

Department of Planning and Community Development
Statutory Approvals – Central City Planning
Delegation Report

Application No:	2011/005185
Land Address	719-745 Collins Street, Docklands
Application:	Permit application under s.47 of the Planning and Environment Act 1987 (P&E Act).
Proposal:	Development of commercial building with associated retail tenancies and basement car parking.
Received:	21 April 2011
Planning Scheme	Melbourne Planning Scheme
More Information Requested:	N/A
More Information Received:	N/A

The Applicant

Name:	Walker Corporation Pty Ltd
Address:	[REDACTED]

Purpose

1. To brief you on planning permit application 2011/005185 at 719-745 Collins Street, Docklands for development of the land for a 19 storey (90 metre) commercial building with associated retail tenancies including food court, and basement car parking.

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 in the Docklands area.
3. The applicant lodged planning permit application no.: 2011/005185 on 21 April 2011.
4. On 1 November 2007, the Minister for Planning endorsed the Batman's Hill Precinct (Collins Square/Village Docklands) Outline Development Plan.
5. On 15 April 2011, Village Docklands Pty Ltd lodged an amended outline development plan application (file no.2011003084) on behalf of the owner of the land. The Minister for Planning (the Minister) is the responsible authority for assessing the development plan application under Clause 61.01 of the Melbourne Planning Scheme (the Scheme) as the subject site is located within the 'Docklands area' as defined in the *Docklands Authority Act 1991* as amended.

6. [REDACTED]

Subject Site

7. The subject site is located on the south side of Collins Street and is bounded by Village Street to the east, Collins Street to the north and building 4D to the south and building 4A (Australian Taxation Office) to the west. Building 4A is currently under construction.

8. The site is largely a regular shape with a frontage of 50 metres to both Collins Street and Village Street, and site area of 2,900 square metres. The site is located with the Batman's Hill Precinct of the 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 19 storey (90 metre) commercial office building and use and development of land for lower level retail, food court, car parking and associated works. Pedestrian access is principally provided via Collins Street.
12. The overall building has an overall gross floor area of 39,970 m² (GFA).

Statutory Controls

13. The site is affected by the following zones, overlays and particular provisions under the Melbourne Planning Scheme:
 - Docklands Zone, Schedule 3 – 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 2 (DPO2) – 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

14. The subject site is included within the Docklands zone – Schedule 3 (DZ3) under the Melbourne Docklands Area Planning Provisions (the Provisions) and is included within the Batman's Hill Precinct.
15. 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.
16. Both the land use 'office' and 'shop' represent as of right uses within the schedule of this zone. The car park is listed as section 2, permit required use on the proviso that the car park is associated with a development in the surrounding area.
17. The proposal is exempt from the notice and appeal requirements of the *Planning and Environment Act 1987* (the Act) under Clause 2 (for applications for the use) and Clause 4 (for applications for buildings and works) of the DZ3.
18. 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.

Overlays

19. 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)

20. The subject site is affected by DDO12 – Noise Attenuation Area, and an acoustic assessment has been provided by Acoustic Logic.

Overlay – Design and Development Overlay Schedule 51 (DDO51)

21. The entire site is affected by DDO51 – Batman’s Hill Precinct (Areas 2 & 3).

22. 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 2 – Building height of less than 180 metres

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

23. The proposal is for a 19 storey building located in Area 2, measuring 90 metres height to the top from the natural surface level of the site’s Collins Street frontage.

24. The proposal is under the 180 metre height threshold, and therefore meets the requirements listed in Table 1. Therefore, the proposal does not require a planning permit for buildings and works under DDO51 therefore the design objectives of DDO51 do not apply to the proposal.

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

25. The Village Docklands Outline Development Plan (approved by the Minister for Planning 1 November 2007) is the approved development plan under this overlay. No requirements under this Schedule apply to the proposed development or application. [REDACTED]

Particular Provisions

Clause 52.06 (Car parking)

26. 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.

27. Under Clause 52.06 a permit is required to provide car parking spaces in excess of the car parking rates specified in Table A of the Schedule to Clause 52.06 (Car Parking). An assessment against these rates is provided below:

Use	GFA (sqm)	Maximum Rate	Maximum car parking provision
Retail	2,511m ²	1 per 100 sqm GFA	25
Office	89,996m ²	1.5 per 100 sqm GFA	1349
Total			1374

28. The amount of car parking proposed (67 spaces) is well below the statutory maximum rate (1374 spaces) therefore a permit is not required.

Clause 52.07 (Loading and unloading of vehicles)

29. 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.

30. 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.

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

32. Cardno Grogan Richards Traffic Impact Assessment Report (dated 15 April 2011) confirms that the above requirements have been met in the current design proposal.

Clause 52.34 (Bicycle facilities)

33. 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.

34. 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	38,854m ²	1 space per 300m ² for employees	130 spaces
		1 space per 1000m ² for visitors	39 spaces
Retail	2,511m ²	1 space per 300m ² for employees	8 spaces
		1 space per 500m ² for visitors	5 spaces
Total – Employees			138 spaces
- Visitors			44 spaces

35. The proposal will provide a 138 bicycle parking spaces for employees and 44 visitors/shoppers spaces which meets the minimum requirement of bicycle parking spaces for employees and visitors/shoppers. Therefore a permit is not required to reduce or waive the requirements, under Clause 52.34-2.

State Planning Policy Framework

36. 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.
37. 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. 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. 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. 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.
38. 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.
39. 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. 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

40. 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. In addition, the most significant gains in resident population are expected in Docklands, the Central City and Southbank.
41. 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.'
42. 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'.
43. 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.

44. 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.
45. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
46. 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.
47. 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.
48. Clause 21.08-2 (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.*'

Amendments

49. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited. It is understood that Council are considering submissions made and it has yet to be considered by the Minister for approval. In this amendment the subject site is identified in an area as being an area of "Urban Renewal". Under the proposed Clause 21.02 Urban Renewal Areas are areas that are expected to be a new mix of uses, higher density of development and excellent provision for walking, cycling and public transport services.
50. The proposed development is not in conflict with *Docklands: The Second Decade* which lists the site as being located within underdeveloped land.

Referrals

51. The application was referred (on 28 April 2011) under section 55 of the Act to VicUrban and the Director of Public Transport (under Clause 66.04) and informally to VicRoads, the City of Melbourne, DPCD Urban Design. Comments received are as follows:

VicUrban

52. VicUrban has been extensively consulted throughout the process. In response to revised plans VicUrban offered no objection to the application, subject to conditions ([REDACTED])
53. On 18 March 2011 a Statutory Planning meeting was held at VicUrban with attendees from DPCD, Walker Corporation, City of Melbourne Council, Urbis and VicUrban. Agencies representatives provided their comments to the applicant following a presentation of the proposed development.

Director of Public Transport

54. The application (including the traffic report including all drawings) was referred on 2 May 2011 and the Department of Transport responded (28 June 2011) stating that they do not object to a permit being issued subject to the following conditions;
 - The permit holder must take all reasonable steps to ensure that disruption to tram operations along Collins Street and Wurundjeri Way are kept to a minimum during the

construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Director of Public Transport fourteen days (14) prior.

- The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to the permit holder.
- The permit holder must take all reasonable steps to ensure that disruption to bus operation along Wurundjeri Way is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to the Director of Public Transport fourteen days (14) prior.
- Any existing bus stop and associated infrastructure on must not be altered without the prior consent of the Director of Public Transport. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of the Director of Public Transport and at the cost of the permit holder.

VicRoads

55. VicRoads offered no objection to the application subject to conditions (letter dated 23 June 2011).

DPCD Urban Design Unit

56. The DPCD Urban Design Unit was requested for advice on 3 May 2011. The Unit made the following comments;

- Village Street has poor activation
- Collins Street canopies are incomplete
- Paving layouts and planters in the public plaza bridging Village Street are inconsistent with Architectural and Landscape drawings
- Food court should have Collins Street access
- Using trees for wind mitigation should be avoided
- Internal pedestrian amenity could be improved by extending the internal office atrium down to the lower levels to provide some light and key views
- More detail and definition of materials is required
- V column at Collins Street entry obscures the entrance and should be refined.
- Greater perimeter activation and access is needed to address the surrounding streets.

City of Melbourne

57. The comments of the City of Melbourne were requested on 2 May 2011 and a response received on 23 June 2011. The City of Melbourne supports the application subject to the consideration of the following matters and the inclusion of appropriate conditions;

- More detail and definition of materials is required
- Height of building
- There are inconsistencies between the amended Development Plan and this permit application including the level of activation of Village Street

- Paving layouts and planters in the public plaza bridging Village Street are inconsistent
- Village Street and Collins Street have poor activation levels
- Internal design changes

58. The conditions required by the City of Melbourne are:

- a) *Relocation of the corporate entry to the building so as to be either off street or an internal lane.*
- b) *The majority of the ground floor frontage to Village Street to be occupied by retail uses.*
- c) *The building to have a podium height of approximately 28 metres with additional height set back not less than 5 metres from Collins and Village Streets.*
- d) *Modulation of scale and massing to break down visual bulk, particularly at the lower levels.*
- e) *The car park exhaust duct to discharge beneath the Collins Street bridge.*
- f) *Plans confirming that development includes no projections beyond title boundaries other than canopies, sunshade, the bridge over Village Street and the projection over Village Street from level 2 upwards.*
- g) *Any changes required by condition 5 (wind) and condition 8 (waste).*
- h) *Deletion of the proposed podium planting shown on drawing LS304B.*
- i) *Continuous canopies at heights of not more than 4.5m setback 750mm from kerb faces*
- j) *Greater detail on facade detailing to ensure adequate visual connection and articulation particularly at lower levels*
- k) *Greater detail on the internal glazed canopy to define the extent and materiality of this feature*
- l) *Pedestrian access to the food court via Collins Street*
- m) *Extension of the internal office atrium to ground level.*
- n) *Doors to Village Street and Collins Street (other than to substation) not to extend outside the title boundary when open.*
- o) *Direct access from the bike parking area to the office levels*
- p) *Detail indicating how the proposed building is to be linked to the adjacent building to the west at pedestrian level.*

DISCUSSION

59. In the case of suggested conditions (a), (b), (c), (d), (j) and (m) the requirements have been discussed with Council officers, VicUrban officers, Department Urban Design offices and it is the view of the Department that it is not appropriate to include these conditions for the following reasons;

- (a) [REDACTED] The retail units on Collins Street provide sufficient activation and the corporate entries are well positioned via the internal laneway space.

- (b) Whilst the ODP identifies Village Street as an area of retail uses and inter agency discussions pre lodgement sought to achieve surveillance of the street the applicant has improved passive surveillance of this area through glazing and bicycle storage facilities. Due to the Village Street area being the only frontage for vehicular access, substations, fire escapes, it is therefore agreed that this condition is not included on the permit.
- (c) [REDACTED] The proposed height is generally in conformity with the Planning Scheme as well as consistent with the ODP which is under consideration by the Minister and responds well to the adjoining building and provides for the tenant's commercial needs.
- (d) [REDACTED] The Department considers there to be vertical rhythm through the façade treatment and high levels of transparency between the street and retail tenancies. Therefore it is not agreed that this condition be attached to the permit.
- (j) As with (d) it is considered that the proposed treatment of retail tenancies at street level is already of a high quality and provides transparency whilst also achieving vertical rhythm, and the condition by agreement has been deleted.
- (m) The extension of the atrium to the ground floor level is not supported by the tenant, Marsh Mercer or VicUrban for security reasons. The atrium as proposed addresses ESD and is satisfactory for the office floors ESD performance. The atrium is also considered to be 'internal' and therefore not controlled by the planning scheme, in a similar manner to how floor layouts are not controlled.

Conclusion/Recommendation

- 60. State Planning Policy supports office development in this location and it is considered that the benefits of the proposed development outweigh minor urban design issues [REDACTED]
- 61. That you approve planning permit application 2011/005185 at 719-745 Collins Street, for the development of a 19-storey commercial tower and use of the land for the purposes of a retail subject to conditions.

Prepared by: _____

Approved by: [REDACTED]

Name: [REDACTED]

Name: [REDACTED]

Title: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Phone: [REDACTED]

Date:

Date: 29/9/2011