
- The road that provides access to the loading bay is at least 3.6 metres wide.

35. Whilst the proposal is for an office tower, the retail component will require a loading facility.

36. Cardno Grogan Richards Traffic Impact Assessment Report (dated 31 July 2013) confirms that the above requirements have been met in the current design proposal, specifically the provision of an on site loading bay.

Clause 52.34 (Bicycle facilities)

37. The purpose of Clause 52.34 is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

38. The minimum provision of bicycle spaces, showers, and change rooms is listed at Tables 1-3 to Clause 52.34-3. An assessment of these requirements is as follows:

Component	Area	Requirement	
		Rate	Total
Office	55,743m ² (NLA)	1 space per 300m ² for employees	186 spaces
		1 space per 1000m ² for visitors	56 spaces
Retail	496m ²	1 space per 300m ² for employees	2 spaces
		1 space per 500m ² for visitors	1 space
Total – Employees			188 spaces
- Visitors			57 spaces

39. The proposal will provide 188 bicycle parking spaces for employees and 57 visitors/shoppers spaces which meets the minimum requirement of bicycle parking spaces for employees and visitors/shoppers.
40. A permit is not required to reduce or waive the requirements, under Clause 52.34-2.

State Planning Policy Framework

41. Clause 10.04 (Integrated Decision Making) requires that planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
42. Clause 15 (Built Environment and Heritage) seeks to ensure all new land use and development appropriate responds to its landscape, valued built form and cultural context. It is also about creating quality built environments which support the social, cultural, economic and environmental wellbeing of our communities.
43. Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
44. Clause 15.01-2 (Urban Design Principles), encourages development that provides architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
45. Clause 15.02 (Sustainable Development) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
46. Clause 17.01-1 (Business) seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
47. Clause 18.01 (Integrated Transport) seeks to create a safe and sustainable transport system by integrating land-use and transport. Strategies include concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.
48. Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and to encourage cycling as an alternative mode of travel.

Local Planning Policy Framework

49. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premier 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.
50. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with the vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality.'
51. Clause 21.04 (Settlement) sets out objectives and strategies to promote growth and development in specific areas of the city which in the case of Docklands is an existing urban renewal area.

52. Clause 21.08 (Economic Development) notes that areas in the Central City area are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity.
53. Clause 21.09 (Transport) recognises that compact, mixed use and walkable cities built around public transport corridors and nodes are more effective, more accessible and more sustainable.
54. Clause 21.13-2 (Urban Renewal Areas Docklands) 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.'
55. Clause 22.18 (Urban Design within the Docklands Zone) seeks to encourage exciting, viable developments built to the highest design and environmental standards.

Reference Documents

56. The proposed development is not in conflict with *Docklands: The Second Decade* or *Access Docklands*.

Referrals

57. The application was referred (on 1 August 2013) under section 56 of the Act to Places Victoria and the Director of Public Transport (under Clause 66.04) and informally to VicRoads, the City of Melbourne, DTPLI Urban Design and OVGA. Comments received are as follows:

Places Victoria

58. Places Victoria has been extensively consulted throughout the process and Places Victoria offered no objection to the application, subject to conditions (letter dated 16 August 2013).

Public Transport Victoria

59. The application (including the traffic report including all drawings) was referred on 2 August 2013 and the PTV responded (23 August 2012) stating that they do not object to a permit being issued subject to conditions.

VicRoads

60. VicRoads offered no objection to the application in its letter dated 29 August 2013.

DTPLI Urban Design Unit

61. The DTPLI Urban Design Unit provided advice on 9 September 2013 indicating general support subject to conditions relating to minor materials and finishes, public realm and built form matters.

City of Melbourne

62. The comments of the City of Melbourne were requested on 1 August 2012 and a response received on 11 September 2013.
63. The City of Melbourne does not support the application as it considers the following matters must be addressed prior to a determination being made.
 - A redesign of the building to avoid overshadowing of the south bank of Yarra River at the winter solstice between 11am and 2pm.

- Full wind tunnel testing of development so it can demonstrated that the wind conditions to the immediate public realm, in particular Brentani Way are within a reasonable criteria for pedestrian comfort.
- Further investigation into the impact of the proposed development (Tower D) on the ability of the surrounding road network to cope with the additional vehicles exiting onto Wurundjeri Way as highlighted City of Melbourne’s traffic engineers.
- Further resolution of the building design, in particular the overhang of the building at the upper levels and the ungainly relationship between the top and bottom parts of the building.
- Further resolution and details of Brentani Way including the ground level frontages, footpath widths.

64. Council however provided conditions that they wish to have included if the development is approved;

- a) Redesign of the building which may include a reduction of the height or increased setbacks to ensure that there is no overshadowing of the south bank of the Yarra River at the winter solstice between 11pm and 2am.
- b) Deletion of the overhanging upper level projections and the redesign of the upper levels of the building to emphasise the vertical form of the building as outlined by the Collins Square Development plan approved 13 August 2013.
- c) Modifications to the development as recommended by the wind tunnel assessment required by condition 5.
- d) Elevation plans at 1:50 detailing the ground level activation to Village Street and Brentani Way. Additional detail of the ground level must submitted to provide:
 - i. At grade access to Brentani Way to allow for multiple tenancies and entries.
 - ii. A modified internal layout to allow for multiple tenancies.
 - iii. A larger splay to the western shopfront corner and the western stairs to improve safety.
 - iv. Further design detail of bike storage area so it presents a more attractive presence to Brentani Way through the use of the materials and design (e.g. not just bikes behind glass).
 - v. The proposed location of future bike store within the building, when the “possible future retail” space is used for that purpose.
- e) Dimensions of the canopy to Brentani Way including width, length, setback from back of kerb and clearance above footpath level to comply with the City of Melbourne Road Encroachment Guidelines.
- f) Car parking levels (3 to 4) must be redesigned to active uses.
- g) Additional details in relation to the legibility way finding and safety to ensure clear sightlines for the length of Brentani Way. Detail may require ground level features of immediate development sites for Tower 4C and 4E to ensure demonstrate that adequate sightlines can be achieved.
- h) An uninterrupted two metre wide footpath to Brentani Way opposite the southern boundary of the subject site.

i)

DISCUSSION

Environmental Sustainable Design

65. The documentation accompanying the application (prepared by AECOM) identifies that the proposed development will meet or exceed all applicable statutory ESD requirements for a commercial development.

Street level frontages and pedestrian safety

66. The proposal involves a reasonably high level of activation along the footpaths of Village Street and Brentani Way. The access is proposed via the existing access for building 4C on Brentani Way which minimizes crossovers and would therefore offer an active street frontage which with a high level of amenity, interest and safety for pedestrians.

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

67. The proposal involves a relatively low level of parking provision (111 spaces) which is compliant with the planning scheme requirements and the provision of 245 bicycle spaces on site is considered satisfactory.

68. Loading is proposed via the adjacent building to the north which is already constructed (Tower 4B) and vehicles are able to enter and exit the site in a forward direction. This is consistent with the ODP and therefore considered acceptable.

Wind

69. A wind report was submitted as part of the application. The report findings indicate that the site is generally well shielded and the wind conditions in the surrounding streets will be either on or within the criterion for walking comfort. It is however a concern for Council that further testing be conducted in the wind tunnel to confirm that critical locations such as the corner of Brentani Way and Village Streets are acceptable from a wind impact perspective. It is therefore agreed to include a full wind tunnel testing report condition on the permit.

Built form

70. The large and overhanging top element does not emphasise the vertical form of the building and makes the building look unbalanced and top heavy. Through the design workshop held at OVGA (as discussed in the next section of this report) it is generally agreed that a revised proposal which would be acceptable to both the Department and Council, can be achieved through condition 1 requirements.

Summary

71. The matters identified in Council's objection can be addressed by conditions and Council has suggested conditions that address their concerns.

72. Further discussions have occurred between the Department, the applicant, Council and the OVGA and the proposed conditions by Council have been modified to provide for a design solution to the 'overhang' that substantially reduces its extent and impact and a revised facade to the lower levels that addresses the exposure of the car park areas.

73. Conditions proposed by Council have been amended to achieve the accepted position.

74. The building cannot overshadow the southern bank as overshadowing is prohibited by the Scheme.

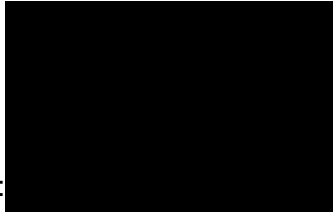
Conclusion/Recommendation

75. State Planning Policy Framework, Docklands Second Decade, Access Docklands and Plan Melbourne supports office development in this location and it is considered that the issues

identified through agencies assessment of the proposal can be addressed through the condition requirements on the permit.

76. That you approve Planning Permit No.: 2013/006976 at 727 Collins Street, for the development of a 38-storey commercial tower subject to conditions.

Prepared by:



Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Date: 14 November 2013

Approved by:



Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Date: 14 November 2013