PLANNING COMMITTEE REPORT

Agenda Item 5.1
6 March 2007

PLANNING APPLICATION : 167-173 COLLINS STREET, MELBOURNE (171 COLLINS STREET)

Division: Statutory Services

Presenter: John Noonan, Group Manager Sustainable Regulatory Services

Purpose

1. To advise Committee of the application for planning approval made to the Minister for Planning for buildings and works including demolition of buildings on Watson Place and Flinders Lane, refurbishment of the building on Collins Street (former Auditorium Building) and the construction of a 19 level building with 4 level basement to be used for office, ground floor retail and 176 car parking spaces.

2. To advise Committee of the application for permit made to Heritage Victoria for the heritage aspects of the development proposal.

3. Council’s comment on the applications have been sought by the Department of Sustainability and Environment and Heritage Victoria and they have been presented to the Planning Committee given the significance of the proposal and as the proposal represents a significant departure from Council Policy with respect to height.

Summary

Application Number: TPM-2007-1 & Heritage Victoria Permit Application Number P 11166

Proposal: Buildings and works including demolition of buildings on Watson Place and Flinders Lane, refurbishment of the building on Collins Street (former Auditorium Building, A.K.A. the Mayfair Building and Shop of Shops) and the construction of a 19 level building with 4 level basement to be used for office, ground floor retail and 176 car parking spaces

Applicant: Notice of the application has been given to the City of Melbourne by the Department of Sustainability and Environment. UrbisJHD are the applicant for the permit.

The Heritage Victoria application has been referred to the City of Melbourne for comment on local heritage issues.

Zoning: Capital City Zone – Outside the Retail Core
Overlays:  
Design and Development Overlay – Active Street Frontages  
Design and Development Overlay – Building Height Setback Controls (40 m discretionary maximum height)  
Design and Development Overlay – Traffic Conflict Frontage (Collins Street)  
Design and Development Overlay – Weather Protection  
Heritage Overlay, HO 504 – Collins East Precinct  
Heritage Overlay, HO 506 – Flinders Lane Precinct  
Heritage Overlay, HO 581 – Former Auditorium Building, 167-173 Collins Street

Existing Use:  
Office building with associated retail outlets and car park to Flinders Lane

Number of Objections:  
Seven objections from the National Trust, Hansen Partnership on behalf of the Regent Theatre, St Paul’s Cathedral, SJB Planning on behalf of the owners of 161 Collins Street, owners of apartments at the Westin and Residents 3000 Inc.

Recommendation from Management

4. That the Planning Committee inform the Minister for Planning that the City of Melbourne:
   4.1. objects to the proposed height of the building and the lack of podium to Flinders Lane which is contrary to the Melbourne Planning Scheme;
   4.2. general support is offered for the design concept of the building, the ground floor treatments and the pedestrian connections created are commended;
   4.3. concern is expressed regarding the impact of the development on access to Watson Place for loading and unloading for the Regent Theatre;
   4.4. the detailed design of the car park access needs to be revised in order that the development does not impact on vehicle movements within Flinders Lane and allows for adequate vehicle access into the site;
   4.5. the increased shadow to Federation Square on the solstice is unacceptable as are increased adverse wind conditions.

5. That the Planning Committee inform Heritage Victoria that while the retention and restoration of the front portion of the Former Auditorium Building is supported, significant concern is expressed regarding the impact of the new building on the Flinders Lane Heritage Precinct.

6. Should the Planning Committee resolve to support this development a set of conditions have been drafted which require the applicant to address the technical and detailed issues in relation to the proposal (at Attachment 1).

Proposal

7. The site is located on Collins Street, in the block between Swanston and Russell Streets. The site extends between Collins Street through to Flinders Lane and abuts Watson Place. The land includes the buildings at 167-173 Collins Street, 184 Flinders Lane and 14 Watson Place. Lush Lane, which intersects with Flinders Lane, forms part of the subject site (refer to Attachment 2 for the Locality Plan).
8. The proposal is outlined within the attached development plans (Attachment 3) and is summarised as follows:

8.1. It is proposed to retain and refurbish the original heritage fabric of the former Auditorium which fronts onto Collins Street. This includes the retention of the rear wall of the building and restoration works to the façade of the building. The balance of the buildings on the site fronting Flinders Lane and 14 Watson Place are all proposed to be demolished.

8.2. A new 19 level office building with lower level retail uses is proposed to be constructed. The proposal includes the creation of an atrium in between the retained building and the new office tower resulting in an overall setback of the tower of 32 metres from Collins Street. The new building would be 88 metres in height when measured from Flinders Lane. The site includes Lush Lane which is a Private Lane. A two level retail arcade and through block link between Flinders Lane, Watson Place and Collins Street is proposed. Retail uses front onto all street frontages.

8.3. Three levels of basement car parking are proposed to be accessed from Flinders Lane. 176 car parking spaces are proposed. 167 bicycle parking spaces are proposed to be located on the first basement level. Shower and changing facilities are proposed on the same level adjacent to the bicycle parking area.

Key Issues

9. The key issues relate to:

9.1. the height and bulk of the new building. The proposal does not comply with the requirements, including objectives, of Design and Development Overlay 2 in the Melbourne Planning Scheme which stipulates a discretionary maximum height of 40 metres for the city block including the subject site;

9.2. the massing of the building. In particular, the lack of podium and tower setback on the Flinders Lane frontage;

9.3. the impact of the development on the heritage character of the area;

9.4. overshadowing of Federation Square and increased adverse wind conditions to Flinders Lane;

9.5. the reduced setback on Flinders Lane which relies on the applicant purchasing a portion of Flinders Lane which was previously acquired by the City of Melbourne as part of the widening of Flinders Lane and the impact of this on vehicle access to Watson Place particularly for the Regent Theatre;

9.6. the layout of the car park and vehicle access; and

9.7. wind effects on Flinders Lane and Watson Place.

Height and Bulk

10. One of the principal planning objectives in the Capital City Zone is:

   “to create through good urban design an attractive, pleasurable, safe and stimulating environment”.

11. To achieve this objective, specific policies have been developed to assist in creating a preferred built form. The creation of an attractive and interesting city is instrumental to the creation of an economically vital city.
12. The Design and Development Overlay for Building Height and Setback Controls stipulates a maximum discretionary building height of 40 metres for the site and surrounding area. The proposed building height is 88 metres, more than double the height limit. The built form outcomes being sought by this control include:

“St Paul’s Cathedral remains the dominant building on the Flinders Street skyline between Swanston and Russell Streets.”

13. When viewed from Southgate and the Flinders St Station steps, the proposed building would have the effect of infilling between the cathedral’s spires, reducing its dominance on the skyline. While the buildings facades have been designed to minimise this impact, it is considered that the Cathedral’s dominance on the skyline would be significantly reduced.

14. Another relevant built form outcome which is sought by the maximum 40 metre height is:

“The scale of development complements and is compatible with the nearby retail core.”

15. The Height Control Area 5 which affects this site reflects the intent to maintain the attractive pedestrian environment of the retail core which has a mandatory 40 metre maximum height control. The limited building heights within the retail core are instrumental in achieving the “feeling of openness and intimate scale for pedestrians” which is one of the principal built form objectives, as well as limiting adverse wind effects and providing access to sunlight. The tallest buildings within the block including the site are the Westin Hotel which is approximately 52 metres in height and KPMG House (the former T & G building) which has a maximum height of approximately 50 metres (excluding the tower element on the corner of Russell and Collins Streets which is about 70 m above the Collins Street footpath).

16. A development which more than doubles the height limit would have the effect of completely undermining the relevant height control as well as surrounding height control areas. The potential economic benefits of this development do not outweigh the cost to the high quality built from of the CBD which has been, in part, established though the consistent implementation of well considered planning policies.

17. An argument has been presented by the applicant that there are limited opportunities for additional developments of this scale on the eastern side of the retail core and as such, a precedent would not be set. However, the constraints to development of nearby sites which they have identified are the same constraints which make the proposed development unacceptable.

18. The applicant has stated that the building can achieve a 5 star Green Star and a 5 star ABGR rating. The Planning Scheme Local Policy for Environmentally Sustainable Buildings includes a performance outcome seeking a minimum 4 star Green Star Rating and a 4.5 star Australian Buildings Greenhouse Rating Scheme base building rating. The applicant has argued that the floor area of the building is needed to make the incorporation of sustainable design features viable. A slight increase in the environmental performance of the building does not justify this significant departure from Council’s policy in relation to building height and setbacks.

19. One of the built form objectives which is identified in the Municipal Strategic Statement, the Local Policy for Urban Design in the Capital City Zone and which is also one of the Design Objectives of the Design and Development Overlay for Building Height and Setback Control is:

“to maintain the visual dominance of prominent landmarks”.

20. The proposed building will reduce the visual dominance of St Paul’s Cathedral.
Massing

21. The Local Policy for Urban Design in the Capital City Zone includes the following relevant design standards:

“towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm.

towers above the podium should be setback at least 10 metres from street frontages.”

22. The retention of the front section of the Former Auditorium Building creates a podium onto Collins Street. The new building would have no podium onto Flinders Lane. While Flinders Lane is not dominated by any one podium height, it is considered that the Flinders Lane frontage of the T & G Building, which is about 45m tall, represents a reasonable maximum. The taller towers east of Russell St have some presence in the vicinity of the subject site, but are set well back and have ample “breathing space” between them. In contrast, the proposed building is not set back from either the Flinders Lane boundary or the east boundary. Even if a taller building were approved, it should at least be set back from the Flinders Lane boundary above a height of about 40 metres to provide for a comfortable pedestrian scale. The provision of a podium also assists in the amelioration of adverse wind conditions.

Heritage

23. The site is affected by three different Heritage Overlays. The retention of the front portion of the former Auditorium Building, the restoration of the façade of the building and the internal reconstruction of the building are supported. The new building would be visible from Collins Street and Russell Street. It is undesirable that the new works interrupt the ‘height limit’ skyline of Collins Street, however the proposed setback from Collins Street does, to some extent, mitigates the impact of the new building on this streetscape.

24. The impact of the new structure on Flinders Lane would be much greater and this is considered to be unacceptable in terms of this impact on the heritage character and scale of this heritage precinct. This might be addressed through the provision of a podium to the building with upper levels setback to limit the impact on the Flinders Lane streetscape.

25. As referred to previously, the issue of the affect of the proposal on views of St Paul’s is also a heritage issue. The new building will present a substantial bulk to the rear of St Paul’s, much taller and bulkier than the Westin Hotel and the previously approved development for the site. This will detract from the presentation and visual prominence of St Paul’s.

Overshadowing and Wind Effects

26. The decision guidelines of the Capital City Zone require consideration of;

“The effect of the proposed works on solar access to existing open spaces and public places.

The potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places.”

27. Further, the local policy for Sunlight to Public Spaces states;

“Development should not cast any additional shadows across St Paul’s Square, the Plaza and Atrium which are part of Federation Square, any part of City Square, Queensbridge Square or the State Library forecourt, between 11.00 am and 2.00 pm on 22 June.”

28. The proposed building will result in additional shadow being cast over parts of Federation Square (St Paul’s Square and the Atrium) which is contrary to the above requirements.
29. The applicant has submitted a detailed wind report that shows that wind effects on Flinders Lane will exceed the criteria for stationary comfort, but not exceed the criteria for walking comfort. The applicant has not demonstrated whether these wind conditions are greater than the existing conditions. The applicant is preparing a response to enable a proper assessment of this matter.

30. The issues of overshadowing and increased adverse wind conditions are generated by the height of the building and lack of provision of a podium.

31. **Flinders Lane**

32. The proposed building relies on the purchase, by the applicant/owner of the subject site, of a 1.3 metre wide strip of Flinders Lane adjacent to the building at 178-184 Flinders Lane. This land was acquired by the City of Melbourne as part of its historical policy for the widening of little streets under the *Melbourne (Widening of Street) (Repeal) Act* 1986. The purchase of this land must occur through a separate council process with the matter being decided by the Finance Committee and Council. It is understood that Council is under no obligation to sell this piece of land and has the ability to agree to selling part, rather than all of it.

33. The 1.3 metre wide section of Flinders Street adjacent to Lush Lane is a road. The use of this land relies on this portion of road being discontinued. This is usually carried out under the *Local Government Act* 1989, and is dealt with through another separate process and is at the Council’s discretion.

34. Significant concern has been expressed regarding the effect of the building being built over the widened portion of Flinders Lane due to the impact on vehicular access to Watson Place. Several properties, including the Regent Theatre, rely on Watson Place for deliveries and rubbish collection. Large vehicles already experience difficulties in accessing Watson Place, particularly large trucks accessing the Theatre. The applicant has submitted information on turning circles for access to Watson Place which indicates that access to Watson Place will be made more difficult, even for a medium sized delivery vehicle. The applicant has been made aware of this issue and is attempting to address it. It is not clear how this may be addressed other than by setting back the new building from the corner and perhaps by providing a splayed corner. This aspect of the proposal is considered unacceptable in its current form.

**Vehicle Access**

35. The proposal seeks to maximise the provision of active frontage to Flinders Lane which is supported. This has been achieved by providing a very narrow access to the car park and on site loading area. The width of this access is considered to be unacceptable and needs to be revised. The applicant wishes to address this matter, but has not demonstrated how adequate vehicle access can be achieved without compromising the extent of retail frontage.

**Relation to Council Policy (including Municipal Strategic Statement)**

36. The vision for the Central City, outlined within the Municipal Strategic Statement, is ‘to be the primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria, and a place that facilitates the growth of innovative business activity’. This is reflected in Land Use Implementation Strategies which encourage office, commercial and retail uses within the Central City (Clause 21.08-1).

37. Further, the vision for the City seeks to ensure ‘the creation of a high quality, useable and exciting public realm continues to make the city an attractive and exiting place for workers, residents and visitors’.
38. One of the strategies identified with respect to heritage is to:

“Protect the scale of important heritage precincts, boulevards and other unique precincts that rely on a consistency of scale for their image, including the Retail Core, Chinatown, Hardware Lane, Flinders Lane, Bourke Hill, Parliament, the Melbourne Town Hall, the Queen Victoria Market and the churches on Flinders and Collins Streets.”

The site is located within the Flinders Lane Precinct and is located within close proximity to St Paul’s Cathedral located on the corner of Flinders and Swanston Streets.

39. Strategy 1.45 relates to height and scale in the Central City and seeks to:

“Ensure that the design of tall buildings in the Central City promotes a human scale at street level especially in narrow lanes, respect the street pattern and provides a context for heritage buildings.”

40. With respect to the public environment, “arcade and laneway links between streets and public spaces” are encouraged (Strategy 1.49).

41. The objectives of the Local Policy for Urban Design within the Capital City Zone seek to ensure that developments are appropriately designed to enhance the quality and character of Melbourne, to improve pedestrian amenity and to enhance public spaces. Policies relating to Building Design which assist in fulfilling these objectives and which relevant to the consideration of this proposal are as follows:

41.1. retain views into and out of the Capital City Zone and vistas to important civic landmarks

41.2. towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm; and

41.3. towers above the podium should be setback at least 10 metres from street frontages.

42. Policies relating to façade design seek to encourage the design of facades of new buildings to respect the existing streetscape, to be detailed to be of pedestrian interest and to encourage the use of high quality materials and details.

43. With respect to wind and weather protection, policies further encourage the provision of a podium to assist in the amelioration of wind effects.

44. The relevant objectives of the Local Policy for Heritage Places within the Capital City Zone seek:

“to conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards.

To conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale form and appearance.”

45. The local policy for Sunlight to Public Spaces has specific requirements for overshadowing of Federation Square and other significant public areas as follows:

“Development should not cast any additional shadows across St Paul’s Square, the Plaza and Atrium which are part of Federation Square, any part of City Square, Queensbridge Square or the State Library forecourt, between 11.00 am and 2.00 pm on 22 June.”
46. The Local Policy for Environmentally Sustainable Buildings requires that a statement from an accredited professional, verifying that a new office building has the design potential to achieve the specified performance outcomes, be submitted with an application. The relevant performance outcome states the design of the building should achieve a 4 star Green Star Rating. A minimum 4.5 star Australian Buildings Greenhouse Rating Scheme (ABGR Rating) base building rating should be achieved and a maximum water consumption of 30 litres/day/person using the Green Star Water Calculator should also be achieved. A report was submitted with the application stating that the building can achieve a 5 star Green Star and a 5 star ABGR rating. Further, the report states that the refurbished former Auditorium or Mayfair Building will also achieve a 4.5 star ABGR rating. The report states that the design of the new building aims to minimise the potable water consumption to below 30 litres/day/person.

47. The site is located within the Capital City Zone where a permit is not required for the proposed uses, but is required for the demolition of the existing buildings and the construction of a new building. Relevant decision guidelines include:

“the streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and back of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

the potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places.”

48. The Design and Development Overlay for Active Street Frontages requires that “buildings with ground level street frontages to major pedestrian areas must present an attractive pedestrian oriented frontage”. Both the Collins Street and Flinders Lane frontages of the subject site have been identified as being major pedestrian areas.

49. The site is affected by the Design and Development Overlay for Height Controls in the Capital City Zone. The site is identified as being located in Height Control Area 5 where a maximum discretionary height of 40 metres is stipulated. The built form outcomes being sought from this requirement are:

“the scale of development complements and is compatible with the nearby retail core.

St Paul’s Cathedral remains the dominant building on the Finders Street skyline between Swanston and Russell Streets.

The parliamentary buildings remain dominant in vistas along Bourke Street.”

50. The Collins Street Frontage of the site is affected by the Traffic Conflict Frontage. No new vehicle access points are proposed.

51. The Collins Street and Flinders Lane frontages are affected by the Design and Development Overlay for Weather Protection which encourages the provision of weather protection for pedestrians on major street frontages.
The northern portion of the site and fronting onto Collins Street is located in the Heritage Overlay, HO 504, for the Collins East Precinct. The southern portion of the site fronting onto Flinders Lane is affected by the Heritage Overlay, HO 506 for the Flinders Lane Precinct. The portion of the site occupied by the building known as the former Auditorium building at 167-173 Collins Street is affected by the Heritage Overlay, HO581. Under the requirements of the Heritage Overlay, a planning permit is not required to develop a heritage place which is included on the Victorian Heritage Register if a permit is granted for the development under the Heritage Act 1995. The portion of the site at 178-184 Flinders Lane and on the corner of Watson Place is not affected by the HO 581 and is in the Flinders Lane Precinct, so that heritage matters would still be relevant even if a permit is issued by Heritage Victoria.

The objectives of the Heritage Overlay seek “to conserve and enhance heritage places” and “elements which contribute to the significance of heritage places” and “to ensure that development does not adversely affect the significance of heritage places”.

**Time Frame**

Notice of the applications was given to the City of Melbourne in accordance with Section 52(1)(b) of the Planning and Environment Act, 1987. Comments for the application were requested to be received within 28 days unless further information was required. An extension to this time frame has been requested.

Comments must be forwarded to the Department of Sustainability and Environment to enable Council’s views to be taken into consideration.

The Heritage Victoria application has been referred to the City of Melbourne for comment. Heritage Victoria requires comments to be submitted within 14 days of the application being referred, unless an extension of time is requested. Heritage Victoria has been informed of the time frame of the consideration of this application by the Planning Committee.

**Finance**

There are no direct financial implications associated with the recommendations contained within this report.

**Legal**

The Minister for Planning is the Responsible Authority for this application. The recommendations of this report are within the functions and powers of the Council.

**Consultation**

The application has been advertised by the applicant at the direction of the Department of Sustainability and Environment (on behalf of the Minister for Planning who is the Responsible Authority).
60. A previous planning permit was issued by the Minister for Planning in January, 2004 which allowed for development of the site for residential apartments with retail uses at ground level, office and car parking. The development incorporates the retention and refurbishment of the front portion of the former Auditorium Building and a two level addition to this building. A tower element is set behind the retained portion of the building with a maximum height of 66 metres (measured from the lowest point of the Flinders Lane footpath at the western end of the site to the top of the proposed plant area). The tower is setback approximately 18 metres from Flinders Lane with a 26 metre high portion of building containing apartments and forming a podium onto Flinders Lane. This permit was issued at the direction of the Victorian Civil and Administrative Tribunal. While Council was a party to this appeal, concerns regarding the development had been generally addressed by the Department of Sustainability and Environment, including a reduction in the height of the building, prior to the matter being heard by the Tribunal.
1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

   a) the incorporation of design features in the new building to ameliorate adverse wind conditions to Flinders Lane and Watson Place;
   b) alterations to the building, which might include the provision of a splay corner, to provide for adequate vehicle access to Watson Place;

2. Prior to the commencement of development (excluding demolition, bulk excavation and site establishment works), a schedule of all external materials and finishes including an accompanying sample board must be submitted to the satisfaction of the Responsible Authority, in consultation with the City of Melbourne. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors and paving. The materials and finishes selected must also reflect the use of materials and design principles identified in the Environmentally Sustainable Office Building Statement prepared by Umow Lai Environment Consulting Engineers, dated 6 December 2006.

3. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.

4. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Council and be to the satisfaction of the Responsible Authority.

5. The performance outcomes specified in the Environmentally Sustainable Office Building (E.S.O.B.) Statement prepared by Umow Lai Environment Consulting Engineers, dated 6 December 2006, for the approved development must be implemented prior to occupancy at no cost to Council and be to the satisfaction of the Responsible Authority.

6. Any change during detailed design, which affects the approach of the endorsed ESOb Statement, must be assessed by an accredited professional. The revised statement must be endorsed prior to the commencement of construction.
7. Prior to the commencement of the development, the applicant must submit to the Responsible Authority three copies of amended plans drawn to scale and an amended traffic report, developed in consultation with the City of Melbourne – Engineering Services, that remain generally in accordance with the plans and traffic report submitted with the application, but amended to show:

**Disabled Access**

a) the location of the four disabled car parking spaces referred to in the report prepared by GTA Consultants dated 30 November, 2006, to be shown on the plans and to have a minimum width of 3.2 metres;

**Bicycle Parking**

b) details of the provision of safe access to the bicycle parking areas for cyclists;

c) details of signage to be provided directing cyclists to the bicycle parking areas;

d) that the staff bicycle parking compound is lockable;

**Car Park Layout**

e) the ‘small car spaces’ to be appropriately signed/linemarked as such;

f) the car parking spaces numbered ‘Courier 5’ on plans submitted with the application not to encroach across the exit lane;

g) columns should be located a minimum of 400 mm from the entry-end of each parking space and should be no longer than 1 metre;

h) car parking levels, including the entry ramp grade, to be redesigned to comply with the grade requirements of AS2890.1;

i) detailed design of the entry to provide for two-way vehicle access into the site and to provide for pedestrian sight lines as required in AS2890.1;

j) the provision of linemarking to access aisles and ramps to guide drivers within the car park and to direct exiting vehicles to turn right onto Flinders Lane;

**Loading Waste Collection**

k) details of vehicle access to Watson Place to be developed in consultation with the City of Melbourne and addressing the loading access requirements of the Regent Theatre;

l) details of vehicle access to the building loading and unloading area so as not to rely on vehicles utilising the full width of Flinders Lane including on-street parking spaces or impacting on the new building.

These amended plans must be to the satisfaction of the Responsible Authority, in consultation with the City of Melbourne, and when approved shall be the endorsed plans of this permit.
8. The car parking spaces to be used in association with the approved commercial/retail uses within the building are restricted to the parking of commercial, employer and employee vehicles in association with the uses conducted in the building.

9. The design of the car park must be safe, convenient and non-discriminatory for people with disabilities.

10. Prior to the commencement of the development, including demolition, the portion of Flinders Lane and Lush Lane to be built on shall be formally discontinued. The discontinued portion of road shall be consolidated with the subject lane.

11. The minimum clearance to the underside of the proposed canopy projecting over Collins Street which projects beyond 750mm behind the face of kerb shall have a minimum clearance to the underside of 5.0 metres above the road surface. The maximum allowable projection beyond the street alignment shall be one tenth of the road width. All of the canopy shall be drained to legal points of discharge in accordance with plans and specifications first approved by Council’s Group Manager - Engineering Services.

12. The owner of the subject land shall construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to Council’s underground stormwater drainage system in accordance with plans and specifications first approved by Council’s Group Manager - Engineering Services.

13. The Owner of the subject land shall construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by Council’s Group Manager - Engineering Services.

14. The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres shall include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacings.

15. The Owner of the subject land shall not be permitted to alter the existing footpath levels in Flinders Lane for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of Council’s Group Manager - Engineering Services.

16. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by Council’s Team Leader Construction Management Group. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
   a) public safety, amenity and site security;
   b) operating hours, noise and vibration controls;
   c) air and dust management;
   d) stormwater and sediment control;
   e) waste and materials reuse;
   f) traffic management and access to the site during construction;
   g) the storage of materials within the perimeter of the site;
   h) the location of temporary buildings in association with the construction; and
   i) details of hoardings to be erected for the full period of the construction.
FINANCE ATTACHMENT

PLANNING APPLICATION: 167-173 COLLINS STREET, MELBOURNE (171 COLLINS STREET)

There are no direct financial implications for Council arising from the recommendations contained in this report.

Kerrie Jordan
Acting Manager Financial Services
LEGAL ATTACHMENT

PLANNING APPLICATION: 167-173 COLLINS STREET, MELBOURNE (171 COLLINS STREET)

The Minister for Planning is the Responsible Authority for this application.

In making its decision, section 60(1)(c) of the Planning and Environment Act 1987 (“the Act”) requires the Responsible Authority to consider, amongst other things, all objections and other submissions which it has received, which have not been withdrawn.

Section 60(1A) further provides that:

“Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider –

(g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;”

Section 64 of the Act sets out the procedure to be followed by the Responsible Authority in circumstances where objections are received.

The Heritage Act 1995 provides that where an application for a permit is made and notice of the application published under section 68(1) of that Act, any submission must be lodged within 14 days of the notice.

Kim Wood
Manager Legal Services