

APPLICATION FOR PLANNING PERMIT: 2013/000858	
Application Number:	2013000858
Proposal:	A staged development including demolition of the existing car park and associated structures and the construction of two multi level buildings for the purpose of residential, retail and office uses and associated car parking
Applicant:	MAB Corporation Pty. Ltd.
Zoning:	Docklands Zone 6 (DZ6)
Overlays:	Design and Development Overlay – Schedule 12 (DDO12) Noise attenuation area Design and Development Overlay – Schedule 54 (DDO54) Areas 5 – Business Park Precinct Development Plan Overlay – Schedule 7 (DPO7) Business Park Precinct Parking Overlay – Schedule 10 (PO10) Business Park Precinct
Application Received:	23 January 2013
Number of Objections:	Not applicable
Recommendation:	Permit to issue

[REDACTED]

PLANNER'S NAME: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 20 December 2013

PROPOSAL

To demolish the existing car park and associated structures, construct two mixed use multi-level buildings (retail/business at lower levels, residential above) in two stages and use the land for the purpose of dwellings, office, car parking and retail.

Building A – 18 levels (61.1 metres) 183 residential apartments with 53 car parking spaces

Building B – 18 levels (61.1 metres) similar to Building A

Total of approx 360 apartments and 120 car parking spaces

The podium fronts Docklands Drive, Caravel Lane, St Mangoes lane and Rakaia Way and are activated with a 'skin' of retail and office use or lobbies. Each podium's roof contains an outdoor garden area.

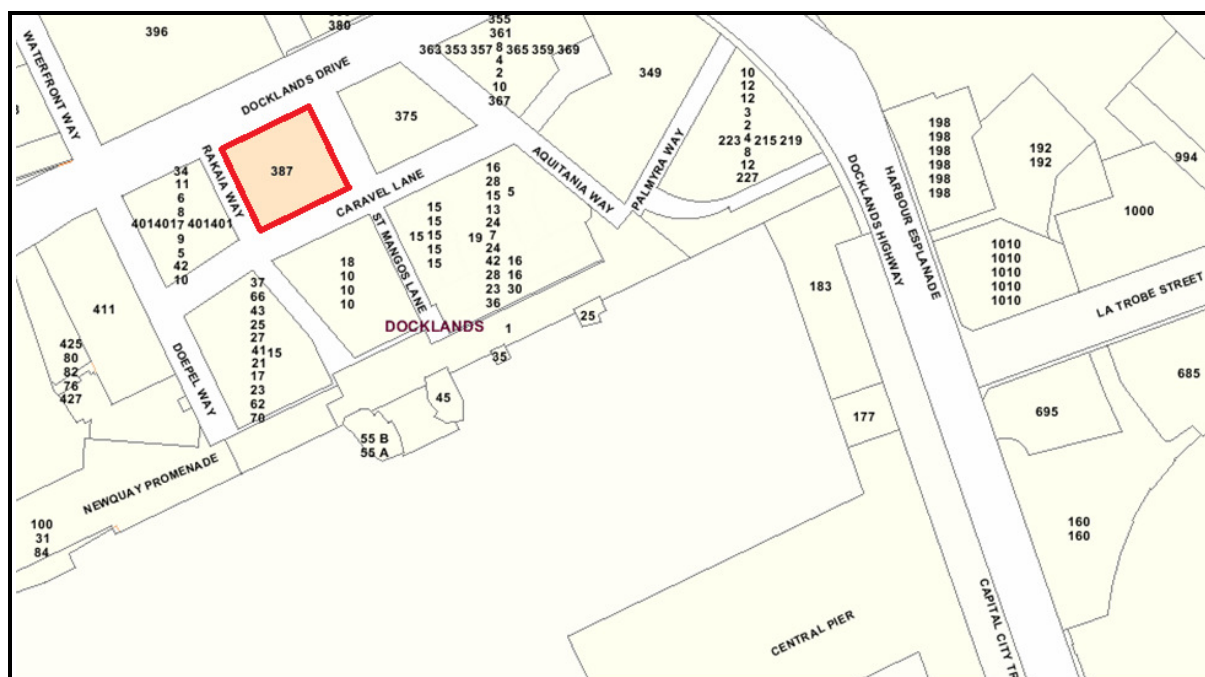
Stage A

Building A – is located to the north of the site and is to be 18 levels (59.6m to roof, 61.1m to top of services), including the podium and provides a total of 183 residential apartments, with 53 car parking spaces. The building has a frontage to Docklands Drive, St. Mangos Lane, and Rakaia Way, with the primary entry being at the corner of Docklands Drive and St. Mangos Lane. Apartments are located on every level except the ground level which will contain a retail premises to Docklands Drive. On levels 1-3, car parking is located above ground to the middle of the building, with apartments to the outside. Level 4, between the two towers, is an accessible, landscaped garden area.

Stage B

Building B – is located to the south of the site and is to be 18 levels. As the development is a staged project, detailed design of Building B is yet to be provided. The submission includes a built form envelope that indicates building height and setbacks. The applicant has requested that the internal layout of Building B, and architectural form be provided via further detailed plans required by permit conditions. This building will be constructed independently of building A, and may be constructed at a separate time. Building B's site is proposed to be used as a ground level car park until work commences, with a new crossover being installed.

SITE AND SURROUNDS



Map of site in context of surroundings. Site shown in red.

The site is located on the southern corner of the intersection of Docklands Drive and St. Mangos Lane, Docklands. The site is square in shape and is bounded by four streets with a frontage to Docklands Drive and Caravel Lane, each of 53 metres and a frontage to St. Mangos Lane and

Rakaia Way of 50m each, yielding a total site area of 2650sqm. The site is currently being used as an at grade open air car park.

The land is located in part of the New Quay Precinct of Docklands. To the north, across Docklands Drive, is the remainder of the New Quay precinct, to the south are the multi-storey residential buildings fronting New Quay Marina, which are also to the east. The building site to the west contains a multi-level residential building. All are around 60-70 metres. The site is near to the main shopping, and entertainment precinct, "Waterfront City" & "Harbour Town".

NOTIFICATION

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

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 Public Transport Victoria and Places Victoria. The following comments were provided:

Urban Design (DTPLI): Generally support the proposal and have suggested conditions to the permit specifically relating to the staging and design of Building B.

City of Melbourne: Support the proposal and have recommended a number of conditions be included on any permit granted specifically relating to the staging and design of Building B.

Public Transport Victoria: Supports the proposal, subject to two standard conditions being granted relating to disruption and damage to tramway infrastructure.

Places Victoria: Support the proposal, subject to a number of conditions being provided for.

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>A permit is required to use the land for dwellings according to Section 1 of the schedule to DZ6.</p> <p>No permit is required for a Shop (other than Adult sex bookshop, Department store, a Supermarket exceeding 2,500 sqm of GFA) according to Section 1 of the schedule to DZ6.</p>
Overlays	<p>Design and Development Overlay – Schedule 12 (DDO12) Noise attenuation area</p> <p>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. They must achieve noise levels on no more than 45dB inside when music is performed in the Docklands Stadium. The building must have glazing, doors and ventilation designed by a recognised acoustic consultant.</p> <p>Design and Development Overlay – Schedule 54 (DDO54) Areas 5 – Business Park Precinct</p> <p>Sets preferred height limits over different parts of the site: Area 5 has a 60m height limit.</p> <p>Development Plan Overlay – Schedule 7 (DPO7) Business Park Precinct</p>

	<p>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 "Amended Lot 9 & 11 Outline Development Plan MAB East Precinct October 2003" was approved by the Minister for Planning on 8 April 2004.</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 520.5 residential spaces and approximately 20 commercial (retail/office) spaces. The provision of 146 car spaces on site is well below the maximum allowed under the schedule; therefore no permit is required.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>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.</p> <p>The standard requires the provision of 37 spaces for residents and 18 for visitors. The application for Stage A provides for 39 spaces for residents, however does not provide spaces onsite for visitors. It is proposed to provide 26 visitor spaces on public footpaths; this however is subject to City of Melbourne approval. City of Melbourne state in their objection to the proposal, that they do not agree with this proposal.</p> <p>Therefore, the application does not meet the minimum on-site visitor bicycle parking spaces required. A permit is required for a waiver of bike spaces. It is intended to include a condition on the permit requiring the additional 26 visitor spaces to be provided on-site.</p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</p>	<p>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.</p> <p>Both an Urban Context Report and Design Response have been submitted along with the plans for the proposed building, Stage A. Both reports cover stages A and B in equal detail.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to Public Transport Victoria for a residential development comprising 60 or more dwellings or lots.</p> <p>The proposal has been referred to Public Transport Victoria, and their responses received and noted.</p>

General Provisions

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)

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)

The following policy within the LPPF is relevant:

- 22.18 (Urban Design within the Docklands Zone)

Municipal Strategic Statement (MSS)

The following policy within the MSS is relevant:

- Clause 21.02 Municipal Profile
- Clause 21.03 Vision
- Clause 21.04 Settlement
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Housing
- Clause 21.08 Economic Development
- Clause 21.09 Transport
- Clause 21.10 Infrastructure
- Clause 21.11 Local Areas
- Clause 21.12 Hoddle Grid

Other Relevant Documents: Development Plan - “Amended Lot 9 & 11 Outline Development Plan MAB East Precinct October 2003”

The “*Amended Lot 9 & 11 Outline Development Plan MAB East Precinct October 2003*” was approved by the Minister for Planning on 8 April 2004.

It is considered that the current permit application is generally in accordance with the “*Amended Lot 9 & 11 Outline Development Plan MAB East Precinct October 2003*” (the ODP). The form and scale of the development is generally consistent with the podium/tower building form considered by the ODP. The development provides for an active street frontage through the use of retail and home office premises at ground floor, and the general scale/height of the building is consistent with the ODP. It is noted that the ODP nominates the site for office / retail use, however the use of the site for dwellings is not prohibited by the zone and Development Plan and is considered to be appropriate or the site.

The proposed development provides a small stretch of non-active frontages to the eastern and western facades of the podium. The approved Development Plan (2002) shows no active frontages on the mid level of the podiums for this site. The proposal is therefore a significant improvement on the Development Plan, and is supported.

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.

ASSESSMENT

Land Use

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

The proposal is on a block of its own, bounded by four roads and provides the following setbacks:

Building A

North: 0 metres for approximately 55% of the boundary

South: 22 metres

East: 0 metres for approximately 50% of the boundary

West: 25 metres

Building B

North: 25 metres

South: 0 metres for approximately 55% of the boundary

East: 22 metres

West: 0 metres for approximately 50% of the boundary

The built form within the surrounding area is changing with a number of recently constructed buildings and approvals within the vicinity. The precinct is still growing, but beginning to consist of more used buildings than open land. Heights within the area vary (here it is 60m) but the proposal is consistent with these heights, being 58.1 to roof level, and only 61.1m to the top of services. The scale, bulk, and built form appear to conform to that desired in both current and past revisions of the development plan.

The tower separation is sufficient, and the treatment of walls such as the car park are considered to be a vast improvement on other nearby structures. There is some concern regarding what may happen if the second stage of the building were abandoned, held for a considerable length of time, or modified greatly as the present wall facing Stage B – even if decorated, is not considered to be suitable for any vastly different neighbouring built form. The two stages are very much forming one building.

Street Level Frontages & Pedestrian Safety

The proposed development incorporates residential lobbies at ground floor level in the northernmost and southernmost corners of the building. Stage A includes a retail premises along the Docklands Drive frontage. Stage B includes home offices at ground level to Caravel Lane, and St Mangos Lane. The majority of Rakaia Way, other than the corners, is blank wall, car park entry, access doors to services or substation. This however on balance is considered to be an appropriate outcome due to services being limited to one frontage.

The use of green plantings, especially in the open ventilation to each above ground car park level, is a welcome addition and will add to the interest and welcoming nature of the area to a greater degree than is seen in many other buildings previously constructed.

The skin of apartments to the podium Level will also provide passive surveillance and increase the perception of pedestrian safety.

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

The wind tunnel testing conducted by Mel Consultants has confirmed that wind conditions at ground level were within walking criterion levels except for the corner of the neighbouring vacant land east of St Mangoes Lane. At this location it was “very close to walking” criterion.

At upper levels (the rooftop garden area), winds were said to be near or at walking criterion, and with the addition of a 1.2m or higher fence, the conditions were reduced to walking comfort. A 1.8m solid fence was required in the north-west roof terrace in order to bring this area’s wind speed down sufficiently.

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 September. The analysis shows that the stepped design of the building will ensure the southern (opposite) side of Caravel Lane maintains morning sun, and the western side of Rakaia Way will still receive afternoon sunlight. Other than mid-afternoon, the two upper podium rooftop gardens will also still achieve direct sunlight. Although significant areas of public road are overshadowed, this is no different to every other building previously constructed, and the two small towers actually allow more sunlight to these roads than a building filling the full block. No public parks are overshadowed.

Internal Amenity

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.*

The proposed building is outside the 400m distance from the Docklands Stadium, and the acoustic report supplied by the applicant demonstrates the thickness of glass and window seals required. These should be required on the permit.

Although the building does not have many communal facilities, in the docklands setting, this will encourage residents to leave their building, creating greater community interaction. The three podium rooftop garden areas will supply a good setting for the building’s residents to meet with their neighbours.

Car Parking / Loading and Unloading of Vehicles/ Bicycle Facilities

The provision of a total of 146 on-site car parking spaces (53 for Stage A) is supported and accords with the Parking Overlay of the Planning Scheme which specifies a maximum number of car parking spaces (calculated at 1.5 space/dwelling) within the Docklands Zone.

The applicant’s traffic report suggests that the rate of parking to be provided on site is acceptable. It further explains that any expected visitor and retail parking requirements, along with the displacement from the site’s existing surface car park, could be housed within the nearby “Aquavista” public car park, which is used to 20% of its capacity.

The application provides for a total of 39 internal bike spaces for Stage A, although the total for the whole development of 26 visitor spaces is not met in the sense that City of Melbourne refuse to allow these to be placed on the public footpath. A condition will be included requiring the applicant to provide the additional 26 visitor spaces on site.

It is also noted that Public Transport Victoria has no objection to the application.

Staging

The development of the site is designed to be staged. The application seeks approval of the overall Stage A and B development, with accompanying endorsement of the Stage A plans to enable commencement of work. The Stage B development is in a conceptual format and the overall approval will define the Stage B building envelope and design parameters, with endorsement of detail design

plans to be required as a condition of planning permit, prior to the commencement of the Stage B construction.

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. Despite the lack of detail relating to Stage B matters relating to height, tower separation and land use have been considered.

RECOMMENDATION

That you approve planning permit application 2013/000858 at 387 - 395 Docklands Drive for buildings and works for the demolition of the existing car park and associated structures, and the construction of two multi-level buildings to be used for dwellings and associated uses including car parking and retail and office uses, subject to a number of conditions:

Prepared by: 

Approved by: 

Name: 
Title: 
Phone: 
Date: 20 December 2013

Name: 
Title: 
Phone: 
Date: 10 January 2014