

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.3

**Planning Permit Application: TP-2018-906  
431 Collins Street, Melbourne**

**4 December 2018**

**Presenter:** Nick McLennan, Acting Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application lodged by the Melbourne City Council for demolition and carrying out works to facilitate development of a new linear park along the western edge of Market Street (refer Attachment 2 - Locality Plan).
2. The applicant is Melbourne City Council, the land is Crown Land managed by the Melbourne City Council and the plans have been prepared by Council's City Design Studio.
3. The land was formerly the western carriageway of Market Street, between Collins Street and Flinders Lane. This portion of the road was discontinued under the *Local Government Act 1989* and is now reserved Crown land over which the Council is the committee of management.
4. The land is located within Capital City Zone Schedule 1 (CCZ1 - Outside the Retail Core) and is affected by the Design and Development Overlay Schedules 1-A2 (DDO1 – Active Street Frontages) and 10 (DDO10 – Built Form), and Parking Overlay Schedule 1. A planning permit is required for the proposed demolition and construction works.
5. Prior to, and outside the planning process, the Council's City Design and Projects has undertaken community consultation regarding the project between 2017 and 2018. Following community consultation, the final concept plan for the proposed urban park was endorsed by the Future Melbourne Committee on 18 September 2018.
6. Public notice of this application has been undertaken and a total of six objections have been received.

**Key issues**

7. The key issues for consideration are limited to demolition and buildings and works in the CCZ1 and DDO1.
8. The applicant has considered key contributory attributes of the site and incorporated them into the design which will provide for greater open space within the Melbourne CBD.
9. The proposal will result in enhanced and increased public open space to meet the growing needs of residents, workers and visitors to the central city.
10. The proposal is consistent with relevant state and local policy provisions of the Melbourne Planning Scheme and successfully responds to the purpose and objectives of the CCZ1 and DDO1.

**Recommendation from management**

11. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions set out in the Delegate Report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment (Page 2 of 22)
2. Locality Plan (Page 3 of 22)
3. Plans (Page 4 of 22)
4. Delegate Report (Page 12 of 22)

## Supporting Attachment

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### Legal

1. Pursuant to section 96(1) of the *Planning and Environment Act 1987* (Act), 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority, unless the planning scheme gives an exemption'.
2. Clause 67.01 of the Melbourne Planning Scheme provides an exemption from the provisions of section 96 of the Act for the use and development of land for the purpose of leisure and recreation.
3. Pursuant to Clause 67.02 of the Melbourne Planning Scheme, notice was given in accordance with section 52(1)(c) of the Act to the owners and occupiers of the adjoining land.

### Finance

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

### Conflict of interest

5. 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.

### Occupational Health and Safety

6. In assessing this application, no Occupational Health and Safety issues or opportunities have been identified.

### Stakeholder consultation

7. Public Notice of the application has been undertaken pursuant to Clause 67.01 of the Melbourne Planning Scheme and Section 52 of the Act.
8. Community consultation meetings were undertaken by the Council's City Design Studio prior to the submission of the Planning Application.

### Relation to Council policy

9. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

### Environmental sustainability

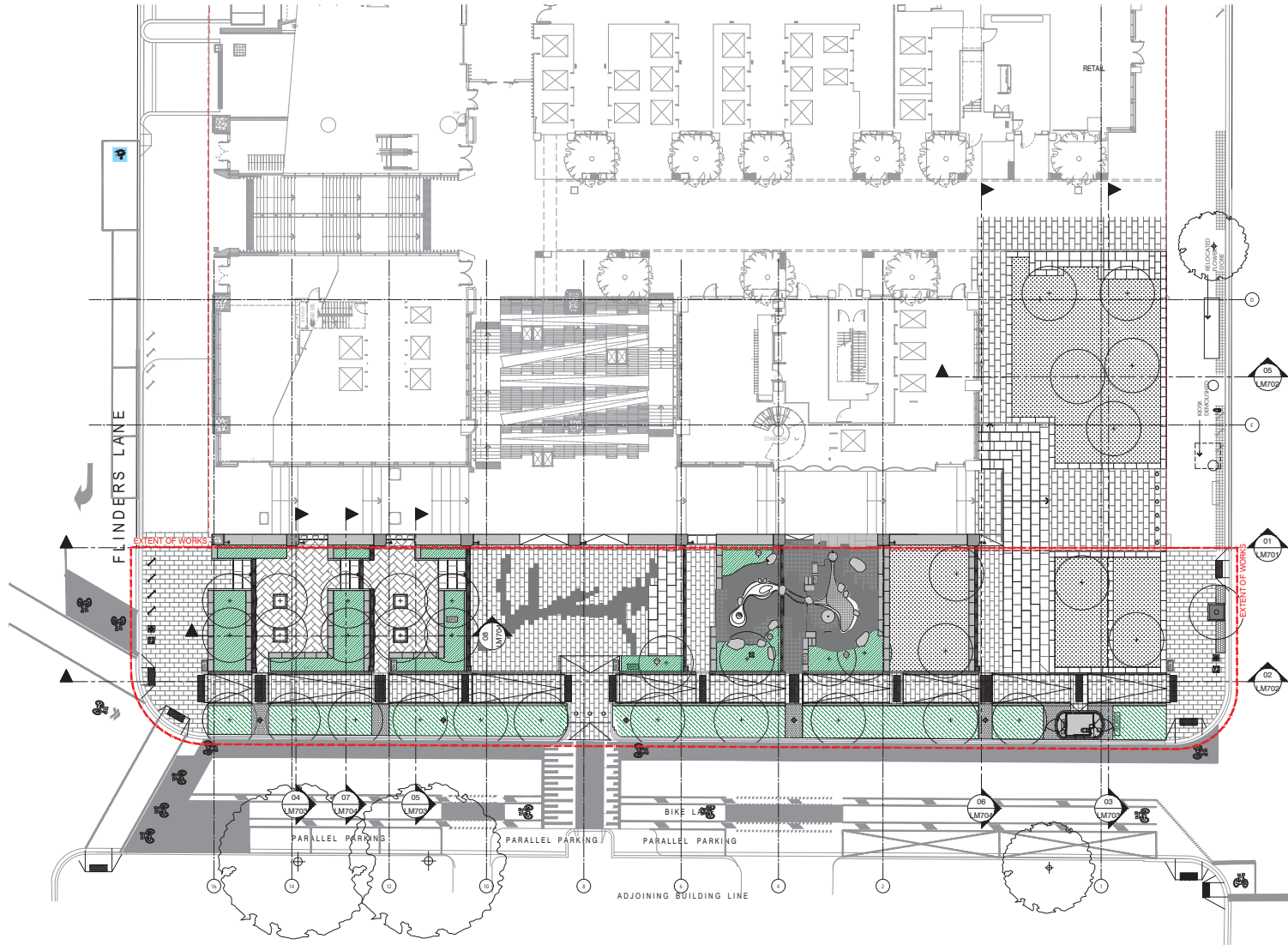
10. Clause 22.19 Energy, Water and Waste Efficiency of the Melbourne Planning Scheme does not apply to applications for buildings and works for the purpose of leisure and recreation.

# Locality Plan

Attachment 2  
Agenda item 6.3  
Future Melbourne Committee  
4 December 2018

## 431 Collins Street, Melbourne





**NOTES**

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL LANDSCAPE SCHEDULES AND TECHNICAL SPECIFICATION AND OTHER CONSULTANTS DRAWINGS. CHECK AND VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO THE COMMENCEMENT OF ANY WORK. DO NOT SCALE DRAWINGS. REFER TO PLOTTED DIMENSIONS ONLY. INFORM OCULUS OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING. UNLESS NOTED OTHERWISE THIS DRAWING IS NOT FOR CONSTRUCTION.

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ISSUE	DATE	AMENDMENT	DRN	APPRD
T1	24.10.18	ISSUE FOR TOWN PLANNING	CG	CM

**OCULUS**  
 2nd floor / 33 gulford lane, melbourne, vic 3000  
 p 03 9670 0699 - australia@oculus.info  
 SYDNEY MELBOURNE WASHINGTON

PROJECT  
**NEW PARK FOR MELBOURNE**  
 (MARKET STREET), MELBOURNE 3000

CLIENT  
 cbus property

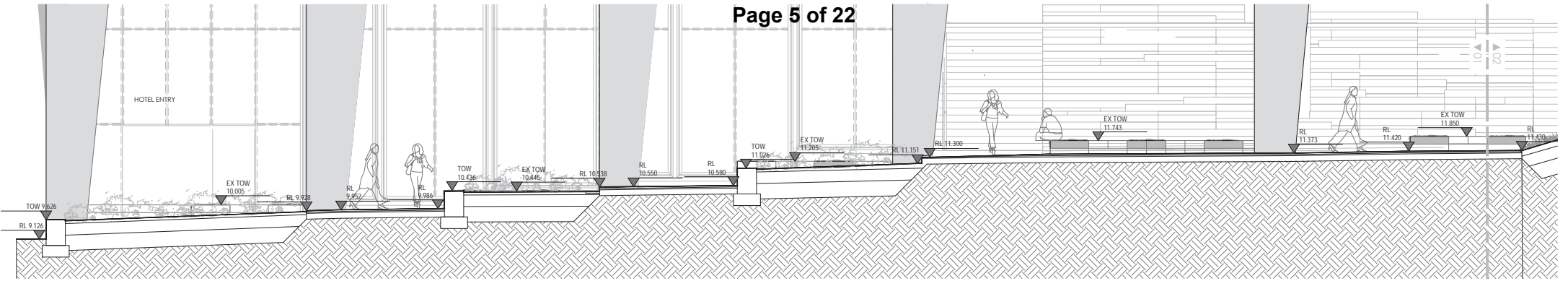
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 CITY OF MELBOURNE

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 FOR TENDER

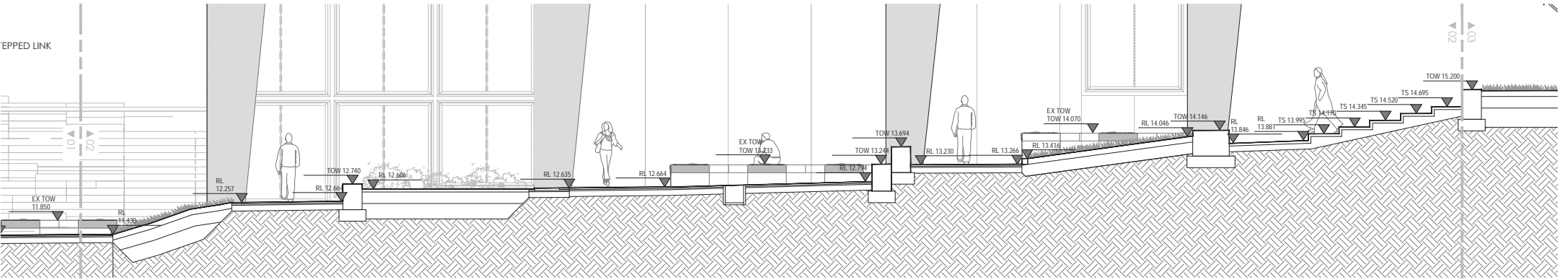
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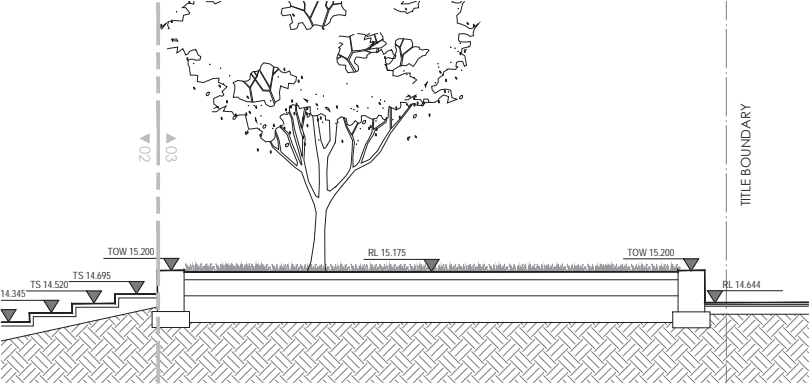
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PROJECT No M-1714	SHEET SIZE A1
DRAWING No LM003_TP	ISSUE T1



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02 LONGITUDINAL SECTION 01  
1:50 @ A1



03 LONGITUDINAL SECTION 01  
1:50 @ A1

**NOTES**  
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ISSUE	DATE	AMENDMENT	DRN	APPRD
T1	24.09.18	ISSUE FOR TENDER	EM	CM

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PROJECT  
**NEW PARK FOR MELBOURNE**  
 (MARKET STREET), MELBOURNE 3000

CLIENT

COLLABORATORS

STATUS  
**80% DESIGN DEVELOPMENT**  
 FOR TENDER

DRAWING SCALE

NORTH POINT

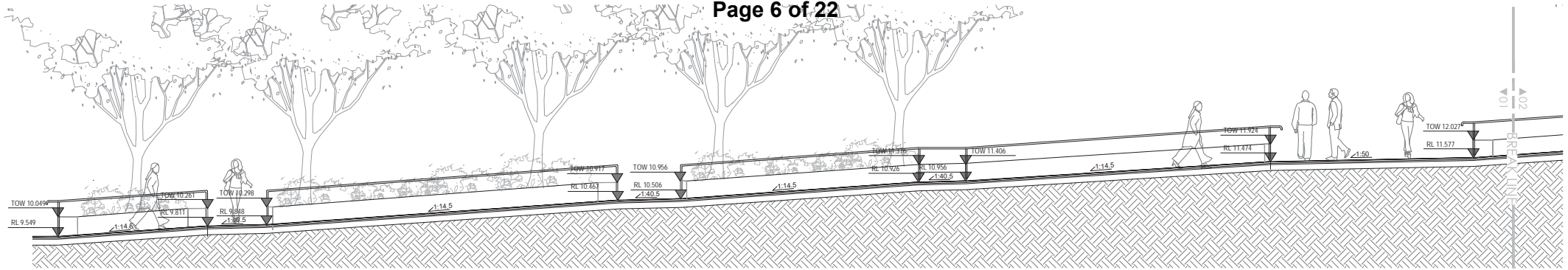
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**M-1714**

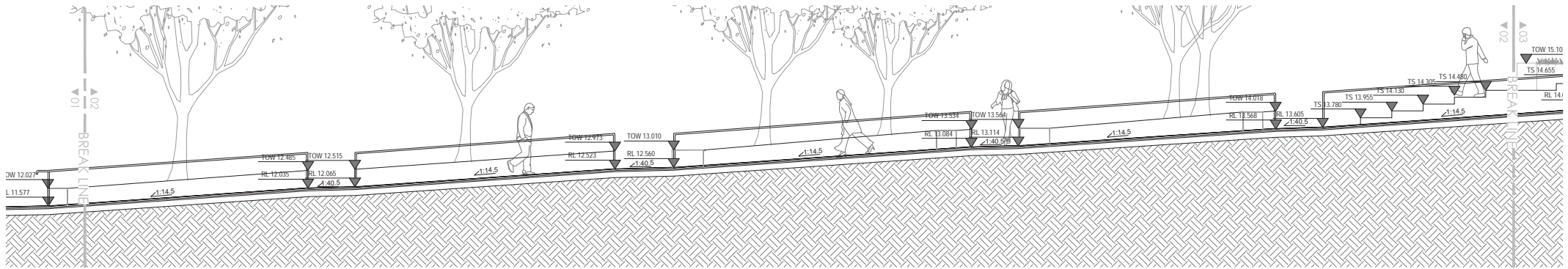
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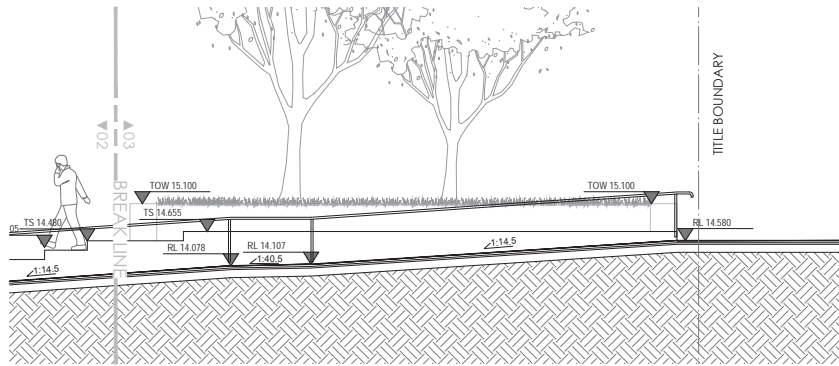
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 MOC 1:50 @ A1



03 LONGITUDINAL SECTION 02  
 MOC 1:50 @ A1

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ISSUE	DATE	AMENDMENT	DRN	APPRD
T1	24.09.18	ISSUE FOR TENDER	EM	CM

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**80% DESIGN DEVELOPMENT**  
 FOR TENDER

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NORTH POINT

DRAWING  
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 SHEET 2 OF 4

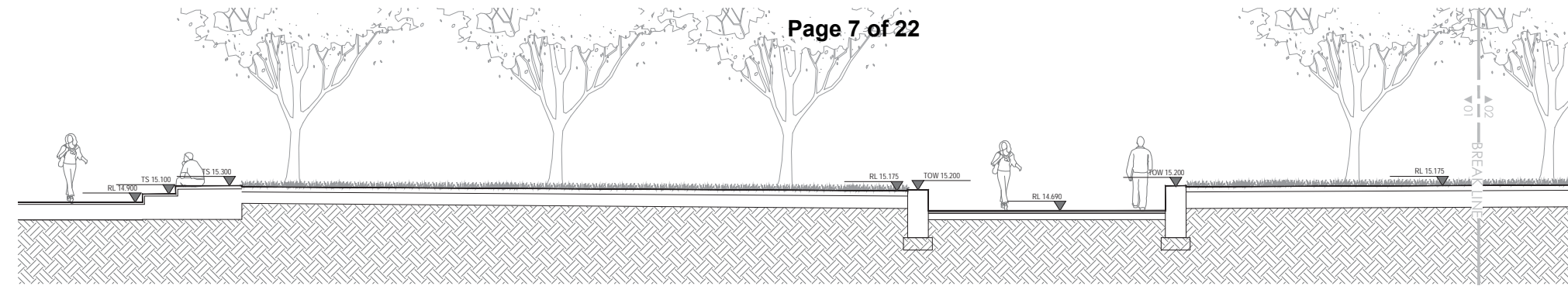
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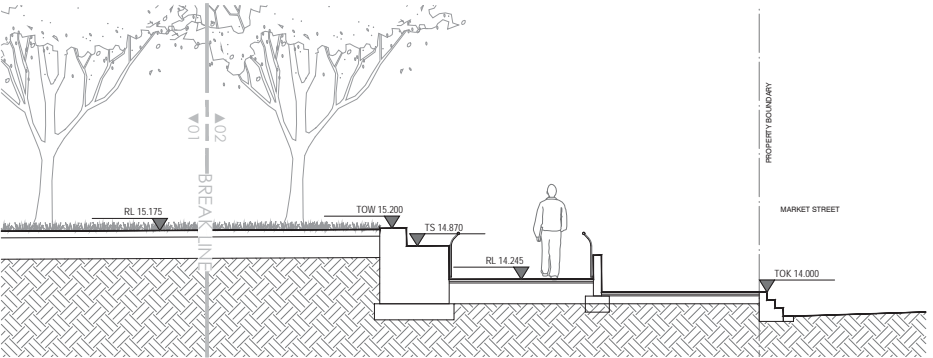
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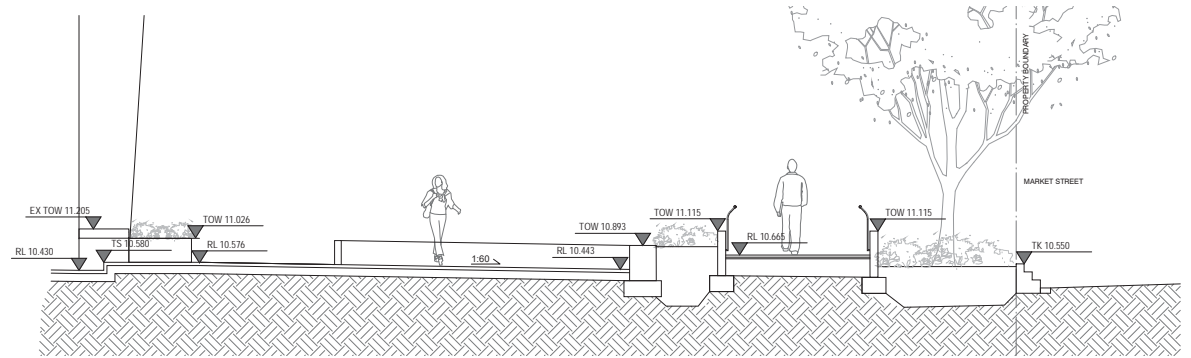




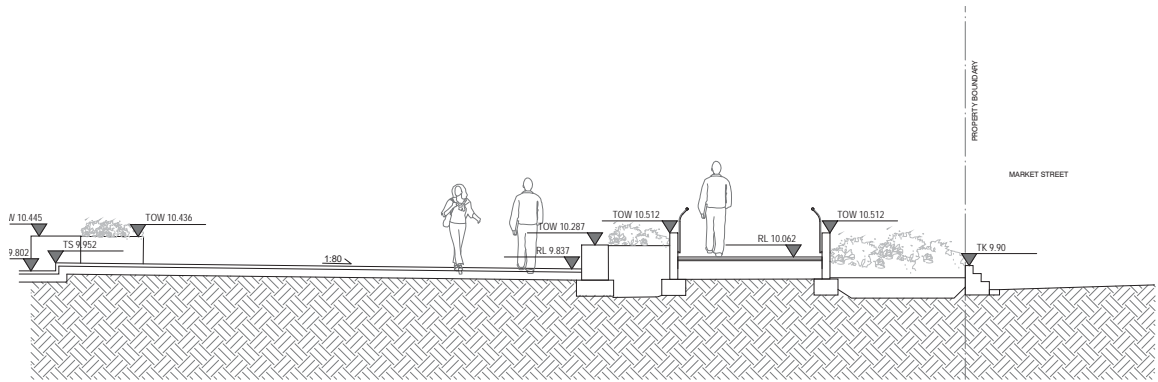
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02 CROSS SECTION 03 - COLLINS STREET LAWN  
 1:50 @ A1



03 CROSS SECTION 04 - MARKET STREET URBAN PARK OUTDOOR ROOM 01  
 1:50 @ A1



04 CROSS SECTION 05 - MARKET STREET URBAN PARK OUTDOOR ROOM 02  
 1:50 @ A1

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 (MARKET STREET), MELBOURNE 3000

CLIENT

COLLABORATORS

STATUS  
**80% DESIGN DEVELOPMENT**  
 FOR TENDER

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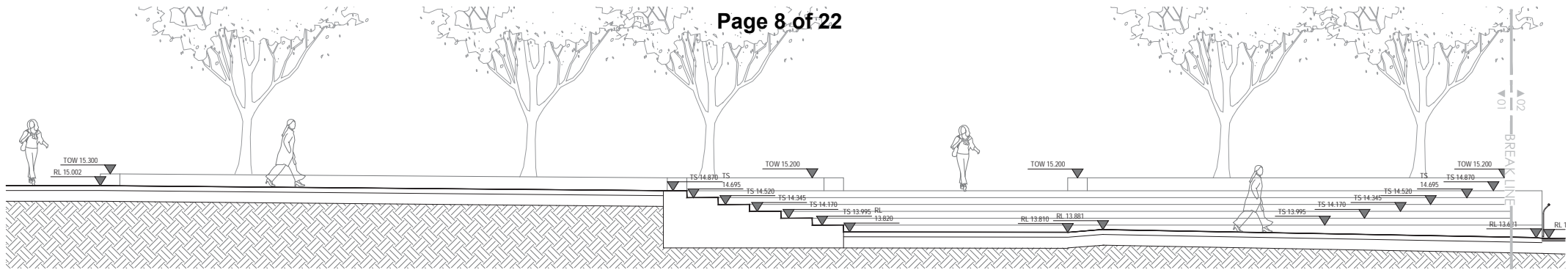
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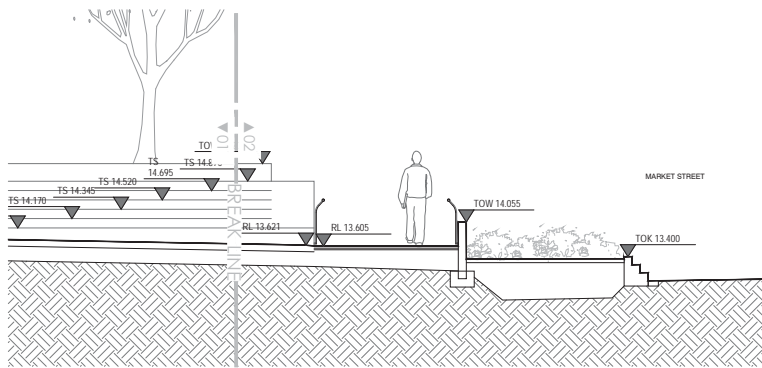
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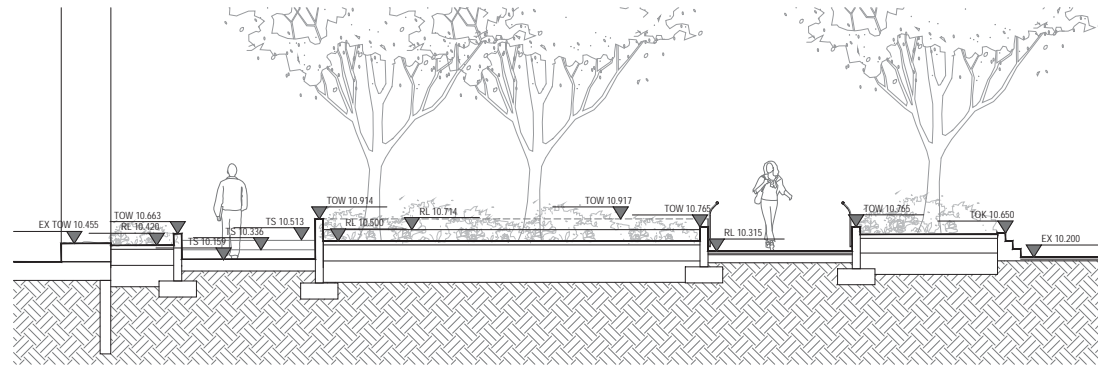
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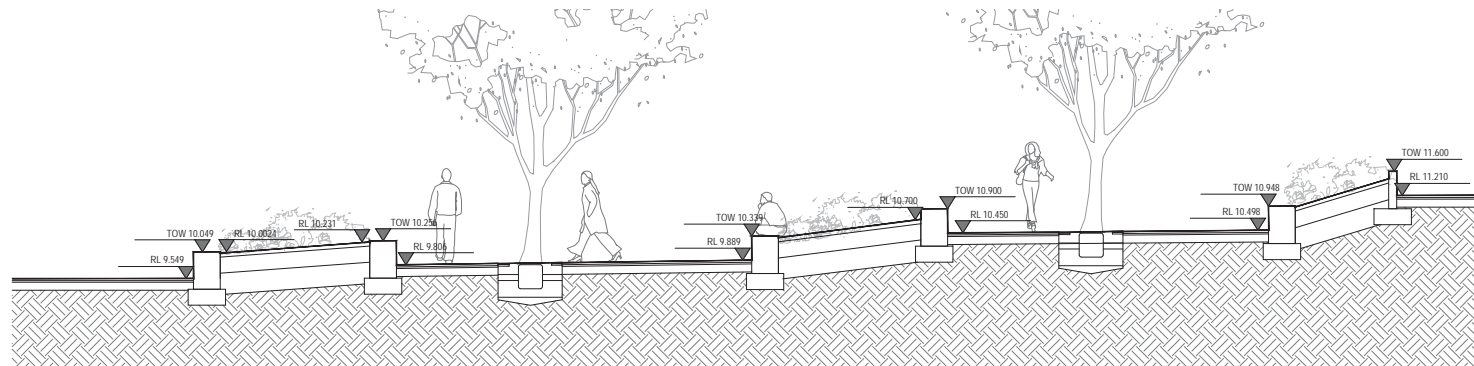
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02 SECTIONAL ELEVATION 06 - TERRACES  
MCS 1:50 @ A1



03 CROSS SECTION 07  
MCS 1:50 @ A1



04 CROSS SECTION 08  
MCS 1:50 @ A1

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ISSUE	DATE	AMENDMENT	DRN	APPRD
T1	24.09.18	ISSUE FOR TENDER	EM	CM

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PROJECT  
**NEW PARK FOR MELBOURNE (MARKET STREET), MELBOURNE 3000**

CLIENT  
**cbus property**

COLLABORATORS  
**CITY OF MELBOURNE**

STATUS  
**80% DESIGN DEVELOPMENT FOR TENDER**

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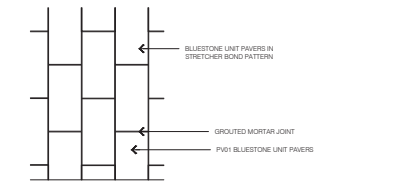
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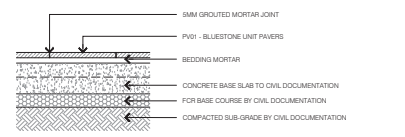
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ISSUE  
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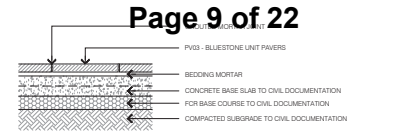




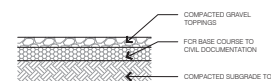
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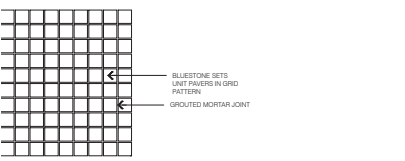
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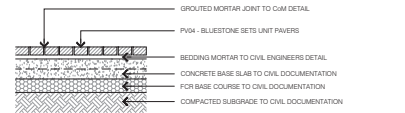
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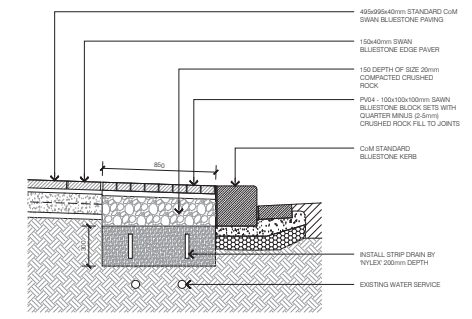
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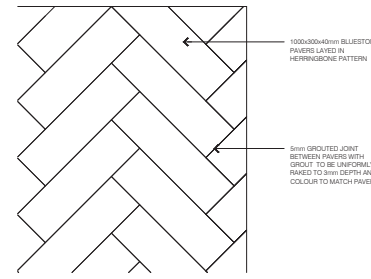
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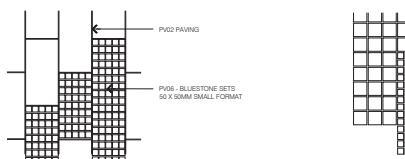
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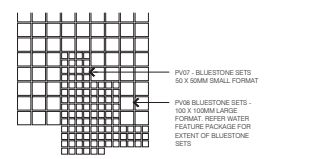
07 PV04 - COLLINS ST WSUD PERMEABLE PAVEMENT TRENCH 1:20



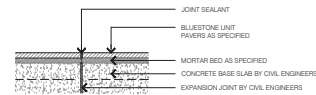
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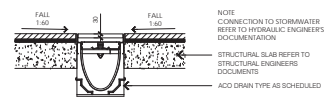
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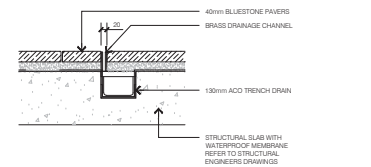
10 PV07 & PV08 - BLUESTONE SETS (PLAYFUL TERRACE AREA) 1:20



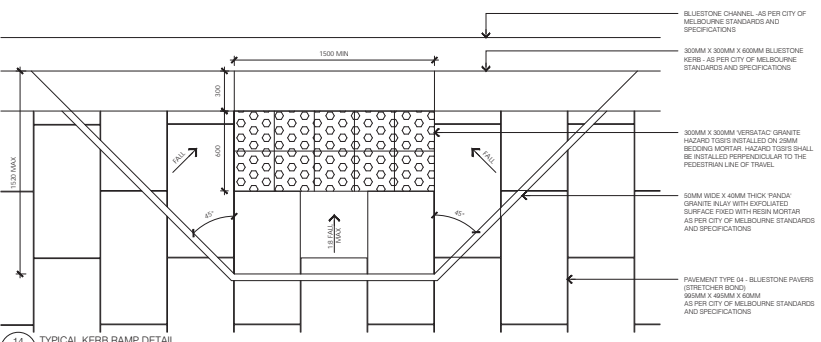
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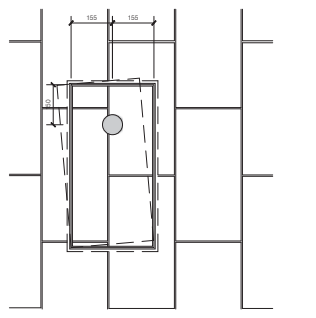
12 DR01 - TYPICAL TRENCH GRATE DETAIL 1:20



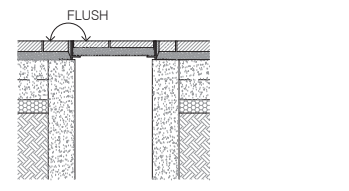
13 DR02 - TYPICAL SLOT DRAIN SECTION 1:10



14 TYPICAL KERB RAMP DETAIL 1:20



15 ONE PART PIT COVER IN BLUESTONE UNIT PAVING PLAN 1:20



16 ONE PART PIT COVER IN BLUESTONE UNIT PAVING SECTION 1:20

NOTE: ALL PAVING TO HAVE MINIMUM UNIFORMLY DISTRIBUTED DESIGN LOADING CAPACITY OF 10KPA

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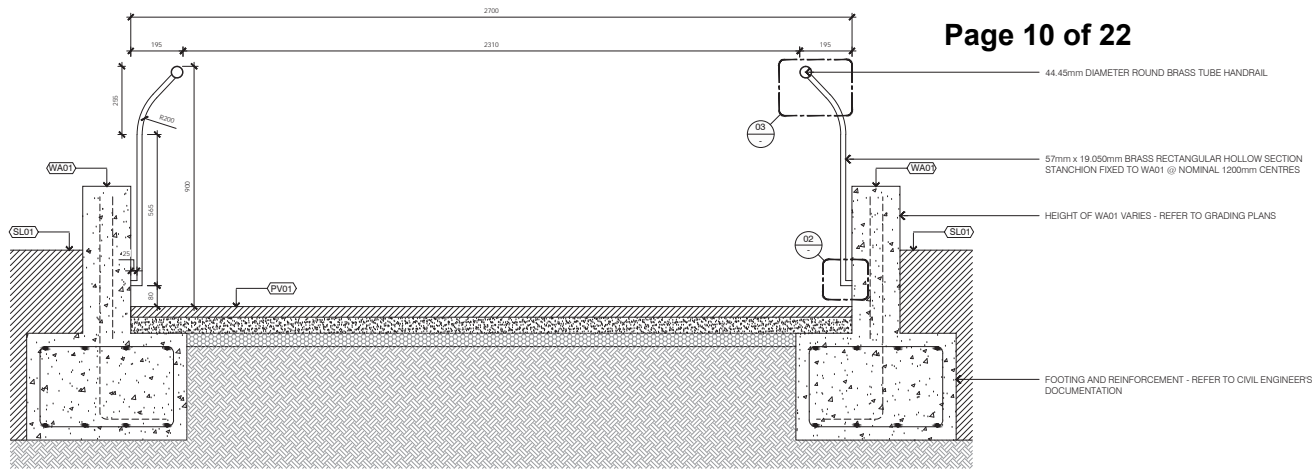
ISSUE	DATE	AMENDMENT	DRN	APRVD
T1	24.09.18	ISSUE FOR TENDER	CG	CM

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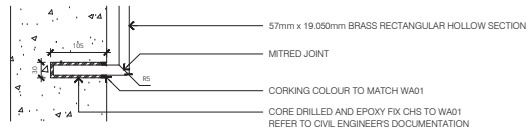
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**NEW PARK FOR MELBOURNE (MARKET STREET), MELBOURNE 3000**  
 CLIENT  
  
 COLLABORATORS

STATUS  
**80% DESIGN DEVELOPMENT FOR TENDER**  
 DRAWING SCALE  
 NORTH POINT

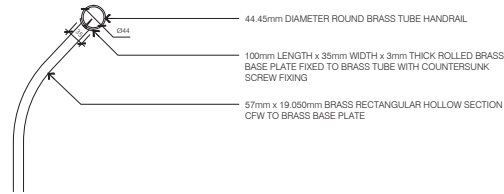
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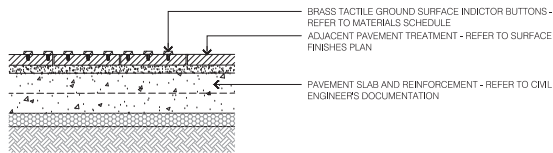
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1:10



02 HR01 - TYPICAL FIXING DETAIL SECTION  
1:5



03 HR01 - TYPICAL HANDRAIL DEAIL SECTION  
1:5



04 TA01 - BRASS TACTILE INDICATORS DETAIL SECTION  
1:10

NOTES

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PROJECT  
**NEW URBAN PARK**  
MARKET STREET, MELBOURNE 3000

CLIENT  
**bus property**

COLLABORATORS  
**CITY OF MELBOURNE**

STATUS  
**80% DESIGN DEVELOPMENT**  
FOR TENDER

DRAWING SCALE

NORTH POINT

DRAWING HANDRAIL DETAILS	
PROJECT N° <b>M-1714</b>	SHEET SIZE <b>A1</b>
DRAWING N° <b>LM823</b>	ISSUE <b>T1</b>

GENERAL

- EXTENT OF WORKS
- NEW COM PUBLIC TOILET
- PROPOSED WATER METER LOCATION
- BMU LANDING ZONE  
NO VERTICAL ELEMENTS ABOVE 1.0m
- EXPANSION JOINT

GRADING

- EXISTING LEVELS
- RELATIVE LEVELS  
RL 35.500
- FINISH FLOOR LEVELS
- TOP OF WALL
- TOP OF STAIRS
- BOTTOM OF STAIRS
- GRADING FALL  
1:80 FALLO
- FLUSH PAVING
- CONTOUR LINE
- EXISTING CONTOUR LINE
- STORM WATER PIT

DR - DRAINAGE

- STRIP TRENCH GRATE  
REFER TO CIVIL ENGINEER'S DOCUMENTATION
- SLOT DRAIN  
REFER TO CIVIL ENGINEER'S DOCUMENTATION
- HOSE COCK  
REFER TO HYDRAULIC ENGINEER'S DOCUMENTATION
- IRRIGATION SUPPLY POINT  
REFER TO IRRIGATION CONTRACTOR'S DOCUMENTATION
- IRRIGATION SUPPLY CONDUIT  
REFER TO IRRIGATION CONTRACTOR'S DOCUMENTATION
- SUBSOIL DRAINAGE
- WSUD  
DR01 CONNECTION TO SL02
- WSUD  
ED04 SLOTTED AG PIPE CONNECTION TO SL02

PV - PAVING

- PAVEMENT TYPE 01  
COM STAND. BLUESTONE PAVER - PEDESTRIAN
- PAVEMENT TYPE 02  
COM STAND. BLUESTONE PAVER - VEHICLES
- PAVEMENT TYPE 03  
GRANITIC SAND
- PAVEMENT TYPE 04  
WSUD BLUESTONE SETS
- PAVEMENT TYPE 05  
HERRINGBONE BLUESTONE SETS
- PAVEMENT TYPE 06  
BLUESTONE COBBLESTONE SETS  
SMALL FORMAT - VEHICLES
- PAVEMENT TYPE 07  
BLUESTONE COBBLESTONE SETS  
SMALL FORMAT - PEDESTRIAN
- PAVEMENT TYPE 07  
BLUESTONE COBBLESTONE SETS  
LARGE FORMAT

SL - SOFT LANDSCAPING

- SOFT LANDSCAPE TYPE 01  
GARDEN BED - TYPE 01  
3X PLANTS PER SQ M AT 300MM POT SIZE
- SOFT LANDSCAPE TYPE 02  
WSUD GARDEN BED - TYPE 02  
3X PLANTS PER SQ M AT 300MM POT SIZE
- SOFT LANDSCAPE TYPE 03  
LAWN ON GROUND (IRRIGATED)
- SOFT LANDSCAPE TYPE 04  
LAWN ON STRUCTURE (IRRIGATED)
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- PROPOSED TREE
- TREE PIT TYPE 01  
TREE PIT IN GARDEN BED
- TREE PIT TYPE 02  
COM STANDARD TREE PIT STANDARD SIZE IN  
POROUS PAVING
- TREE PIT TYPE 03  
TREE PIT IN LAWN IN GROUND
- TREE PIT TYPE 04  
TREE PIT IN LAWN ON STRUCTURE
- TREE PIT TYPE 05  
WSUD TREE PIT
- TREE PIT TYPE 06  
TREE IN IRON GRATED PIT

FN - FURNITURE & FIXTURES

- BLUESTONE CUSTOM SEATING WALL
- BLUESTONE CUSTOM SEATING WALL
- FIXED BOLLARD -  
TO CITY OF MELBOURNE FUTURE DETAIL
- REMOVABLE BOLLARD -  
TO CITY OF MELBOURNE FUTURE DETAIL
- COM STAND. LITTER BIN
- COM STAND. RECYCLING BIN
- CUSTOM BRASS DRINKING FOUNTAIN
- COM STAND. BIKE HOOP
- REMOVABLE FURNITURE
- PRISMS PLAY ELEMENT

WF - WATER FEATURE

- WATER FEATURE INSITU  
CONCRETE CHANNEL
- WATER FEATURE TYPE 02  
CUSTOM WET ROCK

ED - EDGES

- EDGE TYPE 01  
BRASS EDGE
- EDGE TYPE 02  
BRASS EDGE COM PROPERTY BOUNDARY
- EDGE TYPE 06  
COM BLUESTONE BARRIER KERB
- EDGE TYPE 07  
COM TRIPLE BLUESTONE BARRIER KERB

WA - WALLS

- WALL TYPE 01  
150mm WIDE BLUESTONE WALL
- WALL TYPE 02  
500mm WIDE BLUESTONE WALL
- WALL TYPE 03  
COLONNADE BLUESTONE WALL
- WALL TYPE 04  
500mm WIDE BLUESTONE WALL  
WITH OVERLAND FLOW PENETRATION
- WALL TYPE 04  
500mm WIDE BLUESTONE WALL  
ON EXISTING 447 MAIN WORKS STRUCTURE

LT- LIGHTING

(REFER LIGHTING CONSULTANT DRAWINGS FOR DETAIL)

- LIGHTING TYPE 01 - POLE LIGHT  
(COM SWANSTON ST TYPE) APPROX. 6-8M
- LED WALL RECESSED LUMINAIRES  
RECESSED INTO UPSTAND/ RETAINING  
WALL TO ILLUMINATE PATHWAY
- LED MINI IN GROUND PIN LIGHTS TO  
WATER FEATURE
- IP RATED LED STRIP CONCEALED IN FORM  
WORK OF SEATING ELEMENTS
- IP RATED DOUBLE GENERAL  
POWER OUTLETS IN PILLAR

RAMP/ TERRACES STEPS

- HANDRAIL TYPE 01
- TACTILES INDICATOR
- 800MM WIDE BLUE STONE  
STEPS - HEIGHT VARIES
- 150MM HIGH STEPPED TERRACE  
- INTERFACE WITH MAIN WORKS
- 2 X 220MM HIGH STEPS -  
INTERFACE WITH MAIN WORKS
- 150MM HIGH PAVED STEP
- 100MM HIGH STEPPED TERRACE  
- ON STRUCTURE

SIGNAGE

- SIGNAGE - COM STANDARD  
PARK PEDESTRIAN SIGN TYPE A
- SIGNAGE - COM STANDARD  
PARK PEDESTRIAN SIGN TYPE B
- SIGNAGE - COM STANDARD  
PARK PEDESTRIAN SIGN TYPE E  
SMALL RESERVE SIGN
- SIGNAGE  
DDA SIGNAGE
- SIGNAGE  
CBUS PLAQUE
- SIGNAGE  
PLANTING SIGNAGE
- SIGNAGE  
ORIGAMI BRASS PLAQUE

MISCELLAENOUS

- DECORATIVE  
LANDSCAPE ROCK

NOTES  
THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL LANDSCAPE SCHEDULES AND TECHNICAL SPECIFICATION AND OTHER CONSULTANTS DRAWINGS. CHECK AND VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO THE COMMENCEMENT OF ANY WORK. DO NOT SCALE DRAWINGS - REFER TO PLOTTED DIMENSIONS ONLY. INFORM OCULUS OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING. UNLESS NOTED OTHERWISE THIS DRAWING IS NOT FOR CONSTRUCTION.

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ISSUE	DATE	AMENDMENT	DRN	APPRD
T1	24.06.18	ISSUE FOR TENDER	CG	CM

**OCULUS**  
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SYDNEY MELBOURNE WASHINGTON

PROJECT  
**NEW PARK FOR MELBOURNE**  
(MARKET STREET), MELBOURNE 3000

CLIENT  
 **cbus property**

COLLABORATORS  
 **CITY OF MELBOURNE**

STATUS 80% DESIGN DEVELOPMENT FOR TENDER	
DRAWING SCALE	NORTH POINT

DRAWING LEGEND	
PROJECT No <b>M-1714</b>	SHEET SIZE <b>A1</b>
DRAWING No <b>LM001</b>	ISSUE <b>T1</b>

**PLANNING PERMIT APPLICATION  
DELEGATE REPORT**

<b>Application number:</b>	<b>TP-2018-906</b>
<b>Applicant / Owner / Architect:</b>	<b>Melbourne City Council / Crown Land / City of Melbourne City Design Studio</b>
<b>Address:</b>	431 Collins Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Demolition and buildings and works for the construction of a new linear park.
<b>Cost of works:</b>	\$1,492,100
<b>Date of application:</b>	25 October 2018
<b>Responsible officer:</b>	Rachel Grounds

## **1 SUBJECT SITE AND SURROUNDS**

This planning application relates to land identified as 431 Collins Street, Melbourne (the subject site) or formally as Crown Allotment 2396 City of Melbourne Parish of Melbourne North (Vol. 11968, Fol. 705).

The subject site is located in the south western section of the Hoddle Grid. The site is rectangular in shape with a total area of approximately 1,381 square metres.

The land parcel which forms the subject of the site is within the former western carriageway of Market Street, between Collins Street and Flinders Lane. This portion of the road was discontinued under the Local Government Act 1989 and published in the Victorian Government Gazette on 1 February 2018.

Pedestrian, bicycle and vehicular access is available from all perimeter streets. Tram routes 11, 12, 48 and 109 all serve Collins Street, while tram route 58 serves Market Street and Flinders Lane to the south. Further west is Southern Cross Station.

The perimeter streets are Road Reserves managed by the City of Melbourne. The land itself is Crown Land managed by the City of Melbourne.



Figure 1: Subject Site and Surrounds

## 1.1 Pre-application discussions

Pre-application discussions were held with Council's urban planners prior to the lodgement of the application.

The applicant (City of Melbourne, City Design and Projects) has advised that the following consultation with the community was undertaken prior to the lodgement of the planning permit application (summarised):

- First phase community engagement 19 September 2018 – 10 October 2018 involved asking the community for feedback on the draft concept plan.
- Review of feedback and preparation of final concept plan – November 2018

The final concept plan for the proposed urban park was endorsed by the Future Melbourne Committee at its meeting held 18 September 2018.

## 1.2 Planning Application History

The development on the site to the west (447 Collins Street) was approved by the Minister for Planning via a Planning Scheme Amendment (Amendment C289) in May 2016. The approval allows the development of two multi-level terraced high rise towers joined at the upper levels and containing office, dwellings, place of assembly, residential hotel, retail premises, gymnasium and associated car parking, public open space, public realm area and pedestrian links. Of particular relevance;

- This Amendment requires the developer to enter into a Section 173 Agreement to provide 474 square metres of public open space to the north of the site. This land is to be vested in Council upon completion of the development.
- A Section 173 Agreement also requires the owner of the land to prepare plans to upgrade the pedestrian access, landscaping and public realm in Market Street adjacent to the site in consultation with Council and;
- The owner to make a payment of \$3 million to Melbourne City Council to fund the approved landscaping and public realm improvements.



## 2 PROPOSAL

This application seeks planning approval for the demolition and buildings and works for the construction of a new linear park at 431 Collins Street, Melbourne.

The plans which have been considered in this planning assessment are those prepared by City of Melbourne City Design Studio dated 24 September 2018.

The creation of the new linear park at 431 Collins Street is described as follows:

- Demolition including;
  - demolition of the western vehicular carriageway of Market Street, between Collins Street and Flinders Lane; and
  - demolition of the existing footpath, kerb and channel.
- Construct and carry out works including;
  - Terracing of new park from Collins Street to Flinders Lane;
  - Construction of new footpaths on the eastern side of the park, and bluestone paving across central sections of the park;
  - Planting of large new lawn areas to the north of the park; and
  - Landscaping.

The remaining section of Market Street will be reconfigured in a separate package of work and does not form part of this application.

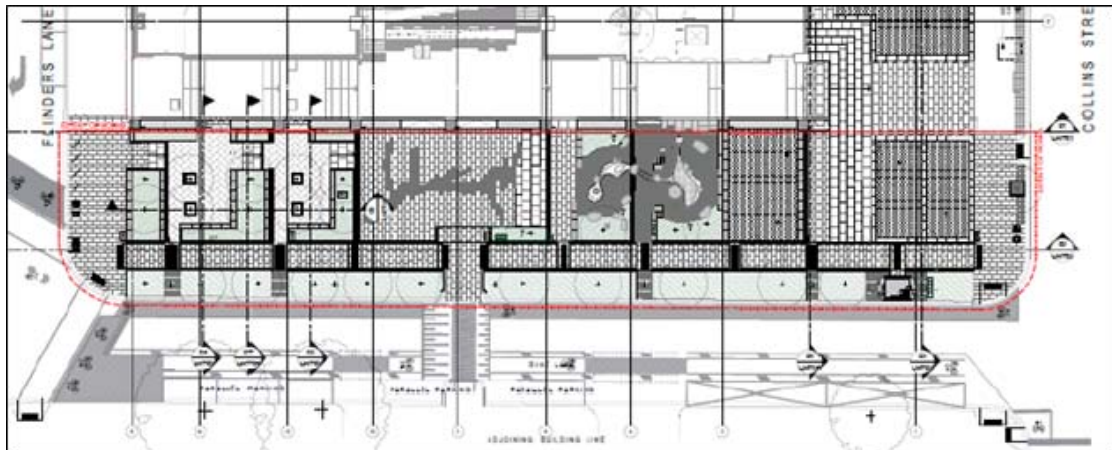


Figure 2: Market Street Park Layout



Figure 3: Render of Proposed Park

### 3 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme trigger the need for a planning permit for this proposal:

Clause	Permit Trigger
<p>Clause 37.04 Capital City Zone Schedule 1</p>	<p><u><i>Demolition of Removal of Buildings – Permit Required</i></u> Pursuant to Clause 37.04, a permit is required to demolish or remove a building or works.</p> <p><u><i>Buildings and Works – Permit Required</i></u> Pursuant to Clause 37.04, a permit is required to construct a building or construct or carry out works.</p> <p><u><i>Use – Permit not Required</i></u> Pursuant to Clause 37.04, a permit is required to use the land for the purpose of 'leisure and recreation' <i>other than</i> Informal outdoor recreation'. Clause 74 of the Melbourne Planning Scheme defines Informal outdoor recreation as: Accordingly, a permit is not required for the proposed land use.</p>
<p>Clause 43.02 Design and Development Overlay Schedules 1-A2 and 10</p>	<p><u><i>Demolition of Removal of Buildings – Permit Not Required</i></u> Pursuant to Clause 62.05, a permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal. Schedules 1-A2 and 10 do not specifically state that a permit is required for demolition, as such, no planning permit is required.</p> <p><u><i>Buildings and Works – Permit Required</i></u> Pursuant to Clause 62.02-2, a permit is not required for park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbecues, shade sails, drinking fountains and public toilets unless a permit is specifically required under the overlay.</p>

	<p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required.</p> <p>Schedule 1 states that a planning permit is required for buildings and works at the ground level. As such, a planning permit is required.</p>
<p>Clause 45.09 Parking Overlay Schedule 1</p>	<p><u>Demolition of Removal of Buildings – Permit Not Required</u></p> <p>Pursuant to Clause 45.09, a permit is required to provide car parking spaces in excess of the specified rate. As no parking is proposed as part of this application, a permit is not required.</p>
<p>Clauses 62.02 Uses, Buildings, Works, Subdivisions and Demolition not requiring a permit.</p>	<p>Pursuant to Clause 62.02-1 (Buildings and works not requiring a permit)</p> <p>Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:</p> <ul style="list-style-type: none"> <li>• Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality</li> </ul> <p>The proposed works exceed \$1,000,000. A permit is required.</p> <p>Pursuant to Clause 62.02-2 (Buildings and works not requiring a permit unless specifically required by the planning scheme), any requirement in the Scheme relating to the construction of a building or carrying out of works, does not apply to:</p> <ul style="list-style-type: none"> <li>• Roadworks</li> <li>• Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets</li> </ul>

## 4 STRATEGIC FRAMEWORK

### 4.1 State Planning Policy Framework (SPPF)

- Clause 15 (Built Environment and Heritage)
  - *Clause 15.01 (Urban Environment) seeks to achieve 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 15.02-1S (Energy and Resource Efficiency) seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- Clause 18 (Transport) seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
- Clause 19 (Infrastructure)
  - *Clause 19.02-6R (Open Space – Metropolitan Melbourne) seeks to strengthen the integrated metropolitan open space network and develop a network of local open spaces that are accessible and of high quality and include opportunities for new local open spaces through planning for urban redevelopment projects.*

## 4.2 Local Planning Policy Framework (LPPF)

Local Planning Policy Framework (LPPF) The City of Melbourne's Municipal Strategic Statement, listed at Clause 21 sets out the vision, objectives and strategies for managing land use change and development in the City of Melbourne. It provides the basis for the application of local policies, zones, overlays and other provision in the Melbourne Planning Scheme.

The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

- Clause 21.06 (Built Environment and Heritage)
  - Clause 21.06-3 (Sustainable Development) includes strategies on designing open spaces to minimise urban heat island effect and contribute to urban cooling.
- Clause 21.10 (Infrastructure)
  - Clause 21.10-2 (Open Space) seeks to maintain, enhance and increase Melbourne's public open space network and promote greening of the City.
- Clause 22.01 (Urban Design Within of the Capital City Zone) provides relevant urban design policy including open space for sites within the Capital City Zone.

## 5 ZONE

The subject site is located within the Capital City Zone (Schedule 1- Outside the Retail Core). The purpose of the zone is:

## 6 OVERLAY(S)

The overall site area is affected by the Design and Development Overlay, and Parking Overlay.

## 7 PARTICULAR PROVISIONS

There are no relevant particular provisions for this proposal.

## 8 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 (Decision Guidelines) which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66 (Referral and Notice Provisions).
- Clause 67, Applications under Section 96 of the Act.

## 9 PUBLIC NOTIFICATION

Pursuant to Clause 67.02 (Notice Requirements), In accordance with Section 52(1)(c) of the Act, notice must be given to:

- The owners and occupiers of adjoining land

- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting three notices on the site for a 14 day period in accordance with Section 52 of The *Planning and Environment Act 1987*

Market Street is not classified by the National Trust.

A signed Statutory Declaration was returned to Council on 15 November 2018.

## 10 OBJECTIONS

At the time of writing this report, a total of six (6) objections had been received, and raised the following concerns with the proposal (summarised):

- Processing of previous Community Engagement and Consultation;
- Discontinuance of the Road and associated demolition;
- Percentage of 'green space';
- Overall design of the linear park;
- Concerns with the 'Central Plaza' giving preference to the new building at 447 Collins Street;
- Traffic concerns (both pedestrian and bicycle) and parking generation;
- Waste collection
- Construction noise

## 11 CONSULTATION

Following public notice a copy of all objections was provided to applicant.

## 12 REFERRALS

### 12.1 Internal

The application was not referred internally to any department as it was determined that there is adequate direction in the relevant sections of the Melbourne Planning Scheme to inform the assessment.

It is noted that several areas of Council were engaged prior to the lodgement of the planning application; these comments have been included below for reference.

#### Engineering Services – Waste (Urban Services Team)

*"Engineering Services (Urban Services Team) support the bin arrangements".*

#### Engineering Services – Civil Design

Standard draft conditions regarding drainage, pedestrian ramp design and street furniture were provided.

#### Parks, Property and Waterways

Generally supportive, comment was made regarding the removable furniture and its practicality.

#### Industrial Design

Generally supportive, comment was made regarding the location and number of bins – with comments to be obtained from Urban Services (comments above).



## 12.2 External

The application was not required to be referred externally.

## 13 ASSESSMENT

The application seeks planning approval for the demolition and buildings and works for the construction of a new linear park at 431 Collins Street, Melbourne.

The key issues for consideration in the assessment of this application are the appropriateness of the demolition and works.

### 13.1 Capital City Zone – Outside the Retail Centre

#### Demolition

The proposal seeks to carry out demolition to the existing road structure and buildings and works to construct a new linear park along the western section of Market Street, between Collins Street and Flinders Lane.

Schedule 1 to Clause 37.04 states:

*Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act requiring:*

*Temporary works on the vacant site, should it remain vacant for 6 months after the completion of the demolition.*

*Temporary works on the vacant site where demolition or construction activity has ceased for 6 months.*

The purpose of the demolition proposed is to provide greater open space within the Melbourne CBD. In this application the demolition will facilitate the provision of active space, and is supported. The road was discontinued under the Local Government Act 1989 and published in the Victorian Government Gazette on 01 February 2018.

Pursuant to Clause 37.04-4, before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority. In this instance, having regard to Planning Scheme Amendment C289 (Incorporated Document) and the existing Section 173 agreement, a further Section 173 Agreement will not be required.

#### Buildings and Works

The purpose of Schedule 1 to the CCZ (Outside the Retail Core) is to provide for a range of financial, legal, administrative, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

The proposed works will facilitate an increase in ground permeability, aiding in stormwater runoff within the Central City. Furthermore, the site will benefit from a net gain of approximately 29 trees.

Clause 21.10-2 (Infrastructure, Open Space) of the Melbourne Planning Scheme encourages enhanced and increased public open space to meet the needs of the growing population.

The works are considered to be consistent with the purpose of the Capital City Zone and decision guidelines in that:

- The location, area, dimensions and suitability of the land for public use is consistent with State and Local Planning Policy;

- The movement of pedestrians, cyclists and vehicles are well considered and the required infrastructure is well appointed; and
- The works will improve and enhance the existing public space.

### **13.2 Design and Development Overlay – Schedule 1-A2 (Active Street Frontages)**

Pursuant to Schedule 1 to Clause 43.02, a planning permit is required for buildings and works at ground level. Schedule 1 seeks to ensure that ground floor frontages are pedestrian oriented and add interest and vitality to city streets, and contribute to city safety by providing lighting and activity. Area 2 requests that the built scale is appropriate to the street and pedestrians.

Whilst the application does not involve a frontage specifically, it is considered that the proposal meets the design objectives as outlined below;

- The location and appearance of the proposed linear park is in keeping with the character and appearance of adjacent buildings, the streetscape and the broader area;
- The proposed landscaping will be in keeping with the character and appearance of adjacent buildings, the streetscape and the broader area.

### **13.3 Objector Concerns**

During the advertisement process, several concerns were raised by objectors regarding the proposal. Where not addressed above, these have been discussed below;

#### Processing of Previous Community Engagement and Consultation

The applicant has advised that community notifications and engagement was undertaken in September-October 2018. This is outlined on the City of Melbourne's 'Participate Melbourne' webpage, which goes into detail regarding the project.

#### Discontinuance of the Road and Associated Demolition

As mentioned above, the western carriageway of Market Street was discontinued under the Local Government Act 1989 and published in the Victorian Government Gazette on 1 February 2018.

#### Traffic Concerns

It should be noted that this application relates to the demolition of the existing road and construction of a new linear urban park. Traffic considerations have been taken into account by the City of Melbourne's Traffic Engineers during the preparation of the concept plan and are supported.

#### Waste Collection

The provision of bins has been reviewed by Council's Engineering (Waste Services) Team who have provided their support for the proposal.

#### Construction Noise

Construction activities on-site, including hours and noise, will be considered and addressed at the building permit stage.

### **13.4 Conclusion**

The proposal successfully satisfies the objectives and strategies of state and local policies and is consistent with the relevant state and local policy provisions of the Melbourne Planning Scheme as it contributes to:

- Ensuring land is set aside and development in urban areas for passive recreational use;
- Ensuring the urban open spaces provides for passive recreation, social interaction, peace and solitude;
- Creating healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities; and
- Supporting the provision of open space and recreation facilities for the local resident and working community.

#### **14 RECOMMENDATION**

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
2. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
3. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGSI's). Details of the TGSI's must be submitted to and approved by City of Melbourne – Engineering Services prior to their installation.
4. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.
5. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

#### **NOTES**

- a) All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads.

- b) For areas external to the park, areas of road reserve, all necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads