

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

Application No:	2010/12510
Application:	Permit application under s.47 of the Planning and Environment Act 1987 (P&E Act).
Proposal:	Development of the land for an office building and associated works and use and development of land for ground level shops.
Received:	19 April 2010, amended 6 May 2010 and 24 December 2010
Planning Scheme	Melbourne Planning Scheme
More Information Requested:	14 May 2010
More Information Received:	11 June 2010

The Applicant

Name:	Premier Capital Developments Pty Ltd
Address:	C/- ERM 

Purpose

1. To brief you on planning permit application 2010/12510 at 685-691 La Trobe Street, Docklands for development of the land for an office building and associated works and use and development of land for ground level shops.

Background

2. There has been one previous permit of note on the land; planning permit no 20091092 was granted on 15 October 2009 for *use of land for purposes of a temporary car park for the private use of Seven Network Ltd and erection of timber hoarding, boomgates & lighting.*
3. 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.
4. The applicant lodged planning permit application 2010/12510 on 19 April 2010. The applicant submitted with an amended permit application form on 6 May 2010 under the provisions of s. 50 of the Act clarifying the description of the development. A further alteration to the application was made by the applicant on 24 December 2010, following design meetings with VicUrban. Essentially the VicUrban requirement (supported by City of Melbourne and DPCD Urban Design) was to create a clear pedestrian through-way from the upper stadium concourse down to the lower deck with a link available through to Harbour Esplanade. A consequence of the revised proposal was the two 15 storey office buildings were joined together

and the access and car parking arrangements were altered. The application was treated as a section 50 alteration and the application was re-referred to all parties.

Subject Site

5. The site is the 'middle' of three large lots that are situated directly north of Etihad Stadium, with a frontage to La Trobe Street, Docklands. It is currently used as an open lot car park by Channel 7. The land slopes down from the Stadium concourse area (RL 10.65) to the north west corner of the site (RL 3.85).
6. To the **north** of the subject site across La Trobe Street is the office tower at 1000 La Trobe Street and the Digital Harbour development; to the **east** is the pedestrian access ramp to the Etihad Stadium with the proposed Lacrosse apartment development site further to the east, to the south is Etihad Stadium and associated pedestrian concourse, and to its west is the Channel 7 car park and loading access roadway. Further to the **west** is 699 La Trobe Street, a vacant lot- currently proposed as a residential tower by Salta Developments. To the south west is the Channel 7 building.

Proposal

7. The proposal ([REDACTED]) is for:
 - A 15 storey commercial buildings (east and west wings) joined in the centre but with a central pedestrian spine that traverses the gradient between La Trobe Street and the Stadium concourse.
 - The overall gross floor area is 50,254 m² (GFA). The office floor area is approximately 34,000m² with each floor plate measuring 3086m².
 - The overall building height is approximately 55 - 62 metres (this figure varies depending on the slope of the site).
 - Faceted tower formations featuring concrete and clear glazing at the ground floor level adjoining La Trobe Street and striated patterns of diagonal glazing across the towers.
 - Active retail and commercial foyers to La Trobe Street, wrapping around the corner into Ron Casey Lane and adjoining the concourse ramp and concourse.
 - Proposed retail floor area (approximately 1100m²) in multiple tenancies along La Trobe Street, the stadium concourse and the concourse ramp from La Trobe Street.
 - Basement and ground floor car parking for 149 cars.
8. **Revised plans were received in December 2010. The changes are as follows:**
 - Redesign undertaken to facilitate a safe pedestrian access link between the stadium concourse and the privately owned Channel 7 Roadway within the confines of the property owned and controlled by 685 La Trobe Street.
 - Relocate the above ground parking access from the top of the hammerhead ramp to the roadway level. This was in order to facilitate a safe pedestrian passage

from concourse to the level of the roadway, and avoid all dangerous conflict between cars and pedestrians.

- Parking numbers reduced to 149 cars (from 207) accommodated on the ground and first floors of the building. The redesign results in no car parking visible above ground level and reduces previous constraints imposed on the façade by the ventilation of car parking.
 - Infill between the two towers. In order to gain back the NLA required of the development to make it a commercially viable project, with the reduction in area on the west and south of the southern tower, it was necessary to infill between the two towers. This change is also required to make the rationalised car parking area work. The remaining car parking areas will be more efficient.
 - At the Upper ground level, access through the centre of the site is still provided to La Trobe Street, in a semi-public way – through the foyer of the building. This access would only be available during office hours and the concourse ramp, or the western pedestrian access would be available at other times.
9. The application also includes the use of land for ground level shops. Office use does not require a permit. As the shops are proposed at ground level a permit is required for this use. No permit is required for a food and drink premises or restaurant.
10. The permit description has been altered to read: Development of the land for an office building and associated works and use and development of land for ground level shops. The applicant confirmed this was acceptable on 18 March 2011.

Zoning

11. The subject site is included within the Docklands Zone schedule 4 (DZ4) under the Melbourne Planning Scheme. Under DZ4, a planning permit is required to construct or carry out works and for use for ground level shops. The proposal is exempt from the notice and appeal requirements of the *Planning and Environment Act 1987* (the Act) under Clause 4 of the DZ4.
12. The purpose of the DZ4 is to provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment; and to encourage integrated and compatible land use and development within the area surrounding the stadium facility.

Overlay – Design and Development Overlay Schedule 12 (DDO12)

13. Although the subject site is affected by DDO12 – Noise Attenuation Area, it is not applicable as this proposal is an office development and is not classed as a noise sensitive use.

Overlay – Design and Development Overlay Schedule 52 (DDO52)

14. The entire site is affected by DDO52– Stadium Precinct. 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, which are as follows:

Table 1 to Schedule 52 AREA	MAXIMUM BUILDING HEIGHT
DDO 52 Area 1	25 metres except for two towers not exceeding 75 metres.
DDO 52 Area 2	25 metres except for one tower not exceeding 75 metres.

15. The western half of the site is located in Area 1 and the eastern half is located in part Area 2. The proposal includes a single tower of approximately 55 metres that crosses over into both Area 1 and Area 2.

16. It is considered that the portion of the tower on DDO52- A2 (eastern half) requires a permit as the tower is over 25 metres and the Department has previously approved a tower within A2, on the neighbouring site, which is over 75 metres in height. Before deciding on an application the responsible authority must consider the prevention of any overshadowing of the playing surface of the major sports facility, the spacing of buildings and the effect on the public realm.

Overlay –Development Plan Overlay Schedule 5 (DPO5)

17. Although the subject site is affected by DPO5, there is no existing approved development plan over the site. The document “Docklands Gateway- Melbourne, Development Masterplan, was approved by the Minister in January 2001. Following discussion with Vic Urban we understand this is not the Development Plan for the area, rather a “planning permit” approved under the old Docklands Planning Provisions. It can be used as a general guide only.

18. Under the DPO5, a planning permit may be granted to construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the Responsible Authority.

Particular Provision

19. Clause 52.06 (Car parking). The amount of car parking proposed (207 spaces) is well below the statutory maximum rate (556 spaces) therefore a permit is not triggered.

20. Clause 52.34 (Bicycle facilities). The bicycle spaces meet the minimum requirement therefore a permit is not triggered.

21. Clause 52.36 (Integrated public transport planning) is relevant and the referral to the Director of Public Transport is discussed below.

State Planning Policy Framework

22. Clause 10.04 (Integrated Decision Making) indicates 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.

23. 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.

24. 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

25. The 'Municipal Profile' at Clause 21.02 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.
26. Clause 21.03-1 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.'
27. Clause 21.04 sets out objectives and strategies in relation to 'Land Use' and seeks to 'attract more office development to the municipality and to maximise employment opportunities.' Clause 21.04-3 sets out strategies and objectives in relation to 'Office and Commercial Use'. Objectives are 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'.
28. 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.
29. 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.
30. Clause 21.05-5 'Sustainable Built Form' seeks to create a built environment that adopts environmentally sustainable design practices.

31. 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.
32. 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.
33. Clause 21.08-2 sets out the 'Local Area' policies for Docklands and includes vision for the area to provide for '*a mixed use environment with all the services and facilities that provide for the local residential community, the local work force and visitors to the area.*'

The Local Area Map for Docklands at Figure 13 seeks to 'support the ongoing operation of Docklands Stadium as a significant sports and entertainment facility'. Important principles for Docklands relevant to the application includes Support for mixed use development including office and commercial development in the Stadium Precinct; active street frontages; encouragement of a built form profile within the Docklands that forms an extension of the central city building profile; and requiring the development of Docklands to incorporate a high level and quality of pedestrian and bicycle access.

34. Clause 22.18 'Urban Design within the Docklands Zone' includes objectives which seek to provide a waterfront place of character and quality that will create a tourism asset and boost Victoria's prosperity, encourage exciting and viable developments that incorporate the highest design and environmental standards, and to respond to the changing urban context of Docklands.
35. Clause 22.19 'Environmental Sustainable Office Buildings'. This policy seeks to improve the energy efficiency of new buildings and sets out certain policy based outcomes including a minimum 4.5 star rating under the Australian Buildings Greenhouse Rating Scheme of the Sustainable Energy Authority of Victoria.

Referrals

36. The application was referred (in April 2010) and re-referred (in January 2011) under section 55 of the Act to VicUrban and the Director of Public Transport and informally to the City of Melbourne and DPCD urban design. Comments received are as follows:

VicUrban

37. VicUrban has been extensively consulted and offered no objection to the application, [REDACTED] and agreed with the draft circulated conditions [REDACTED]. The issue regarding the pedestrian through-way has been resolved. There were a number of other minor requirements in relation to a landscape plan, urban art, ESD and loading management, which have been satisfactorily dealt with through conditions.

Director of Public Transport

38. Offered no objection to the application subject to conditions and notes, which have been added to the permit.

DPCD Urban Design Unit

39. The Urban Design Unit generally support the application:

It is considered that the proposed towers be of high architectural quality and significantly contribute to the public realm experience on both the stadium concourse and Latrobe Street.

They have viewed the revised plans and approve of the revised building layout and pedestrian link to Harbour Esplanade.

City of Melbourne

40. The application was referred to the City of Melbourne in April 2010. A response was received on 18 September 2010:

In summary, we provide in principle support to the application subject to the inclusion of conditions outlined in the attached list

These conditions included:

- A pedestrian link via the subject site between the concourse and the private roads west of the site.
- A revised Wind Tunnel Test that does not rely on street trees as a wind amelioration measure and any required modifications to the building.
- Removal of various projections and canopies projecting over the title boundaries
- Road Safety Audit, waste management plan and loading management plan.

41. The application was re-referred to the City of Melbourne in January 2011. A response was received on 9 March 2011:

I advise that the City of Melbourne still generally supports the application and recommends that the attached advice from Council's Urban Design, Engineering and Land Survey Team be incorporated into the recommended conditions and notes included in Council's letter dated 17 September 2010

The majority of these comments have been added to the conditions or notes on the permit.

ISSUES

42. The main issues relate to consistency with relevant statutory provisions and policy framework of the Melbourne Planning Scheme, the pedestrian link between the stadium concourse and Harbour Esplanade, land survey matters, traffic/ parking and wind. Each of these matters will be addressed in turn.

Statutory provisions and policy framework

43. The proposal to redevelop the subject site with two mid rise commercial towers is consistent with the purpose of **Schedule 4 of the Docklands Zone** which encourages the development of mixed use environment.

44. Consideration has been given to the provisions, decision guidelines and the objectives of **Schedule 52 to the Design and Development Overlay (DDO52)**. The DDO52 is a discretionary control relating to heights, design and maximum

number of towers and the permit is triggered as there is a second tower over 25 metres. The proposed building is 55 metres high, which is less than the stipulated height of 75 metres in DDO52 and the proposal meets all the applicable decision guidelines. In particular the proposal does not overshadow of the playing surface of the major sports and recreation facility greater than the shadow which is already cast by the existing facility roof when fully open. The orientation and design is suitable and will not cause significant overshadowing individually or as part of a cumulative effect on the public realm. There is an appropriate built form relationship to La Trobe Street. The proposal does not alter any significant vistas or views in the area. The nature of wind effects caused by the proposed buildings have been considered during the assessment process and a condition added to the permit to address finer details of the proposal. On this basis the proposal is considered acceptable when considered against the provisions of DDO52.

45. The proposal demonstrates a high level of consistency with the objectives of the **State Planning Policy Framework**. In particular it reinforces the capital city role of the City of Melbourne and contributes to the diversity and vitality of the local economy by providing additional employment generating opportunities (Clauses 11.03, 17.01 and 17.02).
46. The proposal demonstrates a high level of consistency with the **Municipal Strategic Statement**. In particular the development supports the role of the Central City and Docklands as 'Victoria's premier centre for commerce, professional, business and financial services.' The proposal achieves the objectives of Clause 21.04 'Land Use' which seeks to 'attract more office development to the municipality and to maximise employment opportunities' and 'reinforce the City's role as Victoria's principal centre for commerce'.
47. The proposal is generally consistent with the provisions of **local planning policy framework**. Of particular note is Clause 22.18 'Urban Design within the Docklands. The scale of the proposed building is considered appropriate having regard to the zoning of the subject land and the evolving character of the area. The development responds positively to the public realm adopting active frontages along La Trobe Street and the Stadium concourse and providing increased active frontages by provision of a daytime pedestrian link through the site. The proposed building will add to the interest of built form in Docklands and does not unreasonably affect key views or vistas within the precinct.

Pedestrian Link

48. The provision of the pedestrian link between the concourse and Harbour Esplanade was required by VicUrban and generally supported by City of Melbourne and DPCD urban design. After six months of negotiation between VicUrban and the developer the issue of a pedestrian link has been resolved and included on the revised plans.
49. VicUrban's central argument for the pedestrian link is that the *Docklands Gateway, Melbourne, Development Masterplan*, approved 10 January 2001, clearly indicates the provision of a link from concourse to Harbour Esplanade. We note that the pedestrian link requires access across a car park laneway and on land that does not belong to the applicant however VicUrban have indicated that they are able to ensure access rights with Channel 7. A co-ordinated approach between the three

sites would have resulted in a better urban design outcome, however on balance the link is supported.

Land survey

50. The applicant has a number of access issues in relation to ensuring access to land it does not own. Conditions/notes were suggested by the City of Melbourne and have been added to the permit accordingly.

Traffic, Parking and Loading

51. The City of Melbourne are more supportive of the revised car park access onto the western laneway and are generally supportive. No major changes are required and conditions have been added to the permit as suggested by the City of Melbourne. The number and layout of car spaces and bicycle facilities is supported subject to final design detail. A Road Safety Audit was not considered necessary.

52. A condition requiring a loading management plan was suggested by the applicant's traffic engineers and has been added as a permit condition.

Wind

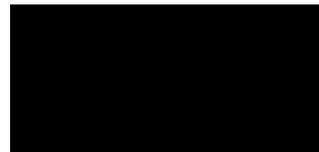
53. The evidence supplied by the applicant (Mel Consultants) is generally supported. Much of the potential issues are dependant on whether proposed buildings to the north, east and west are built. A condition has been included to require a full wind assessment on the final design of the proposal in consultation with the City of Melbourne and VicUrban.

Recommendation

54. That you approve planning permit application 2010/12510 at 685-691 La Trobe Street, Docklands for the development of the land for an office building and associated works and use and development of land for ground level shops subject to conditions.

Prepared by: _____

Approved by: _____



Name: _____

Title: _____

Phone: _____

Date:

Name: _____

Title: _____

Phone: _____

Date: