

**APPLICATION FOR PLANNING PERMIT:  
443-451 DOCKLANDS DRIVE, DOCKLANDS**

**Application Number:** 2012/006120

**Proposal:** Buildings and works for the construction of two multi-storey residential buildings

**Applicant:** Piazzanova West Pty Ltd [REDACTED]

**Zoning:** Docklands Zone 6 (DZ6)

**Overlays:** Design and Development Overlay – Schedule 12 (DDO12) Noise attenuation area  
Design and Development Overlay – Schedule 54 (DDO54) Areas 3 & 5 – Business Park Precinct  
Development Plan Overlay – Schedule 7 (DPO7) Business Park Precinct

**Application Received:** 13 July 2012

**Number of Objections:** Not applicable

**Recommendation:** Permit to issue

[REDACTED]

[REDACTED]

[REDACTED]

**PLANNER'S NAME:** [REDACTED]

**SIGNATURE:** [REDACTED]

**DATE:** 14 December 2012

## PROPOSAL

1. To demolish the existing car park and to construct two (2) towers including a part 16 level and part 43 level building over a combined podium.
2. **The podium** is a total 7 levels and provides for 452 car parks. The frontages face both Docklands Drive and Pearl River Road and are activated with a 'skin' of apartments.
3. **Building A** – is located to the north of the site and is to be 16 levels (52.6m), including the podium and provides a total of 181 residential apartments. The building has a frontage to both Docklands Drive and Pearl River Road with the primary entry off Docklands Drive. Above the podium levels 8 –15 contain residential apartments with building services located on level 16.
4. **Building B** – is located to the south of the site and is to be 43 levels (142m), including the podium and provides a total of 244 residential apartments. The buildings primary entry is off Pearl River Road. Level 4 contains a health club including a swimming pool, gymnasium and sauna, levels 6 – 42 contain residential apartments with building services located on level 43.

## SITE AND SURROUNDS



5. The site is located on the south east corner of the intersection Docklands Drive and Pearl River Road, Docklands. The site is rectangular in shape has a frontage to Docklands Drive of 27 metres and a frontage to Pearl River Road of 100m yielding an area of 3,628sqm. The site is currently being used as an open air commercial car park.
6. The land is located in the Waterfront City Precinct of Docklands and interfaces to the north with the Harbour Town retail precinct. To the east the land abuts a mixed use retail and dining development with a primary active frontage to the Waterfront City Piazza. To the south of the site is back of house loading areas associated with the retail and dining precinct. To the west of the site is Quay Park which is flanked by three-storey townhouses.

## NOTIFICATION

7. Under Clause 37.05 -6 (DZ6), an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

## REFERRALS

8. The application was referred to the Department's Urban Design Unit, informally to the City of Melbourne, and pursuant to Section 55 of the Act to the Director of Public Transport and Places Victoria. The following comments were provided:
9. **Urban Design (DPCD):** Generally support proposal and has recommended additional documentation is provided in relation to the canopy & art strategy. It is considered that this can be achieved through conditions.
10. **City of Melbourne:** Generally support proposal, subject to the satisfactory resolution of the public realm interface throughout the proposed east-west lane, building B's entry and wind mitigation issues. It is considered that this can be achieved through conditions.
11. **Director of Public Transport:** No objection to the proposal.
12. **Places Victoria:** No objection subject to conditions.

## STATUTORY CONTROLS

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

Planning Control	Permit trigger/ Application Requirement(s)/ Decision Guidelines
Docklands Zone 6 (DZ6)	<p>Under Clause 37.05-4 a permit is required to construct a building / carry out works in a Docklands Zone unless the relevant schedule (DZ6) specifies otherwise.</p> <p>No permit is required to use the land for dwellings.</p>
Overlays	<p><b>Design and Development Overlay – Schedule 12 (DDO12) Noise attenuation area</b> Sets acoustic measures that must be met for any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses. This includes dwellings.</p> <p><b>Design and Development Overlay – Schedule 54 (DDO54) Areas 3 &amp; 5 – Business Park Precinct</b> Sets two preferred height limits over different parts of the site: Area 3 (southern) has a 50m height limit and Area 5 (northern) has a 60m height limit.</p> <p><b>Development Plan Overlay – Schedule 7 (DPO7) Business Park Precinct</b> A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the Responsible Authority. The "NewQuay Central, Docklands, Development Plan 2011" was approved by the Minister for Planning on 28 June 2012.</p>
Car Parking (Clause 52.06)	<p>Under Clause 52.06-6 a parking precinct plan applies to the Docklands Zone and therefore affects the site. The Schedule to this Clause specifies a maximum number of car parking spaces (calculated at 1.5 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 638 spaces. The provision of 452 car spaces on site is well below the maximum allowed</p>

	under the schedule; therefore no permit is required.
Bicycle Facilities (Clause 52.34)	Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 85 spaces for residents and 43 for visitors. The application provides for 116 spaces for residents, however does not provide spaces onsite for visitors. It is proposed to provide 12 visitor spaces on Pearl River Road; this however is subject to City of Melbourne approval.
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.
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**

13. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *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.

### **POLICY FRAMEWORK**

#### **State Planning Policy Framework (SPPF)**

14. The following policies within the SPPF are relevant:
- Clause 11.02-1 (Supply of urban land)
  - Clause 11.02-2 (Structure planning)
  - Clause 11.03-1 (Open space planning)
  - Clause 11.04-1 (City structure)
  - Clause 11.04-4 (Central Melbourne)
  - Clause 11.04-7 (Open space network in Metropolitan Melbourne)
  - Clause 15.01-1 (Urban Design)
  - Clause 16 (Housing)
  - Clause 18.01 (Integrated Transport)
  - Clause 18.02-2 (Cycling)

#### **Local Planning Policy Framework (LPPF)**

15. The following policy within the LPPF is relevant:
- 22.18 (Urban Design within the Docklands Zone)

#### **Municipal Strategic Statement (MSS)**

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

17. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with a vision being *'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'*.
18. Clause 21.04 (Land Use) sets out objectives and strategies to *'ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants'*.
19. 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.
20. 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.
21. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
22. 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.
23. 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.
24. Clause 21.08-2 (Docklands) details Council's vision for Docklands as:
  - *'A thriving and vibrant inner city environment that includes major sporting and entertainment facilities, substantial housing areas, numerous leisure and recreation facilities, employment opportunities, tertiary education facilities and knowledge based industry. It will create an urban waterfront for Victoria's Capital City that will be visually, physically and functionally integrated with central Melbourne and the Yarra River Corridor. It will be 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'*.

*Development Plan - "NewQuay Central, Docklands, Development Plan 2011"*

25. The "NewQuay Central, Docklands, Development Plan 2011" was approved by the Minister for Planning on 28 June 2012. The *"NewQuay Central, Docklands, Development Plan, 2011"* supersedes parts of the previous Development Plan *"Waterfront City Outline Development Plan (2003)"*.
26. The difference between 2003 and the 2011 Development Plan can be summarised as:
  - A new urban park and two level cafe to be given to the City of Melbourne located at the site of the existing 'big top tent', which is currently dedicated for entertainment use;
  - An additional 5 new building envelopes for residential development, ranging in height from 45 metres to 130 metres;
  - A new 45 metre high hotel development at the site of the existing waterfront piazza;
  - A new road from Docklands Drive around the new urban park to provide drop off / pick up and loading access to the new hotel;
  - A new east – west laneway between Doepel Way and Pearl River Road.
27. The current application is identified as buildings A & B within the approved Development Plan. The Development Plan classifies buildings A & B for residential apartment use and sets suggested heights of 50 and 130 metres respectively.

28. It is considered that the current permit application is generally in accordance with the “*NewQuay Central, Docklands, Development Plan, 2011*” and whilst the building heights slightly exceed the suggested heights set within the Development Plan it is noted that the area is minimal (2.6 and 9.3 metres respectively), and predominantly relates to building services.

#### *Amendments*

29. Melbourne Planning Scheme Amendment C162 (Municipal Strategic Statement) is currently the subject of a panel report. Under the proposed Clause 21.13 Docklands housing is encouraged to be medium to high density.

30. Melbourne Planning Scheme Amendment C169 updates the Planning Scheme to make reference to a number of recently approved / updated Development Plans including the “*NewQuay Central, Docklands, Development Plan 2011*”. The amendment will update DDO54 to increase the preferred building heights to take into account the “*NewQuay Central, Docklands, Development Plan 2011*” and this current application (that is generally in accordance with the Development Plan).

## **ASSESSMENT**

### ***Land Use***

31. The development provides higher density housing and responds appropriately to the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.

### ***Design and Built Form***

#### *Urban Context Response/ Setbacks/ Tower Separation*

32. The proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:

- North: Building A is built up to the north boundary which runs along Docklands Drive.
- West: Building A is setback 17.6 metres from the western boundary. The tower to building B is built to the boundary fronting Pearl River Road.
- East: Both building A & B are setback 17.6 metres from the western boundary which fronts the Waterfront Piazza / future hotel site.
- South: Building B is setback 25 metres from the southern boundary which fronts NewQuay Promenade.
- The tower separation between buildings A & B is between 6.7 and 10 metres.

33. The built form within the surrounding area is changing with a number of recently constructed buildings and approvals within the immediate vicinity. The precinct is undergoing significant transformation with recently approved “*NewQuay Central, Docklands, Development Plan 2011*”. Heights within the area vary and the proposal is consistent with these heights. The additional heights of the two towers (building A 52.6 metres in the 50 metre limit of the development plan and building B 139.3 metres in the 130 metre limit) are considered to comply with the approved development plan.

34. Tower separation is less than the accepted 10 metre principle, however the need for alternative design solutions is recognised where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised.

35. The City of Melbourne generally supports the design and built form of the development, subject to the resolution of a number of detailed design issues. These matters are discussed below.

#### *East-west lane integration & building B entry*

36. The east-west lane (between buildings A & B) extends an important pedestrian connection linking NewQuay Central public space and retail (currently Waterfront Piazza) with Quay Park, providing an sheltered alternative route to the Waterfront Promenade. It is considered that increased windows in the ground and first floors of the laneway facades of the townhouse, car park and building B will help increase passive surveillance activation opportunities. This can be achieved via a condition.

#### *Projections*

37. The proposed development includes projections across the northern and western title boundaries. The projections affect the northern edge of the building for a width of 1.5 metres at Level 5 – 16 of the building and the western edge of the building for a width of 0.59 metres at Level 1. The projections provide for open space for the associated apartments.
38. The City of Melbourne has confirmed that the projections will not impinge upon any existing or future structures, street lighting or street trees. The projections will also have no impact on vehicle movements or lines of sight. Council's Land Survey team and civil engineers have no objections to the projections, subject to conditions.

#### *Street Level Frontages & Pedestrian Safety*

39. The proposed development incorporates residential lobbies at ground floor level to Docklands Drive and Pearl River Road and 'SOHO' apartments to Pearl River Road. From levels 1 – 7 the development incorporates a 'skin' of residential apartments to the above ground car. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The upper level apartments provide passive surveillance of the site's immediate surrounds.
40. The podium, with its use of balconies and associated screening elements architecturally distinguishes the podium from the tower. This will provide visual interest to pedestrians. It is commendable that the podium car parking is concealed by apartments to visible frontages.

#### *Microclimate (Wind, Weather Protection, Light and Shade/ Overshadowing)*

41. The wind tunnel testing has confirmed that with the addition of canopies along Docklands Drive and part way along Pearl River Road, the wind conditions in the public access-ways surrounding the proposed development would be on or within the criterion for walking comfort for all wind directions. It was also shown that wind conditions in the west-east laneway were shown to exceed the criterion for walking comfort, however with the addition of a canopy sealing over the laneway it brought wind conditions in the laneway to within the walking criterion. The recommendations from the wind report have been incorporated into the development.
42. Local Policy 'Urban Design within the Docklands Zone' requires that public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox (22 September / 20 March). An analysis at every hour from 10.00AM to 3.00PM has been carried out for 22 March/ September. The analysis shows that whilst Quay Park will not be impacted by additional overshadowing from the proposed building envelopes, there will be some additional overshadowing to NewQuay Promenade and Victoria Harbour. This may not be a preferable outcome, however it was agreed during the approval of 'NewQuay Central, Docklands, Development Plan, 2011' that this would be offset by the addition of a new urban park that will not be in shadow from 11am to 3pm and is protected from southerly winds.

#### *Internal Amenity*

43. Developments for new or refurbished developments that will accommodate new residential or other noise-sensitive uses must:
- Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with

windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area.

- Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.

This can be achieved via a condition.

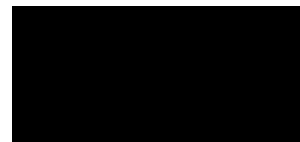
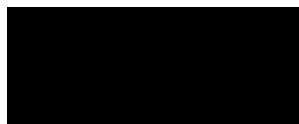
44. The building design provides a good standard of amenity for future residents. There is no reliance on borrowed light. All bedrooms have an external window and have access to natural light and ventilation.
45. On level 4 there are communal facilities provided including swimming pool, sauna, spa and deck. The site is also in close proximity to community facilities, public transport, universities and TAFE, open space and shopping facilities.

***Car Parking / Loading and Unloading of Vehicles/ Bicycle Facilities***

46. The provision of 452 on-site car parking spaces is supported and accords with Schedule 1 of Clause 52.06 of the Planning Scheme which specifies a maximum number of car parking spaces (calculated at 1.5 space/dwelling) within the Docklands Zone. It is also noted that Director of Public Transport has no objection to the application.
47. Assessment of the applicant's traffic engineering report concludes that the rate of parking to be provided on site, including points of access is acceptable. There is also support for the proposed loading bay and its location. Access from Pearl River Road is also supported.
48. The application provides for a total of 116 bicycle spaces. The statutory requirement is for a total of 128 spaces (residents 85 spaces / visitors 43 spaces), therefore there is a shortfall of 12 spaces. It is proposed to provide 12 visitor spaces on Pearl River Road; this however is subject to City of Melbourne approval. It is considered that the additional 12 bicycle spaces should be provided onsite. This can be dealt with via appropriate condition.

**RECOMMENDATION**

49. That you approve planning permit application 2012/006120 at 443-451 Docklands Drive for buildings and works for the construction of two multi-storey residential buildings,

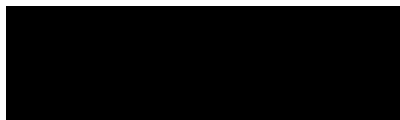


Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Name: [Redacted]  
Title: [Redacted]  
Phone: [Redacted]

Name: [Redacted]  
Title: [Redacted]  
Phone: [Redacted]



Approved by: : \_\_\_\_\_

Name: [Redacted]  
Title: [Redacted]  
Phone: [Redacted]  
Date: 14 December 2012