

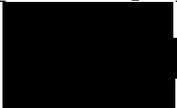
Department of Planning & Community Development

Statutory Approvals – Central City

Delegation Report

Application No:	2010/026167
Proposal:	A residential hotel and development of two residential towers and associated buildings and works.
Received:	4 November 2010
More Information Requested:	1 December 2010
More Information Received:	31 January 2011

The Applicant

Name:	MAB Corporation
Address:	

Purpose

1. To brief you on planning permit application 2010/026167 for buildings and works to construct two residential towers, north tower an 89 metre (27 level) building and the south tower, a 104 metre (32 level) building and a podium 23 metres high (7 levels) containing a residential hotel at Lot 1B, 234-245 Harbour Esplanade, New Quay East Precinct, Melbourne Docklands.

Recommendation

2. That you approve planning permit application 2010/026167 to construct a residential hotel and development of a two residential towers and associated buildings and works at Lot 1B, 234-245 Harbour Esplanade, New Quay East Precinct, Melbourne Docklands.

Background

3. On 4 November 2010, SJB Planning on behalf of MAB Corporation lodged planning permit application 2010/026167. 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).
4. In order to progress the assessment of the application it was decided in consultation with City of Melbourne Engineering Services to remove the road reserve from the proposal. This issue will be dealt with at a later stage. The reason for this was the inconclusive case put forward by the applicant for opening up Aquitana Way and Palmyra Way to link them with Harbour Esplanade. Council are of the opinion that opening up this link would lead to traffic deviating from Harbour Esplanade at busy times and using the local road network as an alternative route.
5. The subject site is located immediately to the south of Lot 1A where a 23 storey residential building is currently under construction.

Subject Site

6. The host site is of irregular shape with multiple frontages to Aquitania Way of approximately 52m, Palmyra Way of 105m and Harbour Esplanade of 65m. The site has an area of approximately 6,700m².

Proposal

7. The development is comprised of three distinct building elements, being the low-rise podium, the north and south multi-level towers. The podium occupies the majority of the site area with the towers located in the north east section of the site to provide a prominent interface onto Harbour Esplanade and Docklands Drive. The irregularly shaped podium extends further south and west across the site to provide an interface along the public promenade and Victoria Harbour to the south, Aquitania Way to the west and Marmion Place to the north.
8. The proposed tower on the north east section of the site at the corner of Docklands Drive and Harbour Esplanade (the north tower) will comprise:
 - A total of 27 levels (including podium levels).
 - A total of 242 serviced/ residential apartments across 27 levels (including podium levels) offering 1 and 2 bedroom accommodation. All have balconies, with the average size being 8.3m².
 - Ground level retail showroom along the north east corner of the building facing Docklands Drive and Harbour Esplanade.
 - Ground floor north lobby that connects the main entrance/ lobby area from Harbour Esplanade.
 - Retail spaces along the North West corner of the building facing the Marmion Place entrance.
9. The proposed tower at the corner of Palmyra Way and Harbour Esplanade will comprise:
 - A total of 32 levels (including podium levels)
 - A total of 275 serviced/ residential apartments across 32 levels (including podium levels) offering 1 and 2 bedroom accommodation. Many of the apartments have a study nook and all have balconies (averaging 8.3m²).
 - Ground level lobby area along the south east section of the site facing both Harbour Esplanade and Palmyra Way.
 - Ground floor north lobby that connects the main entrance/ lobby area from Harbour Esplanade.
 - Level 1 and 2 retail spaces along the North West corner of the building facing the Marmion Place entrance.
10. The podium building is a part 6, part 7 level building element that extends east – west (generally) across the subject site. It comprises:
 - Recreational, retail, reception and amenity floor space at ground level with pedestrian and vehicular entry points.

- Boutique serviced apartments with reception at ground floor and 96 rooms over levels 1 – 6.
- Conference/ seminar facilities and a small office on level 1.
- Reception, lounge, gym and pool facilities on ground level.
- A total of 535 car parking spaces across all podium levels.
- Residential foyers for both towers – North Tower accessible from Marmion Place and South Tower accessible from Harbour Esplanade.
- Six (6) levels of apartments / serviced apartments which comprise one and two bedroom accommodation. The majority of apartments have access to a balcony. Vehicle access, loading and waste collection is proposed via a double cross over to Aquitania Way.

Zoning

11. The site is included within the Docklands Zone Schedule 6 ‘Business Park Precinct (DZ6)’ under the Melbourne Planning Scheme (the Scheme). Under the DZ6, a planning permit is required for buildings and works but is exempt from the notification and review provisions of the *Planning and Environment Act 1987*. A permit is not required for the office, dwellings, residential hotel or shop uses.
12. The purpose of the Docklands Zone schedule 6 is:
 - To provide for a range of commercial, residential, recreational, educational, technology and business and leisure uses within a mixed use environment.
 - To provide for a range of active and people orientated uses at the lower levels of buildings that are complementary of residential uses.
 - To acknowledge the retention of port related activities west of the Bolte Bridge.

Overlays – Design and Development Overlays schedule 12 (DDO12) and schedule 54 (DDO54)

13. The proposal is affected by DDO12- Noise Attenuation Area. A permit condition is required to ensure that the proposed residential development incorporates noise attention measures.
14. The proposal is also affected by DDO54. A permit is required to exceed the preferred maximum height of 60 metres specified for Area 5 and 75 metres specified for Area 2.
15. An application to construct a building or construct or carry out works under DDO 12 and DDO54 is exempt from the notice and review provisions of the Act.

Overlays – Development Plan Overlay DPO7

16. DPO7 relates to the Business Park Precinct. A Development Plan for this precinct has been approved and as this application is considered to be consistent with it, a permit can issue pursuant to the provisions of clause 43.04-1 and clause 1.0 of the schedule.

Particular Provisions

17. The proposal is also subject to the particular provisions relating to car parking, bicycle parking and loading.

State Planning Policy Framework

18. The following policies within the SPPF are considered relevant in the consideration of this application:

- Clause 12.01 – A more compact city
- Clause 12.04 – A more prosperous city (central Melbourne)
- Clause 12.05 – A great place to be
- Clause 14.01 – Planning for urban settlement
- Clause 15.12 – Energy Efficiency
- Clause 18.02 – Car parking and public transport access
- Clause 18.03 – Bicycle transport
- Clause 19.03 – Design and built form.

Local Planning Policy Framework

19. The following policies within the LPPF are considered relevant in the consideration of this application:

- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision and approach
- Clause 21.08-2 – Local Areas (Docklands)
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.18 – Urban Design within the Docklands Zone

Referrals

20. The application was referred to the Department of Transport (DOT) on 15 November 2010 under section 55 of the Act. The DOT had no objection to the proposal.

21. The application was referred to VicUrban (as a section 55 referral authority) who provided conditional support for the application in a letter dated 11 February 2011 (attached).

22. The application was copied to the City of Melbourne on 15 November 2010 for comment. The Council responded on 7 March 2011 stating that it has no objection to the granting of a permit subject to access, urban design and engineering conditions (attached).

ISSUES

Assessment against Docklands Zone Schedule 6 Decision Guidelines

The site is located in the Docklands Zone. The proposed hotel, residential and office spaces are as-of-right in the zone so no permit is required for the uses. In accordance with Clause 37.05-1, 'Retail' is a Section 2 Use and requires planning approval.

Noise

23. An Acoustic report prepared by Renzo Tonin & Associates was submitted with the application and demonstrates that the residential apartments will be able to achieve the requirement for maximum internal noise levels (45dBA) in order to be protected from the impact of noise from the Docklands Stadium. In any case in accordance with DDO12 a condition has been placed on the permit requiring compliance with the relevant noise level standard.

Building height

Pursuant to the provisions of DDO54, a permit is required for the proposed development given that it exceeds the 60m and 75m heights identified in the relevant schedule to the overlay. DDO54 does not seek to impose maximum building heights within the precinct rather the DDO requires that extra consideration be given to proposals which exceed the heights prescribed. Reference to other provisions and policies within the Planning Scheme, particularly the provisions of DPO7, is required in order to assess and determine the appropriateness of building height.

It is submitted that the additional height is appropriate in this context because:

The building will not produce any significant impacts on pedestrian amenity. There will be only a moderate increase in overshadowing and the additional shadows cast will not have a significant impact on the public realm, with no impact on the waterfront area.

- The additional height will be virtually imperceptible over longer distance views and with respect to more immediate views, the height will deliver a more elegant vertical built form that will enhance the skyline composition of New Quay. Importantly the building will maintain a subservient height to the 'bookend' New Quay buildings and will generally remain lower than the Waterfront buildings.
- The building provides an appropriate built form relation to the street as the tower is setback from Docklands Drive and from the proposed pedestrian focal point at the corner of Aquitania Way and Marion Place.

24. The Department's Urban Design Unit have no objection to the additional height stating that the built form achieves a high level of compliance with the objectives and decision guidelines of the DDO54 and the broader urban design objectives for the Docklands Area.
25. VicUrban and Melbourne City Council have also provided their support for the additional height.

Built Form/ Architectural design

26. The design of the building has evolved through a comprehensive site analysis and in response to feedback provided in a series of meetings attended by planning and urban design representatives of the Department of Planning and Community Development, VicUrban and Melbourne City Council.
27. The Department's Urban Design Unit has commented that their initial issues have been satisfactorily resolved through this process. The Unit considers that the development provides an appropriate podium/ tower built form relationship to Harbour Esplanade, Docklands Drive and Condor Plaza and satisfactorily provides for active street frontages along the primary pedestrian interfaces.
28. It is considered that the tower elements, will provide high quality contemporary additions to Docklands that will provide visual interest to the public realm. The activation of the Palmyra Way and Aquitana Way frontages of the building will also assist in providing and engaging interface.
29. Additional design details required by VicUrban and the Department include a schedule of materials and finishes, plans and elevations of all canopies and the roof treatment and a signage strategy.

Public Realm

30. The Department, VicUrban and Melbourne City Council maintain concerns about the linking of Palmyra Way and Aquitana Way and do not support the linking with Harbour Esplanade in its current form. The decision to remove this element from the overall proposal being assessed in this instance allows the applicant further time to consider this important accessway.
31. VicUrban have requested that the applicant provide a Public Realm Plan as well as a Landscape Plan detailing treatments for the areas around the site such as Condor Plaza and including the areas open to public access through the site, including the “beach ball” revolving door, wind mitigation measure.
32. Melbourne City Council considers the north-south links through the podium to be a key issue including the Galleria which runs through the ground floor of the hotel/serviced apartment area and accesses the retail tenancies and the lifts. Council prefers to see this access remain open from 9.00am until 5.00pm through the use of a Section 173 agreement. The same Section 173 should be used to control access through the revolving door.

Wind

33. The submitted wind assessment report by Vipac Engineers & Scientists Ltd suggests that wind conditions in all ground level public areas and access-ways adjacent to the proposed Development have been assessed based on internationally accepted comfort and safety criteria.
34. Tests concluded that with the proposed design modifications to the podium levels for the north and south towers, revolving door and landscaping, the proposed Development would not exceed the recommended criterion for safety and walking in all of its adjacent ground level areas.

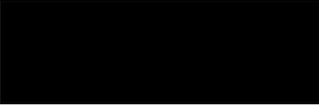
Car and Bicycle Parking

35. The development proposes to provide a total of 535 car parking spaces. The GTA report submitted with the application demonstrates that the Docklands Zone Parking Precinct Plan’s maximum statutory parking rate for the development is 830 spaces.
36. The traffic engineers have provided an assessment of the likely parking generation demands for the proposed uses and have concluded that the proposed supply of parking is required to provide an appropriate balance between the need to provide for the flexible use of the building whilst limiting excessive parking supply. Based upon this analysis the proposed car parking supply is considered appropriate.
37. It is noted that VicUrban and Melbourne City Council have raised no objection to the parking provision for the proposed development. Melbourne City Council suggest that the parking rate for the proposed Dwellings could be reduced to 1 space per dwelling, however there is no mechanism to require this reduction because the proposal complies with the maximum parking rate for Dwellings contained in the Docklands Parking Precinct Plan.
38. The traffic report explains that bicycle parking is supplied at a rate of 292 spaces which complies with the requirement of the planning scheme. These spaces are to be accessed via Marmion Place and Harbour Esplanade. A condition will be included to ensure that all bicycle spaces are clearly shown on the plans.

DISCUSSION

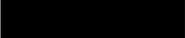
39. The proposal is considered to be generally consistent with the Melbourne Planning Scheme. The relevant parties either had no objection to the proposal or they gave conditional support, as such the proposal should be approved subject to conditions as contained within the attached permit.

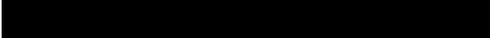
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Approved by:  _____

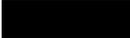
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