

889 & 883 Collins Street, Docklands

Planning Permit Application 2014/62047



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Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application 2014/62047. 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 Minister for Planning is the responsible authority for applications with a gross floor area exceeding 25,000m².

This application proposes a two stage development consisting of four residential apartment buildings accommodating 1,070 dwellings, plus retail and shop premises, parking and associated public realm works.

A permit is required for the use of the land for 'Retail Premises' and 'Shop', for the construction of a building and to construct or carry out works. Key issues for consideration include the development's strategic response to the Victoria Harbour precinct and its immediate context, its response to the built form controls affecting the site, and activation of the Yarra River frontage.

The Department's Urban Design Unit and the City of Melbourne support the application subject to conditions. The referral agencies also supported the application.

The applicant has addressed the majority of the concerns raised by Council and the Department's Urban Design Unit with subsequent amended plans.

Recommendation

The Future Melbourne Committee has considered the proposal and resolved to **support** the application, subject to conditions.

The recommendation to the Minister for Planning is to approve the planning application and to **grant a permit**, subject to conditions.

Application Details

Key elements	Comments
Land:	889 & 883 Collins Street, Docklands (Lot S31 on Plan of Subdivision 545345Y)
Application No.:	2014/62047
Proposal:	Use of the land for a 'retail premises' and 'shop', the construction of four buildings and associated buildings and works.
Date lodged:	6 November 2014
Zone and Overlay controls:	Docklands Zone (Schedule 2) – Victoria Harbour Precinct Development Plan Overlay (Schedule 3) – Victoria Harbour Precinct Design and Development Overlay (Schedule 12) – Noise attenuation area Design and Development Overlay (Schedule 50) – Victoria Harbour Precinct Parking Overlay – (Schedule 6) – Docklands, Victoria Harbour
Why is a permit required?	Use of the land for 'retail premises' and 'shop'.

	The construction of a building and to construct or carry out works.
Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS-OPS)	Maximum 30 storeys (max 93.6m in height including lift overrun, RL 96.100) The maximum building height at 93.6m in this location is below the OLS of 226-228m (RL to AHD)
Setbacks	Y5/Y6 Podium: N,E,S,W= 0m Y5/Y6 Tower: N=4.5m, E=minimum 3.4m, S= minimum 4.3m, W= minimum 1m Y4 Podium: N,E,S,W= 0m Y4 Tower: N=min 4.5m, E=min 1m, S=min 4.4m, W=min 3.4m
Car parking and bicycle facilities	Y5/Y6: car spaces – 384 Y4: car spaces – 364 Total car spaces: 748 (Y5/Y6 + Y4)
Gross floor area (GFA) and value	GFA Y5/Y6: 40,030m ² GFA Y4: 40,134m ² Total GFA: 80,164m ² Development value \$190 million
Plot ratio	8.7:1 (total GFA above ground 80,164m ² / site area 9198m ²)
Applicant / Developer	Lend Lease Development Pty Ltd
Public Notification	The application is exempt from notice and review

Figure 1 – Site plan



Figure 2- Perspective image of proposal



Background

The permit application was lodged on 6 November 2014.

Further information was requested of the applicant on 5 December 2014 and subsequently on 9 February 2015, amended plans were lodged with the Department.

Site and Surrounds

The subject site consists of two parcels of land which are known within the *Victoria Harbour Development Plan 2010* (the Development Plan) as sites Y4 and Y5/Y6 (889 Collins Street, Docklands). Development within the Victoria Harbour precinct is evolving in accordance with the land use and built form outcomes contained within the Development Plan. This site is located within the southern portion of Victoria Harbour, aligned with the axis of Collins Street and its meeting point with the Yarra River.

The parcel of land which currently forms part of sites Y4 and Y5/Y6 is irregular in shape, and once created as individual allotments, lots Y4 and Y5/Y6 will comprise an area of 4,487m² (Y5/Y6) and 4,711m² (Y4). The site is currently vacant wharf land and forms part of the City Quarter, as defined by the Development Plan.

Land surrounding the site can be described as follows:

- To the **south** of the site is the Yarra River. Further south of the site is a row of mixed-use developments located along Lorimer Street.
- To the **east** of the site is the development known as Y3 (839 Collins Street) in which a 21 level commercial development has been approved comprising of office/commercial land use. Further east of Y3 is Collins Landing and the commercial ANZ building.
- To the **north** of the site is a residential building/car park development known as site C11 (888 Collins Street) and site C5 (847-869 Bourke Street), which is a mixed-use development located on a triangular block has been approved at the intersection of Bourke and Collins Street.
- To the **west** of the site is the proposed site known as Y7, envisaged to be developed for residential apartments. A planning application has not yet been submitted for this site.

Proposal

This application seeks approval to construct four buildings on two sites known as Y4 and Y5/Y6, as defined in the Development Plan. Both sites will incorporate two towers (north and south towers) which will sit atop a common 6 storey podium. On both sites, the north towers will have an overall height of 93.6m including the lift overrun (30 storeys), and the south towers will have an overall height of 75.5m including the lift overrun (24 storeys). The north towers are adjacent to Collins Street and the south towers are adjacent to the Yarra River. It is proposed to deliver this development within two stages as follows:

- Stage 1 – Construction of Y5/Y6 and public realm works to Waterside Place and Tom Thumb Lane.
- Stage 2 – Construction of Y4 and public realm works to Seafarer Lane.

Details of the application are as follows:

- Construction of four towers, two towers on lot Y4 above a 6 storey podium, and two towers on lot Y5/Y6 above a 6 storey podium. The north and south towers on lot Y4 will be separated by a setback of 20.7m and the north and south towers on lot Y5/Y6 will be separated by a setback of 16.6m.
- A detailed description of the building envelope includes:
 - The podium associated with both Y5/Y6 and Y4 will generally be constructed to the property boundaries. The ground and first floor plans for both Y5/Y6 and Y4 comprise a mix of commercial suites and residential apartments, car parking and a central lobby incorporating a communal swimming pool. It is proposed to provide commercial tenancies along the Collins Street frontage and residential apartments along the Yarra River frontage.
 - The typical podium footprint (levels 2-5) for both Y5/Y6 and Y4 will predominantly provide car parking levels, sleeved by residential apartments to the Collins Street and Yarra River facades.
 - Level 6 for both Y5/Y6 and Y4 will provide residential apartments and the communal open space/ roof top area for all residents. The communal open space/ rooftop is proposed to be landscaped and will be located centrally between the towers. The level 6 rooftop will provide communal gardens and lawn and timber decked areas incorporating BBQs and tables.
 - Above level 6 is where the north and south towers associated with Y5/Y6 and Y4 will be constructed. Each tower has a central lift and stair core, containing the required plant and garbage rooms. The apartment plans are typical on each level, combining a mix of 1 bedroom, 1 bedroom plus study and 2 bedroom apartments. Each apartment is provided with a balcony, having average minimum dimensions of 1.3m. The top three levels of each tower have a tapered setback and the apartment mix changes on these levels to accommodate larger 3 bedroom apartments.
- It is proposed to provide a total of 1,070 apartments across both Y5/Y6 and Y4. The proposed breakdown of apartments within the whole development is described below:
 - Within the Y5/Y6 development, it is proposed to provide a total of 539 apartments, including 106 apartments within the podium, and a further 433 apartments within the north and south towers. Within the Y5/Y6 development, it is proposed to provide a total of 169 1 bedroom apartments, 49 1 bedroom plus study apartments, 293 2bedroom apartments, and 28 3 bedroom apartments.
 - Within the Y4 development, it is proposed to provide a total of 531 apartments, including 98 apartments within the podium and a further 433 tower apartments. Within the Y4 development, it is proposed to provide 163 1 bedroom apartments, 45 1 bedroom plus study apartments, 295 2 bedroom apartments, and 28 3 bedroom apartments
- It is proposed to provide a total of 748 car parking spaces, 384 spaces within the Y5/Y6 development, and 364 car spaces within the Y4 development.
- As part of this application, it is proposed to provide public realm works, including the construction of three through-block links: Seafarer Lane, Waterside Place and Tom Thumb Lane. It is also proposed to provide a raised timber walkway along the Yarra River, providing a connection along the Wharf to the city. Small pocket plazas associated within the southern sections of Seafarer Lane and Tom Thumb Lane are also proposed, in order to reinforce the connection between Collins Street and the Yarra River, as well as to provide small pedestrian nodes along the Wharf. A public park area will also be provided at the southern end of Waterside Place, which is to be constructed as part of this proposal.

- Other public realm works include the construction of footpaths along Collin Street and pedestrian links around and between buildings, provision of rubbish and recycle bins and bicycle hoops. It is also proposed to plant trees along the Collins Street frontage.
- It is proposed to utilise timber and brick cladding interwoven through glazed surface areas throughout the podium façade. The towers will provide a predominantly glass façade, creating a series of patterns along the balcony balustrade.
- The ground floor level will provide a continuous glass awning which will extend along Collins Street and around the corner into Waterside Place. The awning will provide weather protection for residential entry points and entry to the mixed-use tenancies.
- It is proposed to provide residential apartments fronting the Yarra River. Some of the apartments are walk-up style apartments incorporating direct stair access from the wharf as well as an entry door connected to the main entry lobbies. The finished floor level of the apartments fronting the river will be raised to approximately 1.2m above the ground level in order to provide additional privacy to these apartments. At ground floor level, these apartments will provide balconies screened by landscaped planter boxes.
- The application is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, and an ESD report.

Planning Policies and Controls

State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:

- Clause 9 (Plan Melbourne)
- Clause 11 – Settlement
 - Clause 11.01 – Activity centres
 - Clause 11.02 – Urban growth
 - Clause 11.03 – Open space
 - Clause 11.04 – Metropolitan Melbourne
- Clause 15 – Built environment and heritage
 - Clause 15.01 – Urban environment
 - Clause 15.02 – Sustainable development
- Clause 16 – Housing
 - Clause 16.01 – Residential development
- Clause 17 – Economic development
 - Clause 17.01 – Commercial
- Clause 18 – Transport
 - Clause 18.01 – Integrated transport
 - Clause 18.02 – Movement networks
- Clause 19 – Infrastructure
 - Clause 19.03 – Development Infrastructure

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth; delivers diversity in housing supply to meet existing and future needs; and integrates transport and infrastructure planning.

Local Planning Policy Framework

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure. The site is located within Urban Renewal Areas (Local Area 2- Figure 5) as identified under Clause 21.13 of the Melbourne Planning Scheme.

Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City (and Southbank and Docklands).

Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.

Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial". This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.

Clause 21.07 (Housing) Seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. It acknowledges the need to ensure residential developments in the Capital City, Docklands and Commercial Zones are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise.

Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking.

Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria's pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.

Clause 21.11 (Local Areas) and Clause 21.13-2 (Docklands) seeks to provide more specific policy outcomes for each local area within the City of Melbourne. The subject site is included within the Docklands 'local area' where the applicable policy references include:

- The site is located within the Victoria Harbour Precinct.
- Support for medium and high density housing within Docklands.

- Support for mixed-use development including office and commercial development in Victoria Harbour.
- Encourage active uses in the areas fronting the waterfront to promote maximum usage and activity at the waterfront.
- From a land use perspective, the policy supports mixed-use development within Victoria Harbour.
- Built form policy aims to ensure Docklands is physically connected with the Hoddle Grid, that a development pattern similar to the Hoddle Grid is pursued, that development achieves sustainable outcomes, that buildings on landmark sites are designed to the highest quality and ensure development in Docklands extends and reinforces Council’s public environment initiatives and practices.
- Transport outcomes which support pedestrian and bicycle connections and access through Docklands, and the public transport system in general.
- Infrastructure outcomes including open spaces, recreational facilities and community facilities within Docklands.

Clause 21.13-2 (Docklands) seeks to support residential development in Docklands that complements its other functions and to encourage medium and high residential development.

The following key local planning policies (Clause 22) are relevant to the proposal:

- Clause 22.18 Urban Design within the Docklands Zone
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

The above policies encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
Docklands Zone (Schedule 2) Clause 37.05 Victoria Harbour Precinct	Pursuant to Schedule 2 of Clause 37.05, a permit is required to use the land as a ‘retail premises’ and ‘shop’. Pursuant to Schedule 2 to Clause 37.05, a permit is required to construct a building and to construct or carry out works. The zone also includes the following: <ul style="list-style-type: none"> • Car parking is to be provided in accordance with the Schedule to the zone; • Before a sensitive use commences, Clause 37.05-8 relating to Environmental Audits must be addressed; • The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11:00am and 2:00pm on 22 June is prohibited, excluding

	<p>mooring poles, marinas and gangways.</p> <p>In accordance with Schedule 2 of Clause 37.05, this application (including the use and development) is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p>
<p>Design and Development Overlay (DDO)</p> <p>Clause 43.02</p> <p>Schedule 12 (Noise Attenuation Area)</p> <p>Schedule 50 (Victoria Harbour Precinct) – Area 6</p>	<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.</p> <p>Schedule 12 specifies that a permit is required for buildings and works associated with a sensitive land use. For the purpose of Schedule 12 to Clause 43.02, residential land use is considered a noise-sensitive land use.</p> <p>Schedule 50 specifies that a permit is not required if the requirements of Table 1 and Table 2 to the Schedule are met. The subject site is located within Area 6.</p> <ul style="list-style-type: none"> - Table 1 specifies a maximum building height of 90m, with the exception of two towers not exceeding 115m, comprising one tower at each of the eastern and western portions of this area. - Table 2 specifies that a minimum 6.5m wide waterfront promenade is required. <p>As two of the buildings exceed 90m and the subject sites are not located at the eastern and western portions of Area 6, a permit is required. A setback of 6.5m is provided between the Yarra River and the proposed building footprint, so no permit is required for this component.</p> <p>In accordance with Schedules 12 and 50 of Clause 43.02, an application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p>
<p>Development Plan Overlay (DPO)</p> <p>Clause 43.04</p> <p>Schedule 3 (Victoria Harbour)</p>	<p>Pursuant to Clause 43.03, a permit is required for buildings and works. Any application must be generally in accordance with the requirements of the approved development plan. In this instance, the approved development plan is the Victoria Harbour Development Plan 2010.</p> <p>The application is considered to be generally in accordance with the Victorian Harbour Development Plan 2010.</p>
<p>Parking Overlay (PO)</p> <p>Clause 45.09</p> <p>Schedule 6 (Docklands – Victoria Harbour)</p>	<p>The provisions of the parking overlay work in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 6 of the Parking Overlay specifies a maximum number of car parking spaces (calculated as a ratio of 2 spaces per dwelling and</p>

	<p>2 car spaces to each 100m² of gross floor area for commercial uses).</p> <p>The limitation policy allows for 2140 spaces. The provision of 748 car spaces on site is below the maximum allowed under the clause, therefore no permit is required.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>A loading bay area is provided in accordance with Clause 52.07 and therefore no permit is required.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage have been provided on the land. Applying Clause 52.34-1, a total of 321 spaces (214 resident and 107 visitor spaces) is required. The application provides the required bicycle spaces for each site in accordance with the requirement, therefore no permit is required under this provision.</p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</p>	<p>Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response. The application was accompanied by an urban context and design report. The Department confirmed receipt of this information with the applicant.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots.</p>
<p>General Provisions (Clause 61.01)</p>	<p>The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the <i>Planning and Environment Act 1987</i> approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 squarem.</p>
<p>Decision Guidelines (65.01)</p>	<p>Under Clause 65.01 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>.</p>
<p>Referral and Notice Provisions (Clause 66.03)</p>	<p>Under Clause 66.03 an application must be referred to the person or body specified as the referral authority: Clause 52.36 (Director of Public Transport).</p> <p>Under Clause 66.04 an application must be referred to the person or body specified as the referral authority under local provisions: (Places Victoria).</p>

Other Strategic Matters

Design Guidelines for Higher Density Residential Development

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

Plan Melbourne

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) and outlines the long term plan to accommodate Melbourne's future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040 (particularly in the CBD, Docklands, Southbank, and St Kilda Road).
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near 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 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

Victoria Harbour Development Plan, 2010

Victoria Harbour Development Plan, 2010 (referenced at Clause 22.18 and at Schedule 3 to the Development Plan Overlay) provides a strategic vision and a broad statutory framework to facilitate the redevelopment of Victoria Harbour.

The objectives of the Development Plan are to:

- *Create a new urban environment that is responsive, complementary and well connected to central Melbourne.*
- *Develop an urban place of distinctive character that provides safe and equitable access to a diverse range of residents, workers and visitors.*
- *Extend the urban waterfront experience to Victoria Harbour with accessible waterfront promenades, augmented with marine related businesses and open space/ community uses.*
- *Accommodate a diversity of uses including residential accommodation, commercial activities, recreational pursuits and public uses in a range of innovative building typologies and public spaces.*
- *Locate a series of human and community services in Victoria Harbour that respond to the needs of the population.*
- *Deliver a mixed-use project that remains commercially feasible within as broad a range of market conditions as possible.*
- *Create a contemporary and innovative environment that responds to micro-climatic influences and sets new benchmarks in sustainable design.*

Future Living: City of Melbourne Draft Housing Strategy

Future Living is a discussion paper identifying issues and options for housing the City of Melbourne community. Council has indicated that by 2031, it is estimated that an additional 42,000 homes will be built within our municipality for an additional 80,000 people. This growth will mostly occur within the city's urban renewal areas, including Docklands. The discussion paper seeks to engage with other tiers of government, developers, investors and residents in meeting the aspiration of affordable, well-designed and diverse housing choices to meet future needs.

Notification

Under Schedule 2 of the Docklands Zone, Schedule 12 and 50 of the Design and Development Overlay, and Schedule 3 of the Development Plan Overlay, an application for use, and to construct a building and to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Therefore the application was not advertised.

Comments received from the notified referral agencies raised no concerns with the proposal subject to conditions for inclusion.

Referrals

The application was given to the Department's Urban Design Unit, the City of Melbourne, and referred under Section 55 of the Act to Public Transport Victoria and Places Victoria. The following comments were provided:

Urban Design (DELWP): The Urban Design unit have reviewed the application and provided general support for the development proposal, subject to conditions. The key issue raised was in relation to activation of the ground floor south facing apartments of both buildings, and the screening measures provided for the ground floor swimming pools.

The issues raised by the Urban Design unit are discussed in greater detail in the assessment section of this report.

City of Melbourne: The City of Melbourne have reviewed the application and provided general support for the development proposal, subject to conditions.

Public Transport Victoria (PTV): In their letter dated 4 December 2014, PTV offered no objection to the development proposal and specified two conditions to be included on any permit issued, relating to minimising tram disruptions and damage to public transport infrastructure.

Places Victoria: In their letter dated 24 December 2014, Places Victoria provided general support for the application, subject to conditions relating to landscaping and public realm works, materials and finishes, and ESD.

Assessment

Consistency with Planning Policy

All planning policies whether they be included within the planning scheme, or referenced, provide guidance for development and are not intended to be interpreted as prescriptive mandatory controls. A guidance based approach encourages innovative development solutions to respond to specific constraints and opportunities having regard to the requirements of the relevant zone and overlay provisions.

This proposal is broadly compliant with the relevant State and Local policy objectives and the strategic vision identified under the *Victoria Harbour Development Plan 2010*, having particular regard to providing residential development in close proximity to infrastructure and providing high quality residential, commercial and public realm spaces in a prominent location along the Yarra River.

In particular, the proposal achieves State and Local policy objectives by:

SPPF:

- The proposed mixed-use development incorporates a diversity of housing types and commercial use within close proximity of the Central City. The development provides pedestrian and cycling links to the centre of Melbourne and has public transport access to the Collins Street tram (Clause 11.01-2).
- The proposal will deliver a liveable and attractive mixed-use development which will contribute to the Victoria Harbour/Docklands community through high quality architecture and public realm works. The development will improve the diversity and choice of housing stock, provide a safe and accessible urban environment, and achieve environmental sustainability objectives (Clause 15.01-1).
- The development is activated at the north interface (Collins Street) with the provision of commercial tenancies. Subject to a condition of permit requiring each of the ground floor south facing residential apartments to provide direct access to the pedestrian walkway along the promenade, the development will create a pleasant pedestrian experience and provide greater surveillance and safety for pedestrians (Clause 15).

MSS

- Clause 21.02 (municipal profile) and Clause 21.04-1.2 (urban renewal areas) recognises the Docklands as an area within the City of Melbourne where urban renewal through well designed high density commercial and residential buildings should be accommodated.
- Clause 21.06-1 (urban design) seeks to reinforce the City's overall urban structure by promoting a high degree of connectivity and urban transition between the Hoddle Grid and Docklands, and by promoting development that is compatible with the scale, character and amenity of public open spaces and the environs of the Yarra River. This Clause also promotes active land uses along the waterfront and seeks to ensure developments along the Yarra River address the waterfront. Subject to conditions requiring all south facing dwellings fronting the river's edge to be provided with direct access to the promenade, it is considered that the dwellings will provide an appropriate level of surveillance and safety at this interface. Furthermore, it is noted that the proposal will promote a high degree of connectivity between Docklands and the Hoddle Grid.
- Clause 21.13-2 (Docklands) seeks to support high density residential development in Docklands that complements the other functions of the precinct. The proposal will provide an attractive built form and a vibrant, safe and comfortable street-level environment, and the residential and

commercial uses are well integrated with surrounding developments. The development responds to Melbourne's traditional development pattern of streets and laneways and achieves a permeable and fine-grained outcome that provides pedestrian connectivity, access and movement along the waterfront and to other sites. The public realm works (including works along the river) will ensure that Docklands is physically and visually linked to the Hoddle Grid.

LPPF

- Clause 22.18 (Urban Design within the Docklands Zone) provides the primary policy basis to guide the work of the private and public sector developers to achieve design excellence. The proposal will provide a waterfront place of character and quality in which to live and work, and will also provide a development built to the highest design and environmental standards. Full public access to the waterfront is provided through pedestrian connectivity along the river and between the river and Collins Street, and the provision of well-designed public open space areas will ensure that the public realm is comfortable, interesting and functional. The development meets the performance guidelines by ensuring that public spaces achieve an acceptable level of solar access (including to Waterside Place South), and provides appropriate furnishings such as seating and landscaped areas within the public realm.

Land Use

A planning permit is required for the 'retail' and 'shop' uses in accordance with the requirements of Schedule 2 to the Docklands Zone (DZ2). The DZ2 seeks to provide for a range of commercial land uses that will complement the commercial setting and use of the Central City. The proposed commercial (retail and shop) uses are consistent with policy directions by contributing to the ongoing revitalisation of the Victoria Harbour area. It is proposed to provide a mix of retail uses along the Collins Street frontage at the ground and first floor levels of both buildings. These tenancies will invigorate the Collins Street frontage by creating an active street frontage.

Design and Built Form

The discretionary built form controls contained within the Melbourne Planning Scheme outline a built form outcome in Victoria Harbour and are intended to guide development and encourage positive and consistent built form outcomes for the precinct. The proposed additional height of 3m above the 90m identified for Area 6 is minor, and is predominantly contained to the lift overrun. The marginal additional height will not be a discernible departure from these controls and the proposal is generally consistent with the built form objectives for Victoria Harbour.

The performance measures and design guidelines contained within Clause 22.18 (Urban Design within the Docklands Zone), Guidelines for Higher Density Residential Development, Schedule 2 to the Docklands Zone (DZ2), and Schedule 50 to the Design and Development Overlay establish performance benchmarks and objectives to achieve highly resolved, well-designed development. Key themes of scale and built form, street level frontages and building facades, connectivity, landscaping, and safety in public places are common threads through these planning provisions, and provide the framework for the following assessment.

Urban Context Report, Setbacks, Tower Separation and Architectural Design

The performance measures contained within Clause 22.18 (Urban Design within the Docklands Zone), provide design based objectives which primarily seek to ensure that the public realm and

pedestrian qualities are not compromised. New built form should also be designed so as not to overwhelm the scale of existing built form and to enhance internal amenity for future residents.

This proposal incorporates a maximum tower height of 93m (30 storeys) and a podium height of 19.5m (6 storeys). These heights are generally consistent with the built form objectives of the Design and Development Overlay – Schedule 50 (DDO50) and the Development Plan which both outline a discretionary tower height of 90m for this site. The overall building height is commensurate with the heights of buildings within the precinct (both approved and constructed), and is generally consistent with the vision of the DDO50 and the Development Plan. It is further noted that the towers do not result in overshadowing of the south bank of the Yarra between 11am and 2pm on 22 June, as required under the Docklands Zone (DZ2).

The proposal incorporates sufficient setbacks and separation of towers in order to adequately achieve the built form objectives for the site. Tower setbacks and separation provide pedestrian scale, sunlight penetration, views to the sky and deflection of wind downdrafts, and light and ventilation to buildings. The proposed separation of the north and south towers (between 16.6m and 20.7m) and tower setbacks of between 1m (at the closest point) and 4.5m from the property boundaries, will provide appropriate visual separation for the towers and will enhance internal amenity for future residents, including reducing overlooking opportunities.

The proposed development is well designed and articulated. The elevations feature glazing, balconies and a variety of materials to create visually interesting facades, including landscaping at the top of the podium level.

Detailed Design/ Internal Amenity

The proposal provides a combination of one, two and three bedroom apartments, responding to the market demand in the Docklands area. Most of the dwellings have well-considered layouts which can adapt to the needs of occupants and most have living areas with direct access to either terraces or balconies. None of the apartments rely on borrowed light for habitable rooms.

Due to the generous separation of the tower elements (a minimum separation of 16.6m is provided between the north and south towers), the potential for overlooking between towers will be minimised in accordance with relevant policy guidance which recommends a separation of 9m. The building contains communal rooftop areas (at the top of the podium), offering residents access to additional open space and recreational opportunities. A swimming pool is provided at the ground floor level of each building which will enhance the residential amenity. It is noted however, that a condition of permit will require further detail with regard to the proposed screening mechanisms along the building facades (ground level) that front the public realm as it will be important to maintain a semi-active frontage.

An Acoustic Report outlining the acoustic measures to attenuate noise levels, in particular music noise, audible within the building, will be required as a condition on permit. This will ensure noise attenuation measures are incorporated to achieve a maximum level of 45dB in habitable rooms with windows closed when music noise is emitted from the stadium in the Docklands area and when Australian Wharf East is in use.

Street Level Activation and Pedestrian Safety

A recurring policy direction within the Melbourne Planning Scheme and the Development Plan seeks to ensure that new developments provide an activated street frontage or activation of the public

realm. Whilst the commercial (including retail and shop) tenancies proposed along Collins Street will appropriately activate this northern frontage, it is noted that residential development is proposed at ground floor along the southern side of the building, at the interface with the public pedestrian walkway and Yarra River. The proposed residential uses adjacent to the public realm present particular urban design challenges, having particular regard to activating the streetscape, creating a safe neighbourhood, and maintaining privacy for residents. In order to provide safety and security for residential apartments at ground floor level, it is proposed to provide finished floor levels at 1.2m above ground level, and to provide timber screening battens and planter boxes adjacent to terraces to a maximum height of 2.2m. While the height of the apartments is generally acceptable, the proposed high screening does not maximise activation and safety of the public realm and is not supported.

In order to address this concern, the City of Melbourne have requested that the corner apartments along the southern side of both buildings at ground floor level be converted to home offices with dwellings above (SOHOs). The SOHO apartments will create a 'commercial' frontage to assist in activating this interface at their corner locations, and this is supported. However, this design response does not fully achieve an activated frontage to the public realm for the balance of apartments fronting the river. In order to address this, it is considered appropriate to require all apartments to be orientated towards the waterfront promenade by providing direct access from each of the dwellings. Direct access to the promenade will provide a doorway to terrace areas for each apartment along the southern interface and will enhance the perception of an activated frontage for pedestrians and passive surveillance. This will be addressed by way of a condition on planning permit.

As previously noted, the swimming pools at the ground floor level of both buildings also present an urban design challenge in terms of protecting the privacy of residents and providing an open and activated interface with the public realm. A condition on permit will require a screening mechanism to be provided which avoids obscured film being applied directly to the glass, as this is considered to be a poor outcome. It is considered that an independent architectural layer with depth and form should instead be provided. This will achieve an appropriate balance between providing a suitable level of privacy for residents and still maintaining a semi-transparent interface with the public realm.

It is acknowledged that although DELWP Urban Design officers raised activation as a key issue, negotiations between the applicant and all agencies has on balance, resulted in an acceptable outcome.

Environmental Issues

Clause 22.19 (Energy, Water and Waste Efficiency) seeks to ensure that buildings achieve high environmental performance standards at the design, construction and operation phases, to improve the water efficiency of buildings and encourage the use of alternative water sources, and to minimise the quantity of waste going to landfill and maximising the cycling and reuse of materials. Clause 22.23 (Stormwater Management – Water Sensitive Urban Design) provides a policy basis for achieving improved stormwater quality and reducing the environmental impact of urban development on waterways.

The proposal includes an ESD report which outlines the development's compliance to achieve 5 Star Green Star performance in accordance with Clause 22.19 and achieving compliance with Clause 22.23 by providing 45KL rainwater harvesting tank for each of lots Y5/Y6 and Y4. It is considered appropriate to require the development to implement the strategies outlined in its ESD report via conditions on permit.

Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing)

Clause 22.18 (Urban Design within the Docklands Zone) seeks to encourage development that provides protection from adverse wind conditions and create safe and comfortable conditions without compromising architectural character, views or sight lines. This Clause also seeks to protect access to sun and daylight, incorporating adequate climate protection for shade, shelter and wind protection.

A wind report prepared by Mel Wind Consultants was submitted as part of the application. The report highlights that a number of areas around the site do not achieve wind conditions within walking comfort criteria; specifically, these areas are Y5/Y6 South Side (Yarra River), Y5/Y6 North Side (Collins Street) and the area along Waterside Place. This is not considered to be acceptable. A condition on permit will require further investigation to be undertaken and for an amended wind report to be submitted identifying suitable wind amelioration, to the satisfaction of the Responsible Authority. It is acknowledged that as further sites are developed in the surrounding area of Docklands (and in particular the adjoining lot to the west known as Y7), the overall impacts of wind to the public realm will be reduced.

The proposed development has been designed and orientated in order to reduce the overall impacts of overshadowing on adjoining sites and the public realm. In accordance with Clause 22.02 (Sunlight to Public Spaces), the shadow diagrams submitted with the application demonstrate that there will not be any overshadowing across the south bank of the Yarra River between 11am and 2pm on 22 June. An appropriate amount of solar access will be achieved to the new public spaces proposed as part of this development, including Waterside Place South. This is considered to be acceptable.

Victoria Harbour Development Plan

The proposal is considered to be generally in accordance with the Victoria Harbour Development Plan 2010, which is the approved development plan referenced in the Scheme. The development plan lists the sites as Y4 and Y5/Y6 (table p79) as a future development site earmarked for commercial/residential development.

It is important to note that the design specifications outlined in the Development Plan are a guide to approximate development parameters, and that the table at p. 79 of the Development Plan specifically identifies the Y4, Y5 and Y6 sites as 'flexible'. The table of flexible parameters and a comparison against what is proposed in the development is outlined below:

Flexible Parameter	Y4 Development Plan	Y4 Proposed	Y5/Y6 Development Plan	Y5/Y6 Proposed
Use	Commercial	Commercial and residential	Residential	Commercial and Residential
GFA (m ²)	32,290	40,134	33,402	40,030
Building height	90m	93m	90m	93m
Apartment No.	N/A	531	266	539
Carpark No.	131	364	363	384

As highlighted in the table above, the site at Y4 has been identified for commercial land use, while this application proposes a mix of some commercial and mostly residential land uses. Furthermore, the proposed Y4 and combined Y5/Y6 gross floor areas and the Y5/Y6 apartment numbers exceed that specified in the table. Despite this, it is noted that the sites are nominated as flexible, and that

the proposal is generally compliant with the built form and design objectives of the Development Plan. The proposal will achieve a high standard of architecture and public realm urban design to activate and accommodate additional residents and visitors to this underutilised area of Victoria Harbour.

The following additional comments are made in relation to the Development Plan:

- Sites Y4 and Y5/Y6 are located within the City Quarter, where the various built form guidelines within the Development Plan contemplate tower and podium building typologies. It is envisaged that the City Quarter will replicate Central Melbourne in terms of building typology and the public realm, including provision of laneways and public spaces. The proposed design response includes a 6 storey podium on each allotment and the provision of taller tower elements projecting above the podium, generally consistent with the height envisaged by the Development Plan. Whilst the proposed maximum height of 93m exceeds the height of 90m identified in the Development Plan, this additional height is not a discernible departure and primarily relates to the lift overrun located centrally within the building's roof form.
- The proposed works to the public realm will enhance the local facilities and safety and security features for future residents and visitors to the site. There will be an appropriate level of activation at the streetscape, including through commercial land uses and balconies which overlook the public realm. The construction of road infrastructure, including Waterside Place and Tom Thumb Lane will enhance the pedestrian experience in and around the site and will further assist in providing a link with the Yarra River. Bicycle facilities, links and upgrades to public transport at this section of the City are appropriate.
- From a land use perspective, the proposed mixed-use arrangement with residential development mostly above ground floor and the optimisation of lower level active uses is consistent with the Development Plan aspirations for the City Quarter. As discussed previously within this report, subject to conditions on a permit, all agencies (the Department, the City of Melbourne and Places Victoria) have agreed that the south facing interface with the Yarra River will also provide a reasonable activation to the public realm despite the residential land use at ground floor level.
- The proposed building envelope is also generally consistent with the Development Plan in terms of height and setbacks. The tower elements of the development will have setbacks of between 1m and 3.4m from the eastern and western (side) property boundaries, and between 4.3m and 4.4m to the south (Yarra River) and a minimum of 4.5m from Collins Street. The proposed building typology will ensure that the tower components will not dominate any street level or public realm view or restrict future development of adjoining sites.

Car parking, loading and unloading of vehicles, Waste Collection and Bicycle Facilities

The development incorporates an appropriate number of car parking spaces in accordance with Schedule 6 of Clause 45.09-3 (Parking Overlay). Schedule 6 of Clause 45.09 specifies a maximum number of car parking spaces (calculated as a ratio of 2 space per dwelling and 2 car spaces to each 100m² of gross floor area for commercial uses). The limitation policy allows for 2,140 spaces. The provision of 748 car spaces on site is well below the maximum allowed under the clause and therefore no permit is required.

Whilst it is acknowledged that the proposed provision of 748 car spaces exceeds the 494 identified in the Development Plan, this is partly a result of the additional gross floor area and number of apartments proposed. The proposed car parking provision is appropriate having regard to facilitating the proposed uses of the site within the context of the Victoria Harbour precinct.

The City of Melbourne have requested conditions on permit requiring bicycle parking for commercial spaces for both buildings be provided in accordance with Clause 52.34 and for 1 motorcycle space to be provided for every 100 car spaces. This is considered to be appropriate and will be addressed on the permit.

The City of Melbourne advised that the Waste Management Plan submitted with the application is satisfactory. Standard permit conditions will require ongoing compliance with the endorsed plan.

Conclusion

The development is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of additional housing and employment opportunities within an central city urban renewal area. The development will reinforce the existing and emerging pattern, scale and siting of the development within this precinct of Docklands, and is considered to appropriately respond to, and be generally consistent with, the Victoria Harbour Development Plan 2010.

Recommendation

That Planning Permit 2014/62047 be issued for use and development of the land for the construction of four towers above two podiums, including use of land as retail premises and shop and the buildings and works to the public realm, in accordance with endorsed plans and subject to conditions.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

DATE: 26 May 2015