

160-186 Lorimer Street, Docklands

Planning Permit Application No. PA1500010

Officer Assessment Report



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Summary

The purpose of this report is to provide a detailed planning assessment of Planning Permit Application No. PA1500010 for 172-192 Lorimer 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 54,900m² and accordingly the Minister for Planning is the responsible authority for the permit application.

Planning Permit Application No. PA1500010 seeks approval for development of the land for the construction of a multi-storey, mixed-use building and associated public realm works (Tower 11, Yarra's Edge). The building is proposed to have a height of 43 storeys (RL 140m), consisting of a seven storey podium with a 36 storey tower above. The proposal includes residential uses at the ground floor, car parking and dwellings within the podium, dwellings within the tower levels, and communal residential facilities on the rooftop.

A planning permit is required to construct a building and construct and carry out works.

The subject site is located within the Yarra's Edge precinct of Docklands, and just north of the Lorimer Precinct of the Fishermans Bend Urban Renewal Area.

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 relevant planning policy framework, including the *Yarra's Edge Bolte Precinct Development Plan* [the Development Plan] and is considered to respond to the evolving built form context of the area.

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.

Application details summary

Key elements	Details
Land	172-192 Lorimer Street, Docklands (Lot 1 on Plan of Subdivision 637249H)
Proposal	Development of the land for the construction of a multi-storey building and associated public realm works. The proposal will provide 316 dwellings within a 43-storey building.
Date lodged	27 August 2015
Planning controls	Clause 37.05 – Docklands Zone (Schedule 1 – Yarra's Edge Precinct) Clause 43.02 – Design and Development Overlay (Schedule 12 – Noise Attenuation Area) Clause 43.02 – Design and Development Overlay (Schedule 49 – Yarra's Edge

Precinct)

Clause 43.04 – Development Plan Overlay (Schedule 2 – Yarra’s Edge Precinct)

Clause 45.09 – Parking Overlay (Schedule 11 – Docklands – Yarra’s Edge)

Why is a permit required?	<ul style="list-style-type: none">– A permit is required to construct a building or construct or carry out works.– No permit is required for use of land for dwellings.
Height	43 storeys or RL 140m to Australian Height Datum (138m above ground level)
Gross Floor Area	54,900m ²
Plot ratio	16:1 (54,900m ² GFA / 3,493m ² total site area)
Tower setbacks	North: minimum 3.5m setback East: minimum 26m setback West: minimum 2.7m setback (at levels 9-32), minimum 8.3m elsewhere South: minimum 9.1m setback
Car parking and bicycle facilities	400 car parking spaces; 120 bicycle parking spaces. The ratio of car parking spaces to dwellings is 1.26.
Development value	\$128 million
Applicant / Developer	Mirvac 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 on 27 August 2015. Further information was requested on 7 October 2015. A response to the further information request was received on 13 October 2015.

The application was submitted following a pre-application meeting held with the relevant statutory agencies (the Department, Places Victoria and Melbourne City Council) on 3 July 2015. During this meeting, the agencies expressed a level of comfort with the proposed development, subject to a detailed review of identified issues.

The *Yarra's Edge Melbourne Docklands Outline Development Plan* [ODP] was approved in September 2006. The *Yarra's Edge Bolte Precinct Development Plan* [the Development Plan] was approved in June 2013, and superseded parts of the ODP as it relates to land within the Bolte Precinct. The subject site is located within the Bolte Precinct and is known as Tower 11, Yarra's Edge.

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

- Traffic Engineering Assessment – Cardno Victoria Pty Ltd, 17 August 2015
- Wind Assessment Report – MEL Consultants, 12 August 2015
- Preliminary Acoustic Report – Marshall Day Acoustics, 13 August 2015
- Sustainable Design Statement – Umow Lai Pty Ltd, 18 August 2015
- Waste Management Plan – Wastech Services Pty Ltd, 11 August 2015
- Yarra's Edge Stormwater Strategy Stage 2 – Spiire, 2 June 2015
- Statement of Environmental Audit – URS Australia Pty Ltd, 16 June 2014

Site and Surrounds

Subject Site

The subject site (Tower 11) is located on the northern side of Lorimer Street, east of the elevated Bolte Bridge/CityLink overpass, in Docklands. The site is located within the Wharf's Entrance of Mirvac's Yarra's Edge Development. The broader Wharf's Entrance site has an area of 4.3 hectares, while the Tower 11 site has an area of approximately 3,493m². The subject site is currently vacant and occupied by site sheds and car parking.

Figure 1 - Aerial image of subject site 172-192 Lorimer Street, Docklands



The land is formally described as Lot 1 on Plan of Subdivision 637249H. There are no restrictive covenants or restrictions registered on the certificate of title.

Surrounding Area

The subject site is located within the Bolte Precinct of the Yarra's Edge development, in Docklands. Yarra's Edge has been developed by Mirvac as a predominantly residential precinct, with some retail and commercial uses interspersed throughout the precinct.

To the south of the subject site (on the other side of Lorimer Street) is the Lorimer Precinct of the Fisherman's Bend Urban Renewal Area, which currently contains a variety of commercial and industrial uses. Fishermans Bend is targeted for significant urban renewal at higher densities.

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

- **To the immediate west** of the subject site is an area of car parking, and a goods shed adjacent to the Bolte Bridge. Further west (across the bridge) are industrial uses.

- **To the immediate east** of the subject site is the Tower 10 site which is currently under construction with a 30 storey residential building (approved under Planning Permit No. 2013/010104). Further east is the recently completed River Homes precinct, which is characterised by low-rise medium density townhouses. Further east is the Yarra's Edge precinct characterised by high-rise residential towers and landscaped parks.
- **To the north** of the subject site (directly adjacent to the Yarra River waterfront) is a townhouse development currently under construction.
- **To the south** of the subject site is Lorimer Street, which is characterised by a range of commercial and industrial uses.

Proposal

The planning permit application is for development of the land for the construction of a multi-storey residential building. The proposal will provide 316 dwellings within a 43-storey building.

Details of the application are as follows:

- Construction of a residential tower of 36 storeys above a podium of seven storeys. The building would have a total height of 43 storeys (138m).
- The building podium would have a height of six storeys (20.9m) to the northern South Wharf Drive boundary and seven storeys (21.5m) to the southern Lorimer Street boundary. The podium would generally be constructed to all boundaries. The primary residential entrance (lobby) is located in the north-western corner of the site, fronting South Wharf Drive and the future Lorimer Park located along the western boundary of the site.
- The podium would consist of 62 dwellings of various types, including two-level terraces (on the western elevation); two-level flexi mixed-use apartments (on the northern elevation); artist studio warehouse apartments (on the southern elevation); and one, two and three-bedroom dwellings throughout. The dwellings have average sizes of 55m² (one bedroom), 85m² (two bedroom), 143m² (three bedroom), 151m² (terrace dwellings), 106m² (artist studios) and 204m² (flexi mixed-use dwellings).
- The tower is proposed to be angled and would be setback a minimum of 2.7m from the western boundary (at levels 9-32, minimum 8.3m elsewhere; 3.5m from the northern boundary; 9.1m from the southern boundary; and 26m from the eastern boundary. The tower would accommodate 254 one, two and three bedroom dwellings.
- Communal residential facilities are provided within the rooftop level as follows:
 - Residents' terrace with an area of 262m²; and
 - Residents' lounge, including dining space, bar lounge area, and theatre/karaoke room, with a combined area of 168m².
- The proposed development incorporates 400 car parking spaces (386 resident and 14 visitor spaces), sleeved on the northern and western boundaries but generally unsleeved to the eastern and southern boundaries. A total of 120 bicycle parking spaces are provided within two separate areas within the ground level.
- The car park is proposed to be accessed via a new 7.7m wide crossover to Regatta Way, located on the eastern site frontage. Loading and waste collection would be accessed via a separate 3.8m wide crossover to Regatta Way. A loading bay is located adjacent to the waste room (which incorporates a compactor) and all waste collection will be undertaken within the building.
- The proposed development incorporates a number of environmentally sustainable design [ESD] features, including measures to achieve a 4 star Green Star rating, rainwater capture and reuse, and good solar access and ventilation to dwellings.
- The future Lorimer Park is also included as part of this planning permit application. The detailed design of the park would be resolved subject to a permit condition.

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 1 – Yarra’s Edge Precinct)	<p>A permit is required to construct a building or construct or carry out works.</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use comments, the developer must obtain either:</p> <ul style="list-style-type: none"> - A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or - A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A Statement of Audit has previously been prepared for Yarra’s Edge.</p> <p>A permit is not required for use of land as dwellings.</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 43.02 – Design and Development Overlay (Schedule 49 – Yarra’s Edge Precinct)	<p>Schedule 49 specifies that a permit is required if the requirements of Table 1 and Table 2 to the Schedule are not met. The subject site is located within Area 1 of DDO49.</p> <p>Table 1 specifies a maximum building height of 30m, except for a single or twin 130m tower on the Bourke Street axis.</p> <p>Table 2 applies to waterfront promenade widths.</p> <p>The DDO49 defines building height as <i>“the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services”</i>.</p> <p>Accordingly, as the proposed building has a height of 138m, and only half of the top level of the building is occupied by building services, a permit is required.</p>

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
Clause 43.04 – Development Plan Overlay (Schedule 2 – Yarra’s Edge Precinct)	<p>The preparation of a Development Plan is required, which in this instance is the <i>Yarra’s Edge Bolte Precinct 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 11 – Docklands – Yarra’s Edge)	<p>A permit is required to provide parking in excess of the maximum parking rate for dwellings, being 2 spaces to each dwelling (632 spaces).</p> <p>As a maximum 632 car parking spaces are allowed, and only 400 car parking spaces are proposed, no permit is required.</p>
Particular Provisions	Permit / Application Requirement(s) / Decision Guidelines
Clause 52.06 – Car Parking	<p>A permit is not required under Clause 52.06-3 if:</p> <ul style="list-style-type: none"> - The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and - The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences. <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 (63 spaces) - One visitor space to each 10 dwellings (32 spaces) <p>The proposal will provide 120 bicycle parking spaces, and accordingly exceeds the statutory requirement. No permit is required.</p>
Clause 52.35 – Urban Context Report and Design Response for Residential Development of Five or more Storeys	<p>An application for a residential development of five or more storeys should be accompanied by an urban context report and a design response.</p>

Particular Provisions	Permit / Application Requirement(s) / Decision Guidelines
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 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.
- 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).

Yarra’s Edge Bolte Precinct Development Plan

The Development Plan is not referenced at Schedule 2 to the Development Plan Overlay, but the higher-level (and partially superseded) ODP is referenced. As noted earlier, the Development Plan was approved in June 2013 and replaced elements of the original ODP in relation to the Bolte Precinct (in which the subject site is located).

Key elements of the Development Plan as it relates to the proposed development are as follows:

- Lorimer Park (the public park located adjacent to the western boundary of the Tower 11 site) is identified as an intimate neighbourhood space providing a link between Lorimer Street and South

Wharf Drive. The space is intended to be sheltered, with landscape at the southern end and hard paving at the northern end, with a focus on social interaction.

- Tower 11 is identified with an indicative height of 130m, a preferred podium height of between three and six storeys (10m and 20m), approximately 180 dwellings and 220 car parking spaces, and a GFA of approximately 18,500m². A mix of uses is identified at the ground level, with residential uses on upper levels of the podium to the north and west and car parking/mixed use indicated to the south and east sides of the upper podium levels.

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 the Melbourne City Council on 19 October 2015, and the application was considered at Council's Future Melbourne Committee on 16 February 2016.

The Future Melbourne Committee resolved that the Council supports the proposed development subject to the conditions outlined in the Delegate Report. The conditions generally relate to standard permit matters and address issues including ESD, landscaping, waste management, acoustic treatments, engineering, car parking, and other matters.

The majority of these conditions will be included on any permit issued, with some recommended conditions reworded to align with standard Departmental condition wording.

Public Transport Victoria

The application was referred to Public Transport Victoria on 19 October 2015. PTV does not object to the application.

Places Victoria

The application was referred to Places Victoria on 19 October 2015. Places Victoria does not object to the application.

DELWP Urban Design

The planning permit application was informally referred to the Department's Urban Design team. The advice noted several concerns, most specifically in relation to tower setbacks. Following a meeting with the applicant, these concerns were addressed. No outstanding urban design issues remain.

VicRoads

While formal referral to VicRoads was not required under the provisions of the Scheme, it is noted that the Development Plan was referred to VicRoads at the time of consideration of the amendment in 2013.

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

- Providing residential uses in close proximity to the significant industrial and employment centre of Fishermans Bend North and transport links including the Westgate Freeway, CityLink, and Lorimer and Ingles Streets.
- 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 Lorimer Park.

Local Planning Policy Framework

- Contributing to a diversity of housing options (including 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.

Yarra's Edge Bolte Precinct Development Plan

The detailed assessment in the below sections will address the objectives and guidelines of the Development Plan, but broadly, the proposal is considered to be generally consistent with the vision for the site identified in the Development Plan.

The subject site is identified for an apartment style development. A comparison of the proposed development against the preferred outcomes is provided as follows:

Development Plan	Proposed Development
A building height of up to 130m	A maximum building height of 138m
Approximately 180 dwellings	316 dwellings
Approximately 220 car parking spaces	400 car parking spaces
GFA of approximately 18,500m ² (excluding car parking)	GFA of approximately 42,300m ² (excluding car parking)
A maximum of two car parking spaces per dwelling	1.26 car parking spaces per dwelling

While nominating the preferred outcomes, the Development Plan also notes that these figures are an approximate guide only until detailed planning is complete. There are a number of elements of the proposed development which exceed these indicative figures, including the building height, number of dwellings and car parking spaces, and GFA. The increase in the number of dwellings, with corresponding increases in GFA and car parking spaces is the most significant shift.

It is nevertheless considered that the proposed development can be considered generally in accordance with the Development Plan. Advice from Mirvac has confirmed that indicative dwelling numbers were predicated on appropriate 'pre-sales' targets to enable early construction, but recent market demand has ensured sufficient interest to meet larger pre-sales targets within similar timeframes. The built form envelope and overall height remain generally consistent, and this is considered to be acceptable. The Development Plan has built in sufficient flexibility in these indicative outcomes to enable the proposed development.

Design and Built Form

Height

The proposed building has a height of 43 storeys or 138m above ground level. This slightly exceeds the indicative 130m height nominated in the Development Plan and the preferred 130m height identified in the DDO49. It is noted that the proposed building incorporates habitable levels up to a height of 128m, with the top 10m occupied by a level shared between building services and communal residential facilities. The overall proposed maximum height is considered to be acceptable and generally in accordance with the Development Plan.

Tower 11 (this building) will be the tallest building in the Bolte Precinct, and the additional 8m above the nominated height will reinforce the landmark significance and built form prominence at the culmination of the Bourke Street, which is an overarching principle of the Development Plan. Given the varied heights found in the surrounding area (ranging from low-rise townhouses to towers up to 90m in height), the additional height will enhance the built form diversity of the precinct and will not compromise the relationship of the building with surrounding buildings. It is further noted that the approval for Tower 10 was for a 100m high tower, significantly less than the 130m height nominated in the Development Plan. The minor 8m increase in height can be easily accommodated on this site and is acceptable.

The proposed building has a podium height of between six storeys (20.9m) to South Wharf Drive and seven storeys (21.5m) to Lorimer Street. The Development Plan identifies the site as having a podium height of between three and six storeys (10m to 20m). The proposed podium heights are considered to be generally in accordance with the Development Plan and are supported.

The Department's Urban Design Team and Melbourne City Council are both supportive of the proposed overall building height.

Setbacks

The podium is proposed to be fully constructed to street edge around the perimeter of the site, which is supported (the activation and public realm relationship of the podium is discussed in detail below).

The tower setbacks are generally considered to be acceptable. The tower is angled and curved, creating a strong sculptural form. While the Development Plan nominates a minimum 5m tower setback from podium edges, the slightly reduced setbacks from the northern and western boundaries of the site are considered to be appropriate given the elliptical form of the tower. The slightly reduced setbacks of minimum 3.5m and 2.7m respectively are only proposed at the 'pinch point', and the angled form will successfully minimise any appearance of visual bulk as experienced from the public realm. Melbourne City Council noted that the proposed tower setbacks are *"considered to be an acceptable outcome for the site"*.

Figure 2 - Tower footprint and massing



Public realm

The proposed development provides active residential uses at all levels of the podium fronting South Wharf Drive and the future Lorimer Park. The southern Lorimer Street elevation also includes active residential uses at the ground and first floor. The balance of the podium levels incorporate car parking and services on the Lorimer Street and Regatta Way elevations. This is generally consistent with the requirements of the Development Plan, which outline that mixed use (residential, retail, commercial) land uses are preferred around the full perimeter of the ground level, while residential uses are preferred in the upper levels along the northern and western elevations of the building.

Figure 3 - Development Plan land uses



The Department’s Urban Design Team noted that the concealment of car parking along the northern and western elevations was positive, and that the concentration of building services and ‘inactive’ uses along Regatta Way and Lorimer Street mirrored the approach of Tower 10 immediately to the east. The activation of the ground floor street level was noted as *“positive and therefore supported”*.

Figure 4 - Public realm interface and podium activation (NE corner)



The future Lorimer Park, located immediately east of the subject site, is included in this planning permit application (although is not identified in the 'red line boundary' on the architectural plans. The park is identified in the Development Plan as:

- *“A linear intimate neighbourhood space that will stimulate social interaction within the local community.*
- *A sanctuary space with enclosure and protection.*
- *Able to accommodate a range of program including local gathering or meeting, picnic shelter and barbecue facilities and shared community facilities such as a fenced dog park or community garden allotments.*
- *Urban treatments would be a balance of hard and soft landscape, with seating, sun and shade.”*

Melbourne City Council has reviewed the plans for the proposed park and has no objection subject to conditions relating to the preparation of a landscape plan and overall review of the park layout. This will be addressed by way of a condition on any permit issued.

Overall, the interface between the building and the public realm is considered to achieve an appropriately resolved and activated outcome and is supported.

Wind

The plans submitted to the Department were accompanied by a wind impact assessment report prepared by MEL Consultants (dated 12 August 2015). The report concludes that design solutions are required to mitigate wind effects to ensure public safety and comfort.

The tower has been shaped, oriented and positioned in order to most effectively balance the various wind conditions within the ground level. The diagonal placement of the tower above the podium minimises the

effects of the prevailing winds, while the first two levels of the tower are recessed to allow the wind to escape under the tower which alleviates downward winds onto the ground plane.

It is acknowledged that existing wind conditions within the Docklands are challenging, and despite these measures, the proposed development will achieve between walking and waterfront comfort criteria at all test locations. Given the location of the site and the existing wind conditions, this is considered to be acceptable. Melbourne City Council noted that while these conditions are not ideal, they are *“acceptable from a public safety perspective in Docklands”*.

While the basic configuration assessed by MEL Consultants did not include street trees (as reliance on vegetation is generally not a preferred design response to address wind mitigation), it is nevertheless noted that the incorporation of street trees will improve wind conditions within the public realm. Given the existing wind conditions in the immediate site environs, the proposed wind mitigation measures are considered to be necessary and acceptable.

Overshadowing

Given the location of the subject site immediately east of the future Lorimer Park, the proposed development will result in some overshadowing of the park during the morning hours. The shadows only affect the south-eastern corner of the park and are completely cleared by 11.00am. This impact is not considered unreasonable and is consistent with the extent of shadows contemplated under the Development Plan.

Figure 5 - Overshadowing diagrams 9.00am (left) and midday (right) at the September equinox



The proposed development will also create overshadowing impacts to Lorimer Street, Regatta Way and to a lesser extent, the podium of Tower 10 (during the afternoon hours). The overshadowing impacts are entirely consistent with what was envisaged under the Development Plan and accordingly are acceptable.

Acoustics

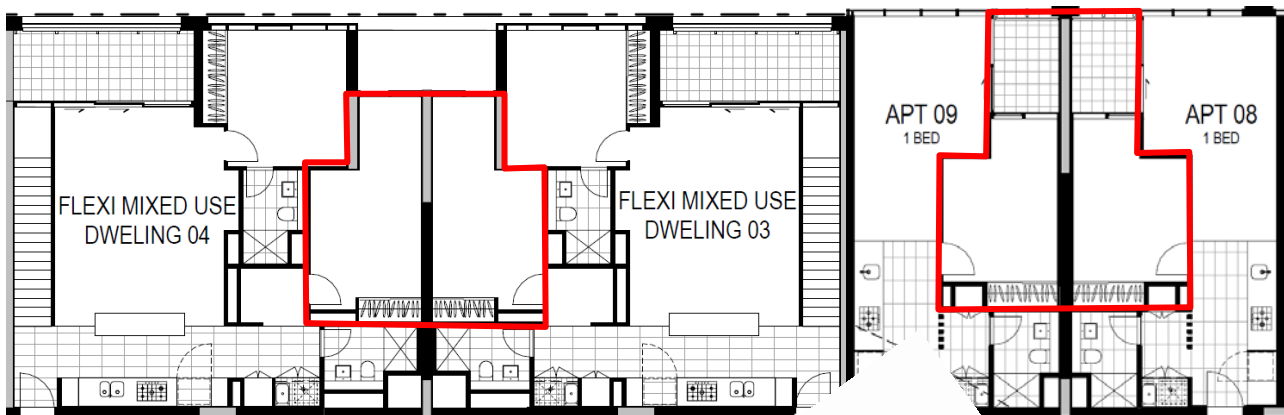
An acoustic report prepared by Marshall Day Acoustics (dated 13 August 2015) considered the requirements of relevant Australian Standards and the Melbourne Planning Scheme. The report assessed traffic noise from the surrounding road network, music noise from Etihad Stadium, and possible noise sources from within the proposed development itself. The report makes a number of recommendations to achieve acceptable internal noise criteria, including specific requirements for glazing along each elevation of the proposed tower and acoustic seals. The report concludes that acceptable internal noise criteria will be met if the recommendations are implemented. This will be addressed by way of a condition on permit.

Internal amenity

The proposed development is considered to achieve a good level of internal amenity. All bedrooms incorporate windows to provide direct daylight access and natural ventilation, and no living areas or bedrooms rely on borrowed light.

Within the podium levels, the north-facing typical apartments and flexi mixed-use dwellings incorporate 'saddleback' bedrooms (both configurations are shown below). These 'saddleback' bedrooms are considered to be acceptable. The internal dimensions of the bedrooms incorporate generous openings to the balconies or edge of the elevations to provide good daylight penetration to these dwellings. Furthermore, 'saddleback' bedrooms are only proposed for north-facing dwellings. The northern orientation, combined with the generous depth-to-width ratio, will ensure that all habitable rooms receive appropriate amounts of daylight.

Figure 6 - 'Saddleback' bedroom configurations



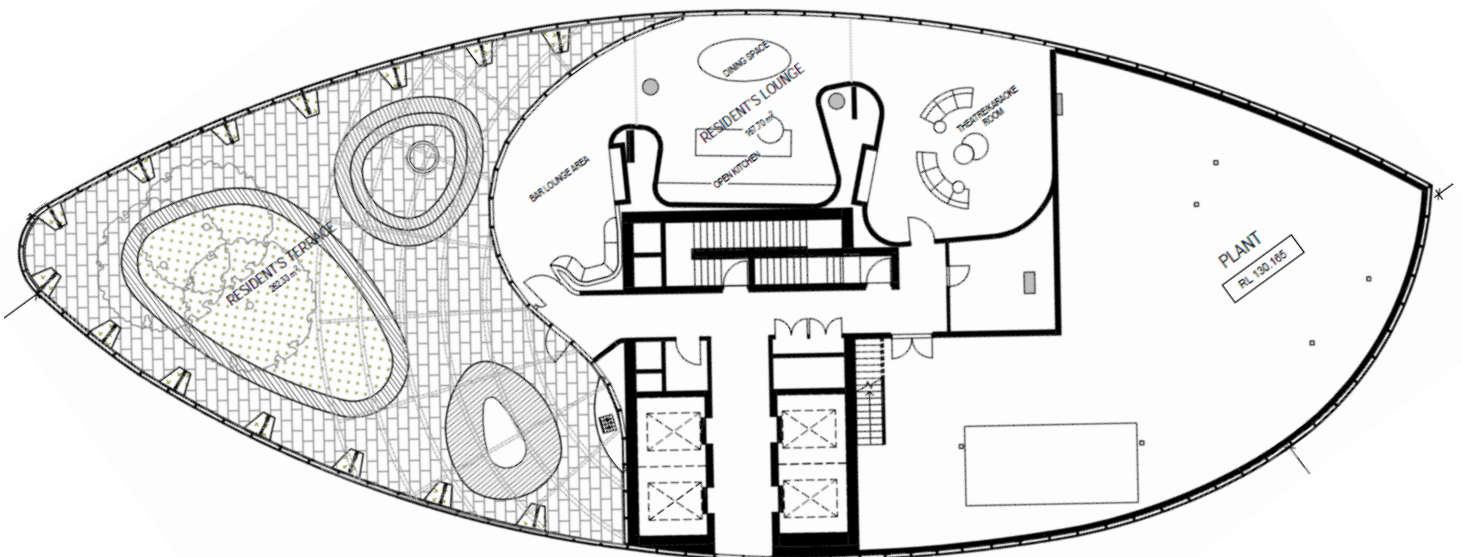
Most dwellings are provided with a balcony or wintergarden. All habitable rooms have access to natural ventilation. The layout and outlook of the dwellings is generally considered to be well supported.

Each unit includes a living room, and all units have a generous amount of internal space, providing a high level of internal amenity and is well supported.

The proposed development incorporates a rooftop communal area of a suitable amount, type and location of the communal space to meet the reasonable recreation needs of the residents.

The rooftop communal area is located on the podium level. The area is designed to provide for the reasonable recreation needs of the residents.

Figure 7 - Rooftop communal area



Car and bicycle parking

The proposed development will provide a total of 400 car parking spaces and 120 bicycle parking spaces, which satisfies the statutory requirements of the Scheme. The car parking rate is 1.2 spaces per dwelling, which is consistent with the nominated provision in the Development Plan and less than the maximum 2 spaces per dwelling identified in the Parking Overlay. Melbourne City Council noted that *“the provision and number of bicycle parking, car parking, traffic generation, layout and access arrangements are acceptable in this instance”*.

A number of concerns have been raised in relation to detailed engineering matters including a lack of dimensions on the plans and aisle widths. Detailed matters will be addressed by way of a condition on permit requiring amended plans to be to the satisfaction of the Melbourne City Council.

Bicycle parking spaces are provided at ground level and are conveniently located for future residents and visitors to the development.

The traffic impact assessment prepared by TTM Consulting (dated 21 October 2015) concludes that the surrounding road network is expected to remain within capacity, with traffic conditions expected to remain between ‘fair’ and ‘excellent’. Furthermore, it is concluded that the car park and access design have been designed in accordance with relevant Australian Standards and are appropriate.

Loading and unloading of vehicles

The proposed development incorporates an internal loading bay at ground level, accessed via Regatta Way. This is consistent with advice from the Melbourne City Council requiring an internal loading area to be provided.

Waste management

The waste management plan (WMP) prepared by Wastech Engineering (dated 11 August 2015) outlines the proposed waste management arrangements for the proposed development. Melbourne City Council noted that the submitted WMP does not comply with Council’s 2015 guidelines, as the application was lodged prior to the introduction of the new guidelines. A condition on permit will require an amended WMP to be submitted in accordance with the new guidelines.

Environmentally sustainable design

An environmentally sustainable design [ESD] report was prepared by Umow Lai (dated 18 August 2015) and outlines the environmentally sustainable design initiatives and commitments reflected in the proposed development.

The report indicates that the proposal may not 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. The proposal is targeted to only achieve a 4 star Green Star rating, with a number of additional measures under consideration which could achieve a 5 star Green Star rating. The ESD report identifies a number of areas where the development could potentially score higher in order to achieve the 5 star rating. This is not considered to be acceptable.

The proposed development will be required to target a 5 star Green Star rating, consistent with best practice design standards and the objectives of Clause 22.19 of the Scheme. This will be addressed by way of a condition on permit.

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 concerns raised by Melbourne City Council can be addressed by way of condition on permit as relevant.

Overall, it is recommended that Planning Permit PA1500010 be issued for development of the land for the construction of a multi-storey building, subject to the conditions described in the attached planning permit.

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DATE: 4 April 2016

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