

Ministerial Referral: TPM-2014-9/A
Amended Batmans Hill Development Plan, 614-666 Flinders Street,
Docklands

1 December 2015

Presenter: Jane Birmingham - Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a proposal to amend the Batman's Hill Development Plan.
2. Council's views on the proposed amendments to the Development Plan were sought by the Department of Environment, Land, Water and Planning (DELWP) on 12 November 2015. The Minister for Planning is the responsible authority for considering and determining the matter as the development plan facilitates a development exceeding 25,000 square metres in area (refer Attachment 2 – Locality plan).
3. The key changes to the development plan relate to the commercial precinct located within the northern Collins Street precinct and can be summarised as:
 - changes to the built form envelope including the deletion of commercial building C2 and the introduction of a sky garden park across the Collins Street frontage
 - the realignment of Marketplace Lane and the relocation of the western most section further to the south
 - the partially open/partially covered concept for the central plaza area (formerly identified as the 'City Room'), compared to the previously largely covered concept.

Key issues

4. The key issues with this proposal relate to built form, pedestrian access, wind conditions, weather protection and public realm considerations.
5. The introduction of a sky garden provides a unique opportunity to improve the open space offerings within Docklands. Access to an additional open space in this area can only enhance the experience of residents and workers and improve their choice of places to socialise and relax. A direct connection between the plaza on Collins Street and the sky garden (that is visibly prominent and easily accessible from Collins Street) is required to ensure that this space is inviting to a broader group of people and users, and not just focused on the occupants of the Melbourne Quarter.
6. The building envelopes within the development plan are generally acceptable however, buildings higher than 40 metres in height and fronting a laneway or street (including Aurora Lane) should incorporate setbacks above this height. The purpose of this is to retain access to daylight to streets and to ensure a sense of openness that reinforces a human scale and to provide a high quality pedestrian environment.
7. The development plan provides limited detailed information as to how the proposed buildings respond to one another or how they convey a particular architectural theme. Greater definition of individual buildings and modulation of scale and massing is required to break down the visual bulk, particularly at street levels to avoid creating a homogenous volume which reads as a large commercial enclave rather than a diverse city block.
8. The environmental wind assessment which forms part of the development plan should be amended to ensure that wind amelioration measures for the development of the buildings are incorporated into the design of new buildings rather than relying on the construction of wind shelters or similar structures or on the planting of street trees.

Recommendation from management

9. That the Future Melbourne Committee resolves that a letter be sent to the Department of Environment, Land, Water and Planning advising that:
 - 9.1. the Melbourne City Council supports the proposed changes to the Development Plan in accordance with the recommendations as detailed in the Delegate Report (refer Attachment 2).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Selected Plans
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

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. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

6. The sustainability issues or opportunities will be considered as part of a detailed planning permit application for the individual stages of development.

Locality Plan

614-666 Flinders Street, Docklands, VIC 3008



The Urban Structure plan is the design concept for the development of the Melbourne Quarter site. The plan encapsulates the site's urban design principles, whilst taking into account the site opportunities and constraints.

The Urban Structure plan identifies the key public streets and pedestrian spaces and building footprints.

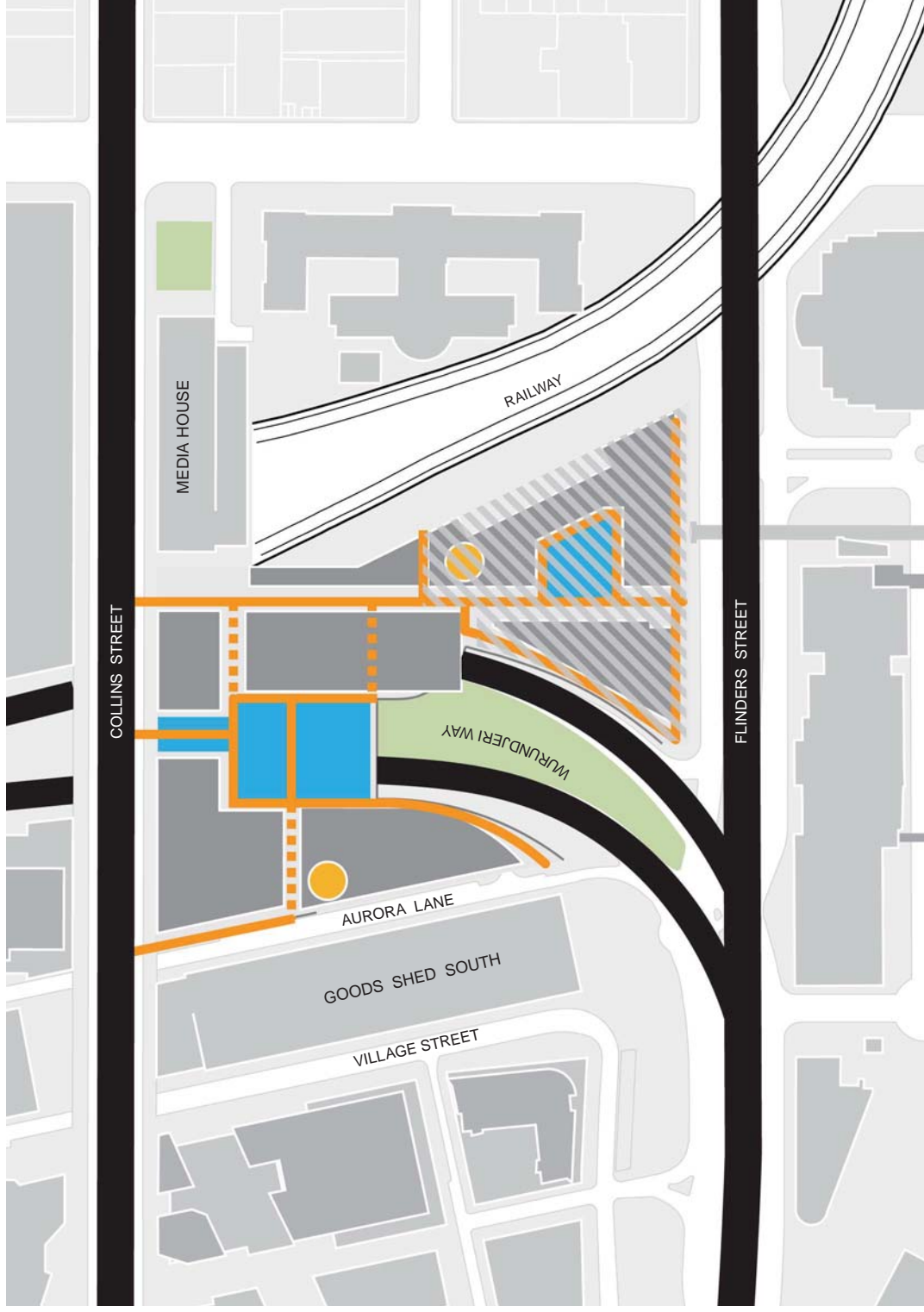


Figure 2.1 Urban Structure

- Building footprint
- Key internal routes
- Key external routes
- Key public spaces
- Community built space
- Flinders Street Neighbourhood

*Note: Connection to Plaza for community built space in the Collins Street Neighbourhood to be investigated during stage planning application for C3

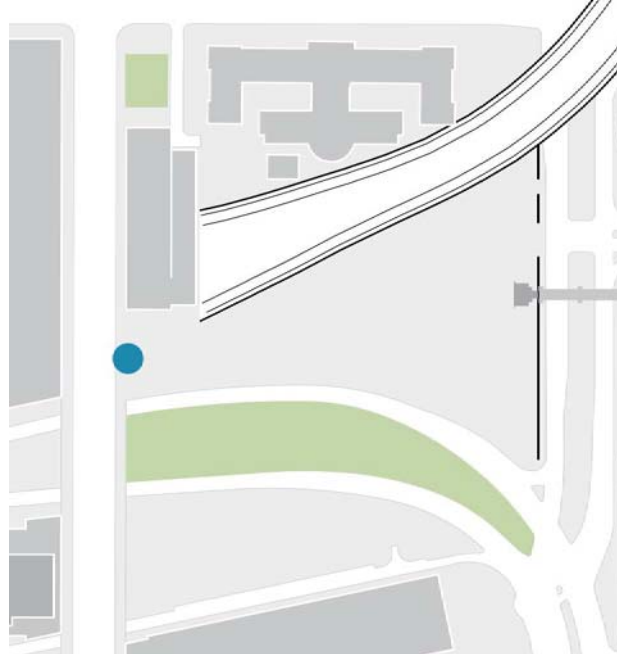


Figure 5.1 Existing conditions
Existing Conditions at test point along Collins Street bridge over Wurundjeri Way

Wind

A preliminary assessment of the impact of prevailing winds has informed the Melbourne Quarter Development Plan and established a framework for target conditions along key public spaces around and within the site.

Due to the staged delivery of Melbourne Quarter, this assessment has also considered the impact of proposed developments and future development sites on the development, namely 664 Collins Street.

The impact of wind is therefore an ongoing consideration which will be significantly influenced by the built environment at the time of each stage of the development. As such, a detailed wind assessment will be prepared for each staged delivery as part of the Planning Application taking into consideration the built form at that time.

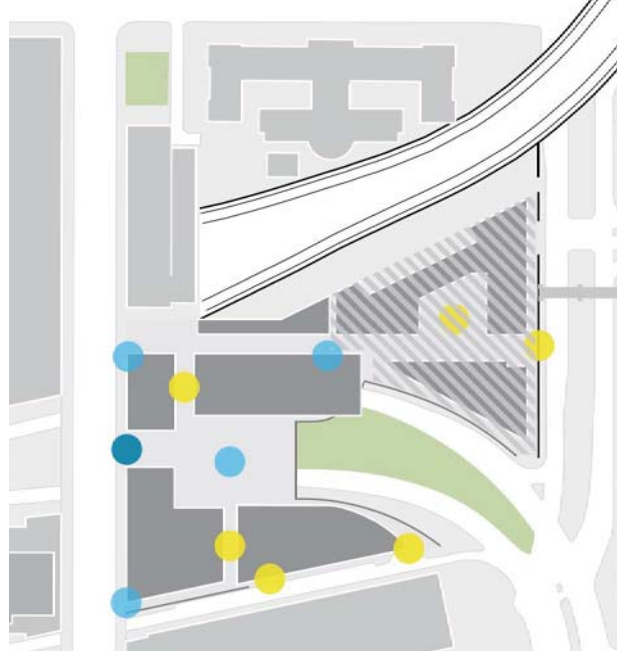


Figure 5.2 Preliminary wind assessment

Assumes no build out to north of Collins Street, but includes 664 Collins Street - no additional amelioration measures.

- Excludes impact of any existing or proposed landscaping
- Built form of C1 (11 levels) and C2 (24 levels), C3 (17 levels).
- No canopy along Collins Street

- Wind conditions (based on peak gust wind speed)
- Above waterfront (21-23m/s)
 - Waterfront (17-20m/s)
 - Walking comfort (14-16m/s)
 - Short term stationary (11-13m/s)

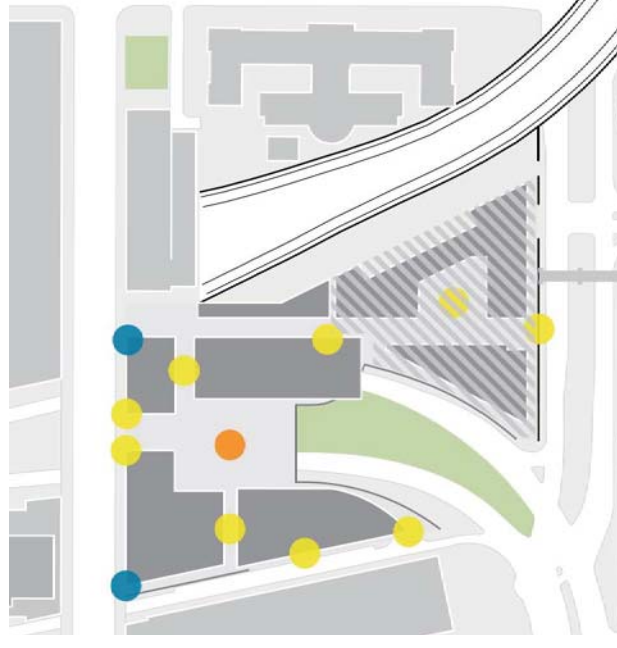


Figure 5.3 Proposed max wind criteria

Assumes no build out to north of Collins Street over Wurundjeri Way, but includes 664 Collins Street.

- Includes impact of existing and proposed landscaping
- Built form of C1 (11 levels), C2 (24 levels) and C3 (17 levels)
- Continuous canopy for C1 along Collins Street
- Retractable awning along south of C1
- Canopy projection and screen / balustrade along western edge of C1
- This scheme achieves all of the wind criteria as noted in the 2014 Development Plan, and in some cases provides improved conditions.

Figure 6.1 shows maximum building envelopes and footprints. Residential envelopes and footprints are shown as per the 2014 approved Development Plan.

The final design for each building will occur within the maximum envelope and footprint depicted in these diagrams.

Each building will be subject to design development, taking into account a range of factors including the relationship with other buildings, solar access considerations, views and internal layouts.

The maximum building envelopes and footprints proposed in the Development Plan are required to allow sufficient flexibility in the design process.

In developing the maximum building envelopes, the following key aspects have been considered.

- Preservation of the key public spaces throughout stage development.
- Achieving an envelope for the commercial buildings that meets the minimum floor plate characteristics desired by the commercial office market.
- Acknowledgment of the commercial infrastructure constraints that exist at the lower ground plane level of Wurundjeri Way.

The detailed design of each building will occur at a later stage and be subject to formal assessment by the Responsible Authority during the planning permit application stage.

Architectural articulation may occur outside the envelopes shown where appropriate. Any variances will be dealt with via the individual planning applications

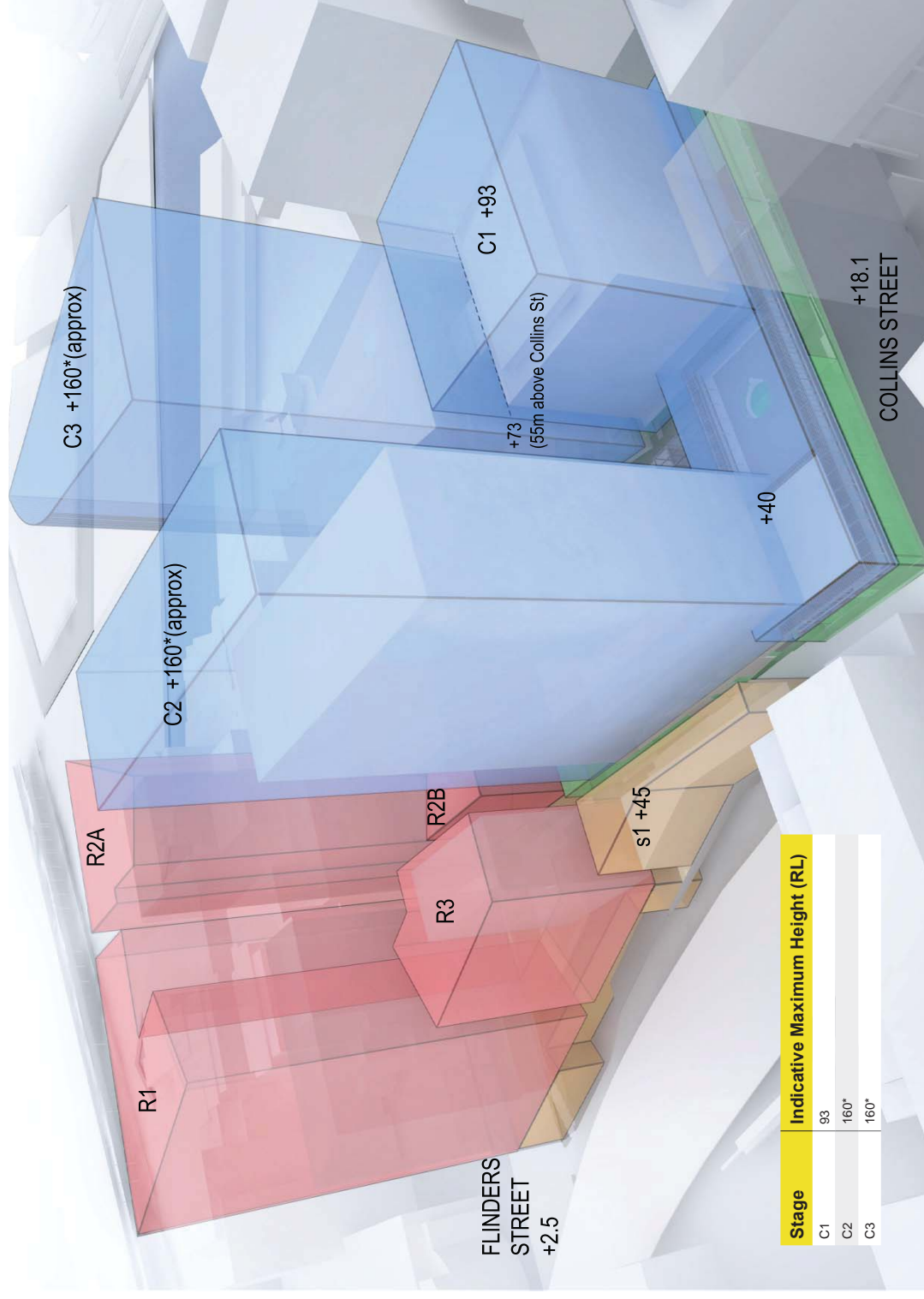


Figure 6.1 Maximum building envelopes, showing one possible building massing configuration within building envelopes

*Note: The RLs of C2, C3, R1 and R2 will be limited in height so as to not overshadow the South bank of the Yarra river during the winter solstice.

The diagrams below illustrate:

- a: Ground plane building envelopes
- b: Tower building envelopes

NOTE: Car parking is provided below the ground plane.

Podium Building Envelopes

Commercial setbacks shown are applicable where opposing facades are both below 55m in height as measured from the ground plane level (Plaza).

Tower Building Envelopes

Commercial setbacks shown are applicable where opposing facades are both above 55m in height as measured from the ground plane level (Plaza).

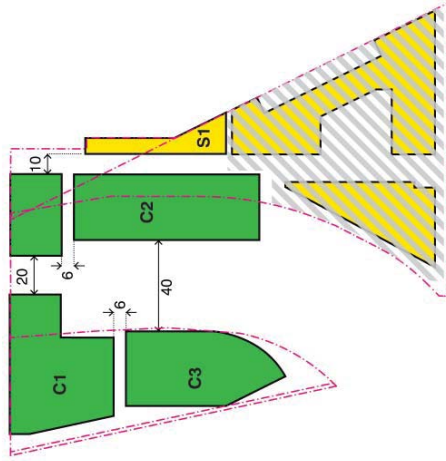


Figure 7.1 Ground plane building envelopes

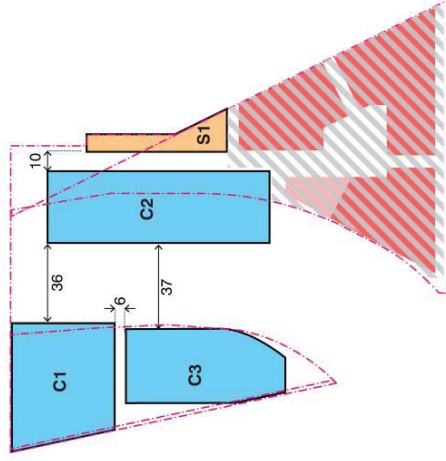


Figure 7.2 Podium building envelopes

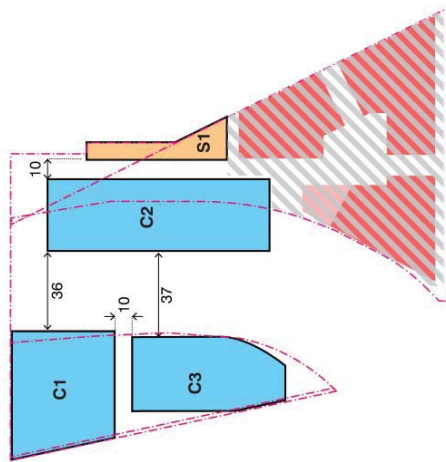


Figure 7.3 Tower building envelopes

NOTE: Minimum setbacks shown are measured to the predominant vertical face between buildings. Building articulation elements such as facade attachments (fins, louvres, screens and the like) may occupy a portion of the setback distance zone.

The public realm network of the precinct is fundamental to the vision and seamless integration of the site into its immediate and broader context.

The public space network comprises a series of public spaces including, streets, lanes, walkways, squares and plazas that will facilitate and promote the public life of the precinct and its neighbours.

The location, typology, size and program of these spaces have been carefully considered in relation to the physical and environmental conditions of the site and the needs of users. The network has been specifically designed to complement and extend the broader city grid and laneway character as well as the public spaces of Docklands and central city.

The key public spaces of the precinct are the Melbourne Plaza, at the centre of the Collins Street Neighbourhood and Batman's Garden at the centre of the Flinders Street Neighbourhood, with North-South Lane providing an urban connection from Collins and Flinders Streets.

The strategic integration of Public Art within Melbourne Quarter will enhance the site's overall legibility and vitality and provides key points of interest and inspiration for visitors, workers and residents alike.

Wayfinding signage and lighting of public spaces will be employed throughout the site to provide safe and effective orientation and navigation through the precinct by all user groups at all times of the day and night.

Wayfinding signage and public lighting will be designed in accordance with the relevant Australian Standards and City of Melbourne guidelines.

Opportunities for the provision of public amenities for publicly accessible spaces will be explored consistent with the Building Code of Australia.

NOTE: For details on the Flinders Street Neighbourhood public realm refer to the 2014 Development Plan and stage planning applications for R1, R2 and R3

Precinct Wide Design Approach for Soft and Hard Landscape

The public realm and the private public spaces of the precinct will maximise opportunities for quality soft and hardscape design outcomes. The standard City of Melbourne materials palette will be used for all hard and soft scape in the public realm where the City of Melbourne will be the assets owner and where the City of Melbourne is not the owner, the materials palette will be of an equivalent standard.

Principles that will inform our approach to soft and hard scapes include:

- Material selection and design language that conform to City of Melbourne and Docklands character and standards;
- Selection of materials that are appropriate to function;
- Detail that is appropriate to context;
- Universal accessibility;
- Conformity with all relevant legislative, industry and government standards.

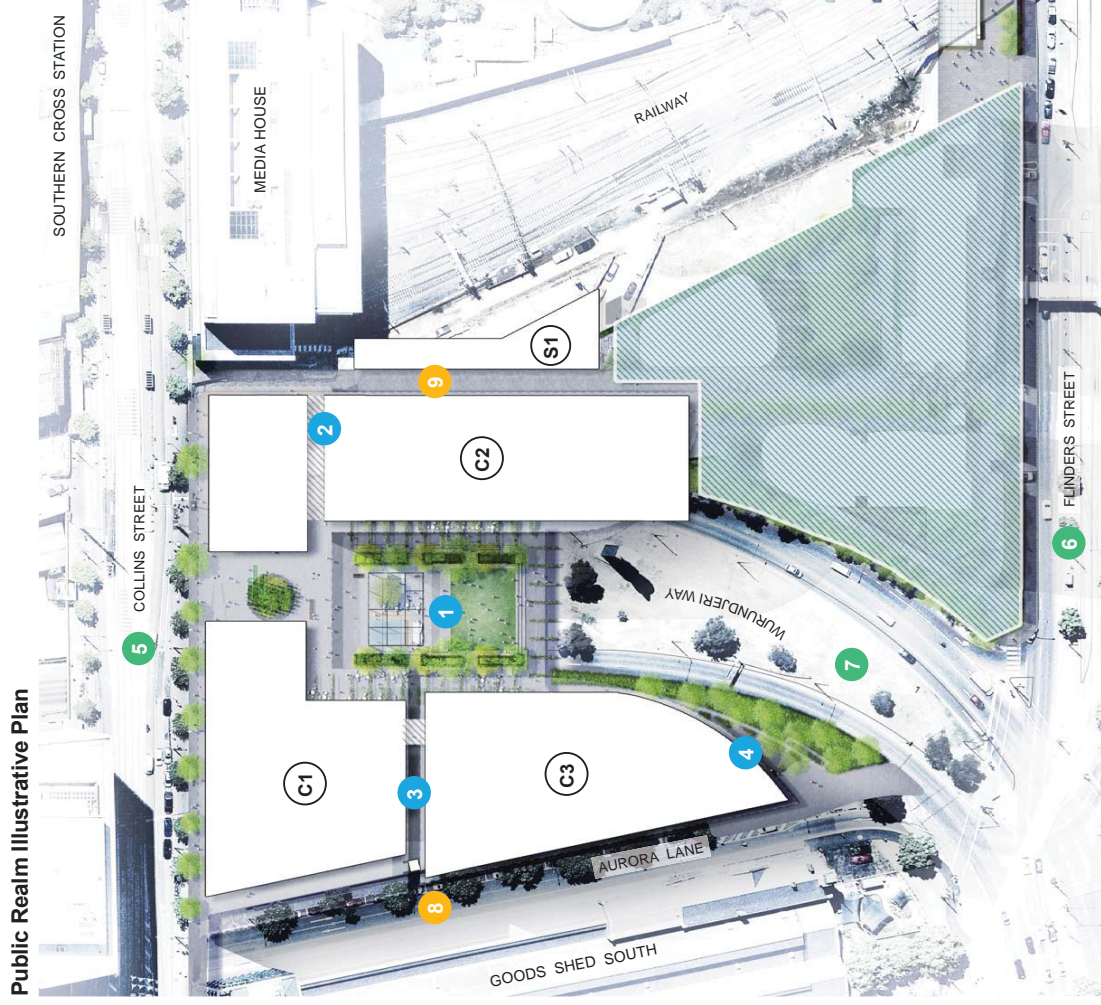
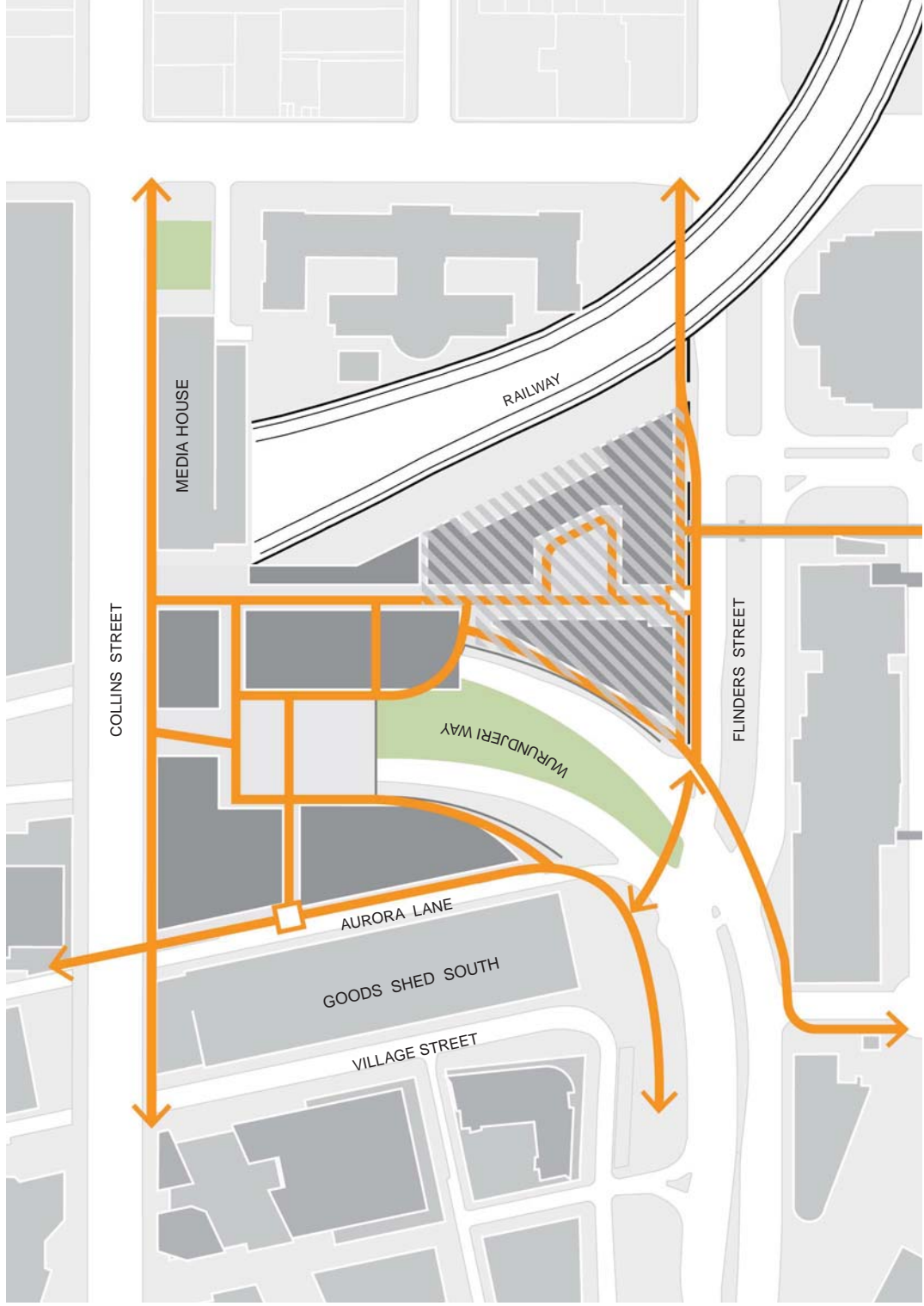


Figure 9.1 Public realm

NOTE: All street and place names are indicative and will be subject to further consultation with the relevant authorities.

Pedestrian permeability has been a key consideration of the public realm design. The Melbourne Quarter Development Plan provides permeability based on key desire lines linking Collins Street and Southern Cross Station in the north to Flinders Street and the Yarra River in the south.



 Pedestrian access
 Public lifts

Figure 12.1 Pedestrian access

Many factors contribute to the successful activation of public space. Primary amongst them is the interface of public space with its surrounding built form.

Given the diversity of land uses, building types and public spaces provided in the Melbourne Quarter Development Plan, the nature of that interface takes numerous forms throughout the precinct.

Continuous Activation

Continuous activation is provided at the interface between built form and the key public areas and pedestrian pathways throughout the precinct, as shown in Figure 16.1.

Continuous activation of the built form ground plane adjacent public space is created by uses which provide direct engagement with the pedestrian users of these spaces.

These include commercial / residential building entry points and lobbies, retail and strata office tenancies inclusive of entry points and tenancy frontage, office circulation (for example, lifts or stairs), and community space.

Intermittent and Visual Activation

Intermittent and / or visual activation is provided to all remaining public areas and pathways in the precinct, as shown in Figure 16.1.

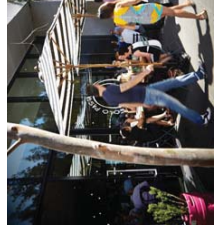
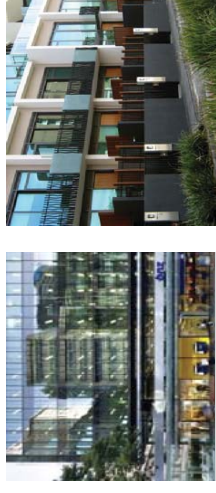
Intermittent and visual activation is created by uses and architectural treatments which provides indirect engagement with the users of these spaces.

These may include art and landscape installations along building facades and pathways, vehicular and cyclist access/egress points, public access lifts as well as the necessary back of house service areas which are required to support building operation such as fire hydrants, substations, storage areas, access, loading and the like.

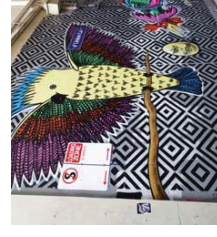
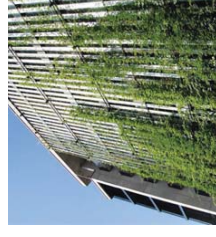
This type of activation can be as dynamic as that created by continuous activation uses, often providing the user with a richer and unexpected experience of the space they are moving through. CPTED principles have been considered in the development of the Melbourne Quarter Master

Plan and will be taken into consideration during the design of each building stage. The strategies of natural access control, natural surveillance and territorial reinforcement will be explored during the design phases of the built form and public domain to create environments which encourage positive behavioural effects that reduce both the incidence and fear of crime.

The spatial qualities of the Market Place east-west links will be carefully considered to ensure an appropriate urban design outcome is achieved, with generous heights that are reflective of comparable public spaces in central Melbourne.



Reference Images: Continuous Activation



Reference Images: Intermittent and Visual Activation

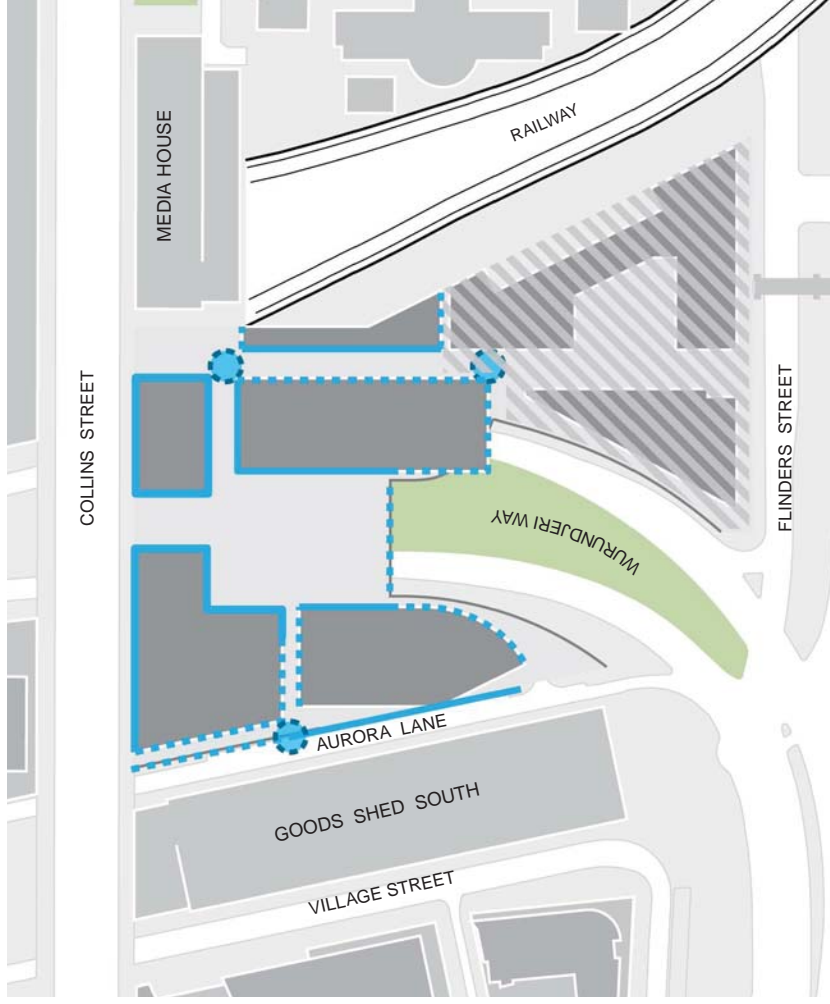
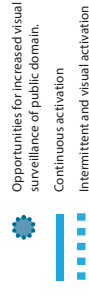


Figure 16.1 Building Activation at ground level

The Melbourne Quarter development strategy allows for the delivery of the overall project in six distinct stages which will be developed at a rate of consistent with the market demand in each of the sectors provided for. Staging allows for development from Collins Street at the north of the site moving south and from Flinders Street at the south moving north, either concurrently or at different times, subject to market demand and commercial feasibility.

The staging principles are as follows;

- Deliver amenity and place on a stage by stage basis.
- Satisfy minimum car parking and loading requirements on a stage by stage basis.

The stages are described in the adjacent diagram. The staging sequence is indicative and is subject to market forces.

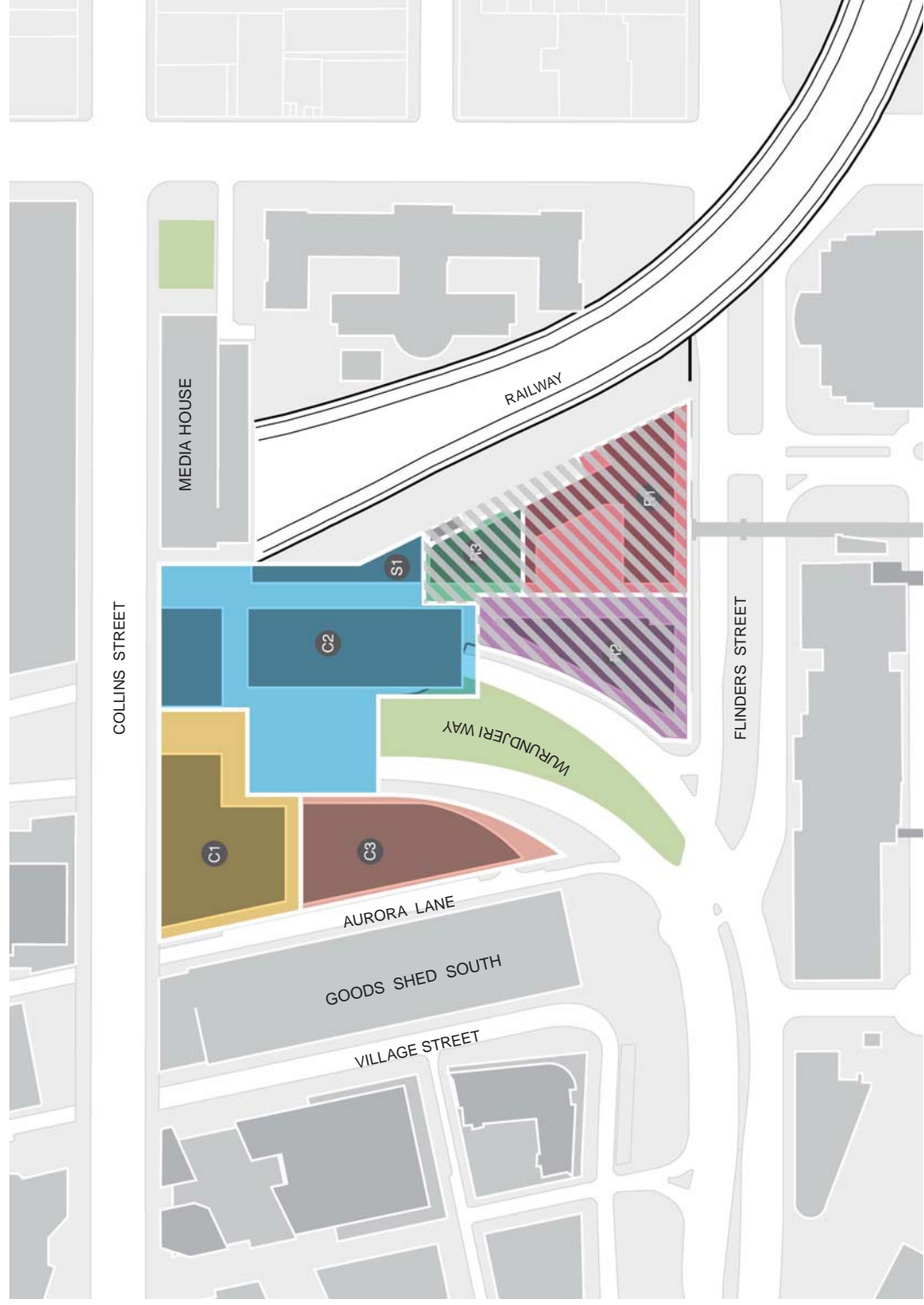


Figure 15.1 Indicative staging plan

PLANNING REPORT MINISTERIAL REFERRAL

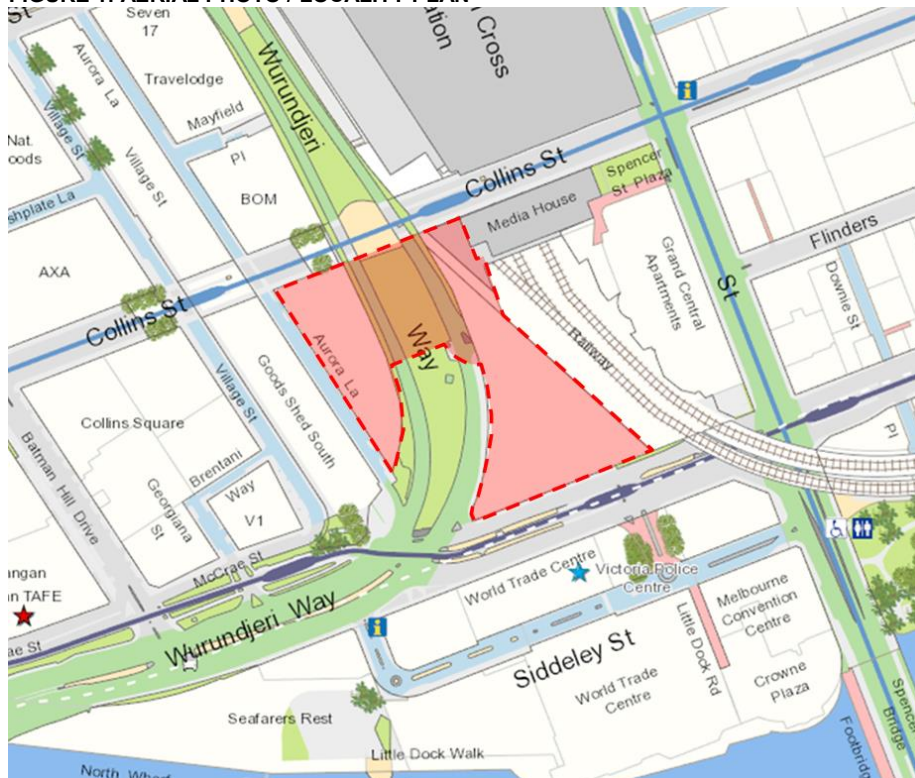
Application number:	TPM-2014-9/A
Applicant / Owner / Architect:	Lend Lease / Places Vic / Aspect Oculus
Address:	614-666 Flinders Street, DOCKLANDS VIC 3008
Proposal:	Amended Batman's Hill Development Plan
Date received by City of Melbourne:	9 November 2015
Responsible officer:	Blair Mather

1. SUBJECT SITE AND SURROUNDS

1.1. The Site

The application site is bounded by Collins Street to the north, Flinders Street to the south, the Southern Cross Station railway corridor to the east and Aurora Lane to the west. Figure 1 below shows the general extent of the site.

FIGURE 1: AERIAL PHOTO / LOCALITY PLAN



The site comprises four land parcels which are divided by Wurundjeri Way (north and south bound arterial roads).

Parcel 5B is approximately 5,557m², parcel 6 is approximately 10,146m², Parcel 6A is approximately 704m² and parcel 6B is approximately 564m², giving a total site area of 16,971m².

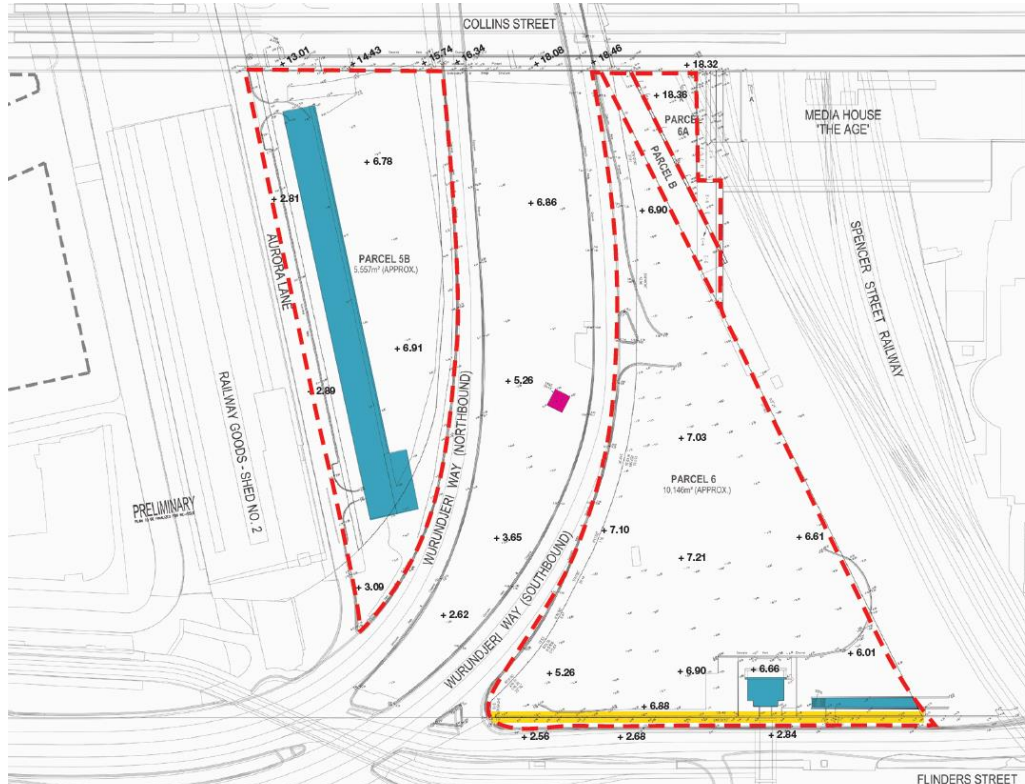
Wurundjeri Way is a primary state arterial road designated as Road Zone Category 1 (RDZ1). Wurundjeri Way is a divided road with two traffic lanes in each direction. Parking is not permitted and there is no provision for pedestrians or bicycles. A 25-

metre high eagle sculpture known as the Bunjil is located within the median strip of Wurundjeri Way

The subject lots are currently undeveloped, and were previously utilised for parking or construction purposes.

Along the southern boundary of the site is a heritage wall which was built to retain the Batman's Hill when Flinders Street was extended westwards into the docks in the late 19th century. An elevated pedestrian walkway spans Flinders Street between the subject site and the Melbourne World Trade Centre and links with a pedestrian path located along the north side of the heritage wall. The walkway does not form part of the subject site.

FIGURE 2: EXISTING SITE BOUNDARIES



1.2. Surrounds

The site and immediate surrounds were historically used for rail yards and goods sheds associated with the former Spencer Street Station, Victoria Dock and the Docklands precinct.

North

Directly to the north of the site is Collins Street, which is a single lane dual carriageway with tram lines in the centre. Collins Street features kerbside parking and paved footpaths on both sides. The section of Collins Street adjacent to the application site is on a raised platform over Wurundjeri Way.

On the opposite side of Collins Street is Southern Cross Station and 700 Collins Street (Medibank).

South

Directly to the south of the site is Flinders Street, which is a major local road generally aligned east-west. Flinders Street in the vicinity of the subject site comprises a dual carriageway with two traffic lanes eastbound and three traffic lanes west bound, with bicycle lanes each way. The central median accommodates a dedicated tram line.

On the opposite side of Flinders Street is the World Trade Centre complex, which comprises a number of multi-level buildings including the Victoria Police Centre headquarters which occupies two distinct but interconnected office buildings sharing three levels of parking. Building E is an eight level building and Building C has six, seven, and 13 levels. The Flinders Wharf apartments is a 19 storey building with 265 apartments, shops, offices, restaurants and car parking and the four level Melbourne Convention Centre (formerly known as the World Congress Centre) and the 13 level, 383 room Crowne Plaza Melbourne hotel.

East

Directly to the east is Media House, which is the purpose built headquarters of The Age newspaper. The building is a contemporary design and is laid out along the slope of Collins Street. It is a low rise, blocky style of building featuring two separate rectilinear forms stacked atop of one another

South of Media House and abutting the subject site to the east is the Flinders Street railway corridor which is between 50-60 metres wide and extends between Southern Cross Station and Flinders Street Station.

West

Directly to the east of the site is Aurora Lane. Aurora Lane is a local road, orientated north-south between Bourke Street and Wurundjeri Way. Aurora Lane comprises a single carriageway with two-way traffic movement in the section north of Collins Street, becoming one-way northbound in the section south of Collins Street, adjacent to the subject land.

On the west side of Aurora Lane is the former Railway Goods Shed built in 1889 (Goods Shed No.2). The Goods shed features a number of doors facing Aurora Way and a shallow veranda.

2. BACKGROUND AND HISTORY

2.1. Planning Application History

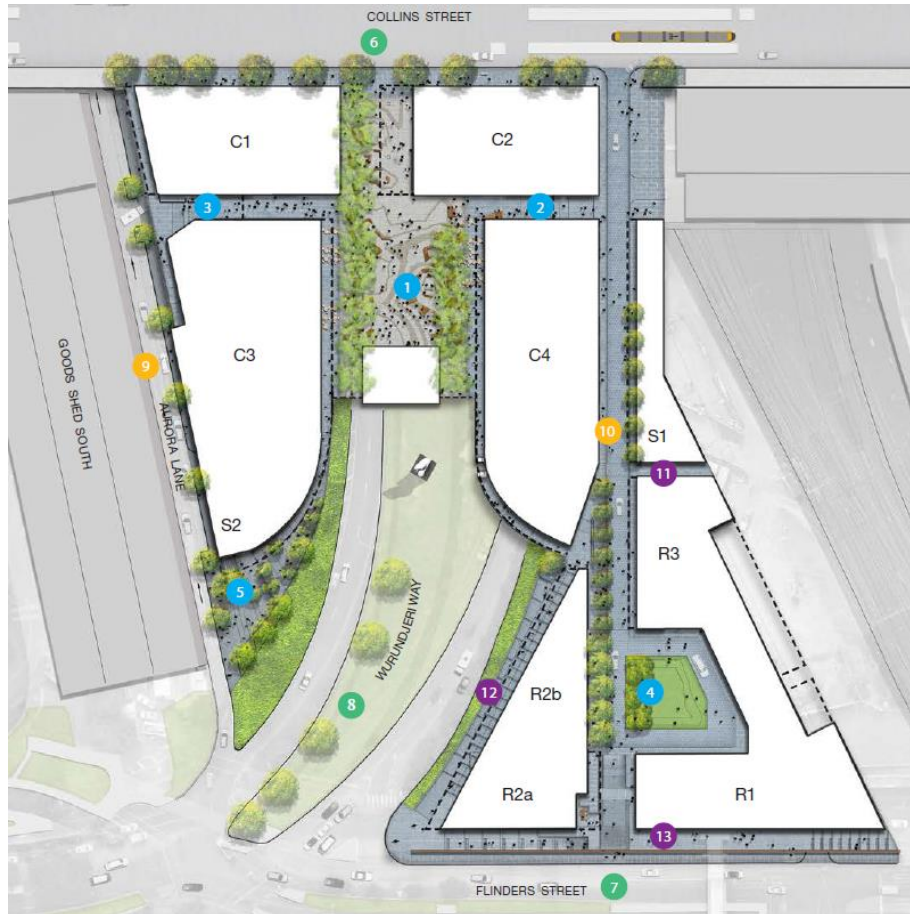
The following planning applications have been considered in relation to the application site:

TPM-2014-9 - Batman's Hill Development Plan

A development plan (Batman's Hill Development Plan) for the precinct was approved by the Minister for Planning on the 27 October 2014¹, and allows for a comprehensive mixed use development of the Batman's Hill Precinct.

¹ The application was considered by the Future Melbourne Committee (FMC) on 3 June 2014 (ref: TPM-2014-9)

FIGURE 3: PROPOSED AMENDED DEVELOPMENT PLAN LAYOUT



Key design features of the endorsed plan include:

- The construction of an elevated deck on the northern part of the site over Wurundjeri Way
- The construction of two mid-rise commercial office buildings – C1 and C2
- The construction of two high rise commercial office towers – C3 and C4
- The construction of a strata office building to the east of North-South Lane – S1
- The construction of two high rise residential apartment towers to the southern side of the site – R1 and R2a
- The construction of two medium rise apartment towers to the north and west of Batman’s Square – R2b and R3
- The construction of a fully covered publicly accessible plaza, just off Collins Street.
- New vehicle and pedestrian connections, including a new laneway connecting Collins Street to Flinders Street.
- The construction of a new public park located along North-South Lane and at the centre of the residential precinct.

The development comprises the following uses:

Residential	Total number of dwellings: 600-800
Commercial	Leasable Floor Area: 107,000-147,000 sqm
Strata Office	Leasable Floor Area: 9,685 sqm (approx)
Retail (ground level etc.)	Leasable Floor Area: 3,900 sqm (approx)

Community built space	Leasable Floor Area: 1,000 sqm (approx)
-----------------------	---

The specific details of the individual proposed buildings are as follows:

	C1	C2	C3	C4	R1	R2a	R2b	R3
Building height (max)	93m	93m	160m	160m	137m	137m	54m	73m
Maximum gross floor area (GFA)	32,108	29,446	105,538	104,508	31,738	29,177	6,623	15,692
Car parking spaces	80	30	180	50	240	190	50	110

The main loading access is proposed via the ingress from Wurundjeri Way southbound, with vehicles leaving the site via Flinders Street. A smaller loading access (for C1 and C3) will be via Aurora Lane (which flows 1-way northbound in the section south of the roundabout) under Collins St Bridge (north of car park access) via a fully mountable roundabout.

Car parking will be provided over three semi-basement levels (below the level of Collins Street) with capacity for approximately 930 vehicles.

Since approval of the Development Plan, the permit applicant has prepared and lodged the following planning permit applications:

- **TPM-2014-18** – Construction of two 10 storey commercial buildings with ground floor retail was considered at Council's Future Melbourne Committee on 5 August 2014. The Future Melbourne Committee resolved to support the proposed development subject to the conditions detailed in the Delegate Report (DM# 8627791). The application has been superseded by the current application for the construction of a mid-rise commercial office building C1 (TP-2015-16)
- **TPM-2015-16** – Construction of a mid-rise commercial office building (C1) comprising ground floor retail and an elevated sky garden.

The application TPM-2015-16, was referred to the City of Melbourne on 19 June 2015, and seeks to development the Collins Street precinct with a mid-rise commercial office building (C1) comprising a retail offering at the ground floor level and the first stages of a new raised 'Sky Garden' fronting Collins Street.

A preliminary assessment of the application identified that the proposed development was not *'generally in accordance'* with the Batman's Hill Development Plan. Accordingly, the applicant was advised to seek an amendment to the endorsed Development Plan.

The application to amend the Development Plan was lodged with DELWP on 21 October 2015 and subsequently referred to the City of Melbourne on 9 November 2015 and is the subject of this report.

The proposed amendment as detailed in section 2.3 below seek to reconfigure the commercial office precinct from four buildings to three buildings and introduce a raised 'sky garden' across the Collins Street frontage.

The proposed amendments will allow Ministerial Referral TPM-2015-16, to be considered in parallel with the amended Development Plan proposal.

- **TPM-2015-20** - Council has received a further planning referral from DELWP for an application which seeks to develop the southern extent of the precinct with three residential towers with ground level retail (identified in the development plan as R1, R2 and R3).

2.2. Pre-application discussions

Several pre application discussions were held between the applicant, DELWP and City of Melbourne planning officers in the lead up to the submission of the application to amend the Development Plan.

The key issues raised at the pre-application meetings were:

- Process related matters.
- Lack of detail regarding how the proposed green roof will be maintained.
- The reduction in the level of public access through the site.
- Building setbacks in relation to the internal laneways.

During the pre-application discussions, DELWP advanced support for the proposed changes to the Development Plan, advising that ‘the department supports in principal, the proposed changes to the approved Batman’s Hill Development Plan for the north part of the site, including the revised design response for the north part of the site, including the revised design response on Collins Street; extension of the envelope for the One Melbourne Quarter building to the south and the consequential ‘dog leg’ in the alignment of Marketplace Lane that provides an east-west connection through the site’. A copy of the letter from DELWP is attached as an appendix to this report.

3. THE PROPOSAL

The application seeks to amend the endorsed Batman’s Hill Development Plan. The key changes to the Development Plan relate to the commercial precinct located within the northern Collins Street precinct and can be summarised as:

- Changes to the built form envelope including the the deletion of commercial building C2 and the introduction of a ‘sky garden park’ across the Collins Street frontage;
- The realignment of Marketplace Lane and the relocation of the western most section further to the south; and
- The partially open/partially covered concept for the central plaza area (formerly identified as the ‘City Room’), compared to the previously largely covered concept.

The specific details of the individual proposed buildings are as follows:

	C1	C2 (Previously C4)	C3
Building height (max)	93m	160m	160m
Maximum gross floor area (GFA)	38,462 - 61,554	76,923 - 105,538	49,230 - 104,508
Car parking spaces	180	170	80

The proposed changes are requested in response to tenant requirements for larger contemporary open plan workplaces.

No changes are proposed to the maximum building heights or to the vehicle access and loading arrangements.

Full details of the proposal amendments are shown on the development plan addendum prepared by Denton Corker Marshall, which is proposed to be read in conjunction with the principal Development Plan document.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11 – Settlement</p> <p>Clause 16 – Housing</p> <p>Clause 17 – Economic Development</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.12 – Built Environment and Heritage</p> <p>Clause 21.13 – 2 Docklands</p>
Local Planning Policies	<p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.07 – Advertising Signs</p> <p>Clause 22.18 – Urban Design within the Docklands Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 - Stormwater Management (Water Sensitive Urban Design)</p>

Requirements for Development Plan	
<p>Development Plan Overlay 4</p> <p>Batman's Hill Precinct</p>	<p>Pursuant to Clause 43.04-1 a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>The development plan must include, to the satisfaction of the responsible authority:</p> <ul style="list-style-type: none"> • An urban design statement which indicates a design philosophy and framework for development across the site. • Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision. • Concept plans which show: <ul style="list-style-type: none"> - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces. - Maximum building heights, floor areas and indicative uses at each building location. - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes. - Cross sections, indicating level changes across the site. - Orientation and overshadowing. - A movement and parking plan which shows: <ul style="list-style-type: none"> - Identification of roads, pedestrian, cyclist and vehicular access locations, including parking areas and nominal loading bays. - Location and linkages to public transport, including

	<p>provision of passenger facilities.</p> <ul style="list-style-type: none"> • A landscaping plan which shows: <ul style="list-style-type: none"> - Treatment and layout of the public realm. - The location, layout and a typical planting schedule for all landscaped areas. • A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed. <p>The Minister is the responsible Authority for approving the development plan as the gross floor area of the proposed development exceeds 25,000 square metres.</p>
--	---

Once a development plan has been endorsed as being to the satisfaction of the responsible authority, separate planning applications will need to be lodged for the individual stages of development. The following statutory controls will apply to the future development of the land. A permit granted must be generally in accordance with the development plan.

Statutory Controls	
<p>Clause 37.05-1 - Docklands Zone 3</p>	<p>Pursuant to Clause 37.05-1, a planning permit is not required to use the land for accommodation or office (other than Corrective institution).</p> <p>Similarly, a planning permit is not required to use the land for a Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern).</p> <p>Pursuant to Clause 37.05-4, a permit is required to construct a building or construct or carry out works, and to demolish or remove a building or works.</p>
<p>Clause 43.02 - Design and Development Overlay - Schedule 12 (Noise Attenuation Area)</p>	<p>Pursuant to Clause 43.02 a permit is required to construct a building or construct or carry out works, unless the Schedule states that a permit is not required.</p> <p>Schedule 12:</p> <ul style="list-style-type: none"> • Does not exempt buildings and works from requiring a permit. • Does exempt buildings and works from notice and appeal requirements. • Specifies that any new or refurbished development that will accommodate new residential uses must be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable room windows with windows closed when must is emitted from the Major Sports and recreation Facility in the Melbourne Docklands Area. <p>When applications are lodged for the individual residential buildings these requirements will need to be incorporated into the design.</p>
<p>Clause 43.01 - HO651 - Retaining Wall, 588-754</p>	<p>The retaining wall at the southern end of the site is listed on the Victorian Heritage Register (Historic Building No. 932)</p> <p>Pursuant to Clause 43.01, a permit is not required from the City of</p>

Flinders Street Extension, Melbourne	Melbourne to develop a place that is listed on the Victoria Heritage Register.
Parking Overlay 7	<p>Pursuant to Clause 52.06-2, a new use commences the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay (in this case PO7)</p> <p>Schedule 7 to Clause 45.09, sets out car parking ratios for and states that a permit is required to provide car parking spaces in excess of a rate of:</p> <ul style="list-style-type: none"> Residential - Approx 600 dwellings (Max 2 car space per dwelling) = 1200 spaces. No permit is required as only 590 spaces are proposed. Office - 271,600 sqm (max 1.5 to each 100 sq m of gross floor area = maximum of 4074 spaces. No permit is required as 340 spaces are proposed.

Particular Provisions	
Clause 52.06 - Car Parking	Refer to Parking Overlay Schedule 7
Clause 52.07 Loading and Unloading of Vehicles	<p>No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:</p> <ul style="list-style-type: none"> Space is provided on the land for loading and unloading vehicles as specified in the table below. The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres. The road that provides access to the loading bay is at least 3.6 metres wide.
Clause 52.29, Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	<p>A permit is required to:</p> <ul style="list-style-type: none"> Create or alter access to: <ul style="list-style-type: none"> A road in a Road Zone, Category 1. Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. Subdivide land adjacent to: <ul style="list-style-type: none"> A road in a Road Zone, Category 1. Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.
Clause 52.34 (Bicycle Facilities)	Pursuant to Clause 52.34-2 a permit is required to reduce or waive the standard bicycle parking requirement.
Clause 52.35, Urban Context Report and Design	<p>An application for a residential development of five or more storeys within the Capital City Zone must be accompanied by:</p> <ul style="list-style-type: none"> An urban context report. A design response.

Response for Residential Development of Four or More Storeys	
Clause 52.36, Integrated Public Transport Planning	An application for an excess of 60 dwellings must be referred to PTV for comment.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for considering this development plan as the total floor area of the development exceeds 25,000 square metres.

5. PUBLIC NOTIFICATION

In assessing the development plan, the responsible authority (the Minister) is required, among other things, to consider the views of the City of Melbourne.

The application was therefore referred to the City of Melbourne for comment.

6. REFERRALS

The application was referred to the following areas of the City of Melbourne for comment with main comments summarised below.

6.1. Urban Design

- Roof garden spaces can offer a high degree of amenity to local residents and workers. To this end, the Sky Garden provides a unique opportunity to improve the urban design of the Docklands. Access to an additional open space in this area can only enhance the experience of residents and workers and improve their choice of places to socialise and relax. We are of the strong opinion that this space has much to offer the broader Docklands community and the design should ensure that local residents and workers are welcomed and encouraged to use this space. To this end, a direct connection between the plaza on Collins Street and the sky garden (that is visibly prominent and easily accessible from Collins Street) is necessary to ensure that this space is inviting to a broader group of people and users, and not just focused on the occupants of the Melbourne Quarter. The spiral stair that is illustrated in the development plan on page 7 provides such a connection. In the development application for Building C1, however, this has been omitted. The design of the development should be amended to include a direct connection as indicated in the Development Plan.*
- The pedestrian connection from Collins Street to Aurora Place is of poor quality; it is effectively a tunnel with limited access to natural light, a poor outlook and almost no opportunity for overlooking into this space from neighbouring buildings / uses to help provide natural surveillance of this area for safety. This connection is critical to the permeability of the site. It should be open to the sky (which would require the upper building to be setback), and have clear lines of site into and out from Aurora Place. Further opportunities to activate this space should be pursued.*

6.2. Engineering Services

The application was not referred to engineering services as the general layout of the access; parking and loading arrangements are not proposed to be altered.

7. ASSESSMENT

In assessing any amendments to the Development Plan, the responsible authority should consider:

- The purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- The impact of the proposed development on heritage places.
- The treatment of the public realm.

The key issues in the consideration of this application are:

- Built Form
- Pedestrian Access
- Public Realm Considerations
- Wind Conditions/Weather Protection
- Parking, Traffic and Waste

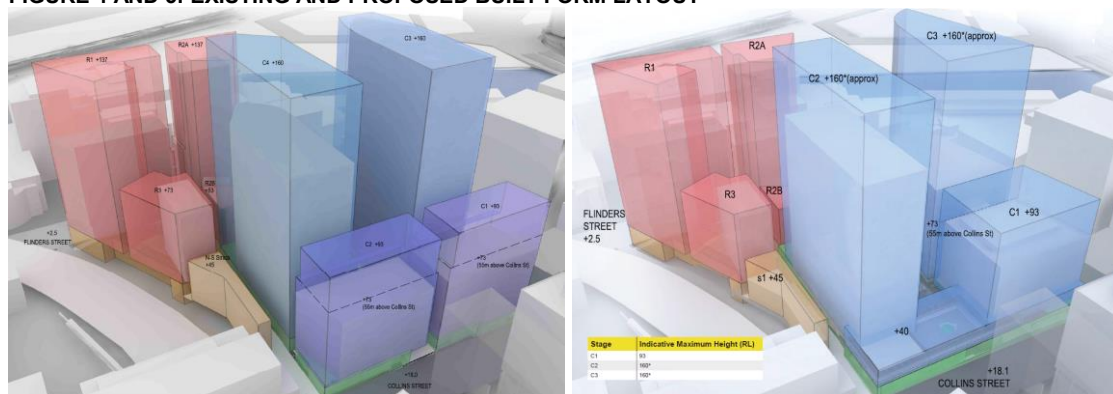
7.1. Built Form

Height

With the exception of the removal of commercial building 'C2', the height of buildings within the development plan are generally unchanged and the proposal continues to provide a range of building heights and styles that provide for a distinct built form that relates reasonably well to the surrounding context.

In terms of maintaining the dominant streetscape scale from within Collins Street, the main change is the introduction of a sky garden in lieu of building C2, which would be the visually dominant element.

FIGURE 4 AND 5: EXISTING AND PROPOSED BUILT FORM LAYOUT



At 22 metres and 55 metres in height (above Collins Street), the proposed sky garden and Commercial Building C1 provide a lower presence to Collin Street which relate well to the adjacent proposed Lantern building fronting the Goods Shed South and Media House (approx. 41 metres and 52 metres high respectively). This aspect of the design is commensurate with the height of existing and proposed multi-storey development in the vicinity of the site.

One of the key benefits of the amended composition and the provision of the Sky Garden is the clear graduation of heights with a lower presence to the street which would provide for pedestrian amenity (wind, pedestrian scale, smaller tenancies).

The proposed sky garden will continue to provide an effective transition between the higher towers and the lower form of the Lantern/Goods Shed building and the Age Building and the buildings further south on the opposite side of Flinders Street.

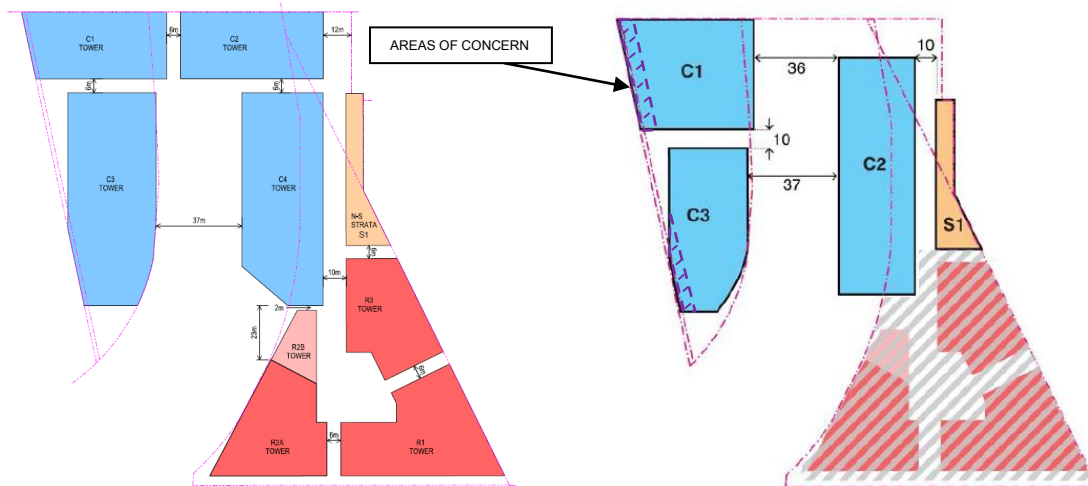
The removal of the Building 'C2' on Collins Street also opens up the entrance to the site and provides substantially improved access to sunlight and daylight for the public plaza (Batman's Square/Melbourne Square). Wind conditions are also partly improved.

Overall, it is considered that the revised built form composition is acceptable subject to the inclusion of appropriate setbacks as discussed below – It is important to note that the detailed design of each building will occur as part of a formal planning permit application and be subject to a separate assessment. The final height of the buildings will require careful consideration taking into account a number of matters including access to sun and daylight, wind conditions, internal and external amenity impacts and environmental sustainability.

Setbacks

The proposed setback between buildings also requires careful consideration. The East/West lane at 6.0 metre width is acceptable with a low rise 'podium' built form to approximately 40 metres shown as 'possible massing' on C1/C3; however, if C1/C2 were to be built to maximum envelop of 93m height then the 6m width would be unnecessarily narrow. It is therefore recommended that buildings fronting a laneway incorporate additional setbacks above 40 metres in height, to retain access to daylight and ensure a sense of openness that reinforces a human scale.

FIGURE 6 AND 7: EXISTING AND PROPOSED BUILT FORM ENVELOPES



The presentation to Aurora Lane is a critical interface. Currently Aurora Lane is one sided with the heritage Goods Shed on its western side and the open expanse of Wurundjeri Way, and its large volume of traffic on the opposite site. There is no containment creating a typical lane.

The endorsed Development Plan proposes completing Aurora Lane with a three to four storey built form, along its eastern side conceived as an active edge screening car parking and services and occupied by strata offices. The amended Development Plan fails to deliver on this promise and instead allows Building 'C1' to be constructed to a maximum height of 70 metres with no setback to Aurora Lane. Together with building C3, the buildings will create a blanket wall of glass with limited articulation and only a small break in the built form to allow for Marketplace Lane.

The height of tower C3 (160m, opposite Good Sheds) on Aurora Lane is significantly out of scale with the existing site context and provides no transition to the more

intimate scale of buildings on the opposite side of Aurora Lane, included the Heritage Listed Goods Shed. It is recommended that the setback to Aurora Lane be retained generally in accordance with the earlier concept plan layout, identified in figure 8 below.

FIGURE 8: AURORA LANE BUILDING CONCEIVED AS 4 STOREY LINEAR PLANK COMPANION TO GOODS SHED



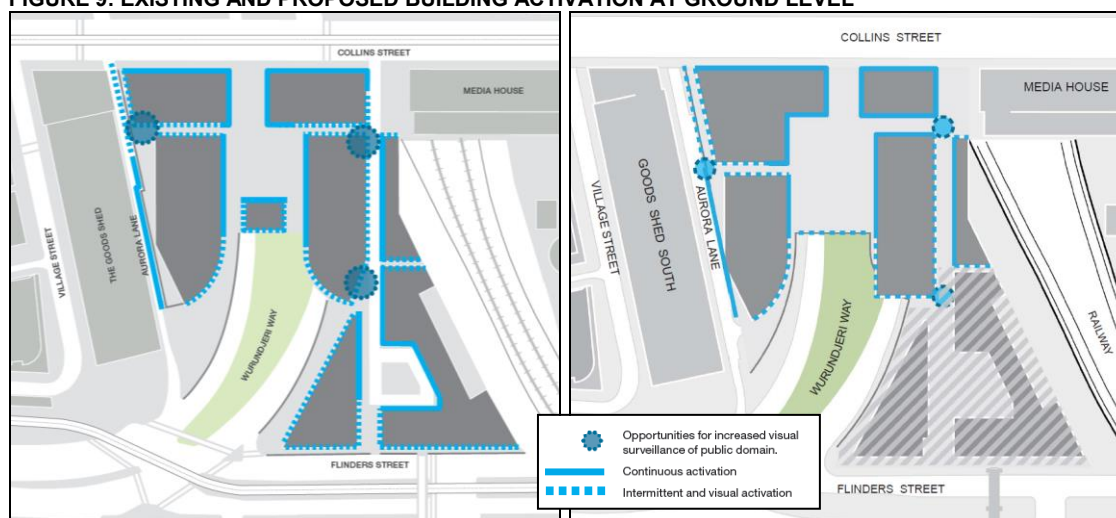
Finally, the setback of Building C2 from Collins Street appears to encroach into the location of the proposed Sky Garden and contradicts other illustrations provided within the development plan documentation. Whilst this is not problematic in itself, the reduced setback results in the inclusion of a roof cover over Marketplace Lane which would result in an artificial, retail mall/ private domain, rather than a public domain as envisaged by the Endorsed Development Plan and expected of 'public' spaces – this aspect of the proposal is not supported and is discussed further below.

Active Frontages

The proposal is for a mixed use development with high pedestrian permeability through a system of streets and laneways separating distinct buildings of varying heights. The amended development plan is similar to the endorsed Development Plan and is generally permeable and fine-grained to create a clear pattern of access and movement. There is concern; however, that the development could become a large homogenous volume of mostly commercial use with little street activation and greatly reduced pedestrian connectivity.

The building activation at ground level is detailed page 16 of the supplementary development plan documentation, which is reproduced below as figure 9.

FIGURE 9: EXISTING AND PROPOSED BUILDING ACTIVATION AT GROUND LEVEL



The proposal results in a net improvement in the provision of active frontages throughout the development plans area and it is expected that continuous activation will continue to be provided at the interface between built form and the key public areas while intermittent and visual activation is used elsewhere.

The provision of retail tenancies fronting Collins Street (within C1 and also within the base of the sky garden) is supported as active uses. The tenancies will create a fine grain retail offering with a clear pattern of access and movement, as sought under Clause 21.13-2.

The amended Development Plan proposal seeks to truncate Marketplace Lane into two short connections. The full activation of the eastern section of Marketplace Lane is supported; however, the lane is proposed to be fully enclosed to the sky which makes for an artificial retail mall/ private domain, rather than a public domain as envisaged by the endorsed Development Plan and expected of 'public' spaces.

The western section of Marketplace lane presents a bank of services and blank walls to the street limiting pedestrian amenity and choice of movement. The lack of activation for the western section of Marketplace Lane relegates this laneway to not much more than an undesirable shortcut. This is a considered to be a lost opportunity to acknowledge Melbourne's traditional hierarchy of streets, lanes and arcades (i.e. a "contemporary evolution of the traditional Melbourne Streets and Squares") and is not therefore supported.

As discussed above, the presentation to Aurora Lane is a critical interface. Currently Aurora Lane is one sided with the heritage Goods Shed on its western side and the open expanse of Wurundjeri Way, and its large volume of traffic on the opposite site. There is no containment creating a typical lane.

The Endorsed Development Plan proposed completing the lane with a three to four storey built form, along its eastern side conceived as an active edge screening car parking and services and occupied by strata offices. The amended Development Plan fails to deliver on this promise and instead proposes a 160m tower opposite the Good Sheds on Aurora Lane. This is significantly out of scale with the existing site context and provides no transition to the more intimate

Further improvements need to be made to co-locate services underground to improve the quality of the pedestrian experience and opportunity for street life along this lane. There is a lack of design rational within the application documents and it is unclear what is driving the proposed changes.

Architectural Theme

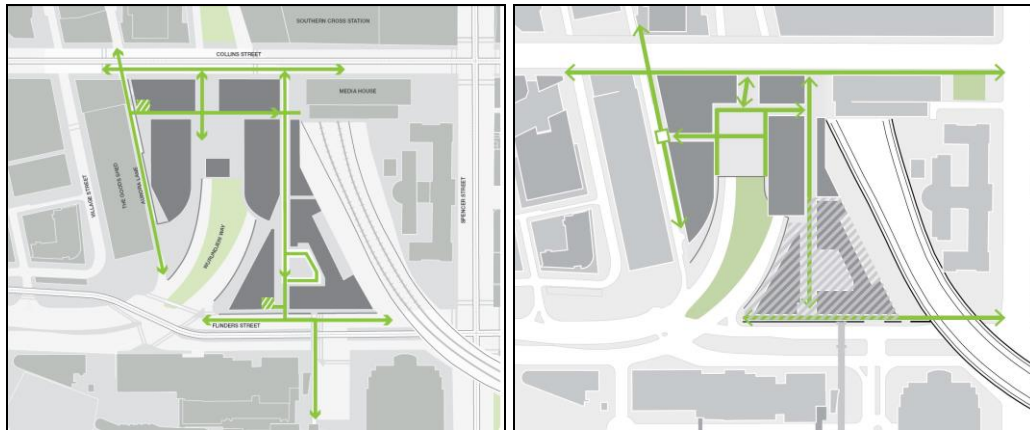
One of the requirements for the development plan was the provision of concept plans which show conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes. The development plan provides no detailed information as to how the proposed buildings respond to one another or how they convey a particular architectural theme.

Greater definition of individual buildings and modulation of scale and massing is required at the planning permit stage to break down the visual bulk, particularly at the street levels and to avoid creating a homogenous volume which reads as a large commercial enclave rather than a diverse city block.

7.2. Pedestrian Access/circulation

The approved and proposed accessible paths throughout the site are detailed in Figure 10 and 11 below. The public lifts, on Flinders Street and Aurora Lane, are considered integral to the overall plan as they provide an alternative to the stairs. The amended plan retains the two lifts albeit with the Aurora Lane lift location slightly south of the originally proposed location.

FIGURE 10 AND 11: EXISTING AND PROPOSED ACCESSIBLE PATHS



As the design progresses, the development must ensure accessibility, not only for people with disabilities, but also the elderly, people with temporary disabilities, parents with strollers or children and bicycle riders.

7.3. Public Realm Considerations

City Room (Melbourne Plaza)

The proposal to remove the extensive cover to the City Room (renamed Melbourne Plaza), as depicted in the photo references, is supported by Council officers as the previous proposal was considered to result in an artificial, retail mall/ private domain, rather than the public domain that was previously envisaged at the pre-application stage.

FIGURE 13: PROPOSED CITY ROOM/MELBOURNE PLAZA



The canopy along Collins Street will provide opportunities to create expressive gestures at the street edge, drawing people through the main entrance and laneways and blurring the distinction between laneway and arcade. The redesigned entrance will open up the frontage of the site and help define the City Room as the public heart of the site, giving it an appropriate urban scale.

Sky Park

The proposed sky park is identified as being accessible to the commercial building occupants and also to the public during normal business hours. The applicant also identifies; however, that there will be occasions when the sky park will be closed to the public – for example, during private events, tenant functions or to allow for general maintenance. An illustrative plan of the proposed sky garden is provided in figure 14 below:

FIGURE 14: PROPOSED SKY PARK ILLUSTRATION

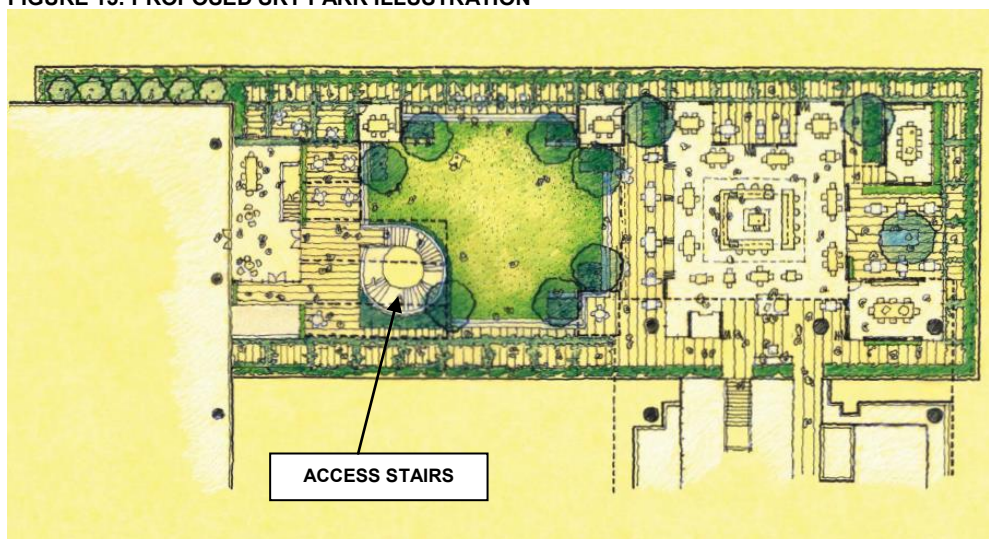


Whilst the proposed sky garden provides a major open space offering for the worker population within the development, its true recreational potential may be compromised by the adjoining commercial uses which would likely seek to trade into this space i.e. restaurants and cafes.

Overall, it is considered that this space should be recognised as public space offering for the broader Docklands community as a whole and the design should ensure that local residents and workers are welcomed and encouraged to use this space. To this end, it is recommended that a direct connection between the plaza on Collins Street and the sky garden (that is visibly prominent and easily accessible from Collins Street)

be provided to ensure that this space is inviting to a broader group of people and users (as depicted in figure 15 below), and not just focused on the occupants of the Melbourne Quarter.

FIGURE 15: PROPOSED SKY PARK ILLUSTRATION



Some concern has also been expressed regarding the likelihood of the proposed planting to succeed in this location, particularly given the exposed nature of the site and the limited opportunity for any significant soil depth.

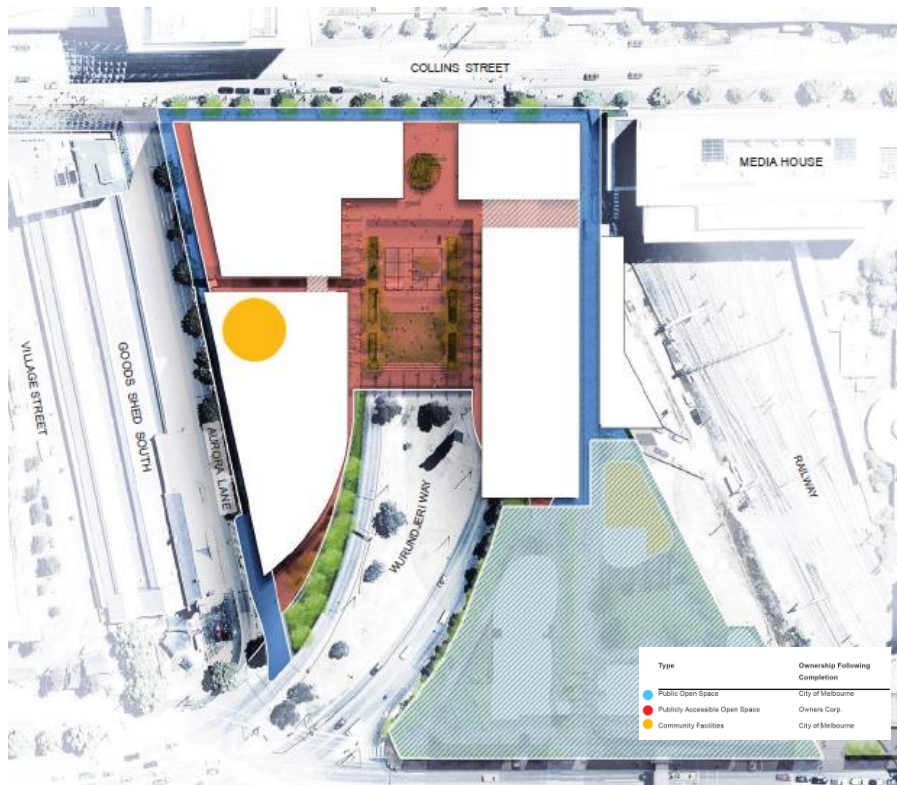
Further detailed design is required at the planning permit stage, demonstrating how the vegetation has a good chance of thriving – this should include the provision of a detailed landscape plan with species, irrigation plans, proposed soil depths, drainage, details of seating, furniture and lighting.

Subject to these matters being addressed, the proposed sky garden is supported.

Public realm ownership

The public realm ownership plan at Figure 15 is generally in accordance with the advice provided by Council and is satisfactory; however, no details have been provided with regard to the future community facility and further details will be required as the next phase of the design process is advanced.

FIGURE 15: PROPOSED PUBLIC REALM OWNERSHIP



7.4. Wind Conditions/Weather Protection

It is acknowledged that a detailed wind assessment will be required for each individual building in addition to the overall preliminary wind assessment provided with the amendment documents for the Batman's Hill Development.

The wind conditions along the public pathways and spaces around and within Batman's Hill would generally be within the criterion for walking comfort with the exception of the Collins Street frontage.' The assessment indicates that the impact on Collins Street can be improved through built form and public realm considerations.

The wind assessment indicates that the 'Short Term Stationary' criteria will be achieved for Batman's Square. To ensure the future usability of Batman's Square, it is recommended that the 'long term stationary' wind conditions be achieved. This will ensure that Batman's Square is an inviting, usable area of public space generally acceptable for stationary, long exposure activities such as outdoor seating.

In analysing these findings, it is noted that the amended Development Plan achieves all of the wind criteria as noted in the 2014 Development Plan, and in some cases provides improved conditions.

7.5. Parking, Traffic and Waste

As outlined above, no changes are proposed to the parking, traffic and waste management arrangements. Councils Engineering department reviewed the previous Development Plan and were generally satisfied that the generation/distribution of traffic associated with the car parks located on-site is appropriate.

The layout of the parking will require further examination at the planning permit stage for the individual stages of development. Similarly, the proposed waste storage and collection arrangements must comply with Council's Waste Guidelines 2014 and be to the satisfaction of the Group Manager Engineering Services City of Melbourne.

7.6. Other Matters

Heritage

The main heritage considerations in relation to the project are the partial demolition of the existing heritage wall at the southern frontage of the application site and the site's interface with the Goods Shed to the west.

No changes are proposed to the southern extent of the development plan area. In any case, both the retaining wall (Historic Building No. 932) at the southern end of the site and the Goods Shed (Historic Building No. 933), are listed on the Victorian Heritage Register. Pursuant to Clause 43.01, a permit is not required to develop a place that is listed on the Victoria Heritage Register.

Staging of development

The implementation of the development plan would be in stages, with the first stage comprising the construction of the commercial building C1 and the first stages of the Sky Garden including car parking and building services (as evident by the permit application TPM-2015-16).

It is proposed that the City Room/Melbourne Plaza will be delivered as part of Stage C2 and kept publicly accessible and provided with landscaping until commencement of subsequent stages with minimum car parking and loading requirements satisfied on a stage by stage basis.

Interim or temporary activation has been suggested by the applicant during the course of development.

8. CONCLUSION

The Development Plan is conceptual in nature and presents guiding design principles which will inform the requirements for future detailed stage development plans.

The amended Development Plan is generally supported, and is considered to be a crucial piece of the puzzle in the reinvigoration of this part of the city and closing the gap between Docklands and the Hoddle Grid. There are, however, some issues which require further resolution and amendments to the Development Plan as submitted.

9. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that the City of Melbourne offers in principle support for the amended Development Plan, but that the following issues require further resolution prior to the approval of the Development Plan:

- The building envelopes within the Development Plan should be amended to show that buildings higher than 40 metres in height and fronting a laneway or street incorporate setbacks above this height. The purpose of this is to retain access to daylight to streets and to ensure a sense of openness that reinforces a human scale and to provide a high quality pedestrian environment.
- A direct connection between the plaza on Collins Street and the sky garden (that is visibly prominent and easily accessible from Collins Street) must be provided to ensure that this space is inviting to a broader group of people and users, and not just focused on the occupants of the Melbourne Quarter. The spiral stair that is illustrated in the development plan on page 7 provides such a connection.
- Marketplace Lane should be maintained open to the sky and improved through increased activation of buildings facing the public realm, lighting and artistic treatments.

- Greater definition of individual buildings and modulation of scale and massing is required to break down the visual bulk of buildings. Particular attention is required at the interface with Aurora Lane (buildings C1 and C3), to avoid creating large homogenous volume without articulation or setbacks.
- Further work be undertaken out to ensure the future usability of Melbourne Square to achieve 'long term stationary' wind conditions to ensure that this is an inviting, usable area of public space and that the Development Plan be amended accordingly.

Signature:
Blair Mather
Planning Officer

Date: 9 November 2015