

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.3**

**Ministerial Planning Referral: TPD-2014-7  
160-186 Lorimer Street, Docklands**

**6 May 2014**

**Presenter:** Daniel Soussan, Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Committee of a Ministerial Planning Application (reference 2013/010104) at 160-186 Lorimer Street, Docklands. The application was referred by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 10 February 2014 (refer Attachment 2 – Locality plan and Attachment 3 – Proposed plans). The application is exempt from the giving of notice and from third party appeal rights. The applicant is Mirvac, the owner is Places Victoria and the architect is Mirvac Design.
2. The subject site is located within the new Bolte Precinct of Mirvac's Yarra's Edge Development, which forms part of Melbourne's Docklands. The application relates to a specific site in the Precinct that has an area of approximately 4000 square metres.
3. The application seeks approval for the construction of a 30 level mixed use tower containing 229 apartments, 302 car spaces, 84 bicycle spaces and 229 square metres of ground level retail space.
4. The building will have a podium height of 19.5 metres and an overall height of approximately 100 metres to the roof including plant and architectural features. The proposed tower element is angled with the closest setback to Lorimer Street being approximately four metres. The total gross floor area is 38,500 square metres.

**Key issues**

5. The key matters for consideration with respect to this proposal are the compliance of the development with the approved Yarra's Edge Development Plan (June 2013); the built form, including height, setbacks and activation of the podium façade; wind and shadow impacts on the public realm; and car parking and traffic management.
6. The proposal is considered to be generally in accordance with the Yarra's Edge Development Plan as it proposes a tower of approximately 100m in height with a podium of five storeys, whereas the development plan anticipates a height of up to 130m with a podium of between three and six storeys.
7. The development will result in acceptable microclimate conditions for the precinct and the podium has been well activated through the use of commercial floor space, visually permeable bicycle rooms and apartments.
8. The provision of car parking spaces is considered appropriate and complies with the Planning Scheme requirements. There have been some concerns regarding potential queuing at the car park entrance, however the applicant has submitted a report that suggests that this will not result in unacceptable outcomes.

**Recommendation from management**

9. That the Future Melbourne Committee resolve that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that:
  - 9.1. The City Council supports the application subject to the inclusion of the recommended conditions set out in the Delegate Report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

## Supporting Attachment

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### Legal

1. The Minister for Planning is the responsible authority for determining the application.

### Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

4. This is a referral from Department of Transport Planning and Local Infrastructure (DPTLI) with whom the application has been lodged. The application is exempt from the giving of notice and is required to be referred to Places Victoria by DTPLI. The proposal has been subject to discussion at meetings facilitated by Places Victoria and DTPLI.

### Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

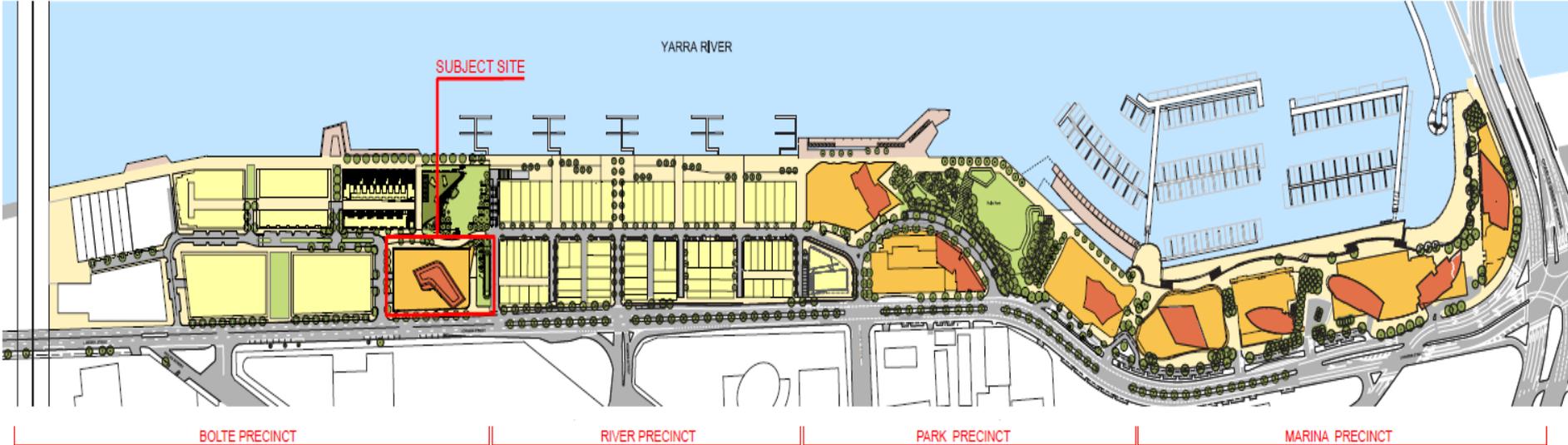
### Environmental sustainability

6. A Sustainability Design Statement forms part of the application. It notes that the proposed development incorporates a wide range of ESD features and sets out primary goals to enhance the building's environmental performance and meet the objectives of the Melbourne Planning Scheme. The report also includes a table which outlines areas where the development could potentially score higher in order to achieve a 5 star green star rating, thereby satisfying the policy requirement that demonstrates 'preliminary design potential' to achieve the 5 star rating.

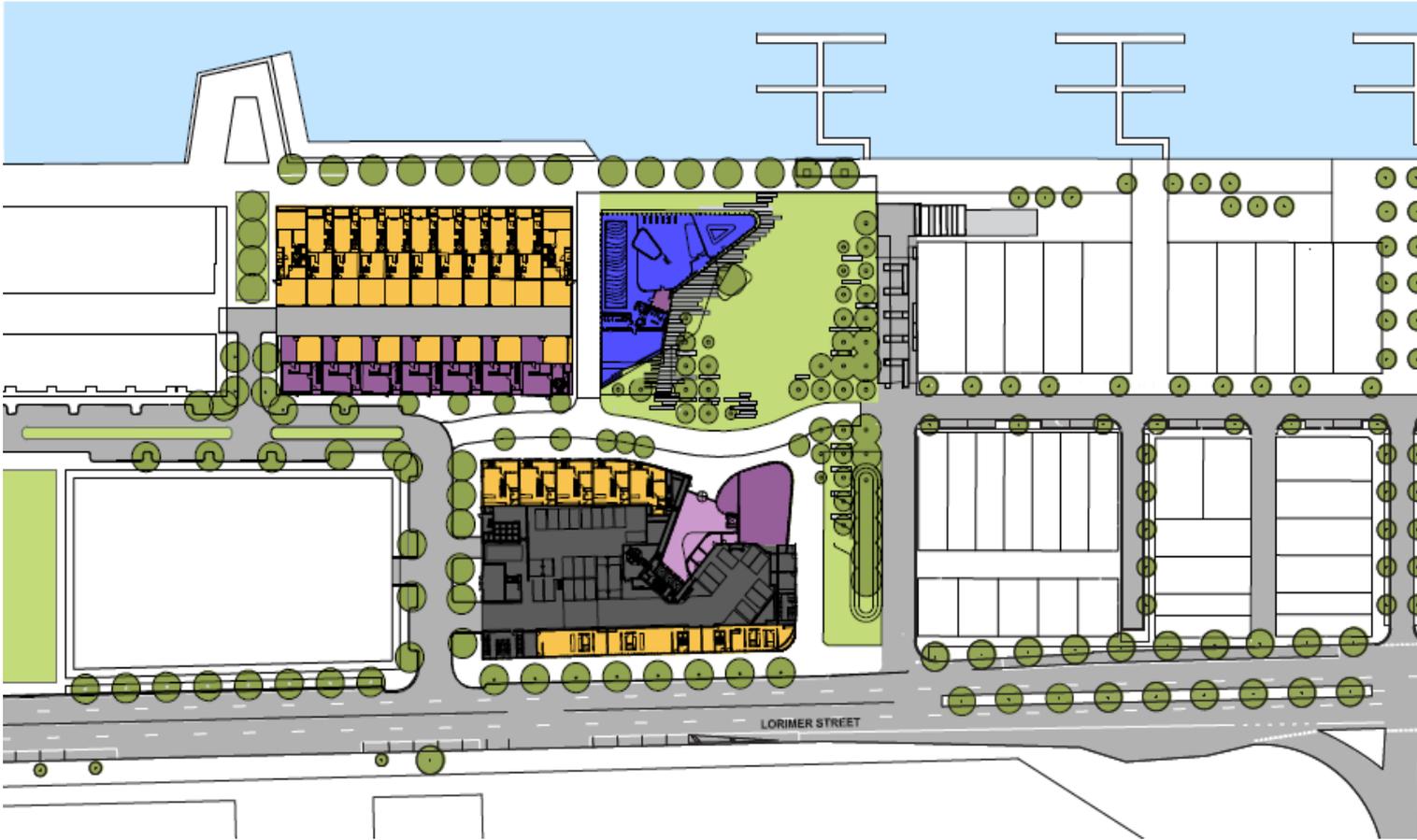
## Locality Plan

### 160-186 Lorimer Street, Docklands





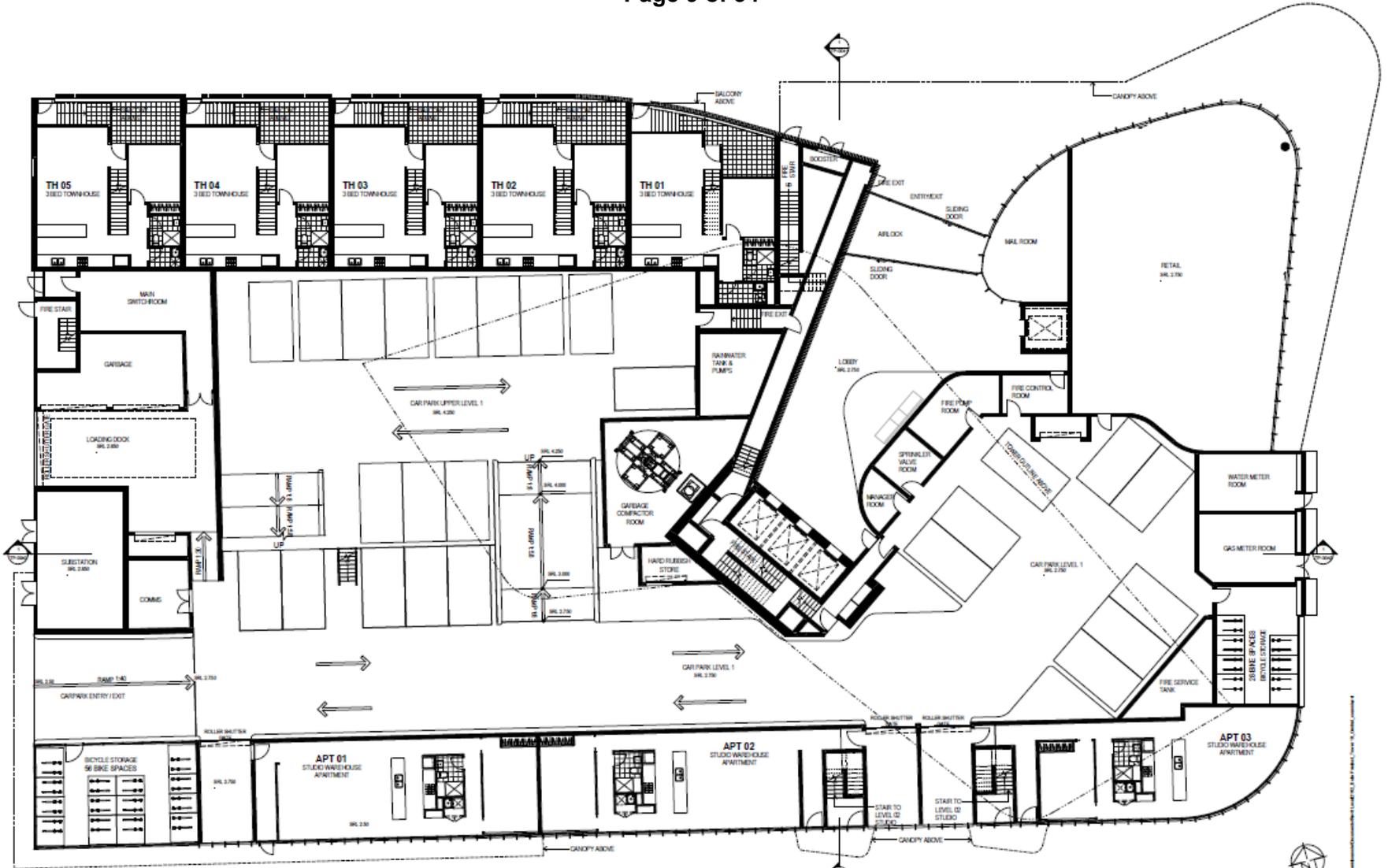
- Apartment/Dwellings
- Residential Tower
- Back of House and Carpark
- Private Community Facility
- Commercial / Mixed Use
- Front of House
- Open Space Nodes











DATE	DESCRIPTION
10/10/2018	ISSUED FOR PERMIT
10/10/2018	ISSUED FOR CONSTRUCTION
10/10/2018	ISSUED FOR AS-BUILT

Yarra's Edge, Melbourne  
 PROJECT  
 ARCHITECT  
 CIVIL ENGINEER  
 ELECTRICAL ENGINEER  
 MECHANICAL ENGINEER  
 PLUMBING ENGINEER  
 STRUCTURAL ENGINEER

WORKING WITH  
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**LEVEL 01 FLOOR PLAN**

CLIENT	ARCHITECT	DATE
MIRVAC	YARRA'S EDGE	10/10/2018
PROJECT NO.	DRAWING NO.	SCALE
TP-0002	TP-0002	1:100

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DATE	BY	DESCRIPTION
10/10/2018	MM	Issue for Design
10/10/2018	MM	Issue for Construction
10/10/2018	MM	Issue for Construction
10/10/2018	MM	Issue for Construction

PROJECT  
**Yarra's Edge, Melbourne**

ARCHITECT  
**Mirvac Design**  
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 www.mirvac.com.au

DATE  
**LEVEL 06 FLOOR PLAN**

CLIENT  
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 Australia  
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SCALE  
 1:100

DATE  
 10/10/2018

DRAWING NO.  
 TP-0007 Rev D

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▼ RL 94.075 Level 30

Level 29

Level 28

Level 27

Level 26

Level 25

Level 24

Level 23

Level 22

Level 21

Level 20

Level 19

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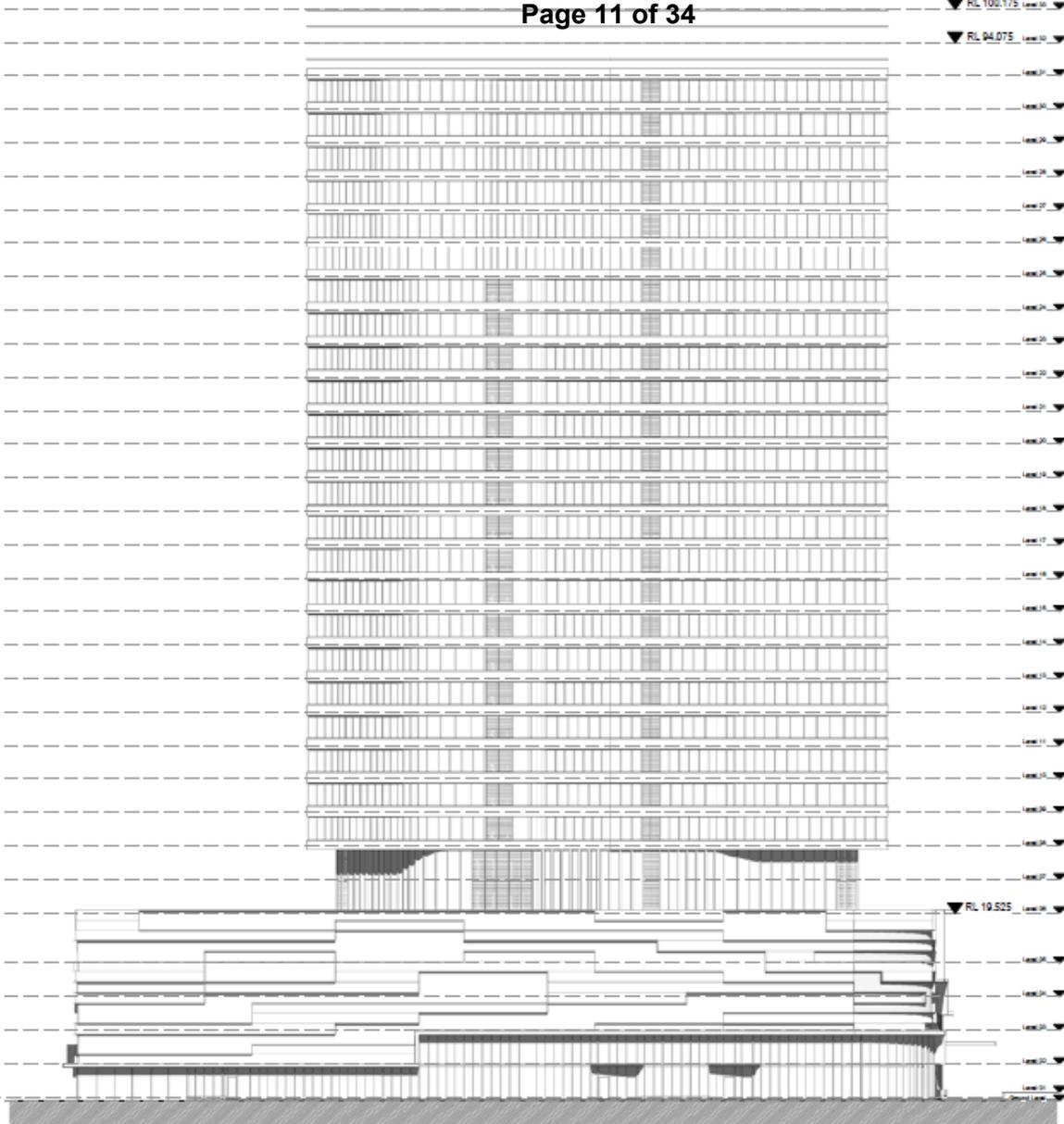
Level 3

Level 2

Level 1

Ground Level

▼ RL 9.525 Level 0



REV	NO	DATE	DESCRIPTION
01	1	10/10/2018	Issue for information
02	2	10/10/2018	Issue for information
03	3	10/10/2018	Issue for information
04	4	10/10/2018	Issue for information

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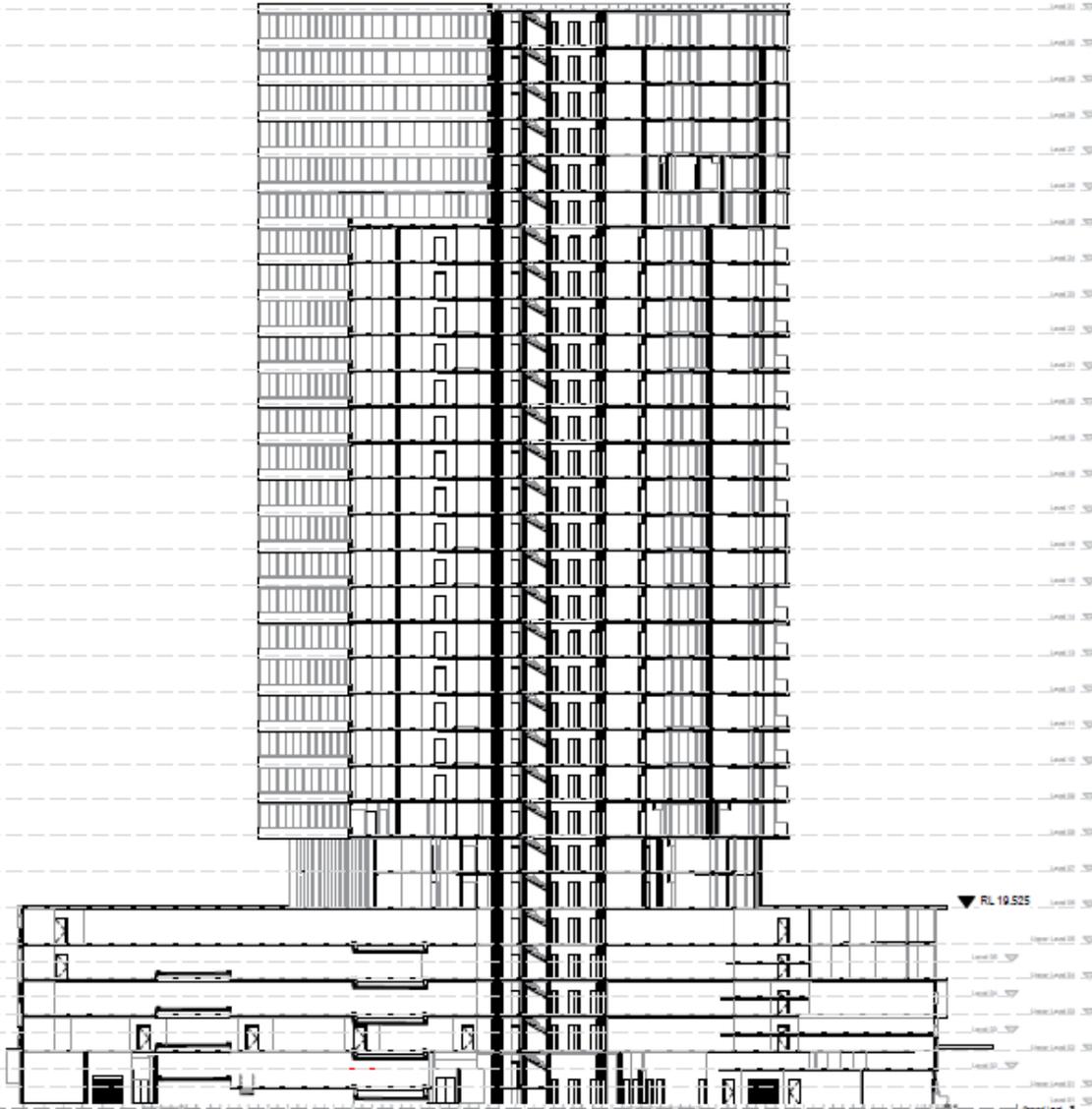
**SOUTH ELEVATION**

Author: [Name]  
 Date: 10/10/2018  
 Scale: 1:100  
 Drawing No: TP-0021 Rev: D

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project  
**Yarra's Edge, Melbourne**

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SECTION A

client: Author  
 project: Yarra's Edge  
 drawing no: TP-0040  
 scale: 1:100  
 date: 11/11/2015  
 sheet: 12 of 34

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## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	TPD-2014-7
<b>DTPLI Application number:</b>	
<b>Applicant / Owner / Architect:</b>	MIRVAC, Victorian Urban Development Authority, MIRVAC Design
<b>Address:</b>	160-186 Lorimer Street, DOCKLANDS VIC 3008
<b>Proposal:</b>	Construction of a multi-storey residential building with ground level retail (Tower 10)
<b>Date received by City of Melbourne:</b>	10 February 2014
<b>Responsible officer:</b>	Nicholas McLennan – Senior Planning Officer
<b>Date of Report:</b>	3 April 2014

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is located within the new Bolte Precinct of Mirvac's Yarra's Edge Development, which forms part of Melbourne's Docklands. The site is a vacant former port 'brown field' site, consisting of reclaimed land and hardstand area. The application relates to a specific area of the site that has an area of approximately 4000 square metres. The extent of the application is shown in Figure 1 and is envisaged as the proposed location of a residential led mixed use development known as Tower 10.

Figure 1 – Aerial Photo (Source: City of Melbourne)

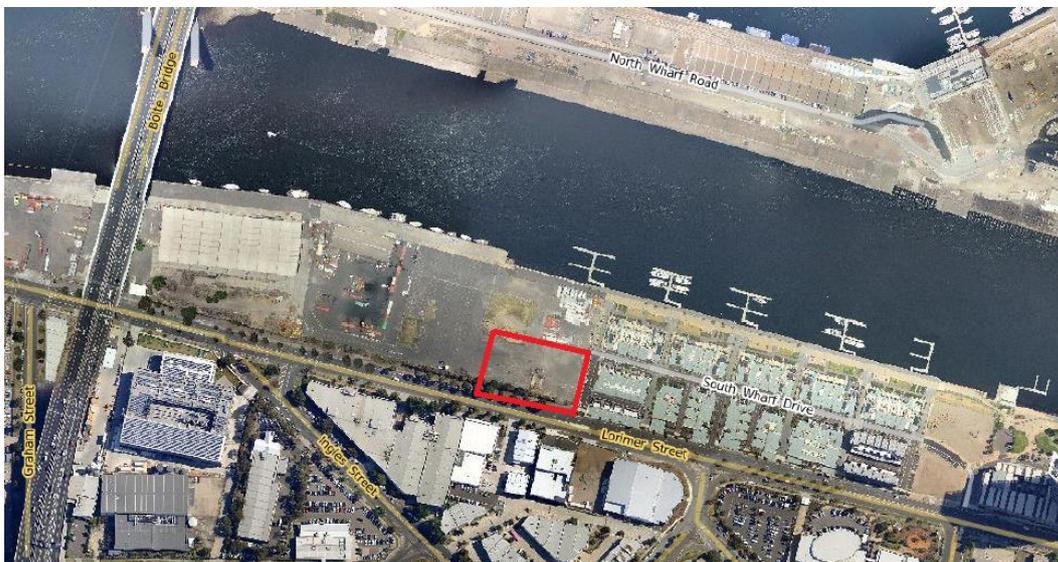
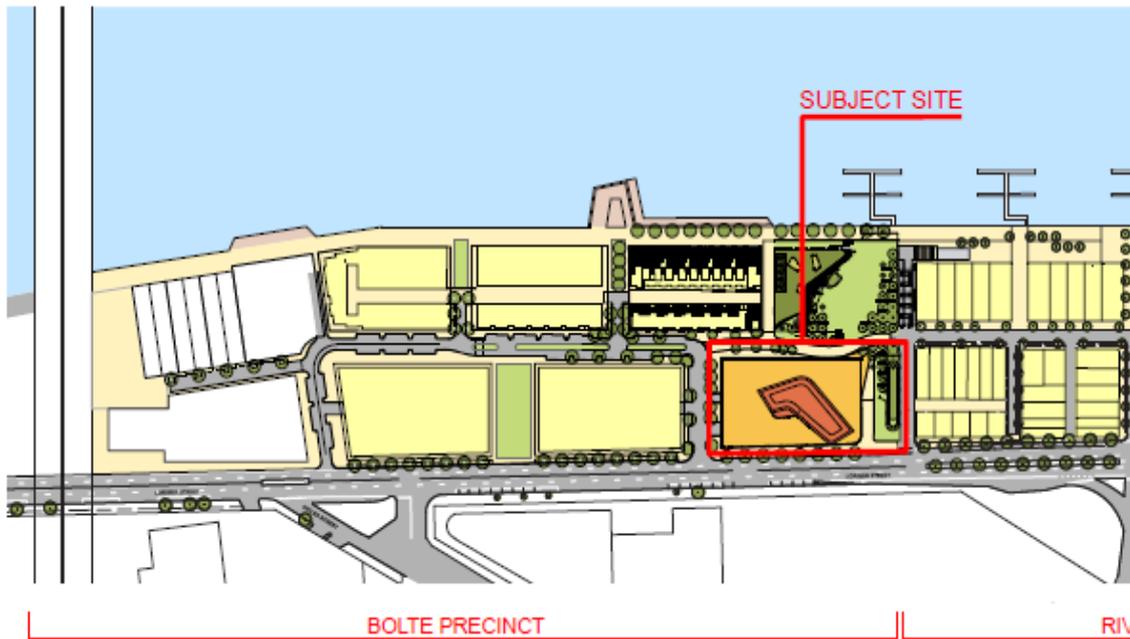


Figure 2 – Subject Site (Source: Application Documentation)



## 1.2. Surrounds

The site is bounded by Lorimer Street to the south, the River Homes to the east, the continuation of South Wharf Drive to the north and the proposed primary access road to the Bolte Precinct and future Tower 11 to the west.

To the south of Lorimer Street is the Lorimer Precinct which is identified for future residential and mixed use development under the Fishermans Bend Urban Renewal Project. This area is currently characterised by a mix of office and industrial uses.

To the east of the site is the newly completed River Homes Precinct, which is characterised by low rise medium density townhouses. Beyond this is the existing Yarra's Edge Precinct with views directly to the Park Precinct which is characterised by high rise residential development and landscaped parks.

To the west of the site is the future development of the Bolte Precinct down to the Bolte Bridge and Melbourne Ports.

## 2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 10 February 2014.

The application proposes the following uses:

<b>Dwelling</b>	Total number of dwellings: 229 (the majority located in the tower element) One bedroom dwellings/apartments: 118 Two bedroom dwellings/apartments: 71 Three or more bedroom dwellings/apartments: 40
<b>Retail (ground level etc.)</b>	229sqm – ground level

<b>Building height</b>	30 storeys – approximately 100 metres
<b>Podium height</b>	Five storeys
<b>Front, side and rear setbacks</b>	Podium built to Lorimer Street for five levels and to the theoretical boundaries to the north, east and west.  Above the podium the tower is angled with the closest setback to Lorimer Street being approximately four metres.
<b>Gross floor area (GFA)</b>	38,500 square metres
<b>Car parking spaces</b>	302 spaces located across levels 1 to 5
<b>Bicycle facilities and spaces</b>	84 bicycle spaces located on the ground level to the eastern and western ends of the development
<b>Loading/unloading</b>	Provided on site to the western side of the building
<b>Vehicle access</b>	Provided along the western access road off Lorimer Street. Separate entry / exit points for residents and loading are provided.
	The building is finished in a range of materials with a consistent and generally simple approach has been taken to the architectural expression. There is minimal opportunity to incorporate landscaping as part of the building. Landscaping will however, be provided throughout the Bolte Precinct.

**Figure 3 – Perspective Image of Proposed Building (Source: Application Documentation)**



Indicative podium and tower view from Lorimer Street



Indicative podium and tower view from the river promenade



Indicative building massing diagram view from the north west

### **3. BACKGROUND**

#### **3.1. Pre-application discussions**

Prior to lodging the application, the applicant met with representatives from the Department of Transport, Planning and Local Infrastructure (DTPLI), Places Victoria and the City of Melbourne to discuss the design.

Following these meetings the agencies expressed a generally positive response to the proposal following several modifications to the design addressing issues raised by the agencies throughout.

### 3.2. Site history

The Yarra's Edge, Outline Development Plan was issued in 2006. The new 'Yarra's Edge Bolte Precinct' Development Plan, June 2013, supersedes all previous plans and has been approved by the Minister for Planning. The proposed development is considered to be generally in accordance with the current Development Plan.

## 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11.01 - Activity Centres                  Clause 15.01 - Urban Design                  Clause 15.02 - Sustainable Development                  Clause 16 - Housing                  Clause 18.02 - Movement Networks</p>
Municipal Strategic Statement	<p>Clause 21.02 - Municipal Profile                  Clause 21.03 - Vision and Approach                  Clause 21.04 - Settlement                  Clause 21.05 – Environment and Landscape Values                  Clause 21.06 – Built Environment and Heritage                  Clause 21.09 - Transport                  Clause 21.13-2 - Docklands</p>
Local Planning Policies	<p>Clause 22.02 – Sunlight to Public Spaces                  Clause 22.18 - Urban Design within the Docklands Zone                  Clause 22.19 - Energy Waste and Water Efficiency                  Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls	
Clause 37.05 Docklands Zone Schedule 1	<p>Pursuant to Clause 37.05 the use as dwelling, shop (subject to being located at ground floor level), office or food and drink premises (other than convenience restaurant, hotel and tavern) do not require a planning permit.</p> <p>A planning permit is required to demolish a building or structure and to construct a building or construct or carry out works and is exempt from third party notice, decision and review rights.</p>
Clause 43.02  Design and Development Overlay	<p>Clause 43.02-2 states that a permit is required to carry out buildings and works, but that this does not apply if a schedule to the overlay specifically states that a permit is not required.</p>
Clause 43.02  Design and Development Overlay 12	<p>Pursuant to Clause 43.02 Schedule 12, a permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses.</p> <p>For the purpose of this requirement, noise- sensitive uses are those that have an element of residential accommodation and are nested under the definition of accommodation in the planning scheme.</p>

<p>Clause 43.02</p> <p>Design and Development Overlay 49</p>	<p>Under DDO49 a planning permit is not required to construct a building or construct or carry out works if the requirements to Table 1 and 2 to DDO49 are met. Tables 1 and 2 require the following in relation to the subject site:</p> <ul style="list-style-type: none"> <li>• A maximum height of 130 metres for a single or twin tower on the Bourke Street axis.</li> </ul> <p>As the proposal meets the above mentioned requirements, a planning permit is not required under DDO49.</p>
<p>Clause 43.04</p> <p>Development Plan Overlay Schedule 2</p>	<p>Pursuant to Clause 37.04 a permit must not be granted to construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority. A permit granted must be generally in accordance with the development plan.</p> <p>The subject site is referenced in the following Development Plan which has been approved by the Minister for Planning:</p> <p>Yarra's Edge Bolte Precinct Development Plan, June 2013 (Development Plan)</p>
<p>Clause 45.09</p> <p>Parking Overlay Schedule 11</p>	<p>Pursuant to Clause 45.09-1 this overlay operates in conjunction with Clause 52.06.</p> <p>Schedule 11 specifies a maximum parking rate of two spaces per dwelling and four car parking spaces to each 100 square metres of gross floor area for a retail premises.</p>

Particular Provisions	
<p>Clause 52.06</p> <p>Car Parking</p>	<p>Pursuant to Clause 52.06 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</p> <p>The proposal does not exceed the maximum parking rates of the Parking Overlay Schedule 11; therefore no permit is required pursuant to this clause.</p>
<p>Clause 52.07</p> <p>Loading and Unloading of Vehicles</p>	<p>Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless the requirements for loading and unloading are met.</p> <p>A permit may be granted to reduce or waive these requirements. The proposed dimensions of the loading bay do not meet the height clearance requirements; therefore a permit is required pursuant to this clause.</p>
<p>Clause 52.34</p> <p>Bicycle Facilities</p>	<p>Pursuant to Clause 52.34 a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. A permit may be granted to vary, reduce or waive any requirement.</p> <p>The proposal provides the required bicycle facilities; therefore no permit is required pursuant to this clause.</p>
<p>Clause 52.35</p> <p>Urban Context Report and Design Response for Residential</p>	<p>Clause 52.35 requires that an application for residential development of four or more storeys must be accompanied by an urban context report and design response.</p> <p>An Urban Context report has been provided within the application documentation and is considered to meet the requirements of Clause 52.35.</p>

Development of Four or More Storeys	
Clause 52.36 Integrated Public Transport Planning	An application for an excess of 60 dwellings must be referred to PTV for comment. DTPLI as the Responsible Authority is responsible for administering this referral.

General Provisions	
Clause 61.01 Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.

## 5. PUBLIC NOTIFICATION

On 5 February 2014 a letter was received from the Department of Transport Planning and Local Infrastructure (DTPLI) seeking the City of Melbourne’s comments on the proposal.

Pursuant to Clause 37.05-4 and Schedule 1, an application for demolition and buildings and 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.

## 6. REFERRALS

The application was referred to the following internal departments whose comments may be summarised as follows:

### Urban Design

- We offer general support for this proposal that was subject to a number of pre-application design workshops. The applicant has addressed our major areas of concern, particularly regarding ground level and podium activation/inhabitation.
- Apartments have been introduced onto Lorimer Street at ground and first floor levels. This is supported. There are significant areas of podium car parks over three levels exposed to Lorimer Street with a mix of precast concrete and metal panels to screen these areas. We will need to approve detail design proposals including materials and finishes sample boards for this important and dominant façade. This could be a condition of permit.
- *Site Boundary*. This should be clearly marked on all ground floor plans including landscape plans. There is currently a lack of clarity regarding which areas on the ground floor will be on title and which areas will become the

responsibility of City Of Melbourne to own and maintain. Further information should be submitted to clarify this matter.

- Footpath widths should be clearly stated on relevant plans. We note a potential 'pinch point' where there is a bus parking indented bay on Lorimer Street.
- *Wind conditions.* We note conditions reach 'waterfront' standard in some locations which is far from ideal but just acceptable from a public safety point of view. Podium wind conditions are dangerous at certain times but this is on private space rather than in the public domain.
- All public realm works should be to Docklands Design and Construction Standards (2013).

### Traffic Engineering

With reference to the architectural plans and development schedule provided by Mirvac, the comments received are summarised as follows:

- The Melbourne Planning Scheme (MPS) specifies maximum rates of 2 spaces/dwelling (*max 458 spaces for 229 dwellings*) and 4 spaces/100m<sup>2</sup> for retail (*max 9 spaces for 229m<sup>2</sup>*), equating to a total maximum provision of 467 spaces. The provision of a total of 302 spaces is considered acceptable.

While the supplied plans are not dimensioned, our review/scaling of the plans indicates that the dimensions of the spaces/aisles appear to conform to with the MPS requirements. Fully dimensioned plans must be provided, and confirmation must be obtained from the applicant's traffic engineering consultant that the dimensions of all spaces, aisles, ramp grades and height clearances fully conform with either the MPS or Australian Standard requirements.

- The road network layout/dimensions should be provided as per Yarra's Edge Bolte Precinct Development Plan. An assessment of the road design has not been undertaken. Further comments will be provided regarding the proposed road network, as part of the Civil Design comments.
- As 229 dwellings are proposed, it is recommended that at least 13 motorcycle spaces be provided, which could be shared by residents, visitors and retail staff (*i.e. 5.6% of 229 = 12.8 spaces for residents*).
- The provision of land uses as part of this application is generally consistent with that indicatively proposed in the development plan and as such is considered acceptable.

The traffic generation for Tower 10 is expected to be 22 vehicles inbound / 73 outbound (AM); and 53 inbound / 41 outbound (PM).

- It appears queuing could occur across the footpath/traffic lane, particularly during the critical PM peak period. This would be unacceptable, as the vehicles would obstruct the path of pedestrians. If the queuing extends into the carriageway, given the narrow road width, the southbound traffic may need to overtake the queuing vehicles on the wrong side of the road, which is unacceptable given the proximity of the access to the intersection with Lorimer St. Accordingly, any control point/roller door must be set back at least 12m east of the property boundary.

#### Waste

- A Waste Management Plan (WMP) has been prepared by Wastech Services dated 4 December 2013. The numbers, type and sizes of bin shown in the WMP are satisfactory. The WMP contains details on a single chute dual stream system for living levels above the podium. It is unclear how podium apartments will dispose of their waste. If they are to access a separate bin room, it must be shown on the plans. It is unacceptable to use the waste room where the compactor is located. Similarly a drop-off point for cardboard and hard waste must also be shown on the plans. While the commercial calculation is satisfactory, a bin storage area is required to be shown on the plans. The loading bay is of adequate size.
- The swept path diagram in the WMP is not the same as the diagram in the traffic report. Confirmation as to the truck access into the loading dock is required. The tightness of the loading dock access due to the wide footpath means that the truck is on the wrong side of the road when quite close to the intersection with Lorimer St, which is unacceptable. A revised WMP and associated plans (ground and all podium levels) is required.

#### Recommended Waste conditions:

- Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2012. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
- Any modifications required to the ground floor and podium levels areas required by the WMP.

#### Civil Engineering

- The proposed development includes construction of new portion of road to the north and west of the subject site. Prior to the occupation of the development, these portions of road must be declared as Public Highway and vested in Council as Road on plan of subdivision. The developer must pay all cost and expenses.
- The proposed development includes construction over existing Council's drains. Prior to commencement of any works on site the drains must be diverted in accordance with plan and specification first approved by the Responsible Authority – Engineering Services. Drainage easements on plan of subdivision must be amended accordingly.

- The delineation public/private realm is not clear. The plans should show the property boundary.
- All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- Prior to the occupation of the development, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to the City of Melbourne’s underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- The public realm shall be designed and constructed in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.
- Prior to the commencement of the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- All new portions of road (including the provision of footpaths, public lighting, street trees, pavement marking, signage,...) as shown on the application must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority –Engineering Services.
- Existing street levels in Lorimer Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services and VicRoads.
- Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
- All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads

### Land Survey

- There are a number of doors around the ground level which appear to be opening out over the proposed title boundary for the development, these need to be discussed with Engineering as they may need to be removed from the plan.

- It is recommended that a plan showing the location of the future title boundary for the development is provided, (usually shown on the landscape plans) to confirm that there are no projections that may require a section 173 agreement and that the setbacks from the new roads complies with the road encroachment guidelines, and to determine what types of materials are to be used to distinguish between public and private areas around the base of the building.

## 7. ASSESSMENT

The key issues in the consideration of this application are as follows:

- Compliance with Development Plan
- Built form, including height and setbacks
- Internal Amenity
- External Amenity
- Wind
- Parking, Traffic and Waste
- Environmentally Sustainable Design
- Land Survey

### Development Plan

The Yarra's Edge Development Plan (June 2013) approved in December 2013 designates three sub precincts within the Bolte Precinct with the subject site being located in the Lorimer Precinct. The Lorimer Precinct is earmarked for a higher density built form character. This application relates to Tower 10, which is the first proposed tower for the Bolte Precinct.

The approved development plan identifies the subject site for an apartment style development and is preferred to provide the following:

- A building height of up to 130 metres;
- Approximately 180 dwellings/apartments;
- Approximately 220 car spaces;
- Gross floor area of approximately 18,500 square metres (excluding car parking).

The development plan acknowledges that the above figures are subject to further refinement throughout the detailed design stage.

The proposal seeks to provide the following:

- A maximum building height of approximately 100 metres;
- 229 apartments;
- 302 car spaces, including 294 car spaces allocated to the apartments, 7 spaces to visitors and 1 car space for retail staff;
- Gross floor area of approximately 38.500 sqm (including approximately 10,400 sqm of car parking).

Although there are proposed to be more apartments and a greater floor area than originally anticipated in the Development Plan (DP) this is considered appropriate as

the overall height is below that preferred by the Development Plan, the car parking does not exceed two spaces per dwelling and the proposal responds well to the various built form guidelines.

The site is identified in the DP as an area with a mix of uses at ground floor level with residential uses on upper levels of the podium to the north and east and car park/mixed use indicated for the south and west sides of the upper podium levels. The proposal responds to these guidelines.

The proposed podium height of five storeys (19.5 metres) meets the identified podium height at the street edge of between three storeys (10 metres) and six storeys (20 metres).

The proposed development is considered to be generally in accordance with the endorsed Development Plan (DP).

### **Built Form, Height, Setbacks**

The proposed tower (Tower 10) is the first tower in the Bolte Precinct and continues the pattern of towers along Lorimer Street which have been approved in previous stages of Yarra's Edge development.

The proposed tower sits on a five storey (19.5m) podium and stands to a height of approximately 100 metres. It is noted that the overall height proposed is substantially less than the Development Plan would allow. The proposed podium incorporates the car parking proposed for the development which is predominately located behind commercial and residential uses which wrap around the podium, significantly concealing parking from the South Wharf Drive and Lorimer Street frontages.

The podium is proposed to be built to the street edge to Lorimer Street which is considered to be the preferred character for development within Docklands. The podium located on the boundary helps to provide for a pedestrian friendly scale and provides opportunities for passive surveillance and activation to the street.

The overall height of the tower is considered to be appropriate for an area where urban consolidation has been encouraged. The proposed height is less than that allowed within Schedule 49 of the Design and Development Overlay and responds to the relevant design objectives by providing a high quality high rise development which will create a pedestrian scale at street level whilst also being a prominent landmark at a terminating vista from the city edge along the Bourke Street axis.

The nature of the tower which is angled and curved, and the architectural treatment of the facades, ensure the proposed tower will not be dominant when viewed in the round.

The proposed five storey podium is also considered to appropriately relate to the proposed terraces which will be located to the north of the tower site. The design of the tower results in varied setbacks to Lorimer Street and South Wharf Drive which is considered to be an acceptable outcome for the site.

The City of Melbourne's Urban Designers have viewed the application and have commended the activation provided within the podium to Lorimer Street as well as the architectural design of the building. It is noted that there are significant areas of podium car parks over three levels exposed to Lorimer Street with a mix of precast concrete and metal panels to screen these areas. A materials and finishes sample boards showing the proposed materials of the façade should be provided for approval for the façade, however this is a matter that can readily be addressed by a permit condition.

#### **Internal amenity**

A range of one, two and three bedroom apartments is proposed, providing a high level of dwelling diversity for a development of this nature. The internal layout of the development has sought to maximise solar access and ventilation to each dwelling with dwellings largely oriented to benefit from northern, east or west solar access.

No living areas or bedrooms within the development rely on borrowed light.

The provision of balconies is an important element in each façade particularly at the podium levels where the balconies have been worked into the facade treatment to provide a high level of activation and an articulated address to the surrounding streets.

Upper level balconies have been generally provided as winter gardens to maximise their flexibility and use throughout the year. Although there are limited opportunities for landscaping within the development itself it is noted that landscaping will be provided throughout the greater Bolte Precinct area in the public realm as well as within Wharf Park which will be constructed to the north of the site with direct access from the main entry point of the building.

#### **External amenity**

The orientation of the proposed podium and tower ensures excellent availability to outlook and sunlight for the proposed residences.

Efforts have been made throughout the design and orientation of the tower to mitigate the wind effects of the proposed development. The tower is located on a podium with setbacks from its edges to alleviate downward winds onto the ground plane. It is noted that wind tunnel testing has shown conditions reach 'waterfront' level in some locations, which whilst not ideal, is acceptable from a public safety perspective in Docklands.

Shadow diagrams submitted demonstrate there will be no shadowing to the proposed South Wharf Park with the majority of the shadow being cast across Lorimer Street onto the industrial sites to the south. It is noted that the shadows will not significantly impact any of these properties.

The external areas which form part of this application are considered to be designed appropriately and subject to conditions will add positively to the overall development of the site and greater Bolte Precinct.

### **Car parking, traffic and waste**

City of Melbourne's Engineering Services Group is generally supportive of the proposal.

The provision and number of bicycle parking, car parking, traffic generation, layout and access arrangements are acceptable subject to minor changes which have addressed by condition.

A waste management plan was submitted with the application documentation and is required to be modified which will also be addressed by a condition by Council's Urban Services Team.

As 229 dwellings are proposed, it is recommended that at least 13 motorcycle spaces be provided, which could be shared by residents, visitors and retail staff

Concerns have been raised by Traffic Engineers in regard to potential queuing which could occur across the footpath/traffic lane, particularly during the critical PM peak period, into the vehicle entrance of the site. The City of Melbourne's engineers have recommended that any control point / roller door be set back at least 12 metres to the east of the property boundary.

The application is accompanied by a traffic report prepared by Cardno Grogan Richards dated 18 December 2013. This report has taken into consideration existing conditions within the Yarra's Edge development including entry into the existing towers along Lorimer Street which are similar to the proposed entry.

The Cardno report concludes that given the anticipated traffic generation that the entry point is acceptable and will not result in conflict with queuing or overhang onto the footpath. Locating the roller door 12 metres into the site is not considered to be a desirable urban design outcome and there is considered to be appropriate information to suggest that the vehicle entrance to the site is in an appropriate location.

### **Environmentally Sustainable Design**

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.
- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5.

A Sustainability Design Statement forms part of the application. It notes that the proposed development incorporates a wide range of ESD features and sets out

primary goals to enhance the building's environmental performance and meet the objectives of the Melbourne Planning Scheme. It also lists a number of these features.

The intent of Clause 22.19 is to encourage 'Australian Excellence' for new multi-unit residential developments.

The report concludes that the performance outcomes are consistent with the objectives of Clause 22.19. The report notes however that the building will only achieve a Four Star Green Star Rating and is targeting a Docklands ESD Guide Award of Merit.

That said, the submitted report also includes a table which outlines areas where the development could potentially score higher in order to achieve a 5 star green star rating, which satisfies the policy requirement that a proposal must have the 'preliminary design potential' to achieve the 5 star rating.

A Waste Management Plan was provided with the application and as previously discussed, will require to be amended to conform to City of Melbourne standards.

### **Land Survey**

Plans do not clearly identify the site boundaries. Site boundaries should be clearly marked on all ground floor plans including landscape plans. It is recommended that a plan showing the location of the future title boundary for the development is provided, to confirm that there are no projections that may require a Section 173 Agreement and that the setbacks from the new roads complies with the road encroachment guidelines, and to determine what types of materials are to be used to distinguish between public and private areas around the base of the building.

There is currently a lack of clarity regarding which areas on the ground floor will be on title and which areas will become the responsibility of City Of Melbourne to own and maintain (the delineation between public/private realm is not clear). Further information should be submitted to clarify this matter.

Footpath widths should be clearly stated on relevant plans. There is a potential 'pinch point' where there is a bus parking indented bay on Lorimer Street. The issues identified by Land Survey that can be addressed via permit conditions.

### **Conclusion**

The application as lodged with the Minister for Planning has undergone considerable redesign and refinement since the initial workshop with agencies in 2013. Further information submitted with the application such as the ESD and Wind statements show that the proposal will make a positive contribution to the precinct and is generally in accordance with the approved Development Plan.

## **8. OFFICER RECOMMENDATION**

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 10 February 2014 but amended to show:
  - a. No outward opening doors projecting beyond the sites title boundary (with the exception of doors to the substation, residential bins room, and water metre room). These entrances and areas must be designed to meet safer design principles and conform to City of Melbourne's Road Encroachment Guidelines.
  - b. The site boundary clearly marked on all ground floor plans including the landscape plan required at condition 23 with the areas which will become the responsibility of the City of Melbourne clearly shown on the plans.
  - c. Footpath widths to be clearly dimensioned on ground floor and landscape plans.
  - d. Fully dimensioned parking plans showing the dimensions of all the spaces, aisles, ramp grades and height clearances and confirmation from the applicant's traffic engineering consultant that the dimensions fully conform to either the Melbourne Planning Scheme or Australian Standard requirements.
  - e. Provision of 13 motorcycle parking spaces located within the car park levels.
  - f. Any modifications required to the ground floor and podium levels areas required by the Waste Management Plan in condition 19.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. Before the development starts, a facade strategy must be submitted to and approved by the Responsible Authority. The facade Strategy for the redevelopment must be generally in accordance with the plans prepared by Mirvac dated December 2013 and detail a schedule of materials, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance. The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of facade pattern, level of colours and the ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or a built model. The facade strategy must be submitted to and be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne and when approved will form part of the endorsed plans.
4. Prior to the commencement of the development (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab) a schedule and sample board including a colour rendered and notated plan / elevation that

illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Places Victoria, and when approved will form part of the endorsed plans. All finishes and surfaces of all external building and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority and City of Melbourne, in consultation with Places Victoria.

5. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider, but not be limited to, the following:
  - a) public safety, amenity and site security;
  - b) operating hours, noise and vibration controls;
  - c) air and dust management;
  - d) stormwater and sediment control;
  - e) waste and materials reuse; and
  - f) traffic management.

#### **Acoustic Treatments**

6. Before the commencement of the development, unless otherwise agreed with the responsible authority, a report from a recognised acoustic consultant demonstrating how the development achieves appropriate standards in accordance with Design and Development Overlay Schedule 12 must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Places Victoria. The recommendations contained in the acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwellings.
7. Prior to the occupation of the dwellings, acoustic testing must be conducted by a qualified acoustic consultant. The test must verify that the maximum noise level specified in condition 6 above is achieved to the satisfaction of the Responsible Authority. A report detailing the results of the testing must be submitted to the Responsible Authority prior to occupation of the dwellings.
8. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.
9. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.

## ESD

10. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by WSP dated 9 December 2013 must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

## Engineering

11. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
12. Prior to commencement of any works on site any Council drains that are proposed to be built over must be diverted in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services. Drainage easements on plan of subdivision must be amended accordingly.
13. Prior to the occupation of the development, the proposed new portions of road to the north and west of the subject site must be declared as Public Highway and vested in Council as Road on plan of subdivision. The developer must pay all cost and expenses.
14. Prior to the occupation of the development, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to the City of Melbourne's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
15. The public realm shall be designed and constructed in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.
16. Prior to the commencement of the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
17. All new portions of road (including the provision of footpaths, public lighting, street trees, pavement marking, signage,...) as shown on the application must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
18. Existing street levels in Lorimer Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Services and VicRoads.

19. Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
20. Unless with the prior written consent of the City of Melbourne, the loading and unloading of vehicles and delivery of goods to and from the site must at all times take place within the boundaries of the site to the satisfaction of the City of Melbourne.

#### **Landscape and Public Realm Plans**

21. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab or as may otherwise be agreed in writing with the Responsible Authority, a Landscape Plan must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne and Places Victoria. When approved the plans will be endorsed and will then form part of the permit. The plan must be drawn to scale and three hard and soft copies provided. The plan must be generally in accordance with the plans prepared by Mirvac dated December 2013 and submitted with the application to show:
  - a) Planting design and species selection including locations and sufficient structural capacity to support successful growth.
  - b) Street furniture in accordance with the 'Melbourne Docklands Urban Design and Street furniture Manual' and 'Docklands Public Realm Plan'.
  - c) Public Lighting, which must be metered and installed in accordance with the relevant Australian Standards.
  - d) The location of the future title boundary for the development.
22. A Management Plan detailing the ownership, maintenance regime and management responsibilities of the public spaces associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority and the City of Melbourne (Council) prior to the commencement of landscaping works. Should the plan show that future access over land vested in council as a Reserve will be required for maintenance of any wall or structure located on or above a title boundary, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with Council to indemnify Council. This agreement must be executed on title(s) prior to the occupation of the building. The owner must meet all costs associated with the drafting and execution of this agreement including those incurred by Council.

#### **Urban Art**

23. Prior to the commencement of the development (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab) an Urban Art Strategy must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Places Victoria. The Urban Art Strategy must identify the location, type and theme of proposed urban art.

### **Outdoor Lighting**

24. Within three months of the commencement of the development, or as may otherwise be agreed with the Responsible Authority, a lighting plan must be prepared and submitted to the satisfaction of the responsible Authority, which conforms to the City of Melbourne Lighting Strategy and Australian Standards AS1158 and AS3771, and includes details of the proposed fittings in a schedule on the plan and must be designed, located and baffled to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Car Park Management**

25. Prior to the occupation of the development, a Car Park Management Plan must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne. The plan must include, but is not limited to:
- a. Layout plans showing the allocation of all car bicycle and motorcycle parking spaces.
  - b. The location and detail of all entry control devices including gates, card readers and similar.
  - c. The location of Disabled Car Parking Spaces in accordance with the Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

### **Time Limits**

26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.
  - c) The use is not started within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### **Notes:**

Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Manager Engineering Services Branch.

All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads

The City of Melbourne will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council's policy, the resident, occupants and visitors of this development are not entitled to resident parking permits and will not be exempt from any on-street parking restrictions.

**APPENDIX 1 REFERRAL COMMENTS**

**Urban Design Comments**

DM#8385797

**Engineering Comments**

DM#8418160

**Civil Comments**

DM#8409195