

**APPLICATION FOR PLANNING PERMIT:
731-739 FLINDERS STREET, DOCKLANDS**

Application Number: 2012/002229

Proposal: Buildings works for the construction of a multi storey building comprising of office and retail, and for modifications to the Goods Shed No. 5

Applicant: Asset1 WTC
C/- [REDACTED]
URBIS Pty Ltd
[REDACTED]

Zoning: Capital City Zone – Schedule 1 (Outside the Retail Core) **(CCZ1)**
Public Park and Recreation Zone **(PPRZ)**

Overlays: Design and Development Overlay- Schedule 59 (North Wharf Precinct, Docklands) **(DDO59)**
Environmental Audit Overlay **(EAO)**
Heritage Overlay 918 **(HO918)**

Application Received: 17 July 2012

Further Information Requested and Received: N/A
N/A

Number of Objections: Not applicable

Recommendation: Permit

[REDACTED]

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

SIGNATURE: [REDACTED]

DATE: 26 June 2013

PROPOSAL

1. Permit Application No.: 2012/002229 was lodged on 17 July 2012. The application seeks approval for buildings and works for the construction of a multi storey office building and for the partial demolition and refurbishment of the adjacent heritage listed Goods Shed No. 5.
2. The proposed building (designed by Cox Architecture, to be developed by Asset1 WTC Pty Ltd) is for a 13 storey office building (approximately 52 metres high) to be physically integrated with and partially project over the adjacent Goods Shed No. 5. (see artist's impression below).
3. Details of the application are as follows:
 - 9 storey office development (23,420sqm net lettable floor area) above a 4 storey podium car park;
 - Partial demolition, refurbishment, and adaptive re-use of the heritage-listed Goods Shed No. 5, including the introduction of retail, food and drink premises, and art galleries (2,243sqm net lettable area);
 - Gross floor area is 33,427 sqm (25,663sqm combined net lettable area);
 - Ground level pedestrian laneway between Goods Shed No. 5 to be opened during business hours;
 - 129 car parking spaces (120 spaces for Office and 9 spaces for Retail);
 - 134 bicycle spaces and 8 shower facilities on Ground Level;
 - Pedestrian access to the proposed development from both Wurundjeri Way/Flinders Street (east and west entries) and from the Yarra River waterfront;
 - 'A Grade' office building (Property Council of Australia grading), 4.5 Star (NABERS Energy rating), and 5 Green Star rating (Green Building Council of Australia); and
 - Vehicular entry from Siddeley Street via a shared pedestrian/vehicular zone to the south of the Mission to Seafarers building.



4. The application is part of a wider proposal to create a new urban park "Seafarers Rest" and to upgrade the heritage listed mechanical crane and wharf structure to enable pedestrian access along the riverfront. These uses and building and works are exempt from requiring a planning permit (see below Statutory Controls).

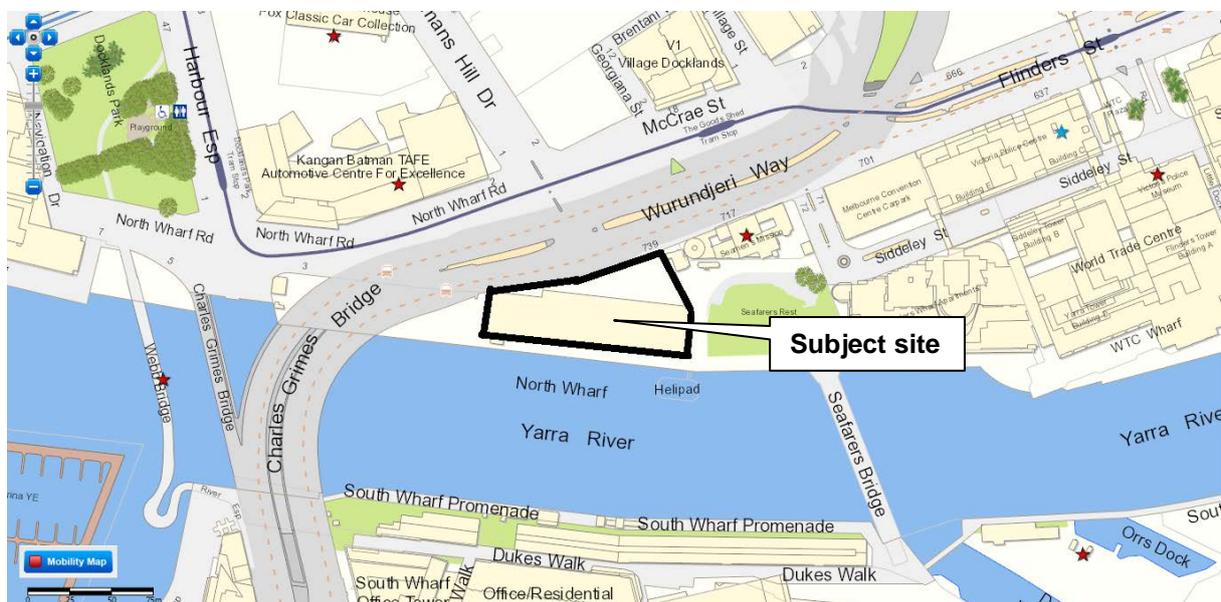
BACKGROUND

5. The proposed development is located on Crown Land (Crown Allotment Nos.: 2087, 2177, and 2178), with the Department of Treasury and Finance the implied Public Land Manager.

6. [REDACTED]
7. On 24 May 2013 the Department of Environment and Primary Industries confirmed that the land is not considered to be Coastal Crown Land. Therefore, pursuant to Section 61(3)(a) of the *Planning and Environment Act 1987* (the Act) the proposal does not require consent under the *Coastal Management Act 1995* prior to any planning permit being issued.
8. On 3 April 2012 Amendment C168 was approved via section 20(4) of the *Planning and Environment Act 1987*. The effect of the amendment was to rezone the site to Capital City Zone (Schedule 1 – Outside the Retail Core) from Public Park and Recreation Zone, apply a new Design and Development Overlay (Schedule 59 - North Wharf Precinct) and the Environmental Audit Overlay (EAO).
9. The applicant undertook a stakeholder engagement process involving a series of meetings, briefings, and a 2-hour information session with the local community between October 2010 and March 2011. The process involved a wide range of government and non-government stakeholders. Non-government stakeholders included the adjacent [REDACTED] (see North Wharf Stakeholder Engagement Report, *Urbis*, March 2011). The proposal was generally supported by the range of stakeholders. However, the adjacent [REDACTED] has expressed some concerns about the proposal (discussed below under Assessment).
10. The Goods Shed No. 5, mechanical crane, concrete apron and wharf structure are listed on the Victorian Heritage Register (Reg. No.: H1798) and are subject to separate heritage approval. Heritage Victoria issued a permit on 26 June 2013.
11. No other permits have been issued for the site.

SITE AND SURROUNDS

12. The site is generally triangular in shape, bounded by Wurundjeri Way/Flinders Street to the north, Seafarer's Mission and Seafarer's Rest to the east, the Yarra River and Goods Shed No. 5 to the south, and the Charles Grimes bridge and Jim Stynes bridge to the west. A small section of the eastern boundary of the site abuts Siddeley Street (see map below).



13. The site is generally vacant except for the heritage listed Goods Shed No. 5 located to the south of the proposed development and adjacent to the Yarra River. The site is currently being used to store machinery and materials for the construction of the adjacent Jim Stynes pedestrian and cycle bridge (Charles Grimes underpass), and therefore not accessible to the public.
14. The buildings situated within the vicinity of the site are generally of a height of between 12 and 18 storeys.
 - North: The Mission to Seafarer's building (2-storeys), Kangan Batman TAFE (4 storeys), Collins Square towers (22 to 35 storeys), and V1 Village Residential (20 storeys);

- East: Convention Centre Car Park (10 storeys), Flinders Wharf Apartments (19 storeys)
- South (across Yarra River): South Wharf Office (15 storeys); and
- West: Charles Grimes Bridge/Wurundjeri Way.

STATUTORY CONTROLS

15. The following controls apply to the site, with planning permit triggers, requirements and decision guidelines are described below.
16. In summary, a permit is required for buildings and works for the Office tower (CCZ1 and DDO59) and for the modifications to the Goods Shed No.5 (DDO59). The application is exempt from third party notice and appeal.

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Capital City Zone – Schedule 1 - Outside the Retail Core (CCZ1)	<p>The proposed office building, Goods Shed No. 5, and shared accessway are located entirely within the boundaries of the CCZ1.</p> <p>Under Clause 37.04-1 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 demolish a building and to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1 – Outside the Retail Core specifies the following:</p> <ul style="list-style-type: none"> • No permit is required for Office, Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern), and Place of Assembly (includes Art Gallery). • A permit is not required for alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area. In this instance the proposed modifications to the Goods Shed No. 5 do not require a permit under the CCZ1. • A permit is not required for a Road. A permit is therefore not required for the proposed shared accessway. • The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited. • A permit is required to demolish or remove a building. • A permit is required to construct a building or construct or carry out works. • An application for buildings and works requires an Urban Context Report. • An application for buildings and works for a Section 1 use is exempt from third party notice and appeal.
Public Park and Recreation Zone (PPRZ)	<p>The proposed public park Seafarers Rest is located entirely within the boundaries of the PPRZ.</p> <p>Under Clause 36.02-1 a permit is not required to use the land for Informal Outdoor Recreation (public park).</p> <p>Under Clause 36.02-2 a permit is not required to construct or carry out works for a range of park-related infrastructure or works carried out or on behalf of the public land manager. Therefore a permit is not required under this overlay to construct the public park, upgrade the wharf pedestrian pathway, or refurbish the heritage-listed crane.</p>
Design and Development Overlay -Schedule 59 – North Wharf Precinct (DDO59)	<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 59 specifies the following:</p> <ul style="list-style-type: none"> • A permit is required to construct buildings and to carry out works. In addition to the office tower, a permit is required for the

	<p>modifications to the Goods Shed No. 5.</p> <ul style="list-style-type: none"> • An application for permit must be accompanied by a site analysis and urban context report. • A permit application requires a site analysis and Urban Context Report that demonstrate how the proposed buildings and works achieve each of the Design Objectives and Built Form Outcomes of this schedule. • An application for buildings and works is exempt from third party notice and appeal.
Environmental Audit Overlay (EAO)	<p>Under Clause 45.03-1 before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either a certificate of environmental audit or a statement by an environmental auditor must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i>.</p> <p>The proposal does not include any sensitive uses.</p>
Heritage Overlay 918 (HO918)	<p>Under Clause 43.01-1 a permit is required to construct a building or construct or carry out works on places affected by the Heritage Overlay.</p> <p>Berth No. 5, North Wharf (HO918) is listed as a heritage place in the Schedule to the Heritage Overlay and included on the Victorian Heritage Register (Ref: H1798). The heritage place known as Beth No. 5 includes the Goods Shed No. 5, the mechanical crane and rails, the wharf structure, concrete apron and bluestone pitched roadway to the east of the Goods Shed.</p> <p>Under Clause 43.01-2 a permit is not required under the Heritage Overlay to develop a heritage place which is included on the Victorian Heritage Register. A permit is therefore not required under this overlay for buildings and works.</p>
Parking Overlay – Schedule 1 (PO1) Car Parking (Clause 52.06)	<p>Under Clause 45.09-1 the Parking Overlay operates in conjunction with Clause 52.06 (Car Parking). The schedule may vary the requirements of Clause 52.06 or specify additional requirements including the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.</p> <p>Schedule 1 specifies that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. Clause 3.0 specifies a maximum rate of 5 x net floor area/1000 sqm. Based on a combined net floor area of 25,663sqm a maximum of 128 spaces are to be provided on-site.</p> <p>The proposal intends to provide 129 car parking spaces. This exceeds the maximum requirements and therefore a permit is required. However, the applicant has confirmed that they are not seeking a permit to exceed the car parking rate and will accept a permit condition requiring a reduced car parking rate.</p>
Loading and Unloading of Vehicles (Clause 52.07)	<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>A loading facility is provided on-site and generally complies with the requirements, 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. An assessment against the requirements of Clause 52.34 is as follows:</p>

	Use	Floor Area	Rate	Required spaces	Proposed spaces
	Office	23,420sqm NLA	1 space per 300sqm of net floor area (employee)	78	
			1 space per 1000sqm (visitor)	23	
	Retail	2,243sqm NLA	1 space per 300sqm of leasable floor area (employee)	7	
			1 space per 500sqm of leasable floor area (shopper)	4	
	Total			112	116

One (1) shower is required for the first 5 employee spaces plus 1 to each 10 employee spaces thereafter, and one (1) change room/direct access to communal change room for each shower. A minimum of 8 showers and 8 change rooms/access to communal change room are required.

The proposed development intends to provide **116 bicycle spaces** at Ground Level within a dedicated bicycle store accessed from the pedestrian laneway between the office building and the Goods Shed No.5. A total of **8 showers and 2 change rooms** are provided adjacent to the bicycle parking storage area. The bicycle facilities are consistent with the requirements of Clause 52.34, therefore a permit is not required under this provision.

Integrated Public Transport Planning (Clause 52.36)	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 30 July 2012 the application was referred to the Director of Public Transport.
---	---

General Provisions

17. **Uses, buildings, works, subdivisions and demolition not requiring a permit:** Clause 62 specifies that a permit is not required for the construction or carrying out of works related to roadworks. Therefore a permit is not required to construct the shared accessway from Siddeley Street to the proposed office tower.
18. **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.
19. **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.
20. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority, in this instance Clause 52.34 (Public Transport Victoria).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

21. 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 15.03-1 (Heritage)

- Clause 17.01-1 (Business)
- Clause 18.01 (Integrated Transport)
- Clause 18.02-2 (Cycling)

Local Planning Policy Framework (LPPF)

22. The following policies within the LPPF are relevant:
- 22.01 (Urban Design within the Capital City Zone)
 - 21.02 (Municipal Profile)
 - 21.03-1 (Vision)
 - 21.04 (Land Use)
 - 21.05-2 (Structure and Character)
 - 21.05-3 (Public Environment)
 - 21.05-5 (Sustainable Built Form)
 - 21.06-1 (Public transport)
 - 21.07-1 (Environmentally Sustainable Development)
 - 21.08-1 (Central City)
 - 22.02 (Sunlight to Public Spaces)
 - 22.19 (Environmentally Sustainable Office Buildings)

Amendment C162

23. 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 including office and commercial development. The site is also to be considered as an extension of the Hoddle Grid and for the provision of public open space along the Yarra River.

NOTIFICATION

24. Under the Schedule 1 to the Capital City Zone and Schedule 59 to the Design and Development Overlay the application for buildings and work 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

25. The application was informally referred to the Department's Urban Design Unit, the City of Melbourne, Office of the Victorian Government Architect (OVGA), Department of Treasury and Finance (DTF), Places Victoria, and VicRoads. The application was also referred pursuant to Section 55 of the Act to Public Transport Victoria. The following comments were provided:
26. **Urban Design (DPCD):** Offered general support for the application subject to detailed resolution of the narrow eastern entry point from Flinders Street and the lack of visual interest along the northern elevation at ground level (discussed further below under Assessment).
27. **City of Melbourne (CoM):** On 5 March 2013 Council provided support for the application, subject to conditions that address minor issues related to building design and car parking layout, and a desire for a north-south link through the building (discussed further below under Assessment).
28. **Department of Treasury and Finance (DTF):** DTF as the Public Land Manager offered no specific comments on the proposal.
29. **Office of the Victorian Government Architect (OVGA):** The original plans lodged with the permit application (Cox Architecture, dated May 2012) were reviewed by the OVGA's Design Review Panel on 26 March 2013. On the 11 April 2013 the OVGA provided support for the proposal, subject to the resolution of the following issues (discussed further below under Assessment):
- Create a clear, legible, safe, and inviting pedestrian connection from Wurundjeri Way through the site; and

- Create high quality architectural frontage to Wurundjeri Way with improved interface with adjacent heritage buildings.

30. **Places Victoria (PV):** on 24 August 2012 PV offered no objection to the proposal. No further comments or conditions were proposed.

31. **Public Transport Victoria (PTV):** on 30 August 2012 PTV offered no objection to the proposal and did not include conditions to be included on any permit issued.

ASSESSMENT

Compliance with State and Local Planning Policies

32. The development is generally consistent with State and Local Planning Policy including *Melbourne 2030*, 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.*', and consistent with the objective 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*' (Clause 21.04, 21.08-1);
- The proposed office and retail uses replace a mostly underutilised and inactive site, and in doing so makes a positive contribution to the creating of an inviting riverfront environment and the overall renewal of the North Wharf area (Clause 15.01-1, 21.05-2, 21.08-1);
- The development is located within an area which has experienced and continues to undergo a significant change which can accommodate development of large scale commercial buildings. The built form has been designed in a manner that will respect the emerging urban character within the surrounding precinct (Clause 15.01-1, 21.05-2);
- The proposal provides high quality office accommodation to a key site connected to urban services and infrastructure which are necessary to support the business sector including tram, train and bus services, retail and other commercial facilities (Clauses 15.01-1, 15.02, 17.01-1, 18.01, 21.06-1);
- The site's location will provide an attractive and walkable environment for future businesses, employees, and visitors due to its proximity to key services and infrastructure and by the design of the building which provides for appropriate levels of internal and external amenity (Clauses 15.02, 18.01, 21.05-3);
- The built form enhances the attractiveness of this western portion of Flinders Street/Wurundjeri Way contributing positively to the public realm and streetscape through high quality architectural design and integration with valued heritage places such as the Goods Shed No. 5 (Clause 15.01-1, 15.03-1, 21.08-1);
- The development aims to achieve commendable sustainability standards through the introduction of a range of energy, water and waste efficiency measures (Clause 15.02, 21.05-5, 21.07-1, 22.19);
- The proposed office development and adaptive re-use of the heritage Goods Shed is part of a larger project of delivering an improved public realm through the creation of the Seafarers Rest urban park and pedestrian and accessways through the site (Clauses 15.03-1, 21.08-1); and
- The development will not reduce the amenity of existing public spaces by casting additional shadow on public parks and gardens between 11am and 2pm measured on 22 September nor will it increase the extent of shadow cast across the north or south bank of the Yarra River between 11am and 2pm on 22 June (Clause 22.02, 21.08-1).

Melbourne Planning Scheme Amendment C162 – MSS Review

33. The Municipal Strategic Statement (MSS) is currently being reviewed via Amendment C162. Council has considered the recommendations made by Planning Panels Victoria and have lodged the revised MSS with the Minister for Planning for approval. It is considered that the proposed development satisfactorily addresses the key objectives of Clause 21.03 (Integrating Transport with Land Use and Development), 21.04 (Integrating Public Realm and Private Realm), 21.05 (Eco City – Zero Carbon and Adapted for Climate Change), and 21.06 (Land Use Amenity and Diversity) of the draft MSS. However, it is noted that the MSS is subject to change.

38. [REDACTED]
39. Potential traffic/pedestrian issues are considered to be adequately addressed in the design of the building and will be reinforced through conditions on the permit (discussed below under Pedestrian Access/Circulation and Car Parking).
40. A standard permit condition requires a Demolition and Construction Management Plan to be approved by the City of Melbourne which addresses noise and amenity issues.
41. Despite not being required by the Scheme, the applicant undertook a stakeholder engagement process between October 2010 and March 2011 which included [REDACTED] [REDACTED] (Stakeholder Engagement Report, *Urbis*, dated March 2011).

Pedestrian Access/Circulation

42. The City of Melbourne has outlined the following concerns relating to pedestrian access to and within the site (a response to each is provided below):
- A desire for a north-south pedestrian link through the office development between Wurundjeri Way/Flinders Street and the east-west link between the office development and the Goods Shed No. 5;
 - The operation, management and safety of the shared vehicle/pedestrian accessway immediately to the south of the Mission to Seafarers building; and
 - Concern about the capacity of the Flinders Street footpath, including the pooling capacity in front of the development at the pedestrian crossing, to accommodate increased pedestrian traffic associated with the development.
43. **North-south pedestrian link:** A north-south through-link would require pedestrians to pass through the back of house/loading area. Given the site constraints (irregular site shape and size, and wedged location between the heritage listed Goods Shed No. 5 and Mission to Seafarers building) there are limited opportunities to relocate the back of house/loading bay and the entry to the car park. It is therefore considered that the link would raise potential safety issues and is therefore inappropriate. Moreover, two public entries to the precinct will be provided at the eastern and western ends of the proposed building, and are considered to be adequate.
44. **Shared vehicle/pedestrian accessway:** The development provides for a pedestrian pathway immediately to the south of the Mission building that narrows from 3.5 metres (eastern portion) down to 1.5 metres (western portion). At its narrowest part the pathway forms a pinch point and potential 'blind corner' for pedestrians moving between the site and Flinders Street. In response, a condition has been included on the permit requiring the widening of the pedestrian pathway to the south of the Mission to Seafarers building to a minimum of 2 metres.
45. Additionally, Council has requested that a Road Safety Audit (RSA) be provided to detail the operation, management, and safety of the shared accessway. Given the shared nature of the accessway (of which the pathway forms part) and the potential for pedestrian/vehicle conflict it is considered that a RSA is appropriate in this instance. Despite not requiring a permit, the shared accessway has a genuine nexus with the development, and therefore a permit condition has been included to this effect.
46. **Capacity of Flinders Street footpath:** The proposed development provides for a 2.5 metre wide pedestrian pathway along Flinders Street with a two to six metre wide landscaping buffer to the northern building line. As the precinct evolves (including the construction of the Charles Grimes underpass, discussed next) with improved linkages between Docklands and the Central City, it is highly likely that pedestrian and cycle movement along Flinders Street will increase. As such a condition has been included on the permit requiring that the Flinders Street pathway is widened to facilitate pedestrian movement and pooling capacity along the majority of the Flinders Street frontage.
47. The Department's Urban Design Unit requested that continuous pedestrian and cycle access be provided across or through the site during all phases of construction. The site is located to the east of the proposed Jim Stynes Bridge (Charles Grimes underpass) which will provide east-west pedestrian and cycle access between Docklands and the Central City along the riverfront. The bridge is due to be completed in April 2014. Given that this proposed development is part of a wider proposal to develop the North Wharf precinct for public purposes, it is considered that continuous pedestrian and cycle access should through or across the site throughout the construction of the proposed development is appropriate. A condition has been included on the permit requiring a Staging Plan that details how continuous access will be achieved.

Shadowing, Wind and Microclimate

48. The proposal does not cast a shadow over the south bank of the Yarra River between 11am and 2pm on the 22 June and therefore is not a prohibited development under the CCZ1.
49. Clause 22.02 (Sunlight to Public Spaces) specifies that development should not cast additional shadows on public parks between 11am and 2pm on 22 September. Shadow diagrams show that the proposal would cast additional shadows over the adjacent Seafarers Rest public park just before 2pm. Shadowing is inevitable for development of any scale in this location. However, on balance it is considered that the overshadowing is minimal in extent and will not prejudice the amenity of the area, and therefore consistent with the requirements of Clause 22.02.
50. The proposal underwent a wind tunnel assessment (MEL Consultants, June 2012) which concluded that, generally wind conditions are within waterfront conditions. Moreover, given the waterfront location it was difficult to achieve wind conditions within walking comfort. This is particularly so for the eastern entrance between the proposed development and the Mission to Seafarers. The report recommended trees planting in these areas to reduce wind conditions to within walking comfort.
51. The reliance on trees is not normally supported as wind mitigation measures due to seasonal constraints on their capacity to mitigate wind and their occasional death or removal. However, given the proximity to the waterfront and the proposal to construct the public park adjacent to the office development, on-site mature trees may be an acceptable wind mitigation method. A condition has been included on the permit requiring an amended wind report which may allow for the planting of mature trees on-site to bring wind conditions to within walking criteria.

ESD

52. The Sustainability Report (Aurecon, dated 13 June 2012) specifies that the proposal seeks to achieve 4.5 Star NABERS energy rating and a 5 Green Star rating under the Green Building Council of Australia's rating system.
53. DDO59 requires that the development must achieve a 5 Star Green Star (Green Building Council of Australia).
54. Amendment C187 was gazetted on 4 April 2013 and replaced the office building ESD local policy at Clause 22.19 with a new local planning policy that outlines a number of performance measures for the energy water and waste efficiency of new and modified office, retail, education and selected accommodation buildings.
55. Clause 22.19 (Energy, Water and Waste Efficiency) encourages offices with a gross floor area of more than 5,000 square metres to achieve a 5 Star NABERS Office rating (Energy), 3 points for Wat-1 under the Green Building Council of Australia's Green Star – Office (Water), and to comply with the City of Melbourne's *Waste Management Guidelines*. A condition has been included on the permit requiring energy, water, and waste efficiency ratings consistent with those outlined under Clause 22.19.

Environmental Audit

56. The site is affected by an Environmental Audit Overlay. Under Clause 45.03 a sensitive use or buildings and works associated with a sensitive use must not commence before a certificate of an environmental audit or an environmental statement has been issued.
57. In this instance a certificate of environmental audit or an environmental statement is not required as there are no sensitive uses (such as residential, child care, pre-school or primary school) proposed. Notwithstanding this, a condition has been included on the permit requiring an environmental audit or statement by an environmental auditor, in the event that sensitive uses are proposed for the land.

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

58. The Traffic Management Plan (*GTA Consultants*, 11 December 2012) concludes that up to 65 additional peak hour vehicle movements will be generated by the proposal and that the surrounding road network can cater for this increase.
59. The proposal provides for 129 car parking spaces (120 spaces for Office and 9 spaces for Retail). This is one space above the statutory requirement of 128 spaces. A permit is required to exceed the statutory maximum. However, on 30 May 2013 the applicant confirmed that they do not wish to apply for an exemption from the requirements of Clause 52.06. A condition has been included on the permit requiring the provision of car parking in accordance with Clause 52.06.

60. In its Memorandum (dated 7 February 2013 and 4 June 2013) the City of Melbourne identifies the following key issues (as they relate to the office building) to be resolved:
- Further details required on car parking layout and parking bay dimensions, ramp grades and radii;
 - Further details required on back of house/loading dock layout and use, and sightlines and service vehicle movements within this area; and
 - Further details on the design, safety and operation of the shared pedestrian/vehicle accessway.
61. These issues have been addressed through conditions on the permit which require an amended Traffic Management Report and a Road Safety Audit for the shared accessway.
62. The Memorandum identifies other issues associated with the public park, which as highlighted above are exempt from planning permission. Those issues may be resolved at a later date during the detailed design phase of those areas through the City of Melbourne's public works approvals process.
63. The proposed loading facility meets the requirements at Clause 52.07 of the Scheme. However, on 27 May 2013 the City of Melbourne advised that a revised Waste Management Plan (WMP) is required as the WMP lodged with the application (Leigh designs, dated November 2012) is based on an estimated 25,000sqm GFA which is substantially less than the proposed 33,427sqm GFA. A condition has been included on the permit to this effect.
64. In summary, the level of car parking provided on site is supported which, by condition on the permit, is consistent with 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.

CONCLUSION

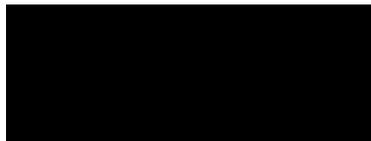
65. The application has been assessed against all relevant State and Local planning policies, key strategic planning documents for the North Wharf area, the decision guidelines of the Capital City Zone, Schedule 59 to the Design and Development Overlay (DDO59), and Particular Provisions of the Melbourne Planning Scheme.
66. The proposed development is generally a well-resolved proposal that meets the relevant Design Objectives and Built Form Outcomes of DDO59. Indeed the proposed building provides a commendable built form response to the adjacent heritage listed Goods Shed No. 5 and sits well within the wider built form context of North Wharf.
67. The proposal is consistent with the vision for the area in its provision of high grade office space and strengthened pedestrian networks through the precinct, and will contribute to the activation of this largely vacant site and underutilised precinct. Through conditions on the permit the proposed development provides appropriate public entries and an adequate level of visual interest.
68. The proposal is generally supported by the City of Melbourne and state government agencies.
69. The proposal is generally consistent with the above-mentioned considerations and is worthy of support.

RECOMMENDATION

70. That you approve Planning Permit Application No.: 2012/002229 at 731-739 Flinders Street, Docklands for buildings and works for the construction of a multi-storey building comprising of office, and modifications to the Goods Shed No. 5, subject to conditions.



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 28 June 2013



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 28 June 2013

[REDACTED]

[REDACTED]