

**Department of Planning and Community Development**  
**Statutory Approvals – Central City Planning**  
**Delegation Report**

<b>Application No:</b>	2011/005184
<b>Land Address</b>	92-100 Lorimer Street, Docklands
<b>Application:</b>	Permit application under s.47 of the Planning and Environment Act 1987 (P&E Act).
<b>Proposal:</b>	Development of 39 storey residential building (known as Tower 6), use of the land for the purposes of retail (excluding gambling premises) and alteration of access to road in a Road Zone, Category 1.
<b>Received:</b>	20 April 2011
<b>Planning Scheme</b>	Melbourne Planning Scheme
<b>More Information Requested:</b>	N/A
<b>More Information Received:</b>	N/A

**The Applicant**

<b>Name:</b>	Mirvac Docklands Pty Ltd
<b>Address:</b>	[REDACTED] JH Town Planning [REDACTED]

**Purpose**

1. To brief you on planning permit application: 2011/005184 at 92-100 Lorimer Street, Docklands for development of the land for a 39 storey residential building (Tower 6) and associated works and use and development of land for ground floor retail, place of assembly (community centre) and associated works.

**Background**

2. The Minister for Planning (the Minister) is the Responsible Authority for assessing the planning permit application under Clause 61.01 of the Melbourne Planning Scheme (the Scheme) as the site is in the Docklands area.
3. The applicant lodged planning permit application no.: 2011/005184 on 20 April 2011.

**Subject Site**

4. The 4,448m<sup>2</sup> site is rectangular in shape and located within the Yarra's Edge Precinct in Docklands. The site has an 85m frontage to Lorimer St, a Road Zone Category 1.
5. The site is bounded by Tower 5 to the east, Lorimer Street to the south, Yarra River to the north and Point Park to the west.
6. The subject site is owned by Mirvac and has no restrictive development covenants.
7. The subject site is currently being used as a temporary car park with temporary planting to screen the carpark from Tower 5. There are a number of in-ground services, including an existing Melbourne Water storm water drain which transverses the site. These existing services will either be made redundant or relocated during construction. The site is predominantly flat.

8. The site is in close proximity to locations identified by the Department of Transport for a public transport bridge across the Yarra River to link the CBD, Docklands and Fishermans Bend. Mirvac has expressed concern about the bridge location however it does not compromise either the development or the potential crossing.
9. To date Towers 1-5 have been constructed with Tower 8 currently under construction. There is an existing approval for Tower 9.
10. The location and proposed setbacks between the proposed building and surrounding development has been considered at the master planning stage of the precinct in 2006.
11. The proposal is consistent with the principles established in the Yarra's Edge Outline Development Plan (ODP) approved on 20 October 2006.
12. Surrounding developments and proposals include:
  - The River Yarra and boat marina are located immediately to the north of the site;
  - Two future Towers, 8 and 9 are located immediately to the west of the current proposal; and,
  - Tower 5 (existing) is located to the east.

### Proposal

13. The proposal ( [REDACTED] ) is for a 39 storey (5 storey podium) residential building and associated works and use and development of land for ground floor retail, place of assembly (community centre) and associated works, and creation of access to a road in a Road Zone, Category 1.
14. The overall building height is RL 118 metres above Lorimer Street containing 200 dwellings, as well as two retail tenancies with an overall gross floor area of 478 m<sup>2</sup> (GFA):

Level	Use	GFA (sqm)	Details
<b>Podium Levels</b>	Residential, retail/community centre units, car park, services, loading dock and bicycle storage/change facilities	2,960m <sup>2</sup>	Entrance lobby 34 dwellings of various housing types including 2 level town houses, 1, 2 and 3 bedroom apartments that skin the north and west facades. Two retail units Loading bay 331 car spaces 42 bicycle spaces
<b>Tower Element</b>	Residential	26,200 m <sup>2</sup>	166 dwellings of various housing types including 1, 2 and 3 bedroom apartments and 3 penthouses.

15. Access is proposed from Lorimer Street (Road Zone, Category 1).

### Statutory Controls – Zoning and Overlay Controls & Particular Provisions

16. The site is affected by the following zones, overlays and particular provisions under the Melbourne Planning Scheme:
  - Docklands Zone, Schedule 1 – Yarra's Edge Precinct;

- Design and Development Overlay, Schedule 12 (DDO12) – Noise Attenuation;
- Design and Development Overlay, Schedule 49 Area 2 (DDO49A2) – Yarra’s Edge Precinct
- Development Plan Overlay, Schedule 2 (DPO2) – Yarra’s Edge Precinct;
- Clause 52.06 (Car parking);
- Clause 52.07 (Loading and unloading of vehicles);
- Clause 52.29 (Land adjacent to a Road Zone Category 1);
- Clause 52.34 (Bicycle facilities); and
- Clause 52.36 (Integrated public transport planning).

## **Zoning**

17. The subject site is included within the Docklands Zone, Schedule 1 – Yarra’s Edge Precinct (DZ1) under the Scheme.
18. The purpose of DZ1 is to provide for a range of residential, commercial, recreational, business and leisure uses within a mixed use environment as well as to provide for medium to high residential density and a variety of dwelling types that acknowledges the location of the adjoining the Yarra River.
19. Under the DZ1 a planning permit is not required for use of the land for residential however it is required for the retail component.
20. The proposal is exempt from the notice and appeal requirements of the *Planning and Environment Act 1987* (the Act) under Clause 2 (for applications for the use) and Clause 4 (for applications for buildings and works) of the DZ1.

## **Overlay – Design and Development Overlay Schedule 12 (DDO12)**

21. The subject site is affected by DDO12 – Noise Attenuation Area, and an acoustic assessment has been provided by Acoustic Logic. A condition on the permit will ensure that the dwellings are constructed to an accepted standard.

## **Overlay – Design and Development Overlay Schedule 49 (DDO49)**

22. The entire site is affected by DDO49 – Yarra’s Edge Precinct (Area 2).
23. Under the DDO49 a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to Schedule 49 of the DDO are met, which are as follows:
  - i. 135 metres for two towers framing Flinders Street axis.
  - ii. The proposed development also meets the minimum 15 metre wide waterfront promenade requirement.
24. The proposal is for a 39 storey building located in Area 2, measuring 118 metres height to the top from the natural surface level of the site’s Lorimer Street frontage.
25. The proposal is under the 135 metre height threshold, and therefore meets the requirements listed in Table 1. Therefore, the proposal does not require a planning permit for buildings and works under DDO49.

26. As a planning permit for buildings and works is not required under DDO49, the design objectives of DDO49 do not apply to the proposal.

**Overlay – Development Plan Overlay Schedule 2 – Yarra’s Edge Precinct (DPO2)**

27. The Yarra’s Edge Outline Development Plan (approved by the Minister for Planning 20 October 2006) is the approved development plan under this overlay. No requirements under this Schedule apply to the proposed development or application.

**Particular Provisions**

Clause 52.06 (Car parking)

28. The purpose of Clause 52.06 is, among other things, to:

- to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.
- to ensure that the design and location of car parking areas is appropriate and functional.

29. Under Clause 52.06 a permit is required to provide car parking spaces in excess of the car parking rates specified in Table A of the Schedule to Clause 52.06 (Car Parking). An assessment against these rates is provided below:

Use	GFA (sqm)	Maximum Rate	Maximum car parking provision
Place of Assembly	232	1 per 100 sqm GFA	2
Retail	240	4 per 100 sqm GFA	10
Dwelling	200 apartments	1 per 100 sqm GFA	400
<b>Total</b>			<b>412</b>

30. The amount of car parking proposed (331 spaces) is well below the statutory maximum rate (412 spaces) therefore a permit is not required.

Clause 52.07 (Loading and unloading of vehicles)

31. The purpose of Clause 52.07 is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

32. Under Clause 52.07 no building 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 in the table contained in Clause 52.07;
- The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
- The road that provides access to the loading bay is at least 3.6 metres wide.

33. Cardno Grogan Richards Traffic Impact Assessment Report (dated 13 April 2011) confirms that the above requirements have been met in the current design proposal.

Clause 52.29 (Land adjacent to a Road Zone, Category 1)

34. The purpose of Clause 52.29 is to ensure appropriate access to identified roads.

35. A permit is required to create or alter access to a road in a Road Zone, Category 1. The subject site is located adjacent to Lorimer Street, which is zoned Road Zone, Category 1. As the proposal involves creating a new loading access to a loading bay from Lorimer Street a permit is required. The car park will be accessed via Lorimer Street.
36. Pursuant to Clause 52.29 an application to create or alter access to a road declared as a freeway or arterial road under the Road Management Act 2004 must be referred to the Roads Corporation under Section 55 of the Act. The referral comments from VicRoads are described later in this report in the referrals section.

Clause 52.34 (Bicycle facilities)

37. The purpose of Clause 52.34 is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.
38. The minimum provision of bicycle spaces, showers, and change rooms is listed at Tables 1-3 to Clause 52.34-3. An assessment of these requirements is as follows:

Use	Area (sqm)	Required rate	Total bicycle spaces required
Retail, food and drink	487	1 space per 300 sqm for employees	2
		1 space per 500 sqm for visitors	1
Place of Assembly	487	1 space per 1500 sqm for employees	1
		2 + 1 space per 1500 sqm for visitors	2
Dwellings	200	1 space per 10 dwellings (visitor)	20
		1 space per 5 dwellings (resident)	40
Total bicycle spaces required	Residents /Employees		43
	Visitors		23

39. The proposal will provide 42 bicycle parking spaces for employees and 23 visitors/shoppers which exceeds the minimum requirement of 63 bicycle parking spaces for employees and visitors/shoppers. Therefore a permit is not required to reduce or waive the requirements, under Clause 52.34-2.

Clause 52.36 (Integrated public transport planning)

40. The purpose of Clause 52.36 is:
- To ensure development supports public transport usage.

- To ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provided as part of new development.
  - To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops.
  - To ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport.
41. Pursuant to Clause 52.36-1 an application for 60 or more dwellings must be referred in accordance with Section 55 of the Act to the Director of Public Transport. The referral comments are described below.

### **State Planning Policy Framework**

42. Clause 10.04 (Integrated Decision Making) indicates 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.
43. 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. 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. 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. 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.
44. 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.
45. 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. 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**

46. 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. In addition, the most significant gains in resident population are expected in Docklands, the Central City and Southbank.
47. 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.'

48. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
49. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and 'create an accessible, safe, inclusive and engaging public environment'. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
50. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
51. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
52. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.
53. Clause 21.08-2 (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.*'
54. Clause 22.18 (Urban Design within the Docklands Zone) includes objectives which seek to provide a waterfront place of character and quality that will create a tourism asset and boost Victoria's prosperity, encourage exciting and viable developments that incorporate the highest design and environmental standards, and to respond to the changing urban context of Docklands.

## **Referrals**

55. The application was referred (on 28 April 2011) under section 55 of the *Planning & Environment Act 1987* to VicUrban, VicRoads and the Director of Public Transport and informally to the City of Melbourne, DPCD Urban Design.

Comments received are as follows:

### **Places Victoria**

56. Places Victoria has been extensively consulted throughout the process. In response to revised plans Places Victoria offered no objection to the application, subject to conditions (letter dated 20 May 2011). These conditions have been included in the proposed planning permit.

### **Director of Public Transport**

57. Offered no objection to the application subject to conditions (letter dated 2 June 2011). These conditions have been included in the proposed planning permit.

### **VicRoads**

58. VicRoads offered no objection to the application subject to conditions (letter dated 30 May 2011).

### **DPCD Urban Design Unit**

59. An informal referral to the DPCD Urban Design Unit was sent on 28 April 2011. The Unit generally supports the application and offered suggestions to improve the podium level

activation and implement wind mitigation devices. These suggestions have been incorporated into the proposed development.

### **City of Melbourne**

60. The application was referred to the City of Melbourne on 28 April 2011. Responses were received on both 24 June 2011 and 12 July 2011.
61. Council initially requested a plan showing the land that is intended to be transferred to the City of Melbourne as part of the development. Council also provided Urban Design feedback which stated that the proposal is generally supported subject to the resolution of the following matters;
  - i. Improved activation of western and southern podium elevations
  - ii. Provision of some openings in the edge wall of the car park to allow more light
  - iii. Wind mitigation screening detail (glazed screens)
  - iv. Consistent paving materials along the promenade
  - v. Minimum width of 2m for the entrance ramp at the community facility.
62. The western and southern podium elevations have been further activated and openings in the car park wall shown. The finer detail of the wind mitigation screen, paving material and ramp width are to be considered under the landscape plan condition.
63. The issue of land ownership and maintenance was resolved between Council Land Survey team and the applicant using a western boundary treatment of landscaping to satisfy all parties concerns. A condition has been attached to the permit requiring further detail of the landscaping solution to be approved in consultation with Council.
64. City of Melbourne Traffic Engineering responded on 24 June 2011 objecting to the issue of a permit based on the following reasons:
  - i. Accessing the site for vehicles coming from the east requires a U-turn movement representing a safety risk.
  - ii. Parking layout to be in accordance with Australian Standard.
  - iii. Insufficient traffic generation analysis.
  - iv. Inadequate bicycle parking provision.
65. VicRoads do not share Council's view that the potential for U-turns (i) represents a reason to refuse a permit and as the agency responsible for Lorimer Street it is considered that the advice of VicRoads can be relied upon. Conditions have been applied to the permit requiring (ii) parking layout and (iv) bicycle provision in accordance with Australian and New Zealand Standard AS2890.1-2004.
66. The other remaining issue (iii) that Council raised of traffic generation is considered to have been covered by the precinct wide traffic report for the wider precinct (including Towers 6 and 8) which was recently approved by the Minister and Places Victoria.

### **Wind**

67. The evidence supplied by the applicant in the revised wind report (dated March 2011, MEL Consultants) is generally supported. A condition has been included to require the recommendations of the wind assessment to be implemented.



## Summary/Conclusion

68. Tower 6 responds to the context of the site and generally accords with the intent of the approved Outline Development Plan for Yarra's Edge as well as the purpose, objectives and design principles identified in the Melbourne Planning Scheme and by providing the following key design features:

- i. A legible built form which complements the existing range of buildings within Yarra's Edge.
- ii. Provides an individual yet complementary building to Tower 5 defining the Flinders Street axis.
- iii. Adds to the skyline an iconic roof form complimentary to Tower 5 and with a strong sense of identity and character.
- iv. A tower and podium form as the backdrop to the waterfront promenade and eastern edge to Point Park defining the intersection of these important public amenities.
- v. A curvilinear podium form which reinforces the Tower 5 podium shape (the Lorimer Street streetscape scale inherent in Towers 1 to 5).
- vi. A low rise podium which enhances the scale and relationships to the waterfront promenade, Lorimer Street and Point Park.
- vii. Mass and articulation of the tower as a strong deliberate tower form facing the City and the Yarra River eastern extension beyond Charles Grimes Bridge responding to important views to the site along Flinders Street.
- viii. Tower corners articulated as acute tapered edges providing transparency and a lightness to the massing resulting in a slender and dynamic form as seen from the approach along the waterfront promenade adjacent to Tower 1 to 5 and from Point Park.
- ix. The sequential arrangement of glazed balcony and façade glazing planes defining light and shadow as an array over the façade of the building providing visual interest and recognition of the building form.

69. On balance the permit application should be supported subject to conditions.

## Recommendation

70. That you approve planning permit application 2011/005184 at 92-100 Lorimer Street, for the development of a 39-storey residential tower (Tower 6) and use of the land for the purposes of retail/community centre premises and alteration of access to a road in a Road Zone, Category 1 subject to conditions.

Prepared by:

Name:

Title:

Phone:

Date: 29 November 2011

Approved by:

Name:

Title:

Phone:

Date: 29 November 2011