

271 COLLINS STREET, MELBOURNE
CONCEPT FOR A ROOFTOP FARM AND RESTAURANT

9 April 2013

Presenter: Martin Williams, Executive Officer Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a concept prepared by Mr Joost Bakker for a sustainable rooftop farm and restaurant at 271 Collins Street, Melbourne. It is proposed to construct a series of roof top structures including glasshouses, a stonemill/bakery, water pump/windmill, composting facility and a dining hall at two storeys in height and located on the southern part of the roof, commencing approximately 4.5 metres back from the Flinders Lane frontage. At the time of writing this paper, no formal application had been received.
2. The site is bounded by Collins Street to the north, Flinders Lane to the south, and Elizabeth Street to the west. It contains a group of buildings of various ages which host a range of uses including offices, education, retail and cafes (refer Attachment 2 – Locality Plan).
3. The relevant controls on the subject site are the Capital City Zone (CCZ) Schedule 2 (Retail Core), Heritage Overlay and the Design and Development Overlay 2, Area 1 (mandatory 40 metre height control).
4. The zone provisions require a permit for buildings and works and land use. The activity would be defined at least partly as agriculture, which is a discretionary use in the CCZ.
5. The northern part of the building is B graded and covered by Heritage Overlay HO595. The same part of the building is also within The Block heritage precinct. Buildings and works require a permit within the area covered by this Overlay. All of the proposed structure appears to be to the south of the area affected by the Overlay.
6. The DDO2 provisions state that buildings cannot exceed the 40 metre height limit with the exception of architectural features or building services. The mandatory height control is labelled A1 on the attached plan showing all the height controls around the retail core (refer Attachment 3 – Central City Height Controls). The proposed buildings exceed the maximum by up to 4.5 metres (refer Attachment 4 – Elevations South and East). An unrelated planning permit, TP-2013-62, has been issued recently for a development at this location, approving a single-storey addition which complies with the height control.
7. The concept as detailed is unlikely to raise any fundamental land use or heritage issues. However, the height control restriction cannot be complied with unless the project is radically altered or, the Melbourne Planning Scheme is amended to allow a development to extend above the 40 metre height limit. This could only be done through the exercise of Ministerial power under Section 20(4) of the *Planning and Environment Act 1987* (Act) or via a planning scheme amendment which requires in the first instance, the support of Council.
8. Mr Bakker has previously established a number of venues based on this concept in Melbourne, including temporary installations in Federation Square in 2008 and on the Yarra Bank as part of the 2012 Melbourne Food and Wine Festival, in addition to a permanent example which operates in Perth.
9. It is considered that whilst the concept has merit, the proposed structure is clearly prohibited by the Design and Development Overlay. It would be difficult for officers to recommend or support an amendment to the Melbourne Planning Scheme to allow the 40m height limit to be varied.

10. In terms of the height limit, the mandatory 40 metre height limit has been in place for over thirty years and follows on from a limitation of height imposed through the Building Regulations. The retention of the height limit has had several beneficial consequences for the retail core of the city. It has deflected large-scale office development to other parts of the city, making it possible to retain more historically significant buildings which are concentrated in the core; to preserve the "fine grain" of smaller allotments; the retention of the network of small lanes; and the maintenance of the relatively open and sunny streetscapes created by wide main streets flanked by buildings of moderate height. The recent comprehensive redevelopments of the Myer and David Jones department stores have abided by the height limit and therefore it is questionable as to the appropriateness of setting a precedent for this concept.
11. While the rooftop at 271 Collins Street is attractive for Mr Bakker's concept, it is not essential. Other rooftops within the retail core are sufficiently below the height limit to allow the proposed structure to be built without breaching the height limit and property to the west of Elizabeth Street is not covered by the control.

Key issues

12. The fundamental issue is the preservation of the mandatory height control. Although Mr Bakker's concept is praiseworthy, it is not considered to be of such significance that it warrants the repeal of a long-standing and effective built form control which is expected to be retained for the foreseeable future. It is especially difficult to support the use of Section 20(4) of the Act to approve a development of this scale.

Recommendation from management

13. That the Future Melbourne Committee advise Mr. Bakker that it supports his concept in principle but considers that the amendment of the mandatory 40 metre height limit is not appropriate in this instance.

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Central City Height Controls
4. Elevations

SUPPORTING ATTACHMENT

Legal

1. The relevant legal issues are accurately identified in the report.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. No external stakeholder consultation has been undertaken in this matter. The Minister for Planning is aware of the proposal.

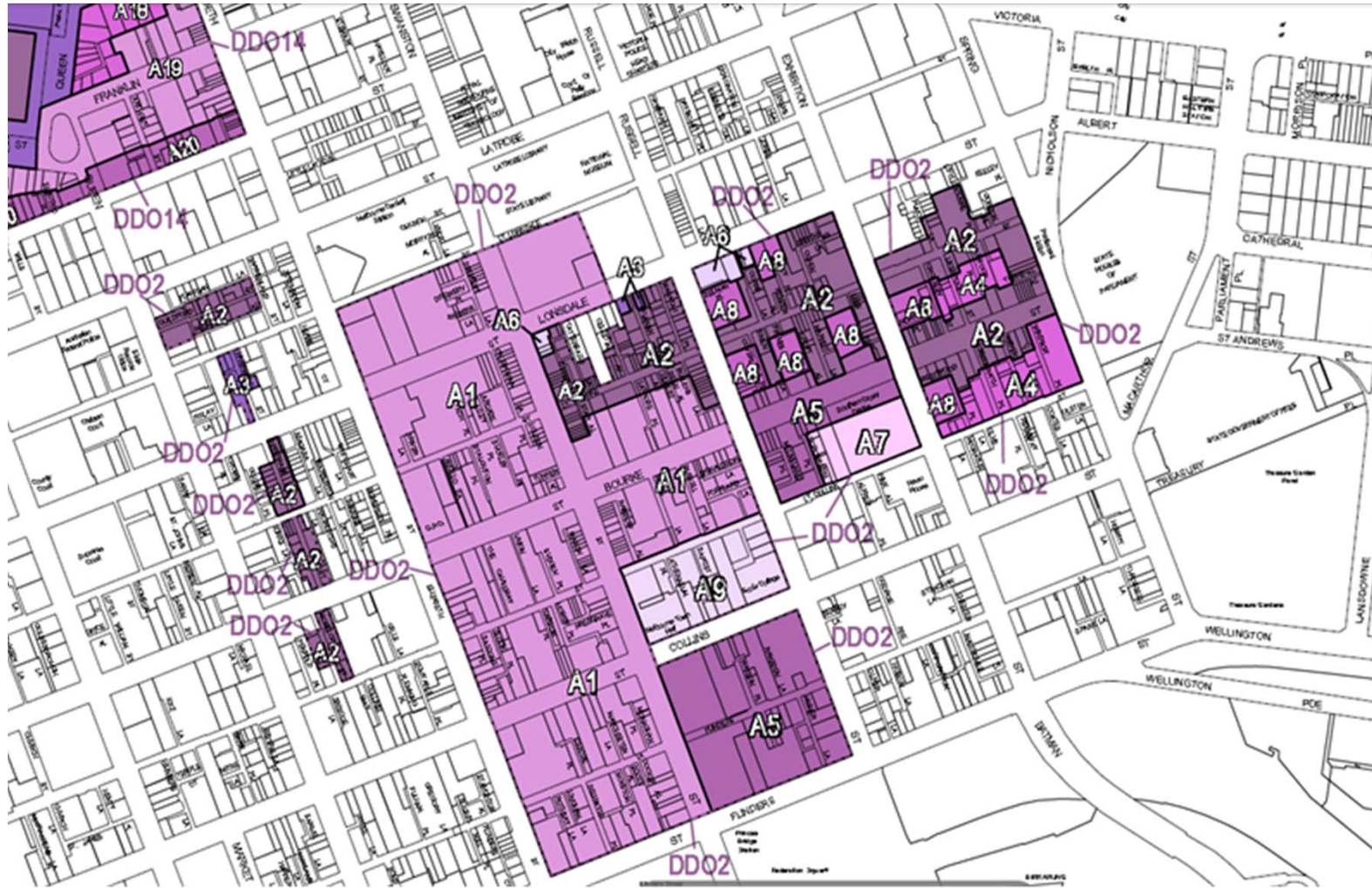
Environmental sustainability

5. The proposal is an outstanding example of environmental sustainability.

Locality Plan: 271 Collins Street, Melbourne



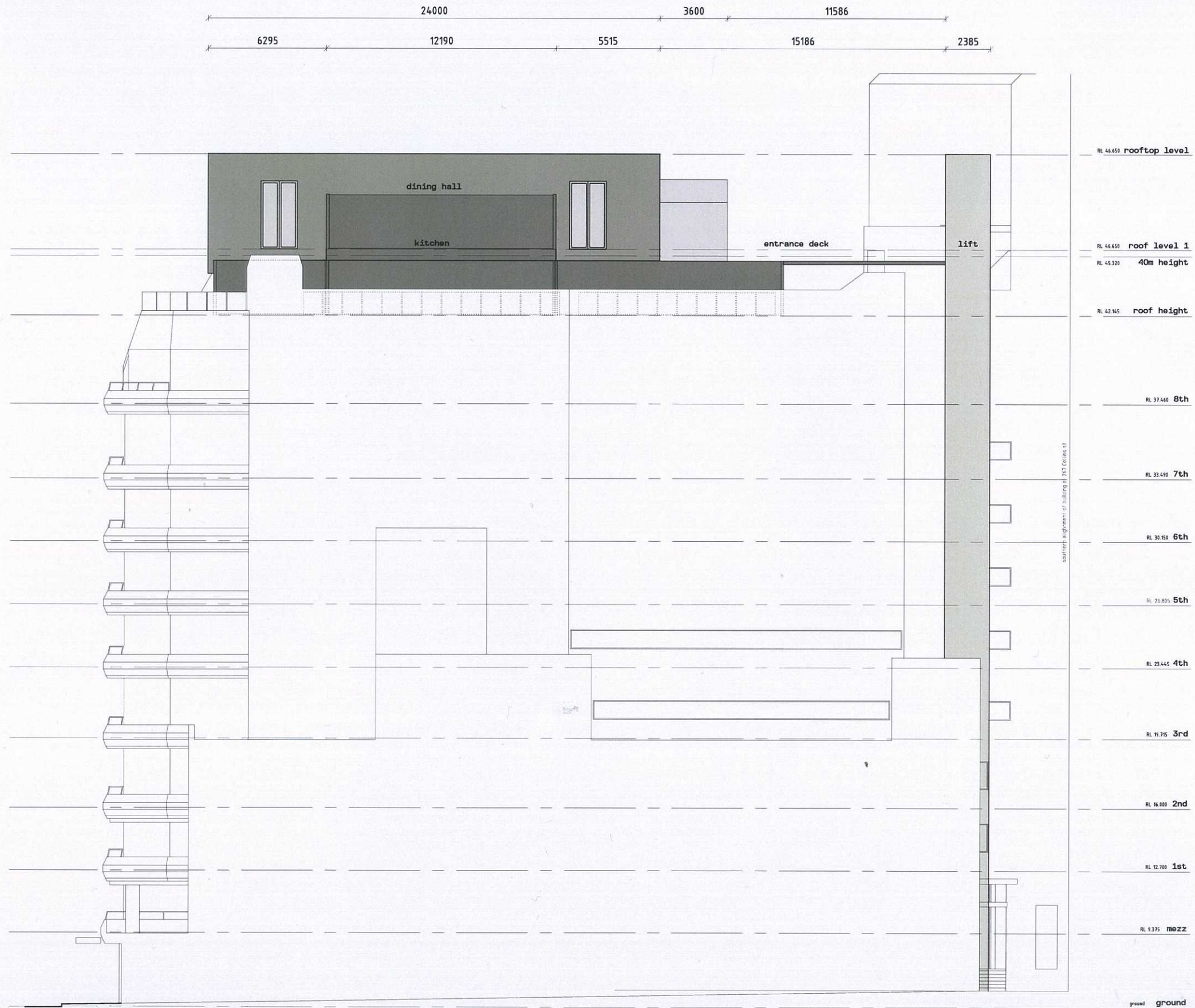
Central City Height Controls



A1 (40 metre mandatory height control)

A PARK IN THE SKY

Attachment 4
Agenda Item 6.1
Future Melbourne Committee
9 April 2013



A PARK IN THE SKY

