Department of Transport, Planning and Local Infrastructure Statutory Approvals – Central City Planning Delegate Report

APPLICATION FOR PLANNING PER	MIT: Site R5, 48-54 Digital Drive, Docklands
Application Number:	2013/007431
Proposal:	Use and development of two multi-storey residential buildings with a shared podium and associated parking and use of land as retail premises and car park.
Applicant:	- Digital Harbour Holdings Pty Ltd
Zoning:	Docklands Zone- Schedule 5 (Digital Harbour Precinct)
Overlays:	Design and Development Overlay – Schedule 12 (DDO12) Noise Attenuation Design and Development Overlay – Schedule 51 (DDO53 – A2) Development Plan Overlay – Schedule 6 (DPO6) Parking Overlay – Schedule 9 Comtech Port (Digital Harbour)
Application Received:	7 October 2013
Further information requested: Further information received:	15 October 2013 12 November 2013
Number of Objections:	Not applicable
Recommendation:	Permit to issue



Purpose

1. To brief you on Planning Permit No.: 2013/007431 at Site R5, 48-54 Digital Harbour, Docklands for development of the land for two multi-storey residential buildings above a common podium incorporating ground level retail and a multi-level public car park facility.

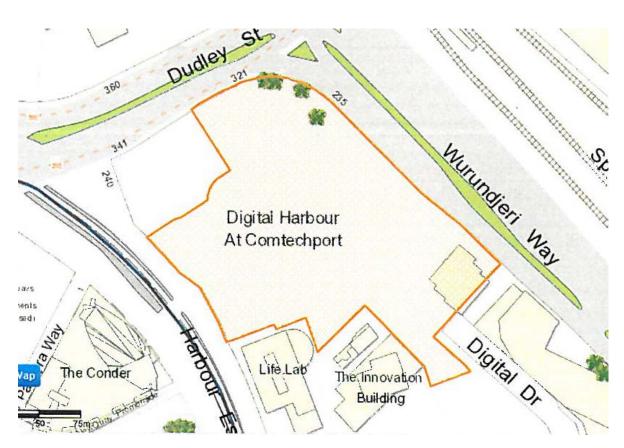
Background

- 2. The Minister for Planning (the Minister) is the Responsible Authority for assessing the planning permit application under Clause 61.01-1 of the Melbourne Planning Scheme (the Scheme) as the site is over 25,000 sqm Gross Floor Area (GFA).
- 3. The applicant lodged Planning Permit No.: 2013/007431 on 7 October 2013.
- 4. Prior to lodgement of the application, 5 pre-application meetings/workshops have been attended by the Applicant, Officers of the City of Melbourne, DTPLI and Places Victoria. Additional separate meetings have been held in relation to the public park to the west.
- 5. The Amended Digital Harbour Development Plan was approved on 26 July 2011. The approved Development Plan provides for a low rise building form (40m) to the north east and a tower of up to 75 m to the south east portion of the site.

Subject Site

6. The subject site is located on the south west corner of Dudley Street and Wurundjeri Way and is identified in the Digital Harbour Precinct as the R5 residential tower site. The land is currently used as Wilson Parking open lot carpark. The site is prominently located and represents a gateway site for a north eastern approach to Docklands. The site is identified on the map below as site "R5 Proposed Residential".





- 7. The site to the west is known R6 and is at 238 Harbour Esplanade on the corner of Harbour Esplanande and Dudley Street. Planning permit 2013/004303 was issued by the Minister on 29 July 2013 for a 37 storey, 118m high tower on this site comprising 360 apartments and a 4.5 star 176 room hotel with associated parking accessed from Harbour Esplanade. This development is expected to be commenced in 2014 and will also involve construction of Digital Drive and a park between the R6 and R5 site. The park will be a joint project between the developer, Places Victoria and the City of Melbourne. Digital Harbour Holdings are subject to a requirement of the above permit to construct the full extent of Digital Drive from Harbour Esplanade to Latrobe Street.
- 8. The site is irregular in shape with a curved and raised edge to Dudley Street/Wurundjeri Way which falls down steeply to the edge of the carriageway. The site also has a frontage to the yet to be constructed extension to Digital Drive, linking Harbour Esplanade to LaTrobe Street. The site has a total area of approximately 2,949 square metres.
- 9. The subject site is bounded by Dudley Street, a 6 lane arterial road separating the site from the large "E-gate" precinct. Wurundjeri Way borders the site to the east and further beyond is the rail corridor. To the west of the site is vacant land that will be developed as the North East Park and beyond this to the west is site R6. Further west on the adjacent side of Harbour Esplanade are the substantial residential towers of the New Quay precinct such as the Conder. To the south of the site is site R4 which is vacant. Beyond this to the south are existing Digital Harbour precinct buildings including those along LaTrobe Street and the Stadium.
- 10. The site is encumbered by a 3 metre wide easement in favour of City West Water along the Dudley Street and Wurundjeri Way corner and along the Wurundjeri Way boundary.

Proposal

- 11. The proposal is for two residential towers an east tower of 81.9 metres and a west tower of 49 metres built above a shared podium of eight levels which curves around the Dudley Street, Wurundjeri Way corner. A large communal open space area comprising a landscaped garden and a pool facility is located on the top floor of the podium.
- 12. The key details of the proposal are as follows:

Building Height	East Tower total height of 81.9m 24 levels	West Tower total height of 48.9m 13 levels
Podium Height	26m	26m
Car spaces	406 total centralised within the podium	
	102 residential spaces plus 4 residential spaces	
	300 commercial car park spaces	
Bicycle spaces	153	108
	Visitor and retail 29 spaces	
Loading/unloading	A loading bay is provided – 50 sq.ms at south west boundary which meets Planning Scheme dimension requirements.	

Land use	Dwellings (no permit required)	
	Retail Premises	
	Car park	
Dwellings	153 dwellings	108 dwellings
	102 1-bed	102 1-bed
	51 2-bed	18 2-bed
Gross floor area (GFA)	East and West tower combined GFA of 34,730 sq.ms.	
Retail spaces	Four tenancies 435 sq.ms in total located on south west side of podium adjacent park	
ESD performance	The application as submitted targets a 4-star Green Star Multi-Unit Residential V1 rating	

^{13.} The main residential pedestrian access to the site is from Digital Drive. Vehicle access to the site and the car park is from a new service lane off Digital Drive.

Statutory Controls

14. The following statutory controls affect the site and trigger a permit:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Docklands Zone- Schedule 5 (Digital	Under Clause 37.05-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.
Harbour Precinct))	Under Clause 37.05-2 a permit is required to use land for "retail premises" and a car park and is subject to the condition that it "must be associated with a development in the surrounding area, or a Section 1 or 2 use."
	Dwelling, office and shop are as-of-right in the DZ5.
Design and Development Overlay	Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.
Schedule 12 (Noise Attenuation) Pursuant to Schedule 12 - A permit is not required for building works other than buildings and works associated with new, report or converted developments for noise sensitive uses. A permit is required under the schedule. A permit is not required to construct a building or construct of out works if the requirements of Table 1 to this schedule are The Table to Schedule 53 states in relation to A2:	
Precinct)	DDO 53 Area 2 75 metres, except for one tower in the south east corner of the module not exceeding 100 metres.
	A permit is required under the Schedule because the proposed development exceeds 75 metres in height.

Development Plan Overlay Schedule 6	to this overlay. The proposed building is generally Harbour Development Plan (Amen	o this of develorespores with the required consisted Approximately and the consisted of the constant of the consisted of the consisted of the consisted of the constant of the	carry out works until a the satisfaction of the overlay specifically states that pment plan has been unable authority. The development plan a schedule of tent with the current Digital pril 2011) which was
	approved by the Minister on 26 Ju		
Clause 45.09 A permit is required for a p		ır park	facility.
(Parking Overlay- Schedule 9 Comtech Port and Clause	A permit is required to provide car parking spaces in excess of the maximum number specified in the Table.		
52.06 (Car Parking)	A permit is required to vary these requirements.		
	Table: Maximum car parking space	es	
	Dwelling	1.5	
	Office	2	
	Industry	1	
	Any other use	1	
	The maximum provision for car spaces for the residential component of the development is 391 car spaces. 106 spaces are proposed to be provided and does not trigger a permit under the schedule. 300 spaces are proposed to be provided as part of a commercial car park facility and will be available for commercial use across the		
	precinct.		
Loading and Unloading of Vehicles (Clause 52.07)	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.		
	A loading facility is provided on sit specified in the schedule.	e whicl	n exceeds the dimensions
Bicycle Facilities (Clause 52.34)	Under Clause 52.34-1 a new use r bicycle facilities and associated sig This clause creates a requirement site (1 per 5 dwellings, 261 dwellings) and 1 space for the retaretail) giving a total requirement of	nage h for 52 ngs), 20 ail tena	spaces for the dwellings on 6 visitor spaces (1 per 10 ncy (1 space per 400 sq.ms of

	The plans show 295 bicycle spaces, comprising 261 residential spaces, 26 visitor spaces and 8 commercial spaces. The proposal therefore meets the statutory requirement of this Clause and does not trigger a permit for bicycle parking.
Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)	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.
	Under Clause 52.35-3 the responsible authority must inform the applicant in writing before notice of an application is given that the urban context report meets the requirements of Clause 52.35-2.
Integrated Public Transport Planning (Clause 52.36)	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots.

General Provisions

Responsible authority for administering and enforcing the Scheme:

15. The schedule to Clause 61.01 provides 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 Planning and Environment Act 1987 for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.

Decision Guidelines

16. In addition to the decision guidelines for each of the Clauses detailed above, the responsible authority must consider as appropriate a number of matters under Clause 65.01, including Section 60 of the Act.

Reference Documents

17. The proposed development is not in conflict with Docklands: The Second Decade or Access Docklands and Access Docklands. The proposed development complies with the objectives of Access Docklands by providing lower car parking provision, higher bicycle provision and is in close proximity to public transport infrastructure.

Notice Provisions

- 18. The schedule to the Docklands Zone specifies that the application is exempt from notice requirements 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.
- 19. The schedule to both applicable Design and Development Overlays (DDO12 DDO53) and the Parking Overlay) also specify that 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.

Referral Provisions

20. Under Clause 66.03 an application must be referred to the person or body specified as the referral authority. For this application referral was given under Section 55 to PTV/Director of Public Transport, Places Victoria and VicRoads. The application was informally referred to the City Melbourne for comment.

Public Transport Victoria

21. The application was referred on 2 August 2013 and the PTV responded (12 December) stating that they do not object to a permit being issued with no conditions requested.

VicRoads

22. VicRoads offered no objection to the application in its letter dated 3 January 2014 and requested 2 conditions and extensive notes be placed on the permit.

Places Victoria

23. Places Victoria has been extensively consulted throughout the process and Places Victoria offered no objection to the application, subject to conditions (letter dated 28 November 2013).

The City of Melbourne

- 24. The application was referred to the City of Melbourne for comment. The Future Melbourne Committee considered the application in its meeting of the 4 February 2014 and resolved to support the modified design subject to inclusion of conditions attached to its Officers Report.
- 25. The City of Melbourne's Officers report has noted that it is dissatisfied with the outcome of an eight level podium containing a large car park, as opposed to a four level podium recommended by the Development Plan. Despite noting concern with the 8 level podium in the Officers report, the City of Melbourne has not recommended conditions to reduce the height of the podium.
- 26. The conditions recommended to be placed on the permit are the result of detailed liaison between Places Victoria, the City of Melbourne and DTPLI. Key issues addressed are the design architects for the project (SJB) be retained on the project to further refine and improve the podium details and finishes, the construction of Digital Drive, a continuous footpath treatment over the service lane detailing of shop tenancies, the car park design and waste management.

DTPLI Urban Design Unit

27. DTPLI Urban Design have indicated general support for the proposal but have recommended that a number of areas of the design be addressed including measures to mitigate overlooking between public and private areas within the development, further details of the Wurundjeri Way and the south podium facade, details of the wind mitigation screen, further detail about wind mitigation for the podium, clarification on materials and finishes and submission of a landscape plan with full details of species and materials.

State Planning Policy Framework

- 28. Clause 10.04 (Integrated Decision Making) requires that planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
- 29. Clause 15 (Built Environment and Heritage) seeks to ensure all new land use and development appropriate responds to its landscape, valued built form and cultural context. It is also about creating quality built environments which support the social, cultural, economic and environmental wellbeing of our communities.
- 30. Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

- 31. Clause 15.01-2 (Urban Design Principles), encourages development that provides architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- 32. Clause 15.02 (Sustainable Development) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 33. Clause 17.01-1 (Business) seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- 34. Clause 18.01 (Integrated Transport) seeks to create a safe and sustainable transport system by integrating land-use and transport. Strategies include concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.
- 35. Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and to encourage cycling as an alternative mode of travel.

Local Planning Policy Framework

- 36. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premier 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.
- 37. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with the vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality.'
- 38. Clause 21.04 (Settlement) sets out objectives and strategies to promote growth and development in specific areas of the city which in the case of Docklands is an existing urban renewal area.
- 39. Clause 21.08 (Economic Development)_notes that areas are in the Central City area are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity.
- 40. Clause 21.09 (Transport) recognises that compact, mixed use and walkable cities built around public transport corridors and nodes are more effective, more accessible and more sustainable.
- 41. Clause 21.13-2 (Urban Renewal Areas Docklands) sets out the local area policies for Docklands and includes a vision for the area to provide for 'a mixed use environment with all the services and facilities that provide for the local residential community, the local work force and visitors to the area.'
- 42. Clause 22.18 (Urban Design within the Docklands Zone) seeks to encourage exciting, viable developments built to the highest design and environmental standards.

DISCUSSION

- 43. The purpose of Schedule 5 to the Docklands Zone is:
 - To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.
 - To provide for high technology industries and institutions in a campus-style development supported by residential and other related development.
 - To provide a distinctive entry to Melbourne Docklands from the northern edge of the city.
- 44. The development will implement this purpose by improving the balance of uses in the Digital Harbour Precinct to include more residential and by providing a striking building form to the gateway site on the corner of Dudley Street and Wurundjeri Way.

45. The proposal will implement State and Local Planning policy by providing housing at a higher density, by defining a landmark site with high quality architecture and will contribute attractive, safe public realm spaces with improved linkages through the construction of Digital Drive.

Land Use

- 46. The two uses that require planning permission for use under schedule 5 to the Dockland Zone are 'retail premises' (except shop) and 'car park'. The use 'car park' is subject to the condition that it 'must be associated with a development in the surrounding area, or a Section 1 or 2 use'.
- 47. The use of land for the purposes of retail premises (subject to appropriate exclusions such as adult sex bookshop and tavern) is supported as this will provide ground level activation to Digital Drive and the new public open space area. This will benefit the precinct by providing uses that will support and complement the new residential development and offer activation at ground level. Uses including tavern, restaurant, shop and office are already as of right in Schedule 5 to the Docklands Zone so giving permission to retail premises will just give a slightly wider permission to allow uses like supermarket.
- 48. The subject site is currently used as a Wilson parking open lot car park. The immediately surrounding commercial buildings in Digital Harbour have relied on this car park for many years as an "overflow" parking resource. The proposed car park will therefore be an important resource to the precinct which should be supported. The use of land as a large commercial car park has significant built form implications and these are discussed below.

Development Plan

- 49. The Digital Harbour Development Plan (Amended April 2011) was approved by the Minister for Planning on 26 July 2011. The purpose of the amended Development Plan was to update and review the objectives for the precinct in light of relationships to existing development, transitionary sites like E-gate and provide a framework for the evolution of the precinct from a Technology and Innovation based precinct to a more mixed use commercial and residential precinct.
- 50. The proposed development is consistent with the broad objectives of the amended Development Plan because:
 - it will introduce a well designed development to a key gateway site of the precinct (which has been vacant for many years) which will enhance the precinct's identity;
 - the proposed development will be 81.9 metres which generally conforms with the height recommended for Area 2 within the precinct (75 metre building with one tower in the south east portion of the precinct not exceeding 100 metres).
 - it will introduce a major residential use development to the precinct that will balance and enhance the existing range of uses currently in the precinct;
 - it will result in the construction and extension of Digital Drive through to LaTrobe Street which will improve connections through the precinct and;
 - it will provide activation at ground level which will enhance its attractiveness and amenity and its linkages with other precincts of Docklands such as New Quay.
- 51. The proposal has a variation to the Development Plan in relation to the height of the podium, which is proposed to be 8 levels or a total of 26ms in height as opposed to 4 levels which is recommended by the Development Plan.
- 52. The height of the podium has been subject to extensive discussion with the agencies at the preapplication workshops and has resulted from the need to accommodate the required number of car spaces on site and the inability to excavate the site to create basement parking due to contaminated on site fill and silt. These factors have therefore necessitated an 8 level podium. The podium has

therefore been agreed to by Places Victoria and the City of Melbourne subject to conditions to further enhance its design.

Design and Built Form

53. Schedule 53 to the Design and Development Overlay requires that a permit be granted to exceed the height in the Table to Schedule 53. The objectives of the DDO are to:

To ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour are recognised.

To prevent any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow that is already cast by the existing facility roof when fully open.

- 54. The proposed building does not overshadow the Etihad Stadium playing surface and the building is considered to comply with the vista objective. The height at 81.9 metres is considered appropriate and accordance with the Development Plan and the heights specified by Schedule 53 to the Design and Development Overlay.
- 55. The overall massing of the scheme involves a large 8 level podium which hugs the Dudley Street/Wurundjeri Way corner with two towers of 81.9 metres and 48.9 metres with a minimum tower separation of 11.34ms and a maximum separation of 25 metres. The built form of the towers are considered to be well designed to respond to a range of contextual factors including views, solar penetration, prevailing winds and are also well considered in order to break up the massing of the building and connect the towers to the podium. The strategy of undulating balconies are a welcome and striking element to add interest and articulation the building.
- 56. Further details about the facade will be required as a condition of the permit to ensure a high quality outcome.
 - Street Level Frontages & Pedestrian Safety
- 57. The entire south west side of the building will be activated with the building entry and retail tenancies with a high degree of glazing and a curved canopy over the pedestrian space which will face Digital Drive and the park offering a high quality circulation space around the building with good solar access and a canopy for weather protection.
- 58. DTPLI Urban Design has identified locations where recessed flanking blades on the ground level may have an adverse impact on safety and this should be addressed as a condition of the planning permit. In other respects, the upper level balconies that overlook the pedestrian spaces and park will support the safety of pedestrian spaces on the south west side of the building.
 - Public Realm and Open Space
- 59. The building will cast shadow over the immediately adjacent park in the morning but the shadows will not affect this space from 12pm onwards providing good afternoon amenity to the park. Given the development is generally in accordance with the heights recommended by the Development Plan, it is therefore acceptable that the park is going to experience some minor overshadowing as it is located between two tall buildings.
- 60. The open space provided for residents through balconies and the communal space on the podium will generally have excellent amenity and solar access.
- 61. Given the two towers have a minimum separation of 11.34 metres there will be adequate distance to provide a reasonable level of privacy between dwellings. However, screening is required to protect the private open space areas of the apartments which face the podium communal open space area. This may be addressed as a condition of the permit.
 - Digital Drive
- 62. Construction of the full extent of Digital Drive was a requirement of the R6 planning permit on the adjoining site, therefore it is not necessary to duplicate this requirement on the R5 planning permit.

Internal Amenity

- 63. An appropriate range of dwelling sizes and types are proposed and all will benefit from excellent access to daylight and sunlight through the angled orientation of the towers. A component of the apartments will not be provided with balconies however these dwellings and the other dwellings will all have access to the communal open space area on the podium and the new park adjacent to the west. The entries to the apartment towers are well located.
 - Microclimate (Wind, Weather Protection, Light and Shade/ Overshadowing)
- 64. The Environmental Wind Assessment (MEL Consultants, date October 2013) submitted with the application concludes that wind conditions around the proposed development, particularly in the main pedestrian trafficable areas have been shown to be mostly either on or within the criterion for walking comfort. However no testing has been conducted for the podium communal open space and additional testing and submission of documentation for appropriate wind amelioration for this space should be required.

ESD

- 65. The report submitted by Murchie Consulting documents a preliminary energy rating using the First Rate tool targeting a 4 star Green Star Multi-Unit Residential V1 rating. Through extensive workshops and discussion between the Applicant and the agencies it has been agreed that the development is to achieve a 5 star Green Star rating and that it will not be necessary to carry out an assessment against the Docklands ESD Guidelines.
 - Car Parking / Loading and Unloading of Vehicles/ Waste Collection/ Bicycle Facilities
- 66. The traffic and car parking arrangements for the development have been reviewed by the City of Melbourne which has confirmed that the entrances for vehicles and bicycles are safe and convenient and adequate provision has been made for loading and waste collection.
- 67. It is recommended that a condition requiring a car park management plan be placed on the permit.

Summary

68. Places Victoria has liaised with the City of Melbourne in relation to conditions and has indicated support for the conditions recommended by the City of Melbourne.

Conclusion/Recommendation

- 69. Policy contained in the State and Local Planning Policy Framework, Docklands Second Decade, Access Docklands and Plan Melbourne supports office development in this location and it is considered that the issues identified through agencies assessment of the proposal can be addressed through the condition requirements on the permit.
- 70. That you approve Planning Permit No.: 2013/007431 at 48-54 Digital Drive, Docklands, for the development of two multi-storey towers with a shared podium, use of land as retails premises and car park subject to conditions.

Date:

14 February 2014

Prepared by: Name:	Approved by:
Title:	Name: Title:
Phone: Date: 14 February 2014	Phone: