

APPLICATION FOR PLANNING PERMIT: 1000 LA TROBE STREET, DOCKLANDS	
Application Number:	2013/000861
Proposal:	Demolition of the existing shade structures and the use & development of the land for the purpose of a (23) level commercial office & retail building.
Applicant:	 1000 La Trobe Street Pty Ltd
Zoning:	Docklands Zone- Schedule 5 Digital Harbour (DZ5)
Overlays:	Design and Development Overlay- Schedule 12 (Noise Attenuation Area (DDO12)) Design and Development Overlay- Schedule 53 (Digital Harbour Precinct (DDO53 – Area 2 & 3))
Application Received:	25 January 2013
Further Information Requested and Received: Amended Application:	Nil
	
	
Number of Objections:	Not applicable
Recommendation:	Permit

BACKGROUND

1. On 25 February 2009 Planning Permit No. 2008/0787 was issued under delegation from the Minister for Planning for the *'the demolition of the existing shade structures and the use and development of the land for the purpose of a (21) level commercial office and retail building'* at 1000 La Trobe Street, Docklands.
2. This permit is still valid however the developer has decided that a better development that addresses current commercial requirements is required to be competitive in the market.

PROPOSAL

3. Permit application 2013/00861 was lodged on 25 January 2013. The application seeks approval to construct a multi storey commercial building with ground floor retail and above ground multi level car parking.
4. Construct a 93 metre tall, 23 storey commercial building which will be setback between 2.5m and 5.5m from La Trobe Street and at least 5m from Digital Drive and surrounding title boundaries.
5. The building is to have a GFA of 64,926m²

6. The building will contain 471 car parking spaces accessed from both La Trobe Street and from the Stadium Access Road via a tunnel under 990 La Trobe Street and Digital Drive.
7. 110 bicycle parking spaces are to be provided.
8. The ground floor will contain the main access lobby, four retail premises and supporting services. The ground floor also provides access to an area of open space that will be developed as a plaza between the proposed building and the proposed buildings to the north, one of which is Planning Permit 2012/0002250 at 17-31 Digital Drive (the NBN building) which was granted on 17 July 2012 however construction is yet to start.
9. Details of the application are as follows:
 - Construction of a 93 metre tall 23-storey commercial building. The tower has setbacks ranging from 2.5 metres to 5.5 metres to La Trobe Street
 - Ground Floor level consisting of an entrance lobby and four retail tenancies, car park access and supporting services accessed from La Trobe Street and Digital Drive as well as the public realm to the north.
 - Loading dock, bike parking and change facilities, waste storage area, are all located on the level below ground, known as basement 1 however due to the topography of the site this is accessed from La Trobe Street and from the Stadium Access Road.
 - Materials and finishes include glazing, aluminium fins, metal cladding and perforated metal cladding; and
 - The submission is supported by comprehensive reports including a planning report, landscape studies, a wind tunnel assessment and traffic report.

SITE AND SURROUNDS

10. The subject site is located on the north side of La Trobe Street, east of Harbour Esplanade, west of Wurundjeri Way and is opposite the Etihad Stadium. The site is an irregular shape with a frontage of 91 metres; a depth of 70 metres and a site area of 4,131 square metres (m²).
11. Currently the subject site is being used as an open air car park for 1010 La Trobe (Customs House). Access to this car park is via La Trobe Street and Wurundjeri Way.
12. Development surrounding the site is described as follows:

North:

 - To the north is the existing NBN building which has an open space plaza and a permit has been issued for a commercial building at 17-31 Digital Drive.

South:

 - The southern boundary abuts La Trobe Street and opposite is the completed Lacrosse building, Etihad Stadium and two other sites which are proposed to be developed in the future for commercial and residential purposes.

East:

 - The site has frontage to Digital Drive and opposite is the recently completed Melbourne Water building at 990 La Trobe Street.

West:

 - To the west the site abuts the existing 1010 La Trobe Street building which is located on the corner of Harbour Esplanade and La Trobe Street.

STATUTORY CONTROLS

13. The following controls apply to the site, with planning permit triggers are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Docklands Zone-Schedule 5 – Digital Harbour (DZ5)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Under Clause 37.05-4 a permit is required to demolish and remove the existing shade structures on the site.</p> <p>Schedule 5:</p> <ul style="list-style-type: none"> • The purpose of the Docklands Zone is to provide for a range of commercial, residential, educational, technology, business and leisure uses within a mixed use environment, and to provide a distinctive entry to Melbourne Docklands from the northern edge of the city. • The proposed land use, development on the subject site is exempt from notice and review requirements of the Planning and Environment Act 1987 (the Act) under the DZ5. • Decision guidelines are contained in Schedule 1 and at Clause 65.
Car Parking Overlay	<p>Under Schedule 9 of the parking overlay a permit is required to provide parking spaces in excess of the rate of 2 spaces per 100sqm of office space. This would equate to 798 spaces which is greater than the 471 spaces proposed. Therefore no permit is required.</p> <p>The limitation policy allows for 600 spaces throughout the wider Digital Harbour precinct.</p>
Development Plan Overlay	<p>Schedule 6 (DPO6)</p> <p>The proposed building is consistent with the current Digital Harbour Development Plan (Amended April 2011) which was approved by the Minister on 26 July 2011.</p>
Design and Development Overlay-Schedule 12 (Noise Attenuation Area)	<p>Under Clause 43.02-2 a permit is required to construct a building.</p> <p>Schedule 12:</p> <ul style="list-style-type: none"> • Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must: • Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area. • Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility. • Have external glazing and doors and the air conditioning

	<p>or ventilation system in all new residential and other noise sensitive use and development designed by a recognised acoustic consultant.</p>
<p>Design and Development Overlay-Schedule 53 (Digital Harbour Precinct)</p>	<p>Under Clause 43.02-53 a permit is required to construct a building or to construct or carry out works if the requirements of Table 1 are met.</p> <p>Schedule 53 states that:</p> <ul style="list-style-type: none"> • A permit is not required to construct a building or construct or carry out works in accordance with an Existing Old Format Approval. In this schedule, "Existing Old Format Approval" has the meaning given to it in Clause 37.05-4. • A permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to this schedule are met. • An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed buildings and works achieves each of the Design Objectives of this schedule, and any local planning policy requirements. • Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services. <p>Table 1 to Schedule 53</p> <p>The site is part within DDO53 Area 2 (which has a 75m maximum building height) and part within DDO53 Area 3 (which has a 25m maximum height). As the proposed building is 93m in height a permit is require under this Clause.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>The site provides a loading facility that meets the requirements of the Clause; therefore no permit is required.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 10 bicycle spaces plus 35 visitor parking spaces. The application provides for 110 spaces on site and proposes 35 on street and the necessary facilities and therefore no permit is required under this provision.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a commercial development more than 10,000 sqm of leasable floor area.</p> <p>On 3 February 2013 the application was referred to the Director of Public Transport.</p>

General Provisions

14. **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.
15. **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.
16. **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 (PTV/Director of Public Transport).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

17. The following policies within the SPPF are relevant:
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 13.04-1 (Noise Abatement)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 17.01 (Commercial)
 - Clause 18 (Transport)

Municipal Strategic Statement (MSS)

18. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City, Docklands and Southbank.
19. 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'*.
20. Clause 21.04 (Land Use) sets out objectives and strategies to *'ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants'*.
21. 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.
22. 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.
23. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
24. 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.

25. 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.

Local Planning Policy Framework (LPPF)

26. The following policies within the LPPF are relevant:
- 21.02 (Municipal Profile)
 - 21.08 (Local Areas)
 - 22.18 (Urban Design within the Docklands Zone)

Other relevant policy/ matters

27. Other relevant policy/ matters include:

Amendment C162

28. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been adopted by Council and is 'seriously entertained' planning document. The matter is currently being considered for approval by the Minister. The amendment includes themes which are applied to the local areas. The site is identified in the Docklands Existing Urban Renewal area which encourages the establishment of leading edge industries through the development and promotion of Digital Harbour and the installation of high technology infrastructure.

Amendment C209

29. On 16 November 2012 amendment C209 has been authorised and exhibited and is due to go to Panel in September. A condition in the amendment excludes sites in Docklands which are subject to a separate development agreement to provide public open space within the precinct. A development agreement exists for Digital Harbour.

Access Docklands

30. The proposed development complies with the objectives of Access Docklands by providing lower car parking provision, higher bicycle provision and is in close proximity to public transport infrastructure.

NOTIFICATION

31. Under Schedule 5 of the Docklands Zone an application to construct a building and construct or carry out works, and under Schedule 1 and 38 of the Design and Development Overlay, an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

REFERRALS

32. The application was referred to the Department's Urban Design Unit, Places Victoria, the City of Melbourne, and pursuant to Section 55 of the Act to the Director of Public Transport, Places Victoria and VicRoads. The following comments were provided:
33. **Urban Design (DPCD):** Offered general support for the application, subject to more detailed design in relation to the ground floor retail tenancies and podium articulation and further resolution of the public plaza area. These matters can be resolved through appropriate conditions which have been included on the permit.
34. **Places Victoria:** Offered support for the proposed development subject to standard conditions and requested the submitted plans be amended to show:
- a. ground level elevations at an appropriate scale to demonstrate the framing of entries and tenancies through the use of a number of materials to reduce the dominance of floor to ceiling glazing, and
 - b. Detailed recommendations of the Wind Assessment Report (December 2012) and the Traffic Access Assessment prepared by ARUP dated 19 January 2013.

35. **City of Melbourne:** Application referred on 3 February 2013. The Council response (received on 18 March 2013) provides general support for the application subject to consideration of:
- a. accessibility issues,
 - b. planting,
 - c. street furniture,
 - d. standard engineering matters,
 - e. waste and title consolidation.
36. These matters can be resolved through appropriate conditions.
37. **Director of Public Transport:** offered no objection to the proposal subject to two conditions being included on any permit issued. These conditions require that no disruption to tram services along La Trobe Street be made and no damage be made to tram infrastructure. Letter dated 4 March 2013.
38. **VicRoads:** offered no objection to the proposal or suggested conditions.

ASSESSMENT

Land Use

39. The proposed use for ground floor retail premises (other than Adult sex bookshop, department store, hotel, supermarket and tavern) and commercial replaces a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent the development plan and an improvement on the previously issued permit.

Design and Built Form

Urban Context Response

40. Digital Harbour is a commercial precinct which is less than 50% completed at this stage. By permitting this proposal it will complete the La Trobe St frontage for the precinct and provide more human interaction throughout the precinct.
41. The proposed commercial building is 93 metres (23 storeys). This is generally consistent with the previously approved permit on the site however the design of the building and it's interaction with the public realm is considered a significant improvement.
42. Schedule 53 to the Design and Development Overlay requires that a permit be granted to exceed the height in the Table to Schedule 53. The objectives of the DDO are to:
1. To ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour are recognised.
 2. To prevent any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow that is already cast by the existing facility roof when fully open.
43. The proposed building does not overshadow the Etihad Stadium playing surface and the building is considered to comply with the vista objective. The height at 93 metres is considered appropriate as the existing approval on the site is 79 metres.

Street Level Frontages & Pedestrian Safety

44. The proposed development incorporates four retail tenancies at ground floor level and access to an open space plaza which provides a level of pedestrian interest, interaction and amenity. The active frontages will also serve to increase the perception of safety in this area. A condition has been included on the permit which requires additional design detail for the retail tenancies as presented to the street.
45. A pedestrian network will be provided through the site offering connections between Harbour Esplanade, Digital Drive and La Trobe Street. The building incorporates weather protection to La Trobe Street and at the rear an open space plaza that allows for through block connectivity.

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

46. The Environmental Wind Assessment (MEL Consultants, received December 2012) submitted with the application concludes that wind conditions around the proposed development have been shown to be mostly either on or within the criterion for walking comfort with the exception of the eastern extremities of the building at ground level. With the addition of some wind break screens (and planters) on the east side wind conditions at the locations were shown to come within the criterion for walking. The detailed design of the screens has also been required through a condition on the permit.

ESD

47. The building is required to meet the requirements of Clause 22.19 Energy, Water and Waste Efficiency which requires a Waste Management Plan in accordance with the City of Melbourne's guidelines as well as an ESD statement proving that the proposed building will achieve the require performance under Clause 22.19-5. The proposed development is over 5,000 sqm therefore a 5 star rating under a current version of Green Star – Office rating tool or equivalent. The application states that the ESD performance exceeds the Docklands Award of Merit which is the requested target of Places Victoria and part of the development agreement. Compliance with the ESD requirements of the Scheme and Places Victoria's requirements will be achieved through permit conditions.

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

48. The articulation of the podium areas to be clad in perforated aluminium was raised by DPCD Urban Design as an issue requiring further attention and a condition has been attached to the permit to ensure this occurs.

49. The application provides a loading facility in accordance with the requirements at Clause 52.07. It is proposed to provide on-site loading facilities accessed via La Trobe Street. A swept path assessment provided within the Traffic Impact Assessment Report shows that the design vehicle can enter and exit the area appropriately.

50. The application provides for a total of 145 bicycle spaces, which is as required at Clause 52.36, with 35 of these provided on the ground floor level but outside the building for visitors. There is space for 112 within the basement car park which is in excess of the requirement for on site provision. The associated bicycle facilities (showers and changing rooms) meet the requirements of the Scheme.

CONCLUSION

51. The development meets or exceeds the requirements of the Melbourne Planning Scheme and is supported, subject to conditions, by Places Victoria, City of Melbourne and statutory referral authorities.

52. The building complies with the approved Digital Harbour Development Plan and the provision of further commercial space in Docklands is supported.

RECOMMENDATION

53. That you approve planning permit application 2013/00861 at 1000 La Trobe Street, Docklands for the development of a multi level commercial building subject to conditions.

Prepared by:



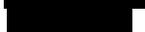
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Date: 6 May 2013

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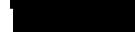
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