

**APPLICATION FOR PLANNING PERMIT:
411-423 DOCKLANDS DRIVE, DOCKLANDS (NEWQUAY CENTRAL)**

Application Number: 2012/009942

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

Number of Objections: Not applicable

Recommendation: Permit to issue

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PLANNER'S NAME: [REDACTED]

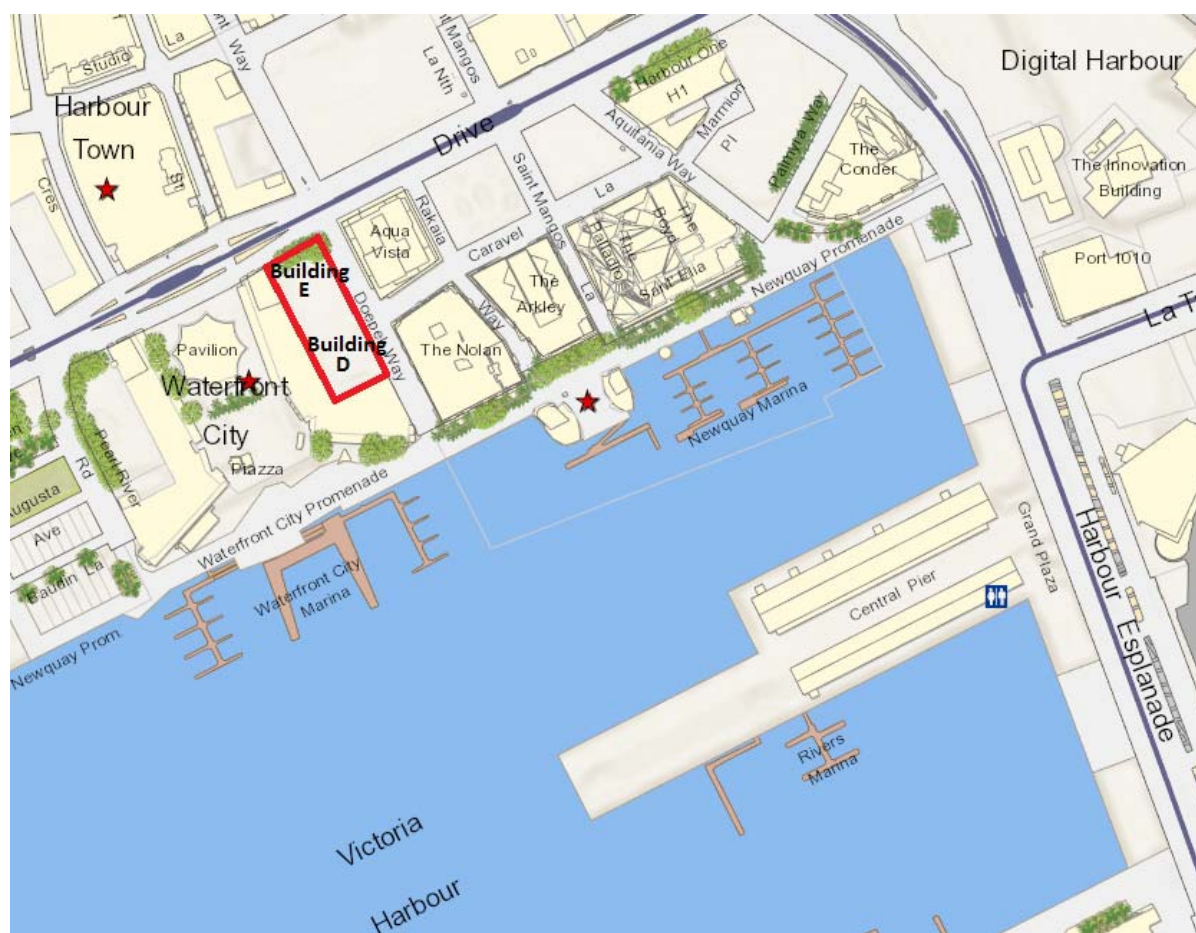
SIGNATURE: [REDACTED]

DATE: 23 April 2013

PROPOSAL

1. To demolish the existing car park and to construct two (2) towers including a 19 level (Building D) and 23 level (Building E) residential development over a combined podium. It is expected that the development will be staged.
2. **The podium** is a total 5 levels and provides for 396 car parks. A new shop tenancy and mixed use office-home / office-shop are proposed at the ground level. The frontages face both Docklands Drive and Pearl River Road and are activated with a 'skin' of apartments.
3. **Building D** is located to the south of the site and is to be 19 levels (65.5m), including the podium and provides a total of 160 residential apartments. The buildings primary entry is off Doepel Way. Above the podium levels 5 –19 contain residential apartments with the upper levels including terraces stepping back from the tower boundary, enclosed by a glass parapet to maintain the towers form.
4. **Building E** is located to the north of the site and is to be 23 levels (71.2m), including the podium and provides a total of 244 residential apartments. The buildings primary entry is off Docklands Drive. Above the podium levels 5 – 23 contain residential apartments with the upper levels including terraces stepping back from the tower boundary, enclosed by a glass parapet to maintain the towers form.

SITE AND SURROUNDS



Existing Site Plan

5. The site is located on the south west corner of the intersection of Docklands Drive and Doepel Way, Docklands. The site is rectangular in shape and has a frontage to Docklands Drive of 36 metres and a frontage to Pearl River Road of 100m with an area of 3,878sqm. The site is currently being used as an open air commercial car park.

6. The land is located in the 'NewQuay Central' precinct of Docklands and interfaces to the north with the Harbour Town retail precinct. To the east the of the site are the Aquvista Tower and Nolan residential developments, with Doepel Way providing an 18 metre wide separation between the two sites. Land to the south and west of the site forms part of the Waterfront City piazza and retail precinct and is abutted by single and two-story retail tenancies which face the waterfront promenade and piazza.

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 / screening is provided to mitigate any potential overlooking issues. It is considered that this can be achieved through conditions.
10. **City of Melbourne:** Support proposal, subject to conditions.
11. **Director of Public Transport:** No objection to the proposal, subject to conditions.
12. **Places Victoria:** Support proposal, 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)	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. No permit is required to use the land for dwellings.
Overlays	<p>Design and Development Overlay – Schedule 12 (DDO12) Noise attenuation area 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>Design and Development Overlay – Schedule 54 (DDO54) Areas 3 & 5 – Business Park Precinct 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>Development Plan Overlay – Schedule 7 (DPO7) Business Park Precinct 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</p>

	<p>2012.</p> <p>Parking Overlay – Schedule 10 (PO10) Business Park Precinct</p> <p>The Schedule to this Overlay 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 627 spaces. The provision of 396 car spaces on site is well below the maximum allowed under the schedule; therefore no permit is required.</p>
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 83 spaces for residents and 43 for visitors. The application provides for 438 spaces; therefore no permit is required.
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. This has been submitted as part of the application.
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 current application is identified as buildings D & E within the approved Development Plan. The Development Plan classifies buildings D & E for residential apartment use and sets suggested heights of 45 and 65 metres respectively.

Access Docklands

27. 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.

Amendments

28. Melbourne Planning Scheme Amendment C162 (Municipal Strategic Statement) has been adopted by Council and is a 'seriously entertained' planning document. Under the proposed Clause 21.13 Docklands housing is encouraged to be medium to high density.

ASSESSMENT

Land Use

29. 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

30. The proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:
- East: Buildings D & E are built up to the eastern boundary which runs along Doepel Way. Doepel Way provides for an 18 metre wide tower separation between the proposed towers and the neighbouring Aquvista and Nolan residential developments.
 - West: Building D is set back approximately 15 metres from the western boundary, while Building E is built up to the boundary abutting Waterfront City retail precinct tenancies which face the waterfront promenade and piazza.
 - South & North: Building D is setback to the southern boundary between 17.7 metres and 73 metres and Building E is setback to the northern boundary between 0 and 24 metres. This is due to the parallelogram tower envelope.
 - The tower separation between buildings D & E is approximately between 11 and 50 metres.
31. 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".
32. The additional heights of the two towers (Building D 65.5 metres in the 45 metre limit of the development plan and Building E 71.2 metres in the 65 metre limit) are considered to be generally in conformity with the approved development plan. Whilst the building heights slightly exceed the suggested heights set within the Development Plan it is noted that the area is minimal (20.5 and 6.2 metres respectively) and predominantly relates to screening and architectural features to conceal building services.
33. Tower separation meets the accepted 10 metre principle, with a minimum separation of 11 metres. It is also noted that due to the parallelogram shaped built form envelope of the two towers views from neighbouring apartments towers are offset and habitable room windows do not directly face one another, ensuring there will be no unreasonable overlooking.
34. The City of Melbourne 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

35. The east-west lane (between buildings D & E) extends an important pedestrian connection linking NewQuay Central public space and retail (currently Waterfront Piazza) with Caravel Lane, providing an sheltered alternative route to the Waterfront Promenade. The City of Melbourne have recommended that a condition of permit requires a Section 173 agreement stating that the through-block link remains accessible 24 hours a day, seven days a week. This condition is supported and is consistent with a previous permit condition applied to the neighbouring site (buildings A & B – Planning Permit No. 2012/006120).

Amenity Impacts

36. The proposed tower design results in an improvement on the relationship with the Nolan and Aquavista residential developments (when compared to the built form envelope within the approved NewQuay Central Development Plan). The western facade interface of the towers are reduced and the orientation of outlooks is reduced. There will be a small increase in overshadowing to the Nolan, however it is considered that the benefits of the proposed changes outweigh the negatives.

37. The new floor plan results in a smaller floor-plate per floor which improves the amenity of dwellings due to higher access to an external facade and natural light. All dwellings receive natural light to their bedrooms and living areas.
38. It is noted that the terrace levels of both towers D & E have no screening proposed to prevent overlooking to the open space below. It is recommended that a condition is included to ensure provision of screening or non-trafficable landscaping to prevent overlooking.

Street Level Frontages & Pedestrian Safety

39. The proposed development incorporates residential lobbies at ground floor level to Docklands Drive and Doepel Way, a retail tenancy to the corner of Docklands Drive and Doepel Way and 'SOHO' apartments to Doepel Way. From levels 2 – 4 the development incorporates a 'skin' of residential apartments to the above ground car park. 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.

Wind

41. The wind tunnel testing has concluded that:
*'For the Basic Configuration, which had no street trees, wind conditions were shown to be within the criterion for walking comfort in all surrounding streetscape **with several small exceptions for the north wind direction.** With the addition of existing street trees wind conditions in all surrounding streetscapes were shown to come within the walking criterion for all wind directions, and mostly well within. With the addition of proposed buildings, Lot 14 to the north and Buildings A and B to the west, wind conditions were shown to improve further to mostly within the criterion for short term stationary activities.'*
42. The reliance on street trees to achieve walking comfort criterion is not supported as a form of wind mitigation as trees are often removed from site and year round foliage is not guaranteed. It is recommended that a condition form part of this permit approval requiring MAB to explore alternate ways to mitigate wind impacts as part of a high quality integrated built form solution. It is also noted that the wind report diagrams in relation to 'Canopy A' do not match the application plans and a revised assessment is required to address this issue.

Light and Shade/ Overshadowing

43. 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).
- With relation to built form, light and shade, Clause 15.01 of the Melbourne Planning Scheme States:
'Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. This balance should not be compromised by undesirable overshadowing or exposure to the sun.'
 - DDO54 recommend a maximum building height of 50 — 60 metres. A building which exceeds this height limit requires a planning permit and must demonstrate how the proposed buildings achieve each of the design objectives of the schedule and any local planning policy requirements. The first decision guideline of this schedule is of particular relevance, being:
'The orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on then public realm.'

- The 'Open Space Strategy Technical Document' recently adopted by City of Melbourne recommends:

'Open space must receive a minimum of 3 hours of direct sunlight between 9am and 3pm during mid-winter and at least 5 hours of direct sunlight between 9am and 3pm on September 22. Where this minimum is not currently met, the development must not create additional shadowing of the open space.'

44. The shadow analysis out for 22 March/ September shows that the proposal will result in an increase in overshadowing to the new urban park between 11.00 and 11.30AM. This matter was significantly discussed throughout the pre-application stage and through ongoing consultation and negotiations, the extent of overshadowing reduced significantly to a point that the Department and City of Melbourne were somewhat comfortable with. No assurances were provided to the application on the position City of Melbourne would take until a complete assessment of the application was undertaken.

45. The City of Melbourne have since stated:

The above recommendations of the 'Open Space Strategy' do not state to what extent the open space should receive sunlight. It is considered that the proposal meets the recommendations at the equinox; however it is arguable whether it achieves the recommendations on the winter solstice. Whilst not ideal, the positives of the new scheme, including improved amenity on site, reduced interface to the towers to the east, a higher quality design outcome and improved activation of the lower floors, are considered to offset the increased shadow to the park. The proposed increase in shadow is therefore supported.

46. It is acknowledged that whilst there will be additional overshadowing to the new urban park it is considered minor and will be clear of shadow by 11.30AM. Furthermore, the increase in overshadowing is at a time where the majority of the site has direct sunlight, therefore it could be argued that the proposal provides an appropriate balance between light and shade.

47. The redistribution of height within the development (ie. A lesser horizontal envelope but a taller tower) results in improved amenity on the site, reduced interface to the towers to the east, a higher design quality and improved activation of the lower floors, are considered to offset the increased shadow to the park.

48. The applicant has made significant modifications to the proposal throughout the pre-application stage to minimise overshadowing of the park. This is now supported by the City of Melbourne.



Internal Amenity

49. 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.

50. 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.
51. On the ground level there are communal facilities provided including swimming pool, sauna, library and a gym. The site is also in close proximity to community facilities, public transport, universities, open space and shopping facilities.

Car Parking / Loading and Unloading of Vehicles/ Bicycle Facilities

52. The provision of 396 on-site car parking spaces is supported and accords with Schedule 10 of Parking Overlay 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, subject to conditions to the application.
53. Assessment of the applicant's traffic engineering report concludes that the rate of car and bicycle parking to be provided on site, including points of access is acceptable. The City of Melbourne is also supportive of the traffic arrangements, subject to a number of conditions, including an increase to the height clearance of the loading bay.

Staging

54. The construction of the new buildings is designed to be staged. The interim staging arrangements include a mesh screen to the exposed northern car park facade of building D on the basis that it will be constructed as the first of the two stages. The existing at-grade commercial car park on the northern part of the site will be used for construction parking and equipment building during the development of Building D and may be reinstated as a commercial/public car park if there is a delay to the commencement of Building E. A condition requiring the submission of a staging plan is recommended to confirm the extent of any public realm works, proposed temporary treatment of blank facades and use of vacant land

RECOMMENDATION

55. That you approve planning permit application 2012/009942 at 411 - 423 Docklands Drive for buildings and works for the construction of two multi-storey residential buildings.

Prepared by: _____

Name: _____
Title: _____
Phone: _____
Date: 9 May 2013

Approved by: : _____

Name: _____
Title: _____
Phone: _____
Date: 9 May 2013

Reviewed by: _____

Name: _____
Title: _____
Phone: _____