

614-666 Flinders St, Docklands (Melbourne Quarter Residential)

Planning Permit Application No. 2015/35668

Officer Assessment Report



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Contents

Summary	2
Recommendation	2
Background	4
Site and Surrounds	5
Subject Site	5
Surrounding Area	6
Proposal	8
Planning Policies and Controls	13
State Planning Policy Framework	13
Local Planning Policy Framework	13
Statutory Controls	14
Other Strategic Matters	15
Processing	17
Notification	17
Referrals	17
Assessment	19
Consistency with Planning Policy	19
<i>Batman's Hill Development Plan</i>	19
Design and built form	20
Internal amenity	30
Car and bicycle parking	30
Loading and unloading of vehicles	31
Waste management	31
Environmentally sustainable design	31
Conclusion and Recommendation	32
Signatures	33
Conflict of Interest	33

Summary

The purpose of this report is to provide a detailed planning assessment of Planning Permit Application No. 2015/35668 for 614-666 Flinders Street, Docklands. This report is provided to the Minister for Planning to assist in considering and determining the planning permit application.

Under the Schedule to Clause 61.01 of the Melbourne Planning Scheme [the Scheme], the Minister for Planning is the responsible authority for applications with a gross floor area [GFA] exceeding 25,000m². The proposed development has a GFA of 134,523m² and accordingly the Minister for Planning is the responsible authority for the permit application.

Planning Permit Application No. 2015/35668 seeks approval for development of the land for the construction of three, mixed-use, multi-storey buildings and associated public realm works.

A planning permit is required to demolish or remove a building or works, and to construct a building or construct and carry out works.

The subject site is located within the Batman's Hill precinct of Docklands, south-west of the Southern Cross station precinct, and is affected by the *Batman's Hill Development Plan* [the Development Plan].

It is considered that the proposed development appropriately responds to the opportunities and constraints of the site and should be supported. The proposal generally complies with the relevant planning policy framework, including the Development Plan, and is considered to respond to the evolving built form context of the area. The Department of Environment, Land, Water & Planning [the Department] recommends that a planning permit be granted, subject to conditions.

Recommendation

The Future Melbourne Committee has **resolved to support the application subject to conditions** relating to standard minor matters.

It is recommended that the Minister for Planning **approve the planning permit application** and grant a planning permit, subject to conditions resolving issues relating to detailed design matters and supporting approval documentation.

Key elements	Details
Land	614-666 Flinders Street, Docklands (Lot 4 on Plan of Subdivision 431458V)
Proposal	Development of the land for demolition of existing buildings, and the construction of three mixed-use, multi-storey buildings and associated public realm works. Includes three predominantly residential towers for 1,693 apartments.
Date lodged	29 June 2015
Planning controls	Clause 37.05 – Docklands Zone (Schedule 3 – Batman's Hill Precinct) Clause 43.01 – Heritage Overlay (Schedule 651 – Retaining Wall, 614-666 Flinders Street, Docklands) Clause 43.02 – Design and Development Overlay (Schedule 12 – Noise Attenuation Area) Clause 43.04 – Development Plan Overlay (Schedule 4 – Batman's Hill Precinct) Clause 45.09 – Parking Overlay (Schedule 7 – Docklands – Batman's Hill)

Why is a permit required?	<ul style="list-style-type: none"> – A permit is required to demolish or remove a building or works pursuant to the Docklands Zone (Schedule 3). – A permit is required to construct a building or construct or carry out works pursuant to the Docklands Zone (Schedule 3). – A permit is required for buildings and works associated with a sensitive land use for a sensitive land use pursuant to the Design and Development Overlay (Schedule 12).
Height	<p>R1: 135.5m above Flinders Street</p> <p>R2: 135.5m above Flinders Street</p> <p>R3: 58.1m above Batman’s Garden</p>
Gross Floor Area	134,523m ²
Floor Area Ratio	13:1 (134,523m ² / 10,150m ²)
Tower setbacks	Varied (refer to detailed proposal description below)
Car parking and bicycle facilities	284 car parking spaces (ratio of car parking spaces to dwellings 0.17:1); 510 bicycle parking spaces
Development value	\$490 million
Applicant / Developer	Lendlease Pty Ltd
Public Notification	The application is exempt from the notice and review provisions of the <i>Planning and Environment Act 1987</i> .

Background

The application was submitted to the Minister for Planning care of the Department on 29 June 2015. Further information was requested on 27 July 2015 and provided on 15 October 2015.

The application was submitted following a series of pre-application meetings held with the relevant statutory agencies (the Department, Places Victoria and Melbourne City Council) in 2015. During these meetings, a number of issues were workshopped and successfully resolved, with some outstanding matters to be resolved during the planning permit process.

The planning permit application was accompanied by a number of supporting assessment reports and documents, as follows:

- Architectural Drawings – Fender Katsalidis Architects, 15 October 2015
- Town Planning & Context Submission – Lendlease / Fender Katsalidis Architects / Aspect Oculus, 15 October 2015
- Wind Environment Review – Windtech, 30 June 2015
- Waste Management Plan – Leigh Design, 30 June 2015
- Traffic and Transport Considerations Letter – Cardno, 30 June 2015
- Sustainability Report – Lendlease, June 2015
- Noise and Vibration Impact Assessment – Renzo Tonin & Associates, 30 June 2015

Following additional discussions with the permit applicant after submission of further information, informal sketch plans were provided to the Department on 7 June 2016. These sketch plans made a number of positive improvements to the proposed development, including:

- Deletion of all studio/borrowed light bedroom apartments and reconfiguration as one-bedroom apartments with direct daylight access.
- Introduction of natural daylight into corridors within the R1 and R2 tower levels.
- All apartments to achieve a minimum internal floor area of 50m².

These sketch plans will be referenced as a condition 1 requirement on any planning permit granted, requiring amended formally submitted plans reflecting these changes.

Site and Surrounds

Subject Site

The subject site (Melbourne Quarter) occupies a key infill location opposite Southern Cross Station, and is made up of the Collins Street neighbourhood (shown in blue) and the Flinders Street neighbourhood (shown in green), each with different land uses and development outcomes. The broader Melbourne Quarter site includes air rights in and over Wurundjeri Way. This planning permit application is for the Flinders Street neighbourhood of Melbourne Quarter, being the residential component of Batman's Hill. The Collins Street neighbourhood is the subject of separate planning permit applications. The first permit for the first commercial building (One Melbourne Quarter) was granted on 1 March 2016, together with an amendment to the Development Plan.

Figure 1 - Aerial image of subject site and surrounding area



The area of the Development Plan which is the subject of this application (the Flinders Street neighbourhood) is located on the northern side of Flinders Street, between Wurundjeri Way to the west, the Southern Cross Station railway corridor to the east, the World Trade Centre plaza to the south (on the opposite side of Flinders Street) and Media House to the north, in Docklands.

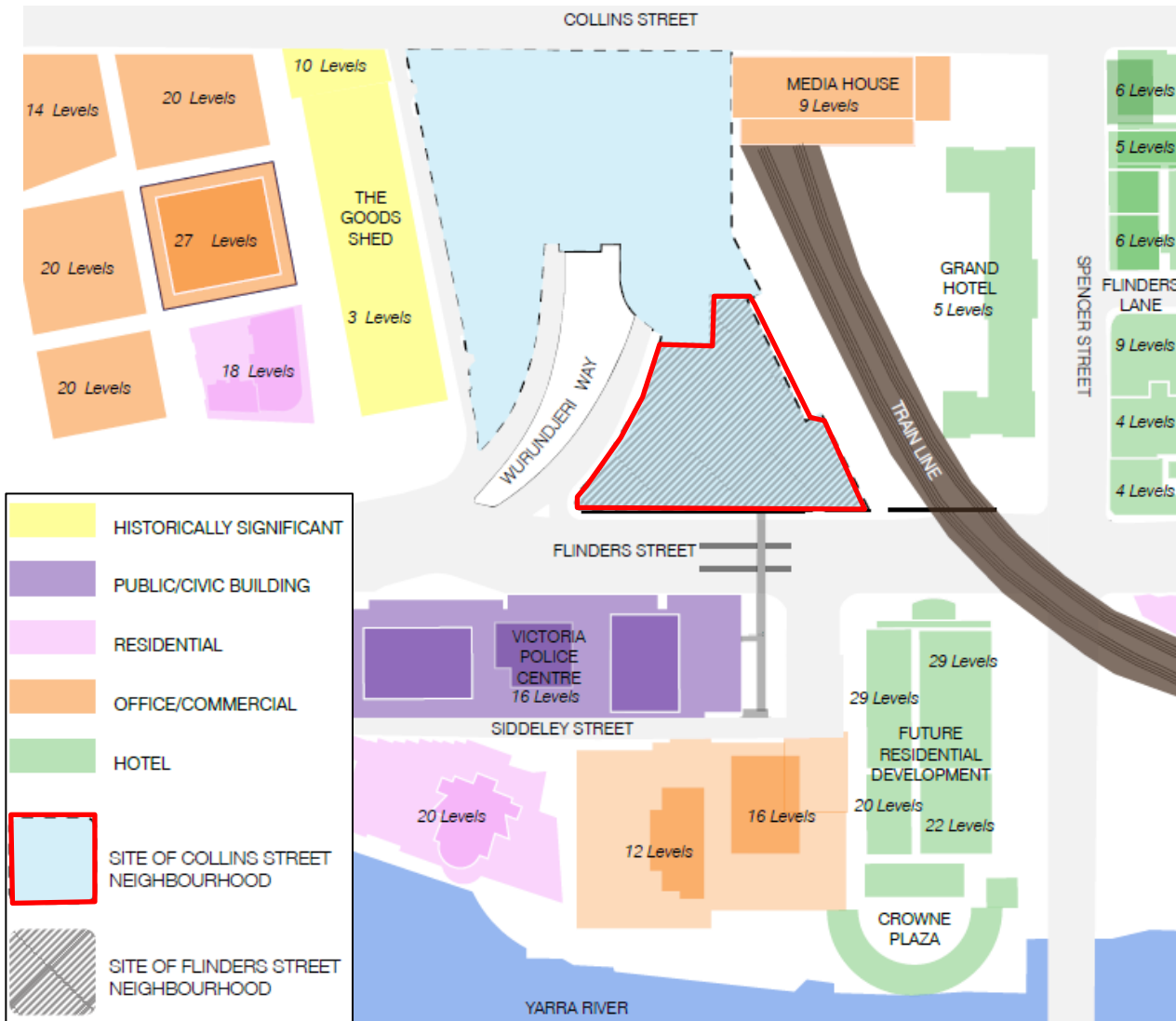
The subject site is currently vacant, with the exception of the northern terminus of the pedestrian bridge linking Flinders Street to the World Trade Centre, and a heritage-listed brick retaining wall along the southern boundary of the Flinders Street frontage which is on the Victorian Heritage Register.

The subject site has a significant fall from north to south, and the Flinders Street ground level is well below that of Collins Street.

Surrounding Area

The area surrounding the Melbourne Quarter site features a wide range of land uses and built form, including commercial and office buildings, hotels and residential buildings, Southern Cross Station, and railway yards and goods sheds associated with the former Spencer Street Station, Victoria Dock and the Docklands urban renewal area.

Figure 2 - Surrounding land use and built form context



The land surrounding the subject site can be described as follows:

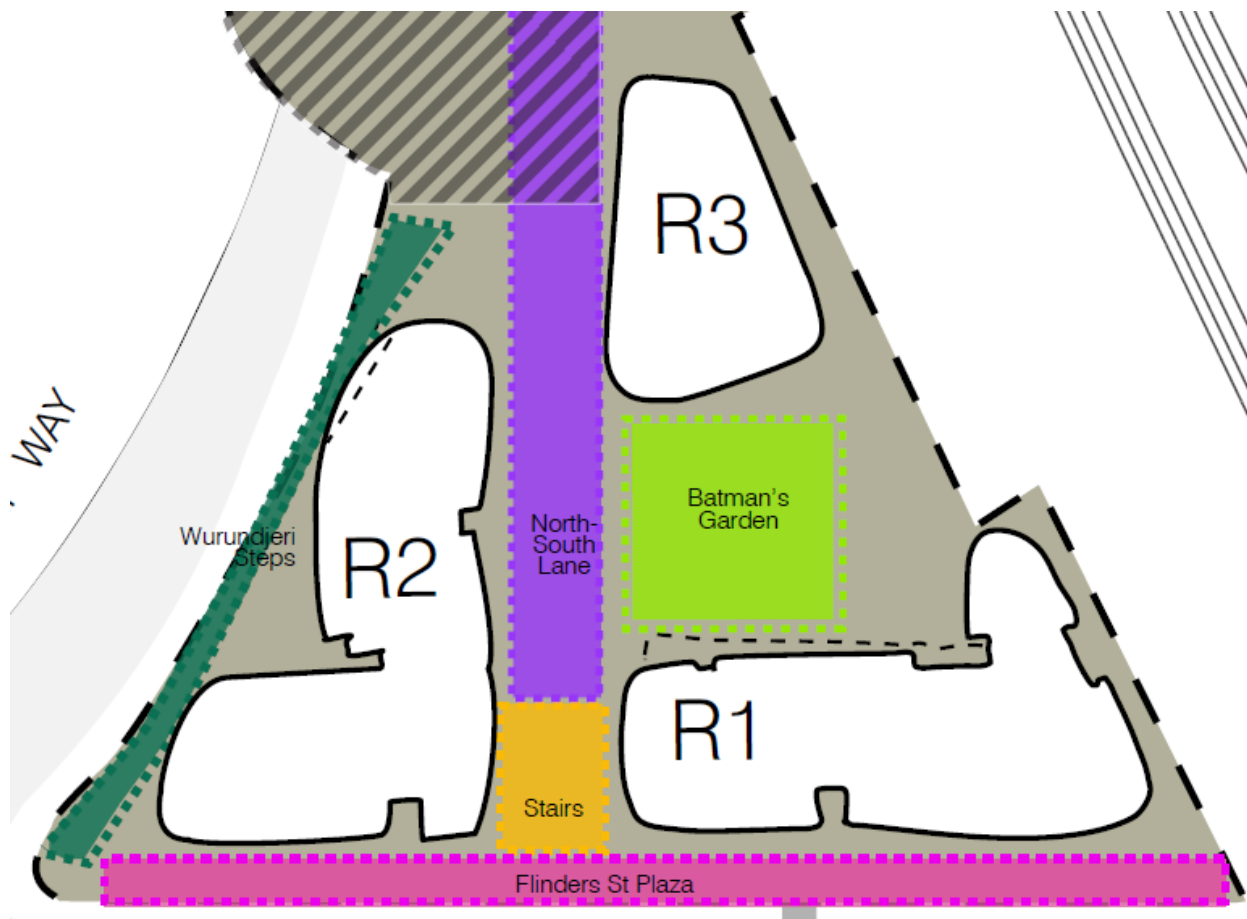
- To the immediate south** of the subject site is the Flinders Street road corridor, and on the southern side of Flinders Street is the World Trade Centre complex, which consists of a number of multi-level buildings including the Victoria Police Centre headquarters (occupying two distinct but interconnected office buildings and three levels of parking). Building E is an eight-storey building, while Building C has six, seven and 13 storeys. The Flinders Wharf apartment building is 19 storeys and includes 265 apartments, shops, offices, restaurants and car parking, and the four-storey Melbourne Convention Centre (formerly the World Congress Centre), and the 13-storey, 383 room Crowne Plaza Melbourne hotel.

- **To the immediate north** of the subject site is the commercial precinct of the Melbourne Quarter site as identified in the Development Plan, which extends north fully to Collins Street. As noted above, a planning permit for the first stage of the commercial precinct development was issued by the Minister for Planning on 1 March 2016. This permit allowed the construction of a mid-rise commercial office building with retail uses at ground level, including the first stage of an elevated 'Sky Garden' fronting Collins Street. In the surrounding area, Collins Street consists of traffic and bicycle lanes in addition to a tram line. On the northern side of Collins Street is the Southern Cross Station building and the 13-storey Australian Bureau of Meteorology building.
- **To the west** of the subject site is Wurundjeri Way, which extends through the south in a generally north-south direction. Wurundjeri Way is a primary state arterial road designated as a Road Zone Category 1 (RDZ1) and consists of a divided carriageway with two lanes of traffic in each direction. Further west is Aurora Lane, a local road oriented in a north-south direction between Bourke Street and Wurundjeri Way. On the western side of Aurora Way is the former Railway Goods Shed constructed in 1889 (Goods Shed No. 2). The Goods Shed features a number of doors facing Aurora Way and a shallow verandah.
- **To the east** of the subject site is the Flinders Street railway corridor, which has a width of between 50-60m, and extends between Southern Cross Station and Flinders Street Station. To the north-east is Media House, which is the purpose-built headquarter of The Age newspaper. The building has a contemporary design and is laid out along the slope of Collins Street. The built form is low-rise and rectilinear, with two box-type forms stacked atop of one another.

Proposal

The planning permit application is for development of the land for the construction of three multi-storey, mixed-use buildings (R1, R2 and R3), incorporating a shared ground floor lobby, retail spaces, a shared zone abutting the Flinders Street heritage wall (Flinders Street Plaza), a north-south lane and a central open space area (Batman's Garden), generally in accordance with the Development Plan.

Figure 3 - Development proposal overview



Key aspects of proposal

Details	R1	R2	R3	Total
Gross floor area	58,730m ²	61,820m ²	13,973m ²	134,523m ²
Height	135.5m above Flinders Street	135.5m above Flinders Street	58.1m above Batman's Garden	-
No. of dwellings	721	776	196	1,693
Communal residential facilities	1,163m ²	-	-	1,163m ²
Community space	-	-	459m ²	459m ²
Retail premises	172m ²	-	-	172m ²
Bicycle parking spaces	217	231	45	510
Car parking spaces	-	-	-	284

Vehicle access	Vehicle access is via the ingress/egress point at the south-eastern corner of the site, achieved via a new 17.4m wide opening in the heritage wall. Cars travel through the shared zone immediately north of the wall to enter the car park at the western end of the site. Cars also exit out of the two-lane ramp.
Loading/unloading	A dedicated on-site loading area is provided within the podium car park at the ground level, accessed via the truck entry on the eastern side of the site. A dedicated drop-off area is located immediately in front of the R1 building.

Details of each building

R1	
Description	A 135.5m high (45 levels above Flinders Street) residential building located in the south-eastern corner of the site, with a frontage to Flinders Street.
Setbacks	R1 proposes varied setbacks to Flinders Street, between 4.6m to 6m. The setback to the eastern boundary is 1.2m. The setback (tower separation) from R2 is 12m.
Dwelling mix	241 one-bedroom dwellings; 468 two-bedroom dwellings; and 12 three-bedroom dwellings
R2	
Description	A 135.5m high (45 levels above Flinders Street) residential building located in the south-western corner of the site, with ground level retail tenancies fronting Flinders Street Plaza and a secondary frontage to Wurundjeri Way.
Setbacks	R2 will be setback 4.2m to Flinders Street. The setback to the western (Wurundjeri Way) boundary is 1m. The setback (tower separation) from R3 is at least 15.6m.
Dwelling mix	Eight studio apartments; 240 one-bedroom dwellings; 513 two-bedroom dwellings; and 15 three-bedroom dwellings
R3	
Description	A 58.1m high (20 levels above Batman's Garden) residential building located in the north-eastern corner of the site accessed from North South Lane. Contains community facilities in the ground floor.
Setbacks	R3 will be setback 9.8m from the eastern boundary. The setback (tower separation) from R1 is 31.8m.
Dwelling mix	100 one-bedroom dwellings; and 96 two-bedroom dwellings.

Further specific details

- A mix of one, two and three-bedroom dwellings are provided, in addition to a small number of studio apartments (eight in total to be removed by condition). The total breakdown across the three buildings is 34% one-bedroom dwellings, 64% two-bedroom dwellings, 1% three-bedroom dwellings and 1% studio apartments.
- The heritage wall on the Flinders Street frontage of the site is proposed to be opened up with four separate entrances/exits, described from west to east as follows: a 3m wide opening at the western end of the site for pedestrian access; a 7.5m wide opening for vehicle egress only; a 4m wide opening towards the centre of the site for pedestrian access; and a 17.4m wide opening towards the east of the site for the primary vehicle access.

- Immediately north of the heritage wall is the shared zone (Flinders Street Plaza) between the wall and the R1 and R2 buildings, with vehicles entering the site through the 17.4m wide opening at the eastern end of the site and moving through the single vehicular shared zone from drop-offs and/or to the resident entry to the car park at the western entry point. Flinders Street Plaza contains a drop-off area to the front of building R1, where taxis and other vehicles can then exit the site via the 7.5m vehicle exit. The ground levels of the R1 and R2 buildings contain large lobby spaces fronting the plaza.
- Flinders Street Plaza is described as a pedestrian-dominated area with trees towards the west, and a low number of vehicle movements (particularly given that only 284 car parking spaces are proposed).
- The ground floor levels of the proposed buildings will include lobby spaces fronting Flinders Street Plaza. The remainder of the ground levels will incorporate building services, car parking and loading and unloading areas within the car park, accessed via the truck entry to the eastern side of the site.
- The first three levels of the podium consist of car parking, with south-facing dwellings commencing from level 3 upwards. Level 4 (upper ground level) is at the ground level of the elevated Batman's Garden, and contains communal residential facilities within the R1 building fronting Batman's Garden. The R2 building incorporates a secondary residential lobby accessed from this level, while R3 contains community uses fronting Batman's Garden.
- A north-south lane commences at Flinders Street Plaza (close to the centre of the site) and traverses the stairs which zig-zag up towards the Batman's Garden level of the site, with landings provided along the stairs. A public lift is also located to the east of the stairs, providing disabled access up into the elevated part of the site.
- Batman's Garden is located at an elevated level towards the centre of the site, between all three buildings. Batman's Garden is to be maintained in private ownership but public access will be provided 24-hours a day, seven days a week, to ensure that this space functions as a public park. The park will provide trees, grass and hard surfaces for the local resident population in addition to the wider public. A café is proposed to be located in the south-western corner of the space. Batman's Garden is located immediately adjacent to the eastern side of the north-south lane and accessed via the stairs or public lift. Once the commercial precinct is developed, additional access will be provided via Collins Street and the north-south lane.
- The north-south lane runs between R1 and R2 and extends through the entire depth of the site, providing access between the commercial and residential precincts of Melbourne Quarter. The north-south lane provides pedestrian access between Flinders and Collins Streets. The north-south lane also provides vehicular access.
- Additional stairs are provided along the western elevation of R2, adjacent to Wurundjeri Way. The Wurundjeri Steps connect Flinders Street with the top of the north-south lane as it interfaces with the northern elevation of R2.
- All public realm areas mentioned above will be made available to the public 24/7 but owned and managed by a joint body corporate of the combined dwellings. Council has requested that they do not take ownership of these areas.
- The architecture of the building is contemporary, incorporating a high proportion of glazing. R1 and R2 feature metal panels through the centre of the facades, while R3 incorporates timber panels. The lower sections of the buildings are a combination of vision glass and concrete finishing.
- The development is proposed to be delivered in three stages:
 - Stage 1 includes R1, the north-south stairway and Batman's Garden.
 - Stage 2 includes R2.
 - Stage 3 includes R3.

- The balance of the north-south laneway is to be delivered as part of the commercial neighbourhood which is subject to separate planning approvals.

Figure 4 - Perspective of proposed development as viewed from Flinders Street/ Yarra River



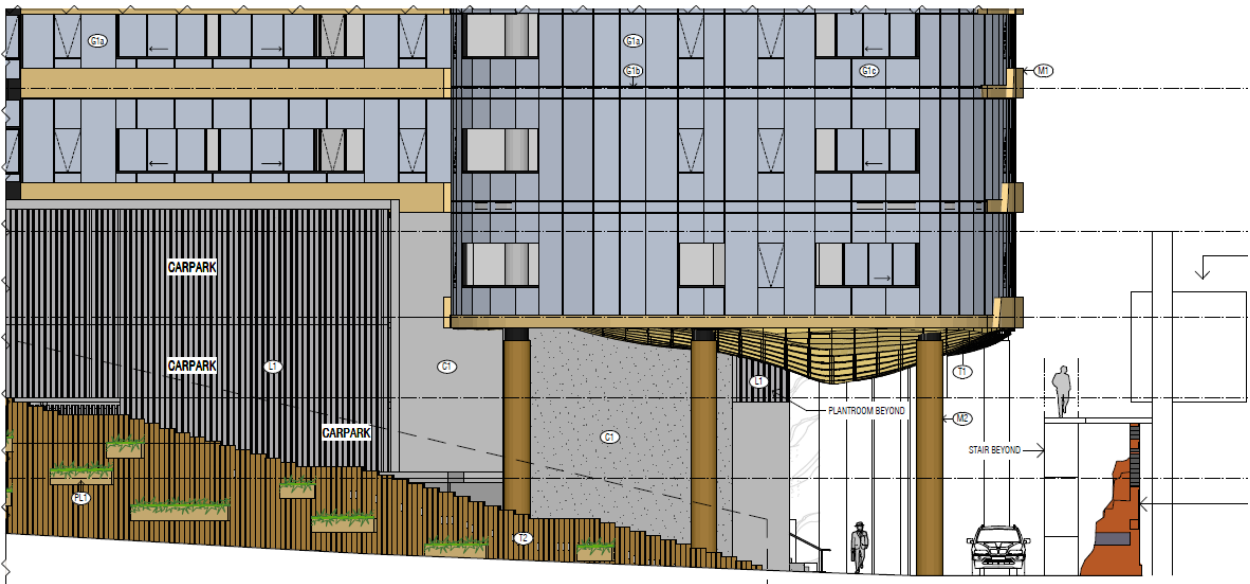
Figure 5 - Batman's Garden at R1 northern elevation



Figure 6 - View towards stairway from Flinders Street



Figure 7 – Cross-section of Flinders Street interface showing heritage wall, shared zone and podium



Planning Policies and Controls

State Planning Policy Framework

The Stage Planning Policy Framework [SPPF] provides the broad policy direction within the Victoria Planning Provisions. The planning principles established by the SPPF guide decision making for planning applications across Victoria. The following policies of the SPPF are considered relevant to this planning permit application:

- Clause 9 – Plan Melbourne
- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

Broadly, the above policies encourage appropriate land use and development which enhances the built environment; encourages urban development in identified growth areas; supports economic growth; delivers well-located, affordable and diverse housing opportunities to meet identified future needs; and integrates land use, transport and infrastructure planning in the delivery of new development.

Local Planning Policy Framework

The Municipal Strategic Statement [MSS] and Local Planning Policies [LPP] form the Local Planning Policy Framework [LPPF] of the Melbourne Planning Scheme [the Scheme]. The LPPF outlines the specific vision, goals, objectives, strategies and implementation plans for the municipality, including seven themes relating to settlement; environment and landscape values; building environment and heritage; housing; economic development; transport; and infrastructure. The subject site is located within the Docklands Urban Renewal Area as identified at Clause 21.13-2 of the Scheme.

The following local planning policies are relevant to the proposed development:

- Clause 21.13 – Urban Renewal Areas
- Clause 22.18 – Urban Design within the Docklands Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

The above policies encourage high quality urban design and public realm outcomes, and seek to ensure that development achieves environmental sustainability objectives.

Clause 21.13-2 (Docklands) seeks to provide more specific policy guidance for the Docklands local area. Relevant policy references include:

- Encourage medium to high residential density.
- Support mixed use development including office and commercial development in the Digital Harbour, Stadium, New Quay, Victoria Harbour, Yarra's Edge and Batman's Hill Precincts.

- Ensure that buildings provide weather protection and an attractive built form to promote an attractive, vibrant, safe and comfortable street environment.

Statutory Controls

The following planning controls apply to the subject site. Planning permit triggers and relevant requirements are described in detail below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
Clause 37.05 – Docklands Zone (Schedule 3 – Batman’s Hill Precinct)	<p>A permit is required to demolish or remove a building.</p> <p>A permit is required to construct a building or construct or carry out works.</p> <p>A permit is not required for use of land as dwellings or food and drink premises (retail premises).</p>
Clause 43.02 – Design and Development Overlay (Schedule 12 – Noise Attenuation Area)	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or to construct or carry out works unless the schedule specifies otherwise. Schedule 12 specifies that a permit is required for buildings and works associated with a sensitive land use.</p> <p>For the purpose of Schedule 12 to Clause 43.02, accommodation is considered a noise-sensitive land use.</p>
Clause 43.04 – Development Plan Overlay (Schedule 4 – Batman’s Hill Precinct)	<p>The preparation of a Development Plan is required, which in this instance is the <i>Batman’s Hill Development Plan</i>.</p> <p>Clause 43.04-3 states that the Development Plan may be amended to the satisfaction of the Responsible Authority. Clause 43.04 does not trigger a permit in its own right. Any permit granted must be generally in accordance with the Development Plan.</p>
Clause 45.09 – Parking Overlay (Schedule 7 – Docklands – Batman’s Hill)	<p>A permit is required to provide parking in excess of the maximum parking rate for dwellings, being 2 spaces to each dwelling (or an allowance of 3,386 spaces) and 1 space to each 100m² of GFA for any other use (or 6 for the 631m² of retail and community uses proposed). As a maximum 284 car parking spaces are proposed, no permit is required.</p>
Particular Provisions	Permit / Application Requirement(s) / Decision Guidelines
Clause 52.06 – Car Parking	<p>The proposed number of car parking spaces does not exceed the maximum number allowed under the Parking Overlay, and accordingly no permit is required.</p>
Clause 52.07 – Loading and Unloading of Vehicles	<p>A loading bay is proposed to be provided which meets the requirements of the Clause. No permit is required.</p>
Clause 52.29 – Land Adjacent to a Road Zone, Category 1	<p>As no alterations to the road alignment or access arrangements to roads in a Road Zone are proposed, no permit is required.</p>
Clause 52.34 – Bicycle Facilities	<p>Bicycle facilities are required at a rate of:</p> <ul style="list-style-type: none"> - One resident space to each five dwellings (339 spaces) - One visitor space to each 10 dwellings (169 spaces) - One employee space to each 300m² of floor area for a food and drink premises (0 spaces) <p>A total of 508 car parking spaces are required, and 510 spaces are proposed, which satisfies the requirements. No permit is required.</p>

Particular Provisions	Permit / Application Requirement(s) / Decision Guidelines
Clause 52.35 – Urban Context Report and Design Response for Residential Development of Five or more Storeys	An application for a residential development of five or more storeys should be accompanied by an urban context report and a design response.
Clause 52.36 – Integrated Public Transport Planning	An application to construct a building including a residential development of 60 or more dwellings must be referred to Public Transport Victoria.

General Provisions	Permit / Application Requirement(s) / Decision Guidelines
Clause 61 – Administration and Enforcement of this Scheme	The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for applications with a gross floor area [GFA] exceeding 25,000m ² .
Clause 65 – Decision Guidelines	Clause 65 specifies that before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66 – Referral and Notice Provisions	Under Clause 66.03, an application must be referred to the person or body specified as the referral authority. Under Clause 66.04, an application must be referred to Places Victoria.

Other Strategic Matters

Plan Melbourne

Plan Melbourne is referenced at Clause 9 and Clause 11.04 of the SPPF, and establishes a long-term plan to accommodate Melbourne’s future growth in population and employment. Two relevant key directions are:

- Key Direction 1.4 – Outlines the plan for the expanded central city to become Australia’s largest commercial and residential centre by 2040.
- Key Direction 2.2 – Outlines the requirement to reduce the cost of living by increasing housing supply close to services and public transport.

Plan Melbourne identifies Docklands as an existing area within the expanded central region. This central sub region has a target to accommodate one million jobs and one million people. The Central subregion has the potential to grow from 700,000 jobs today to close to one million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

Batman’s Hill Development Plan

The Batman’s Hill Development Plan was approved by the Minister for Planning on 17 October 2014. The vision for Melbourne Quarter is to create:

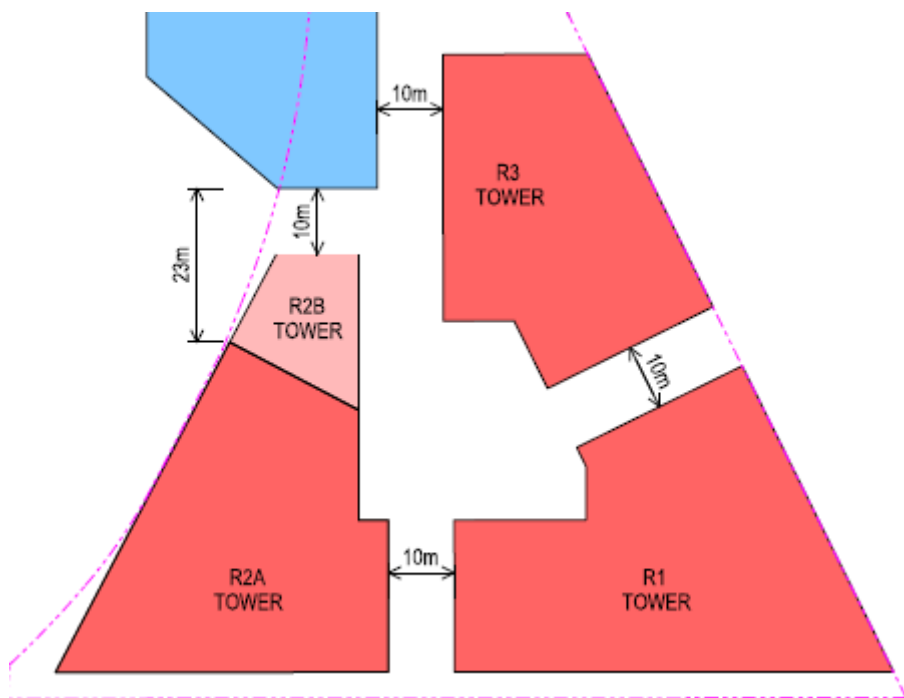
- *A new city block containing a vibrant mix of commercial, residential and community uses.*
- *An integrated part of Melbourne’s CBD connecting the historic city grid to the emerging Docklands.*
- *A variety of ground plane experiences, urban design and community uses which will provide a typically Melbourne experience.*

- An innovative workplace hub for large corporates and small to medium sized businesses, with a collection of next generation office buildings set amongst a vibrant new public domain.
- A residential community set amongst high quality, sheltered public spaces connected to the surrounding city grid.

Key elements of the Development Plan of relevant to the planning permit application are as follows:

- The residential neighbourhood consists of three residential towers – R1, R2, and R3 – with indicative maximum heights of RL 137, 137/53, and 73 respectively.
- The Development Plan breaks the R2 building envelope into two segments: the southern (R2A) section with an indicative maximum building height of 137 RL, and the northern R2B section with an indicative maximum building height of 53 RL.
- The combined maximum GFA of the residential component is 83,231m² (excluding car parking).
- The built form envelope for the residential component is generally three towers clustered around a central public open space area.

Figure 8 - Tower building envelopes and setbacks



On 1 March 2016, the Minister for Planning approved Planning Permit No. 2015/31541 for the first stage of the commercial component of Melbourne Quarter. An amendment to the Development Plan as it relates to the commercial precinct was approved concurrently. In summary, the amended Development Plan reduced the number of commercial buildings from four to three, increased the size of the footprint of the three buildings, and redistributes the total office floor area between the three buildings. An amended design response on the Collins Street frontage approved an elevated 'Sky Park' as a defining element. The alignment of the east-west pedestrian connection through the commercial precinct was also modified.

Design Guidelines for Higher Density Residential Development

The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) is referenced at Clause 15.01-2 of the Scheme.

Processing

Notification

The application is exempt from the notice and review requirements of the Act, and accordingly notice to surrounding land owners and occupiers was not required to be given.

Referrals

The application was referred to the following relevant agencies and departments:

Melbourne City Council

The application was informally referred to Melbourne City Council on 10 August 2015, and the amended plans submitted on 15 October 2015 were considered at Council's Future Melbourne Committee on 5 April 2016. The Future Melbourne Committee resolved that the Council supports the proposed development subject to the conditions outlined in the Delegate Report.

The conditions relate to a number of detailed design matters (in summary):

- Additional details, including 3D renders, elevations and appropriately scaled plans, of specific elements of the development (Flinders Street Plaza, north-south lane and stairs).
- Design changes to create greater differentiation between R1 and R2.
- Deletion of the café within Batman's Garden.
- Revised traffic management arrangements.
- Deletion of the eight studio apartments.
- The location of bicycle parking spaces and end of trip facilities, and the provision of additional spaces where possible.
- A Section 173 agreement pertaining to public access and maintenance arrangements for Batman's Garden, the north-south lane and the Wurundjeri Way stairs.
- Revised detailed plans and reports including a landscape plan, wind assessment report, and traffic and transport assessment.
- Additional reports including a construction and demolition management plan, road safety audit, and detailed engineering reports and strategies.
- Other standard permit matters.

The substantive issues raised by Melbourne City Council will be addressed in the assessment section below. The majority of the requested conditions will be included on any permit issued, with some recommended conditions reworded to align with standard Departmental condition wording and to facilitate early site preparation works where appropriate.

Places Victoria

The application was formally referred to Places Victoria under Section 55 of the Act on 24 December 2015. Places Victoria does not object to the application.

Public Transport Victoria

The application was formally referred to Public Transport Victoria [PTV] on 10 August 2015 under Section 55 of the Act. PTV is a determining referral authority pursuant to Clause 66 of the Melbourne Planning Scheme. PTV does not object to the application subject to standard conditions relating to detailed construction and engineering plans and conditions to ensure tram infrastructure is not damaged, among other matters.

VicRoads

The application was formally referred to VicRoads on 10 August 2015 under Section 55 of the Act. VicRoads is a determining referral authority pursuant to Clause 66 of the Melbourne Planning Scheme. VicRoads does not object to the application subject to standard conditions and notes relating to roadworks and associated signage requirements.

DELWP Urban Design

The planning permit application was informally referred to the Department's Urban Design Unit. The advice was generally supportive of the proposed development but noted several concerns, summarised as follows:

- The proposed number of dwellings and GFA significantly exceeds the range contemplated in the Development Plan.
- The broad extent of the building frontage as viewed from Flinders Street lacks articulation and is overwhelming in terms of visual bulk. The design and articulation of the tower facades must be varied to provide visual interest, including via variations in height, podium/tower distinction, upper level setbacks, or different materials/finishes/colours.
- Wind conditions should meet the following comfort criteria: 'standing' at building entries, 'walking' at street level, and 'short term stationary' at gathering points.
- The café in Batman's Garden is not supported and should be deleted.
- The soil depths within Batman's Garden must be sufficient to provide for mature plantings.
- The base of the Wurundjeri Way stairs lacks design resolution, with unsleeved car parking and inactive frontages along the majority of the stairs.
- Recessed spaces within the building façade to Flinders Street are to be deleted.
- Additional active uses are recommended along the Flinders Street/shared zone elevation.
- The placement of fire booster cupboards (not shown on the plans) should not compromise active frontages and should be incorporated and recessed into the building façade where possible.

These concerns will be addressed in the assessment section below.

Assessment

Consistency with Planning Policy

The proposed development is considered to be generally consistent with the strategic planning vision for Docklands and the Development Plan, and achieves state and local planning policy objectives as follows:

State Planning Policy Framework

- Achieving a high level of architectural quality and residential amenity.
- Providing a diversity of housing typologies in close proximity to services and transport.
- Responding to the evolving built form context in terms of overall design response, including the future Bourke Dock public open space.

Local Planning Policy Framework

- Contributing to a diversity of housing options (including two and three-bedroom dwellings suitable for families) within the Docklands Urban Renewal Area.
- Appropriately responding to the strategic vision of housing growth within a designated urban renewal area.
- Providing a high level of resident amenity, supported by existing and future transport connections.
- Creating a safe and activated public realm.

Batman's Hill Development Plan

The Development Plan Overlay requires a planning permit to be 'generally in accordance with' an approved Development Plan.

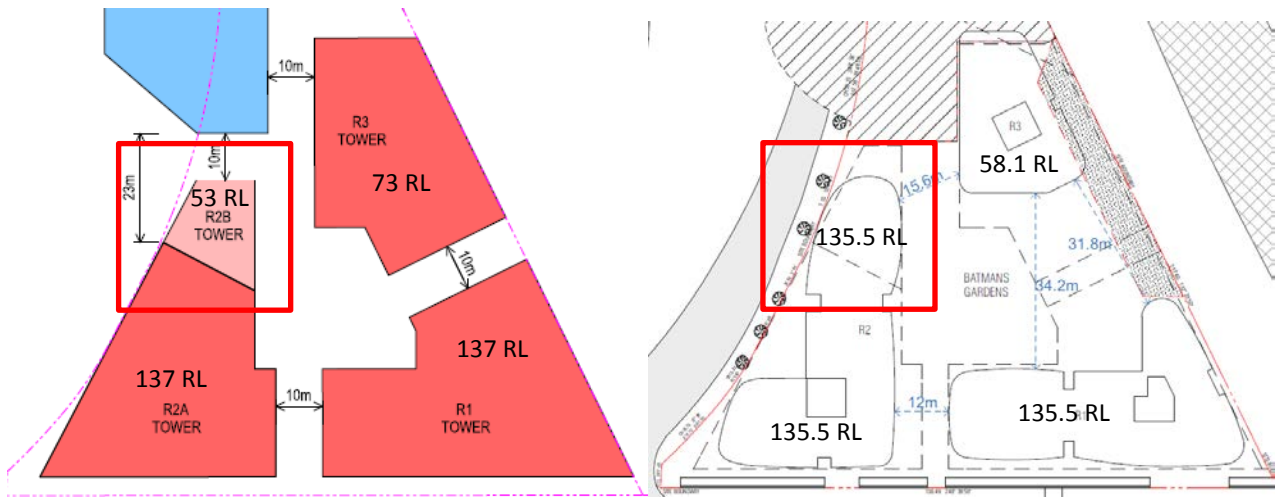
A comparison of the proposed development against the preferred outcomes is provided as follows:

Development Plan (R1, R2 and R3)	Proposed Development (R1, R2, R3)
Indicative maximum heights of 137, 137/53, and 73	Building heights of 135.5m, 135.5m and 58.1m
600-800 dwellings	1,693 dwellings
590 car parking spaces	284 car parking spaces
83,231m ² GFA	134,523m ² GFA
Batman's Park area 800sqm (approx.)	Batman's Park area 1600sqm (approx.)
Primarily residential land use	Primarily residential land use

As evident in the above table, some aspects of the proposed development represent a departure from the Development Plan: dwellings numbers; the height of the R2 building; and overall GFA. The detailed assessment in the below sections will address the objectives and guidelines of the Development Plan. Overall, the proposal is considered to be generally consistent with the vision for the site identified in the Development Plan.

The Development Plan identifies the subject site as being developed for three primarily residential buildings, with heights of 137 RL above Flinders Street (R1 and R2) and a height of 73 RL above Batman’s Garden (R3). The proposed R1 and R3 buildings are generally consistent with these indicative maximum building heights. As noted above, the Development Plan breaks the R2 building envelope into two segments: the southern (R2A) section with an indicative maximum building height of 137 RL, and the northern R2B section with an indicative maximum building height of 53 RL. The proposed R2 building has been extruded as one form with a height of 138.6m RL. This is an increase of 85.6m above the approved envelope.

Figure 9 – Development Plan envelopes (left) and proposed development (right)



While the height of the northern section of the R2 building exceeds the indicative maximum height outlined in the Development Plan, it is considered that on balance, this is acceptable. The R3 tower is 15m lower than the permitted maximum height for this tower, and the tower footprint of R3 has been reduced which results in significant additional separation between R1 and R3 and facilitates a high level of daylight in addition to direct northern and eastern solar access to Batman’s Garden. Overall, this is considered to be generally in accordance with the Development Plan and is supported.

While the dwelling numbers and overall GFA also considerably exceed the provisions of the Development Plan, it is nevertheless considered that the proposed development is generally in accordance with the Development Plan. The projected apartment numbers and GFA were based on estimates made at the time the Development Plan was prepared and have proven to be an underestimate. The Development Plan itself notes that the figures “are indicative only and may increase or decrease at the time of lodgement of a stage planning permit, however may not exceed the building envelopes detailed in the Development Plan”. Given this inherent flexibility, and the fact that the proposed development is largely consistent with the building envelopes identified for the residential component, the proposed figures are acceptable.

As demonstrated above, the proposed development can be considered generally in accordance with the Development Plan. The built form envelope and overall height are generally consistent, with some minor acceptable variations. The Development Plan has sufficient flexibility built-in to the indicative outcomes to enable the proposed development.

Design and built form

Height

As outlined in the above Development Plan assessment, the proposed R1 and R2 buildings have heights of 135.5m to as viewed from Flinders Street and R3 has a height of 58.1m as viewed from Batman’s Garden.

With a minor exception for the R2 building, the proposal generally complies with the applicable provisions of the Development Plan, which contemplate three towers with similar heights.

Setbacks

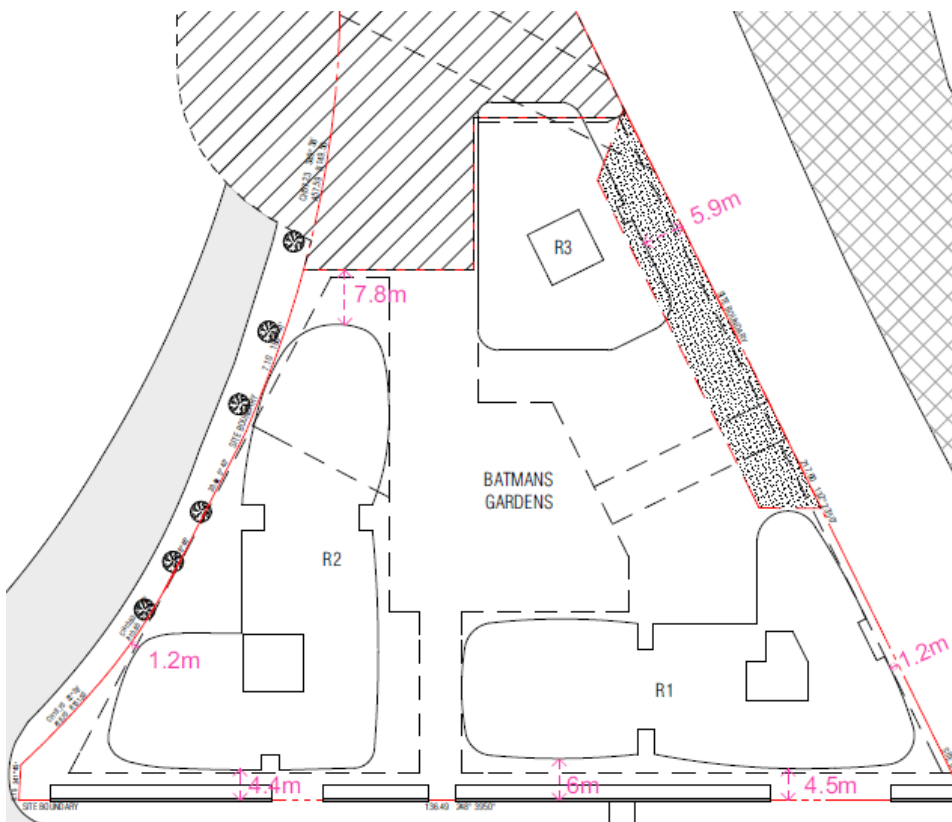
The podium setbacks are generally in accordance with the Development Plan building envelopes and are accordingly supported.

As indicated in Figure 9 above, the towers are also setback in accordance with the Development Plan, and exceed the minimum 10m tower separation between R1 and R2, the minimum 10m separation between R1 and R3, and will maintain a minimum 25m separation between R2 and the adjacent future commercial building to the north (C2). The separation to C2 will be guaranteed by way of a condition on permit requiring this minimum distance to be maintained.

It is considered that the proposed tower setbacks of the buildings are appropriate. While the R1 and R2 towers are constructed within minimal side setbacks to the east and west side boundaries, these interfaces are to the railway reserve and Wurundjeri Way respectively and accordingly will not result in any off-site amenity impacts. The setbacks to Flinders Street are also in accordance with the Development Plan and are supported, subject to appropriate resolution of any wind impacts arising within the public realm.

Overall, the proposed setbacks and overall form and massing response are supported.

Figure 10 – Proposed tower setbacks



Detailed design

As discussed above, in relation to the Flinders Street neighbourhood, the Development Plan states that *“The location of the two high-rise towers (R1, R2a) along Flinders Street reinforces this major urban street and frames the pedestrian gateway into the precinct from the south. Medium rise towers R2b and R3 sit to the north and west of Batman’s Square with the potential for townhouses along the east of the Square”*.

The Development Plan further identifies the built form massing and architectural language of the Flinders Street neighbourhood as follows (relevantly):

- *High rise tower forms R1 and R2a located to south of the site along Flinders Street to maximise views and minimise their overshadowing of Batman's Square.*
- *Mid rise tower forms R2b and R3 located to the north and west of Batman's Square to allow daylight access to Batman's Square and create a gradual transition from the low rise strata accommodation along the eastern side of North-South Lane in the Collins Street Neighbourhood.*
- *A minimum two level podium-type condition to ensure an appropriate interface to Batman's Square.*
- *A minimum 6m gap between residential towers R1 and R2a to preserve views from Batman's Square through to Flinders Street.*
- *Access to residential entry lobbies to be directly off Batman's Square.*
- *Potential for townhouse product directly accessible from Batman's Square.*
- *Special attention will be given to the materiality of the lower levels of these buildings and how this enhances the pedestrian experience. Materiality will be considered in conjunction with façade articulation, including balconies and fenestration, proportion and scale and the contribution these make to both the public realm and the overall architectural ambitions of the neighbourhood.*

The proposed built form massing and architectural language have responded directly to these provisions of the Development Plan. The architectural character has adopted a contemporary style and palette of materials, providing visual interest from the public realm. All elevations are well designed and highly articulated, and it is considered that the proposed development will be a high quality addition to both the Docklands and Melbourne CBD skylines.

Both Melbourne City Council and the Department's Urban Design Unit commented on the uniformity of the R1 and R2 building expressions, and recommended that greater variation between the buildings be achieved through modulation of the form, including via variations in height, distinguishing podium/tower elements, varied upper level setbacks, and the use of different materials, finishes and colours.

Figure 11 – Flinders Street massing and articulation



However, it is noted that the proposed development has *deliberately* sought to create a paired, asymmetric built form of the R1 and R2 buildings in order to bring legibility to the Flinders Street neighbourhood. R1 and R2 shared a common architectural language, while subtleties in the forms and detailed façade design create a dynamic but balanced relationship between the two towers. This is considered to be acceptable and results in a cohesive, integrated built form response as viewed from Flinders Street.

Public realm

The proposed development generally provides a high quality public realm interface, discussed in detail in the relevant sections below.

Heritage Wall and Shared zone

The shared zone is located between the heritage wall and the southern elevation of the R1 and R2 building podiums. While not specifically envisaged in the Development Plan, Flinders Street Plaza is considered to be an appropriate response to the constraints and challenges presented by the heritage wall and the subject site more broadly. Flinders Street Plaza will be accessed via four openings in the heritage wall (subject to Heritage Permit P18689 issued by Heritage Victoria on 19 April 2016).

The documentation submitted with the application describes Flinders Street Plaza as a pedestrian dominated environment, with *“opportunity for lighting, seating, creative interpretation and public art to be embedded in the bluestone, strengthening the conception of the wall and the history of Batman’s Hill as well as its engagement with the activity of the new residential precinct”*.

Melbourne City Council supports Flinders Street Plaza, but has requested further details of how *“members of the public are encouraged to not only move through the space, but to dwell and enjoy the space”*. This will be addressed by way of a condition on permit requiring details of – for example – public furniture, artwork, and activation of the heritage wall. Council’s Engineering Services Unit have also requested a road safety audit and other requirements to address the specific interactions between vehicles and pedestrians within Flinders Street Plaza to ensure this space functions as a pedestrian-friendly urban environment.

Figure 12 – Flinders Street Plaza

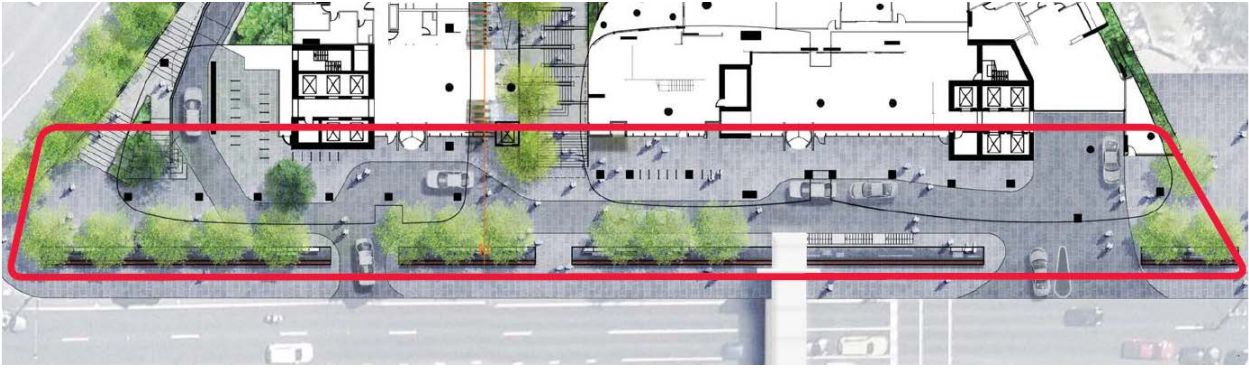


Figure 13 – Pedestrian movement through the shared zone

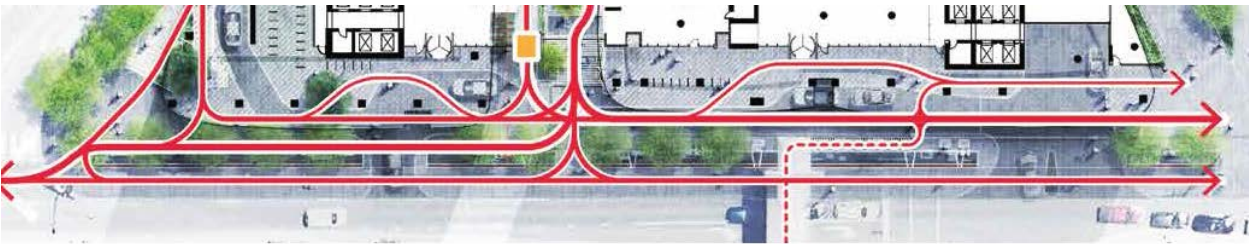
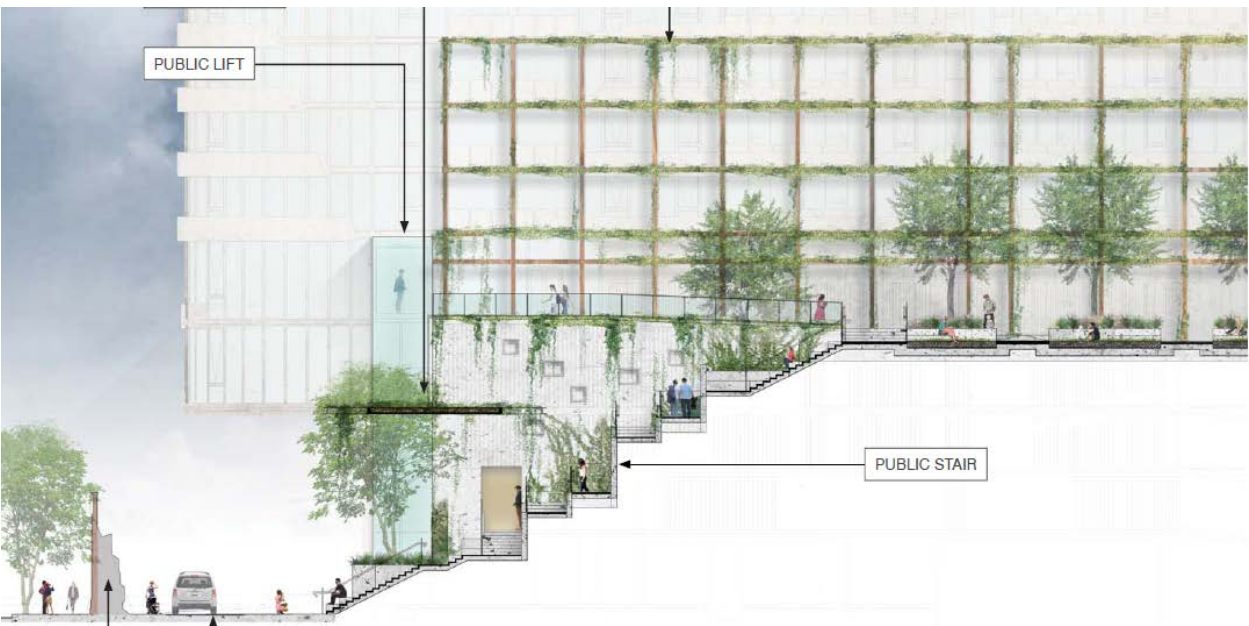
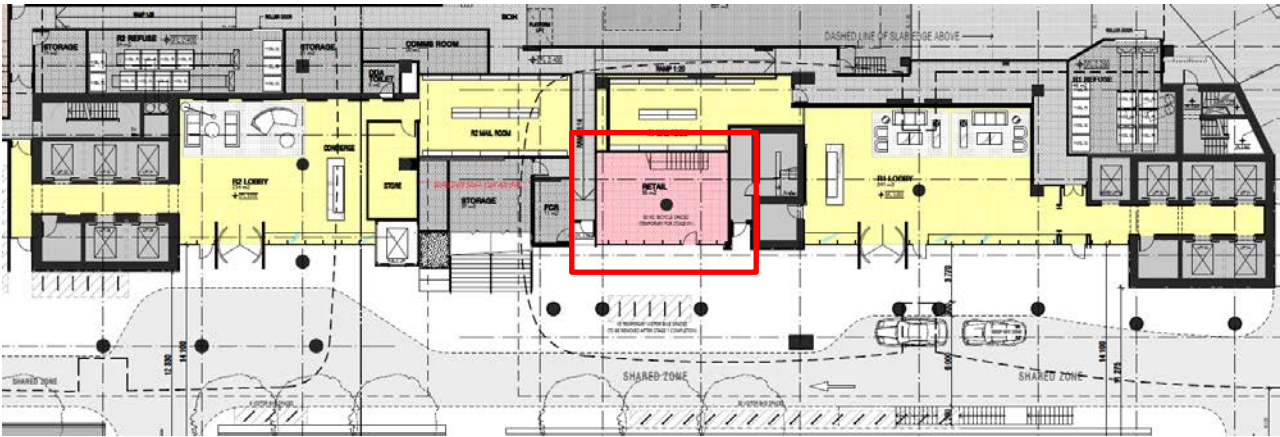


Figure 14 - Cross-section of Flinders Street Plaza and stairs



On the northern side of the shared zone, the ground level Flinders Street elevation is proposed to be occupied by the residential lobbies to R1 and R2. A 56m² retail tenancy is also proposed (shown in pink in the image below). It is recognised that additional activation of this space by retail or commercial land uses is challenging given the separated/private nature of Flinders Street Plaza which is an unavoidable outcome of the location of the heritage wall on the Flinders Street boundary of the site. Accordingly, the proposed public realm interface which includes a high level of pedestrian-dominated lobby space, in addition to a small retail tenancy, is acceptable.

Figure 15 – Ground level Flinders Street interface



The Department’s Urban Design Unit noted that the fire booster cupboards should be incorporated and recessed into the building façade where possible. It was also recommended that the recessed spaces currently shown within the building façade to Flinders Street should be deleted. These matters will be addressed by way of permit conditions.

Batman’s Garden

The Development Plan identifies a public open space in the centre of the site, surrounded by the three residential buildings, and forming the central public focus of the residential Flinders Street neighbourhood. Batman’s Garden is connected to Flinders Street via the stairs, and will be connected to Collins Street via the north-south lane.

At the upper ground level, Batman’s Garden is proposed to be edged by a mix of community uses, communal residential facilities, lobby spaces, and retail tenancies which all front into this space and provide a high level of activation.

Figure 16 - Batman's Garden activation strategy

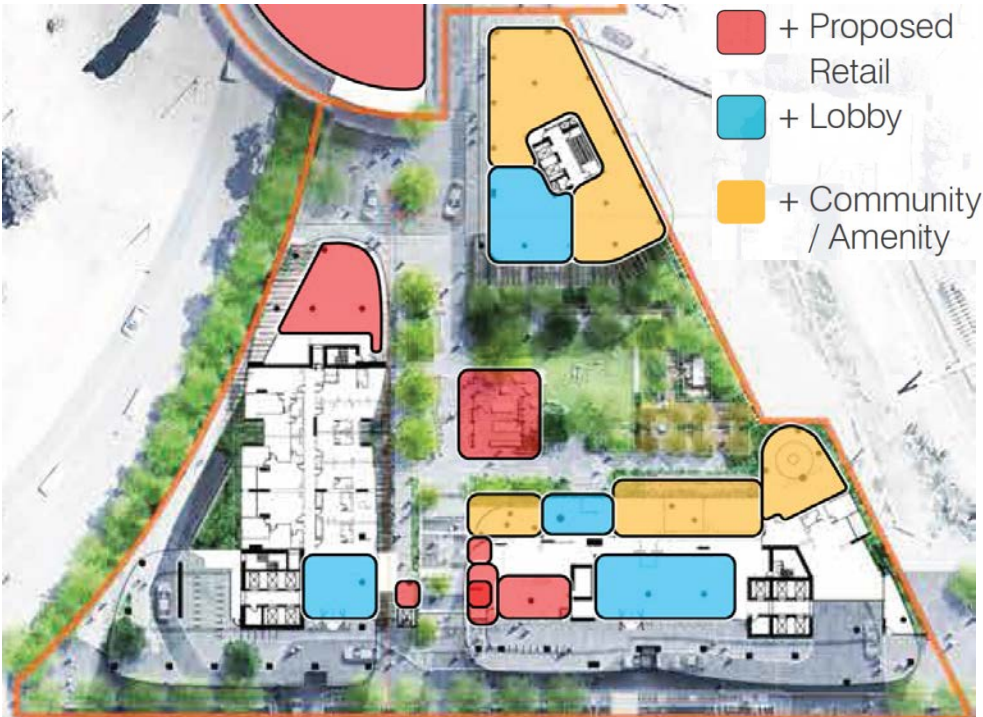
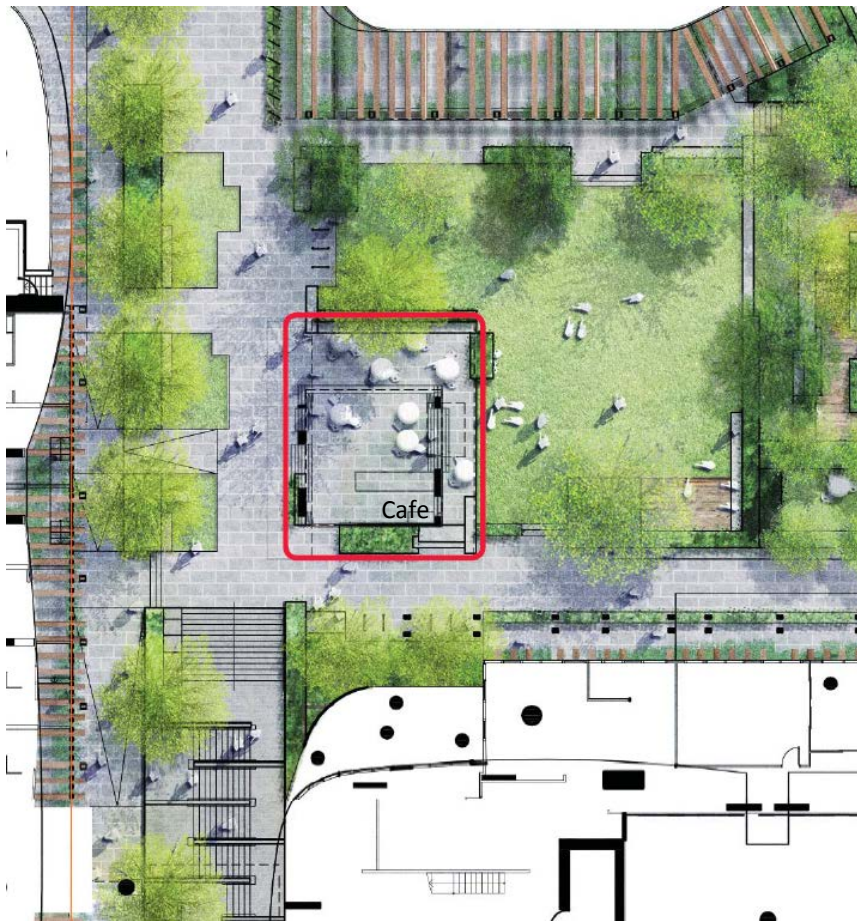


Figure 17 – Indicative layout plan of Batman's Garden (identifying café)



Batman's Garden has undergone significant improvement from the Development Plan. There is a larger landscaped park area that has had the vehicle access removed (previously circling the park) and has approximately doubled in size (from 800sqm to 1600 sqm). Buildings have been removed from the east side of the park which has improved the sunlight penetration.

Batman's Garden was originally envisaged (in the approved Development Plan) as a public asset, vested in Melbourne City Council. However, due to technical engineering and landscaping issues, Council has indicated that it will not accept ownership of the park, and accordingly this space is instead to remain in private ownership. Public access rights will be created.

While this is not the preferred outcome, and was not contemplated in the Development Plan, the subject site presents a number of technical difficulties due to the significant slope in the land. Furthermore, there are significant issues associated with creating public space on top of private structure (the car parking levels below), including insufficient soil depths for flexible future landscaping. These factors make it unfeasible for Council to take on this area in public ownership. Ongoing public access to the park will be secured by way of a condition on permit requiring the preparation of a Section 173 agreement, and additional conditions will ensure that Council is involved in the design and evolution of Batman's Garden. These conditions will ensure that while the park will remain in private ownership, it will retain the feel of a genuinely public space.

In order to ensure that the private ownership of Batman's Garden does not result in the effective 'privatisation' of what is an important public space, the café identified in the south-western corner of the park will be deleted. Melbourne City Council and the Department's Urban Design Unit both raised significant concerns with the proposed café, which was not part of the original application plans and instead was added when the applicant responded to the Department's further information request. A café within the park was not contemplated in the Development Plan. Not only does the introduction of a private

café use detract from the public ‘look and feel’ of the park, it creates a visual barrier between the public realm (the north-south lane) and the park.

The Department’s Urban Design Unit recommended that the café be deleted and that the interface between the north-south lane and Batman’s Garden remain open with clear sight lines to the space. Melbourne City Council’s Urban Design Officer commented that the café “blocks any view of the space from the southern approach, reducing any signal of a public invitation to a public space”, resulting in an outcome whereby “the space increasingly appears as part of a building complex and the territory of the building owners, not of the broader public”.

The applicant contends that the café will enhance the activation of Batman’s Garden. The Department does not agree; the activation strategy adopted has clustered active residential uses around the perimeter of the space, which is deemed to create a highly activated public realm and is sufficient. A permit condition will require the deletion of the café from Batman’s Garden.

The additional separation between the R1 and R3 buildings (which is proposed to be 31.8m, and therefore significantly more than the minimum 10m prescribed in the Development Plan), in addition to the lower height of the R3 building (which is proposed to be 51.8m, and therefore lower than the 73m permitted under the Development Plan), will facilitate better solar access to Batman’s Garden. In accordance with the provisions of the Development Plan, at least 50% of Batman’s Garden will receive direct sunlight at 12.00pm on 22 September (refer to image below).

Overall, the layout and function of Batman’s Garden is supported, subject to the conditions outlined in the above assessment.

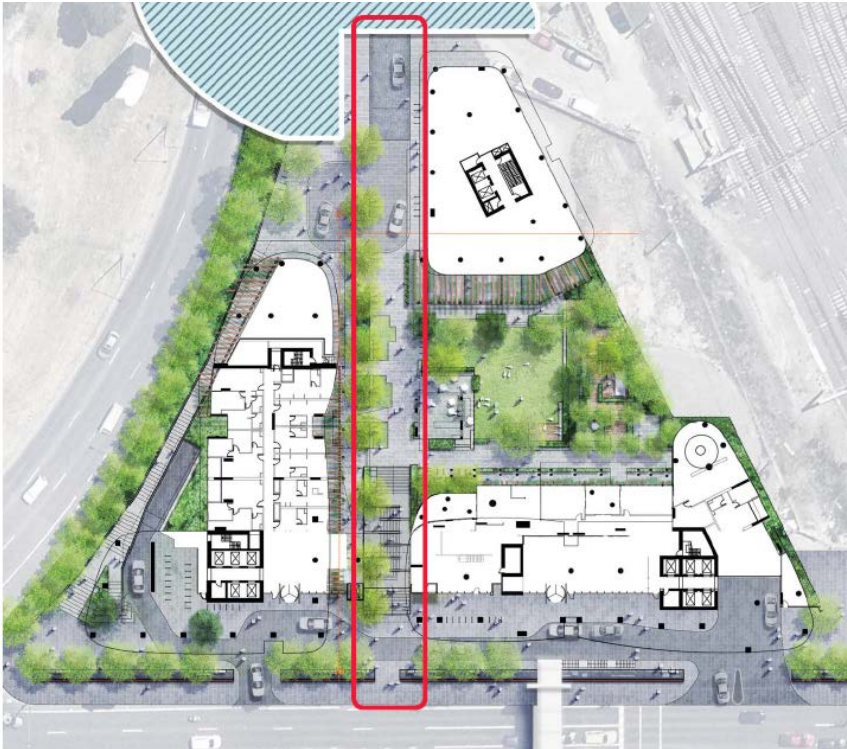
Figure 18 – Solar access to Batman’s Garden (22 September)



North-south lane

A key element of the proposed development is the north-south lane, which runs between Collins Street and Flinders Street, connecting the two neighbourhoods via pedestrian and (in part) vehicular access. The stairs leading from Flinders Street Plaza to Batman’s Garden are included in the north-south lane.

Figure 19 – North-south lane connecting Flinders Street to commercial neighbourhood



Given the steep slope of the land, the Development Plan always contemplated stairs leading between Flinders Street and Batman’s Garden, and the north-south lane continuing north of the stairs to connect to the commercial neighbourhood. The stairs have been designed as “a cascading topography of a generous width, accommodating seating and spaces to pause as well as stairs”. Informal planting is proposed along the length of the stairs. Melbourne City Council has indicated that the stairs should remain in private ownership, with a Section 173 agreement requiring 24-hour public access. These proposed arrangements are acceptable and will be addressed by way of a condition on permit.

Wurundjeri Steps

Secondary pedestrian access through the site is provided via stairs leading up the western edge of the R2 building, connecting Flinders Street Plaza and the north-south lane. The Wurundjeri Steps are designed to accommodate a cycle wheel groove. The Department’s Urban Design Unit noted that the base of the Wurundjeri Steps, where the south-western corner of R2 meets the ground, is lacking design resolution. Furthermore, the car park is unsleeved and inactive along the majority of the length of the stairs. This is not considered to be acceptable and will be addressed by way of a condition on permit requiring a more resolved design of this space, including a consistent use of materials and finishes to assist wayfinding.

Overall, subject to the conditions discussed in the assessment, the proposed interface between the building and the public realm and the public realm works proposed in this application are considered to achieve an appropriately resolved and activated outcome and are supported.

Staging and ownership

The development is proposed to be delivered in three stages: Stage 1 includes R1, the north-south stairway and Batman’s Garden, Stage 2 includes R2 and Stage 3 includes R3. The balance of the north-south laneway is to be delivered as part of the commercial neighbourhood which is subject to separate planning approvals.

Figure 20 – Staging plan



The proposed ownership arrangements will primarily fall to a body corporate of future residential owners. (Approximately 4150 sqm of the publically accessible land will rest with the residential owners corporation.) Split between the 1693 apartment it equates to 2.45sqm per apartment (in addition to internal facilities). The applicant (LendLease) has advised that this additional cost is not consequential and comparable to other projects. There is some precedent for public land to be managed by a residential body corporate at the QV development on Lonsdale Street. This model is also the preferred outcome of Places Victoria and Melbourne City Council and is therefore considered acceptable. A condition on permit will require this space to be made available to the public and Places Victoria will also require this on the transfer of land.

Wind

The Development Plan identifies proposed maximum wind criteria for the residential neighbourhood, and requires the development to achieve short term stationary criteria within Batman's Garden and walking comfort criteria at the Flinders Street junction of the north-south lane (stairs) and within the shared zone.

The wind assessment report submitted in support of the application prepared by Windtech (30 June 2015) uses a gust equivalent mean rather than an annual maximum gust, which is not supported. It is preferred that wind conditions meet the following comfort criteria: 'standing' at building entries, 'walking' at street level, 'short term stationary' at gathering points, for both annual maximum gust and gust equivalent means. If these criteria cannot be met, any shortfall must be justified via a comparison between existing (base level) and proposed (post-completion) wind conditions demonstrating that base conditions are not exacerbated. A condition on permit will require an amended wind report addressing these requirements.

It is noted that the Department generally requires development to respond to wind conditions without strong reliance on vegetation or screens placed in public spaces in order to achieve satisfactory conditions. However, existing wind conditions within the Docklands are challenging, and it is acknowledged that effective wind mitigation may require such measures. Given the location of the site and the existing wind conditions, this is considered to be acceptable.

Overshadowing

The Development Plan outlines that the maximum building heights of R1 and R2 were designed to minimise any additional overshadowing impact on the local environment, in particular overshadowing to public

spaces south of Flinders Street, and to ensure no overshadowing to the south bank of the Yarra River during the winter solstice.

The proposed development will not result in any overshadowing of the south bank of the Yarra River between 11am and 2pm, as required by the Development Plan and policy at Schedule 3 to the Docklands Zone (which prohibits such overshadowing).

Overall, it is considered that the overshadowing impacts are consistent with what was envisaged under the Development Plan and accordingly are acceptable.

Acoustics

A noise and vibration impact report prepared by Renzo Tonin & Associates (dated 25 September 2015) considered the requirements of relevant Australian Standards and the Melbourne Planning Scheme. The report makes recommendations to achieve acceptable internal noise and vibration criteria, including specific requirements for high sound insulation glazing systems. The report concludes that acceptable internal noise and vibration criteria will be met if the recommendations are implemented. This will be addressed by way of a condition on permit.

Internal amenity

Subject to conditions, the proposed development is considered to achieve a good level of internal amenity. The sketch plans submitted on 7 June 2016 responded to concerns raised by the Department and Melbourne City Council in relation to daylight access to bedrooms, by deleting all studio apartments previously proposed and introducing one-bedroom apartments in their place. All bedrooms now incorporate windows which provide direct daylight access and natural ventilation, and no living areas or bedrooms rely on borrowed light. Furthermore, all dwellings achieve a minimum internal floor area of 50m².

The proposal incorporates 'saddleback' bedrooms within some dwellings, and there is a concern that the proposed design response will not provide good daylight penetration to these dwellings. The internal dimensions of a number of the 'saddlebacks' are not considered to achieve a high level of amenity. The depth of the bedroom from the light source (which must take into account the outer edge of any roof if the window is to a covered balcony) must be increased proportionally to the width of the 'throat' to the rooms to achieve a maximum ratio of 2:1. This will be addressed by way of a condition on permit.

Each dwelling is provided with a balcony or wintergarden with direct access from a living room, and all habitable rooms have access to natural ventilation. The overall configuration, allocation of internal space, and outlook of the dwellings is generally considered to achieve a high level of internal amenity and is supported.

The proposed development incorporates communal residential facilities within the upper ground level of R1. The amount, type and location of the communal facilities are considered to be appropriate and will provide for the reasonable recreation needs of future residents.

Car and bicycle parking

The proposed development will provide a total of 284 car parking spaces and 510 bicycle parking spaces, which satisfies the statutory requirements of the Melbourne Planning Scheme. The car parking rate is 0.16 spaces per dwelling, significantly less than the maximum 2 spaces per dwelling identified in the Parking Overlay. Melbourne City Council noted that *"this provision is considered to be acceptable"*.

Detailed matters will be addressed by way of a condition on permit requiring amended plans to be to the satisfaction of Melbourne City Council.

The traffic impact assessment prepared by Cardno (dated 30 June 2015) concludes that the traffic generation of the proposed development is acceptable, and is anticipated to be less than what was assessed as part of the Development Plan.

Loading and unloading of vehicles

The proposed development incorporates an internal loading bay at ground level, accessed via Flinders Street, which complies with the requirements of Clause 52.07 of the Melbourne Planning Scheme. Melbourne City Council Engineering Services Unit has reviewed the proposed arrangements and found them to be generally acceptable, subject to resolution of detailed matters by way of permit conditions.

Waste management

The waste management plan (WMP) prepared by Leigh Design (dated 17 September 2015) has been reviewed by Melbourne City Council and found to be unsatisfactory. A condition on permit will require an amended WMP to be submitted in accordance with Council requirements.

Environmentally sustainable design

A sustainability report was prepared by Lendlease (dated 18 September 2015) and outlines the environmentally sustainable design initiatives and commitments reflected in the proposed development.

The report indicates that the proposal has incorporated measures to achieve the ESD targets of Clause 22.19 (Energy, Water and Waste Efficiency) of the Scheme, which require that a development has the 'preliminary design potential' to achieve a 5 star Green Star Multi-Unit Residential Tool rating. This is acceptable.

Conclusion and Recommendation

The proposed development has been assessed against all relevant state and local planning policies, the Development Plan, and the decision guidelines of the zone, overlays, and particular provisions of the Melbourne Planning Scheme. The proposal is considered to be generally consistent with all relevant policy objectives, and has adequately responded to the opportunities and constraints of the site.

The majority of the detailed matters and concerns raised by Melbourne City Council can be addressed by way of condition on permit.

Overall, it is recommended that Planning Permit 2015/35668 be issued for the staged development of the land for demolition and the construction of three multi-storey buildings and associated public realm works, subject to the conditions described in the attached planning permit.

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DATE: 12 July 2016

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