

Department of Planning and Community Development
Statutory Approvals – Central City

Delegate Report

PLANNING APP NO: 2012006740
LAND: Building Y4, 839 Collins Street, Docklands
PROPOSAL: Buildings and works for an office-led mixed use building.
APPLICANT: Lend Lease Development, C/- Urbis
SUBMITTED: 8 August 2012
RFI: None



PLANNER'S NAME: [REDACTED] **SIGNATURE:** [REDACTED]
DATE: 23.11.12 **Ph:** [REDACTED]

PURPOSE

1. To provide a report on the application for Planning Permit No 2012/006740 submitted by Lend Lease for development of a 9 storey office building.

BACKGROUND

2. The planning permit application was submitted on 8 August 2012 via Places Victoria.
3. The application has been subject to consultation with Places Victoria, Melbourne City Council and the Department's Urban Design Unit both prior and during the application.
4. The Minister for Planning is the responsible authority for assessing planning permit applications over 25,000sqm gross floor area under Clause 61.01 of the Melbourne Planning Scheme.

SUBJECT SITE AND SURROUNDS

5. The site is located within the southern portion of Victoria Harbour, to the south of Collins Street. The area to the **west** is largely vacant wharf land; a 90 metre tower is proposed for the Y5 site to the west but has not been submitted for approval. To the **east** is the proposed Y3 office tower (Planning Permit application No 2012/004820).

To the **south** is the Yarra River and Collins Landing. Opposite the site to the **north** of Collins is the proposed C5 building (currently informal car parking).

6. The site is an offset rectangular shaped parcel (ie parallelogram shaped) of 4710sqm with frontages to Collins Street, Seafarers Lane, the Yarra River and Waterside Place South. It is currently vacant.

PROPOSAL

7. The development is for a 9 level office building of a total height of 46metres. (There is a full level of plant on the top floor, which will make the building appear as a ten level building.)
8. The Gross Floor area of the entire development is 44,662sqm. The building will provide 32,146 sqm (net) of Property Council of Australia A Grade, 5 Star Green Star office space, with 1326sqm of 'boutique' office space and 845 sqm of retail food and beverage also provided.
9. There are 20 car parking spaces on site with the remainder accommodated by the nearby C11 development. Car and loading access will be from Seafarer Lane to the east (both Y3 and Y4 will be accessed from this lane).
10. The development includes a portion of new road to the west – Waterside Place South - which is a predominately pedestrian space and includes hard and soft landscaping and a public toilet.

PLANNING CONTROLS

11. The site is within the Docklands Zone Schedule 2 - Victoria Harbour Precinct (DZ2) of the Melbourne Planning Scheme. The purpose of the Docklands Zone Schedule 2 is to provide for a range of uses including commercial, residential, recreational and leisure uses within a mixed use environment to complement the Central City.
12. Within the Zone, and as applicable to the Y4 site, the use of land for the purpose of 'office' and 'food and drink premises' do not require a planning permit. Within the Zone, a planning permit is also required for the demolition of buildings or works and the construction of new buildings or works, with some minor exceptions. The proposal does not cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June, (prohibited in the DZ2).
13. It is noted that construction or carrying out of works to roads and street furniture does not require a permit (Clause 62.02-2).
14. The site is affected by the following overlays:
 - Development Plan Overlay – Victoria Harbour Precinct (DPO3)
 - Design and Development Overlay – Noise Attenuation (DDO12);
 - Design and Development Overlay – Victoria Harbour (DDO50 – Area 6).
15. DPO3 sets out the requirements for the preparation of a development plan to which new development must generally accord. The site is part of the Victoria Harbour Precinct, Docklands. The **Victoria Harbour Development Plan 2010** is the approved Development Plan (approved by the Minister for Planning on 7 March 2011, File:2010/028221). The site is part of the City Quarter West precinct and is identified for a building of up to 90 metres.

16. The DDO12 Noise Attenuation seeks to ensure that new residential developments and other noise sensitive uses within the vicinity of the Docklands Major Sports and Recreation Facility. There are no noise sensitive uses proposed.
17. The DDO50 sets out key design objectives for Victoria Harbour Precinct. The site is within Area 6, identified with a 90 m height control. (It is noted that there is a mapping error that identifies this building as Area 7- however this is in the process of being corrected.)
18. Further, the DDO50 requires a 6.5 metre wide waterfront promenade, increasing to an average of 15 metres at its eastern end.
19. Other relevant provisions include Clause 52.06 Car Parking, Clause 52.07 Loading and Unloading of Vehicles and Clause 52.34 Bicycle Facilities.

NOTIFICATION

20. Under the relevant planning controls, an application for the development to construct a building or construct or carry out works or demolish or remove a building or 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

21. Pursuant to Section 55 of the Act the application was referred to the Director of Public Transport Victoria and Places Victoria. No objection was received from the Director of Transport (letter dated 1 October 2012). Places Victoria supported the proposal (letter dated 24 August 2012), subject to conditions regarding provision of ground floor design details, landscaping and public realm details, materials and finishes, and Environmentally Sustainable Design (ESD) provision.
22. The application was informally referred to the **City of Melbourne** who indicated that they **do not support** the application (letter dated 5 October 2012) due to wind issues and proposed screening in the public realm. Specifically:
 - *The wind mitigation screens located within the public realm are not an appropriate outcome and are a significant issue for the City of Melbourne*
 - *Further investigation is required into what changes to the building on the subject site would be required to mitigate the wind issues resulting from the proposal.*
23. The applicant has researched the issue further and provided a response – this will be discussed in greater detail in the ‘Assessment’ section below.
24. Support for the proposal was provided by DPCD’s urban design unit on 22 October 2012 subject to several matters being addressed by conditions. These include provision of frontage canopy, improved materials for service openings, removal of screens on completion of development Y5, further details of public realm, ground level frontages and roof top design.

PLANNING POLICY FRAMEWORK

State Planning Policy Framework

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

- Clause 11.01 – Activity Centres; Clause 11.03 – Open space; Clause 11.04 – Metropolitan Melbourne
- Clause 13.04 – Noise and air
- Clause 15.01 – Urban environment
- Clause 15.02 – Sustainable development
- Clause 17.01 – Commercial
- Clause 18.01 – Integrated Transport; Clause 18.02 – Movement networks
- Clause 19 – Infrastructure

Local Planning Policy Framework

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

- Clause 21.02 – Municipal Profile
- Clause 21.03 -Vision and Approach
- Clause 21.04 - Land Use
- Clause 21.05 – City Structure and Built Form
- Clause 21.08-2 - Local Areas - Docklands
- Clause 22.18 - Urban Design within the Docklands Zone

ASSESSMENT

An assessment has been made against the relevant provisions of the Melbourne Planning Scheme.

State and Local Planning Policies

27. The proposal is consistent with the strategic focus of the policies found within the SPPF and LPPF.

28. The proposal provides an intensification of uses on undeveloped sites within Victoria Harbour, with the commercial focus contemplated contributing to the strengthening of the Activity Centre role of the Melbourne Docklands Area.

29. The interaction of the development with the surrounding (proposed) public realm and Collins Street is appropriate and will improve the pedestrian experience within this section of Victoria Harbour.

30. The proposal will achieve architectural and urban design outcomes that will positively contribute to the local urban character and enhance the public realm, while minimising detrimental impact on neighbouring properties, as encouraged by the urban design principles objective at Clause 15.01-2. It supports the *'thriving and vibrant inner city environment'* vision for the Docklands, as set out in Clause 21.08-2, and enhances the diverse and complementary development in place within the

precinct, strengthening its relationship to the Hoddle Grid and Yarra River Corridor, objectives of Clause 22.18.

Docklands Zone - Victoria Harbour Precinct

31. The proposed commercial and retail land use mix proposed by the development supports the purpose of schedule 2 of Clause 37.05 (Docklands Zone) and the decision guidelines (as appropriate) have been assessed as part of this report.

Victoria Harbour Development Plan 2010

32. The building is within the height limits set out by the *Victoria Harbour Development Plan 2010 (the Plan)* being 90 metres. It also meets the form guidelines set out, with a rectangular box running parallel to the Yarra River.
33. The proposed land uses are consistent with those outlined, and site planning principles such as urban structure, public realm, access, relationship with water, and sustainability are addressed. Materials and finishes are in keeping with those nominated in the Plan.
34. As part of both the City Quarter West and the Australian Wharf Promenade East, the site has an important role in linking the Hoddle Grid through to the Yarra River. As the Plan requires, the podium incorporates mixed uses to enhance its street address, and allows access to the southern promenade with its public spaces.
35. The public space to the west, provides a well-defined physical and visual connection to the water and will be a suitable addition to the public offer in Docklands. Seafarer Lane is a shared access zone, lined with footpaths and trees. It is an uncovered laneway, in line with the Plan. Further, the Australian Wharf Promenade East links to Collins Landing. It is primarily a pedestrian and cyclist zone, and constructed of largely of concrete. It is 6.5 metres in width as required by the Plan and DDO50.

Ground Plane

36. The decision guidelines of the Zone and Clause 22.18 - Urban Design within the Docklands Zone emphasise the importance of the relationship of proposed buildings to the pedestrian level and creating active streets and enlivening and energising public streets and spaces. The design of the Y4 building seeks to provide good quality boutique office spaces addressing the street frontages with well designed service areas at street level minimised and kept away from the key Collins Street frontage. The extent of street activation achieved is generally supported, with some elements requiring further detailed design and will be subject to conditions of permit required by Places Victoria.

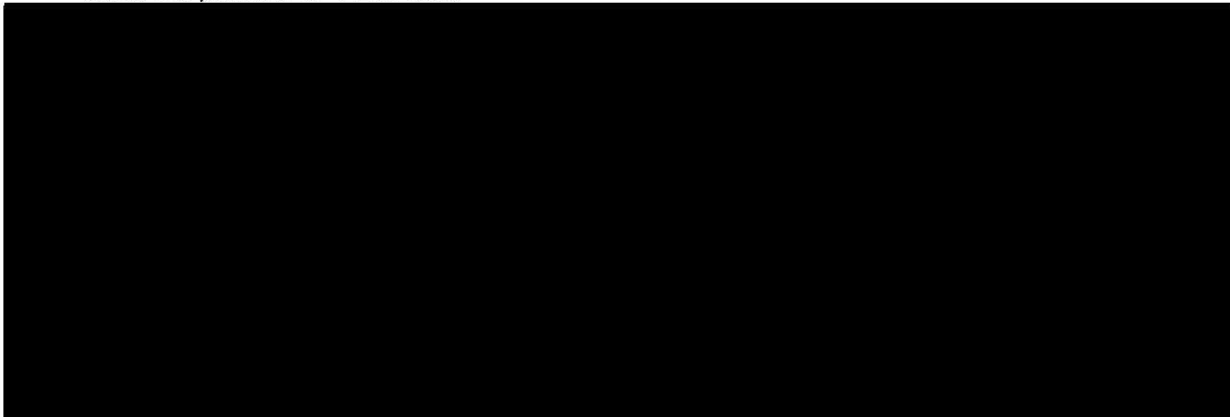
Architectural elements - Setbacks/ Massing/ Design

37. Overall the proposal provides an appropriate response to the site. The bulk, mass, and orientation of the buildings are supported. The DDO50 does not specify building setbacks, but the building is sited to the street edge, which provides a preferred built form response that is consistent within the Docklands area.
38. The design of the building is consistent with the design principles set out in Clause 22.18 including providing innovative, high quality buildings creating a strong urban form and taking maximum advantage of its location and complementing adjoining uses including the public / private interface adjacent.

39. There are minor design matters regarding ground level interface, finishes and rooftop treatment however these will be included as per conditions.

Wind/ Public Realm

40. The City of Melbourne has raised concerns over the wind mitigation solution to be used in Waterside Place South. The architect, in conjunction with the wind engineer, has provided two semi porous glass screens 3.8 metre high and 5 metres long. These will incorporate seating by way of stone plinth at the bottom of the screens.
41. The wind engineer has indicated the screens only need to be temporary until the completion of Building Y5, which will shelter the public realm from the wind. (The architect has suggested the screens become a permanent feature, but this is not supported and can be made temporary by way of a planning permit condition.)
42. The wind engineer, [REDACTED] has advised that in order to achieve criteria for walking at NW and SW corners, that a setback of up to 20 metres would be required above a podium of 1-2 levels.



44. The planning consultant, Urbis have summarised that the impact of such significant setbacks as outlined by [REDACTED] would render the project unviable, and would result in the deletion of the majority of the western tower element.
45. It is clear from the information received that a 'wind neutral' solution that does not rely on screens would significantly alter the building design. This is not considered appropriate. If this stance was taken across Docklands it is unlikely many projects would be commercially viable.
46. Whilst the screens are not an ideal solution they can be removed on the completion of the neighbouring building. On balance, the overall public realm contribution of the park far outweighs the potential inconvenience and urban realm outcome of screens.

ESD

47. The building will achieve a Certified 5 Star as built rating under the Green Building Council of Australia (GBCA) Green Star Office v3 tool and a 4.5 star Nabers Rating. The building will also achieve an "Award of Merit" under the Melbourne Docklands ESD Guide.

Municipal engineering/ Waste/ Traffic/ Parking

48. The City of Melbourne supports the civil design, car parking layout, loading provision, car parking layout and waste management subject to conditions. The car parking

rate of 20 spaces is well below the maximum rate of 343 allowable for this development. A permit is therefore not required under Clause 52.06-6.

49. Clause 52.34 of the Planning Scheme requires that a total of 111 staff bicycle spaces and 33 visitor spaces be provided for the development. A total of 226 spaces with showers and change rooms are to be provided. The majority of visitor spaces are provided in a bike pod to the west of the development however some bike spaces are required at the two main entrances for couriers/ deliveries.
50. The low rate of car parking space provision and good bicycle and public transport opportunities should result in increased public transport patronage and less reliance on car based travel. The overall strategy also results in a better urban design outcome for the development.

Conclusion

51. Overall, the application presents a well resolved proposal that is consistent with the Docklands Zone (DZ2), the *Victoria Harbour Development Plan 2010* and the overall policy content of the Melbourne planning Scheme. The mix and intensity of uses support the vision for the precinct.
52. The design is of high quality and has an appropriate relationship to each street frontage. Amenity issues have been considered and are well resolved and the development makes a positive contribution to the public realm and will link Collins Street with the Yarra River / Australian Wharf Promenade.
53. The wind screens in the public realm are a temporary solution to a wider Docklands wind problem and on balance, the overall public realm contribution of the park far outweighs the negative elements and should therefore be supported.

RECOMMENDATION

54. That you approve application for Planning Permit No. 2012/006740 for development of the land for an office building and associated public realm works.

Prepared by:

[Redacted]

Date: 4/12/12

Reviewed by:

[Redacted]

Date: 4.12.2012

Approved by

[Redacted]

Date 10/12/2012.