

Report to the Future Melbourne (Planning) Committee

Agenda item 6.4

**Ministerial Planning Referral TPM-2015-40
915 Collins Street (No. 1 Collins Wharf) Docklands**

17 May 2016

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial referral of a Planning Application at 915 Collins Street, Docklands (refer to Attachment 1 – Locality Plan). The Department of Environment, Land, Water and Planning (DELWP) has sought Council's comments on the application. The applicant is Lend Lease, Places Victoria is the owner of the land, and Bates Smart is the project architect.
2. The planning application seeks approval for the construction of a 29 storey building (90m building tower above an 18m high podium) comprising a five level podium and 24 levels above, to be used primarily for residential purposes, and associated public realm works. The development has a gross floor area of 44,119m², and proposes 321 dwellings, 68m² of ground floor retail, 290 car parking spaces, 312 bicycle spaces and associated residential facilities.

Key issues

3. The key issues in the consideration of this application are consistency with the applicable Victoria Harbour Development Plan 2010, the built form (including building height and setbacks), apartment amenity, and wind and overshadowing impacts.
4. The Development Plan envisages a residential building with various heights ranging from 20-35m in some parts of the site, 85-95m in other parts and the provision of a tower element to be constructed to a height of 100-120m. At 90m in total height, with an 18m high podium, the height is generally in accordance with the built form provisions of the Development Plan. Further, the height is consistent with the height controls specified in DDO50. There are some variations sought regarding ground level uses and the southern promenade design and width (known as Yarra Walk), however these variations are nonetheless considered acceptable, given the balance of the remainder of the development is generally in accordance with the Development Plan and the relevant planning scheme provisions.
5. The proposed setbacks of the tower are 13.5m from Collins Street (North), 21.5m from the south (Yarra River), 13.3m from the west (Dock Lane East) with reduced setbacks from the east (open space known as Bourke Dock) but increasing as the height of the building increases. Neither the applicable Development Plan, nor the Design and Development Overlay specify building setbacks for the site. The setbacks of the tower as proposed are considered to be generous, in the case of the north, south and west and are supported. Importantly, the setback from the west of 13.3m will ultimately result in a generous separation between the subject site and any future development to the west. The reduced setback for the Bourke Dock interface is also supported. The slender tower form, which steps back from level 16, is considered an appropriate response to the unusually shaped parcel of land, at a site which is identified as a landmark site in the Development Plan. Impacts on the public realm such as wind and overshadowing are generally well resolved, and compliant with the planning scheme. The amenity provided for all dwellings is excellent, all are of adequate to generous size, and all have views over water (either Yarra River or Victoria Harbour).

Recommendation from management

6. That the Future Melbourne Committee resolves to advise Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposal subject to recommended conditions of permit outlined in the delegate report (Attachment 3).

Attachments

1. Supporting Attachment (page 2 of 33)
2. Locality Plan (page 3 of 33)
3. Selected Plans (page 4 of 33)
4. Delegate Report (page 13 of 33)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.

Finance

2. There are no direct financial issues arising from the recommendations contained within 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. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning.

Relation to Council policy

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

Environmental sustainability

6. The sustainability initiatives proposed will ensure that the project's target of a 5 Star Green Star rating will be achieved under the Green Star Residential Tool and that the objectives of Clause 22.19 of the Melbourne Planning Scheme will be achieved.

Locality Plan

Attachment 2
Agenda item 6.4
Future Melbourne Committee
17 May 2016

915 Collins Street (No. 1 Collins Wharf), Docklands





One Collins Wharf

Town Planning
Level 00

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.
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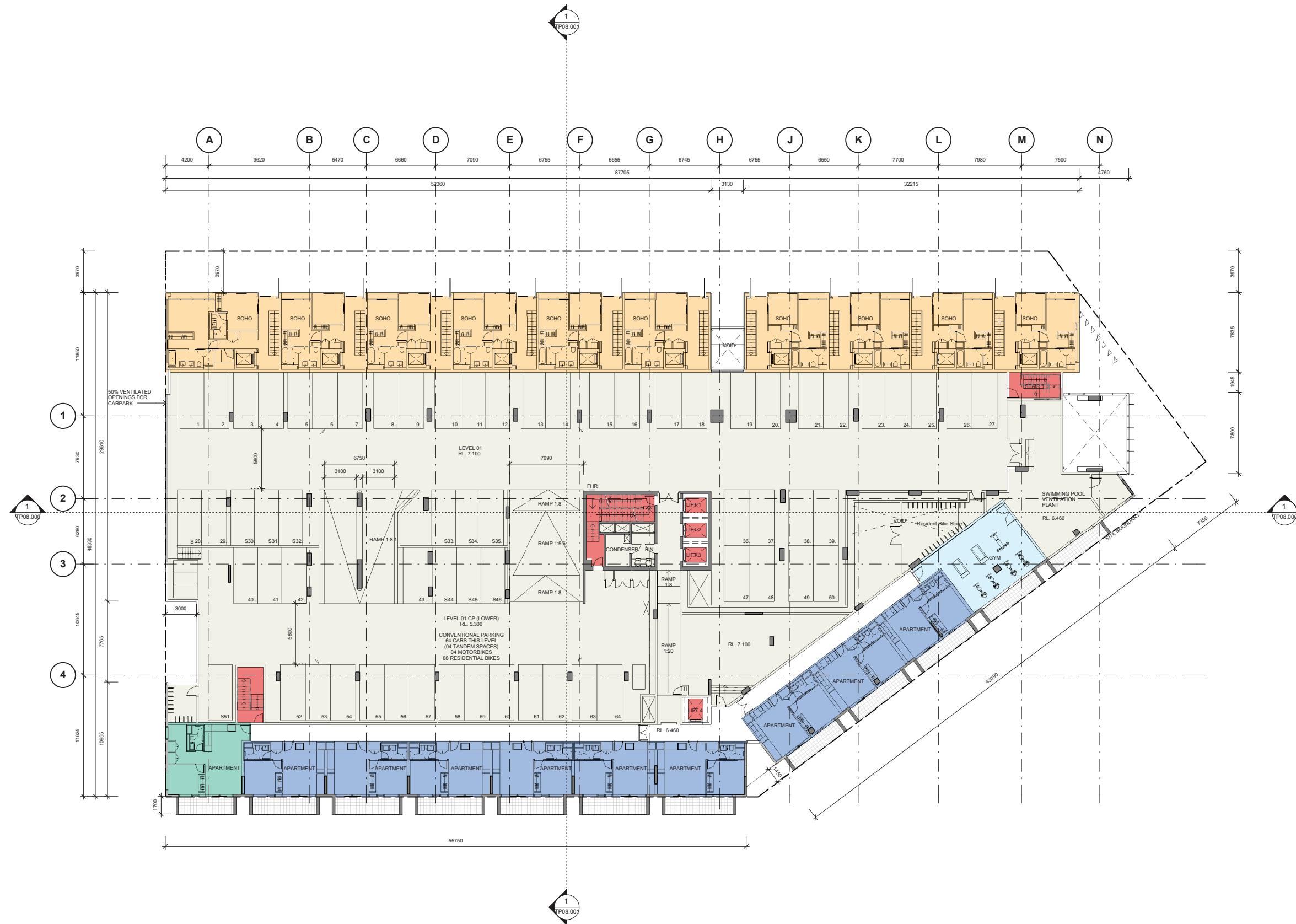
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Project no.	M11787.A	
Status	Town Planning	
Plot Date	9/11/2015 10:16:00 AM	
Plot File		
Drawing no.	TP.03.000	Revision A

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One Collins Wharf

Town Planning
Level 01



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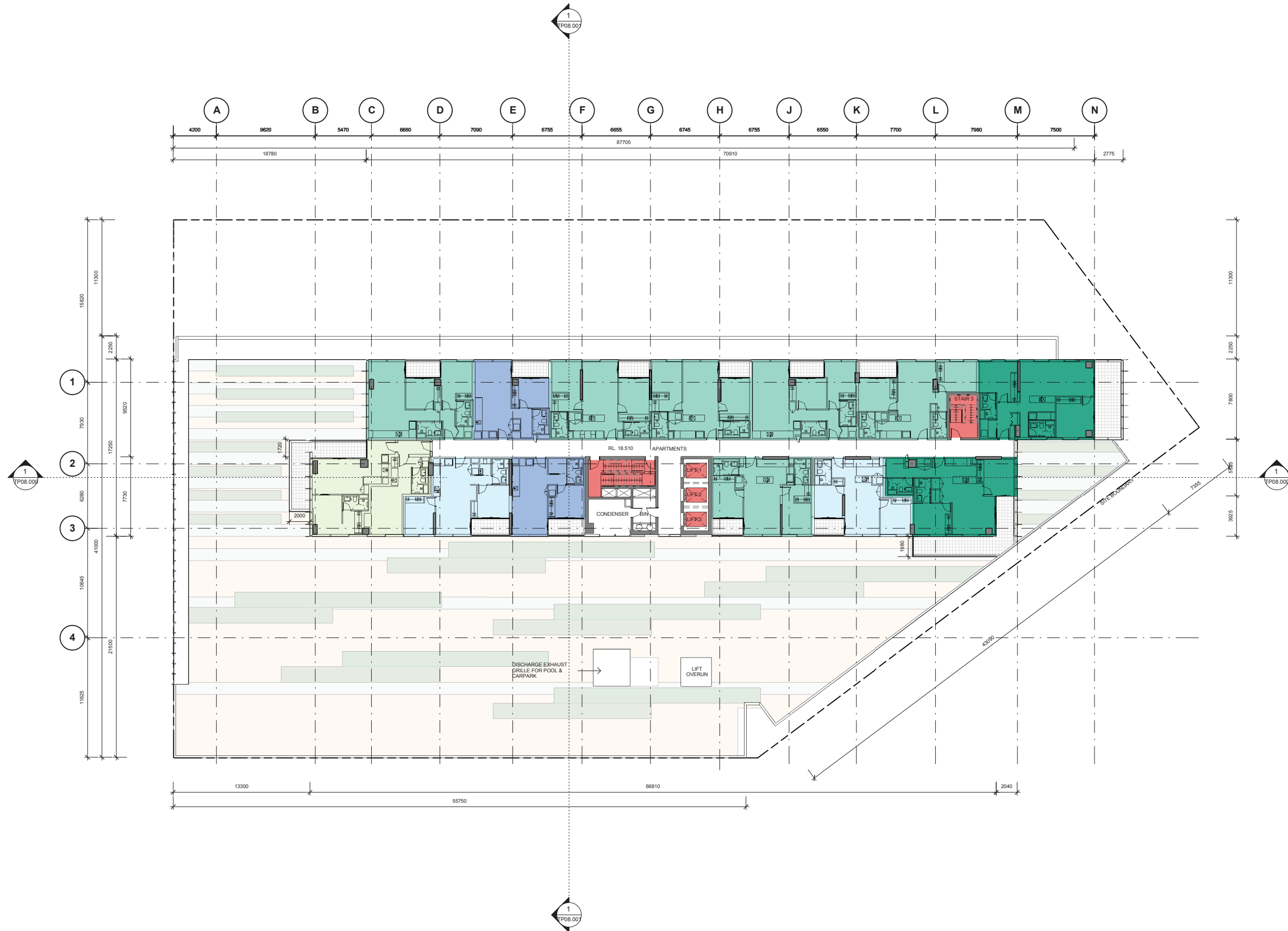
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One Collins Wharf

Town Planning
Level 05



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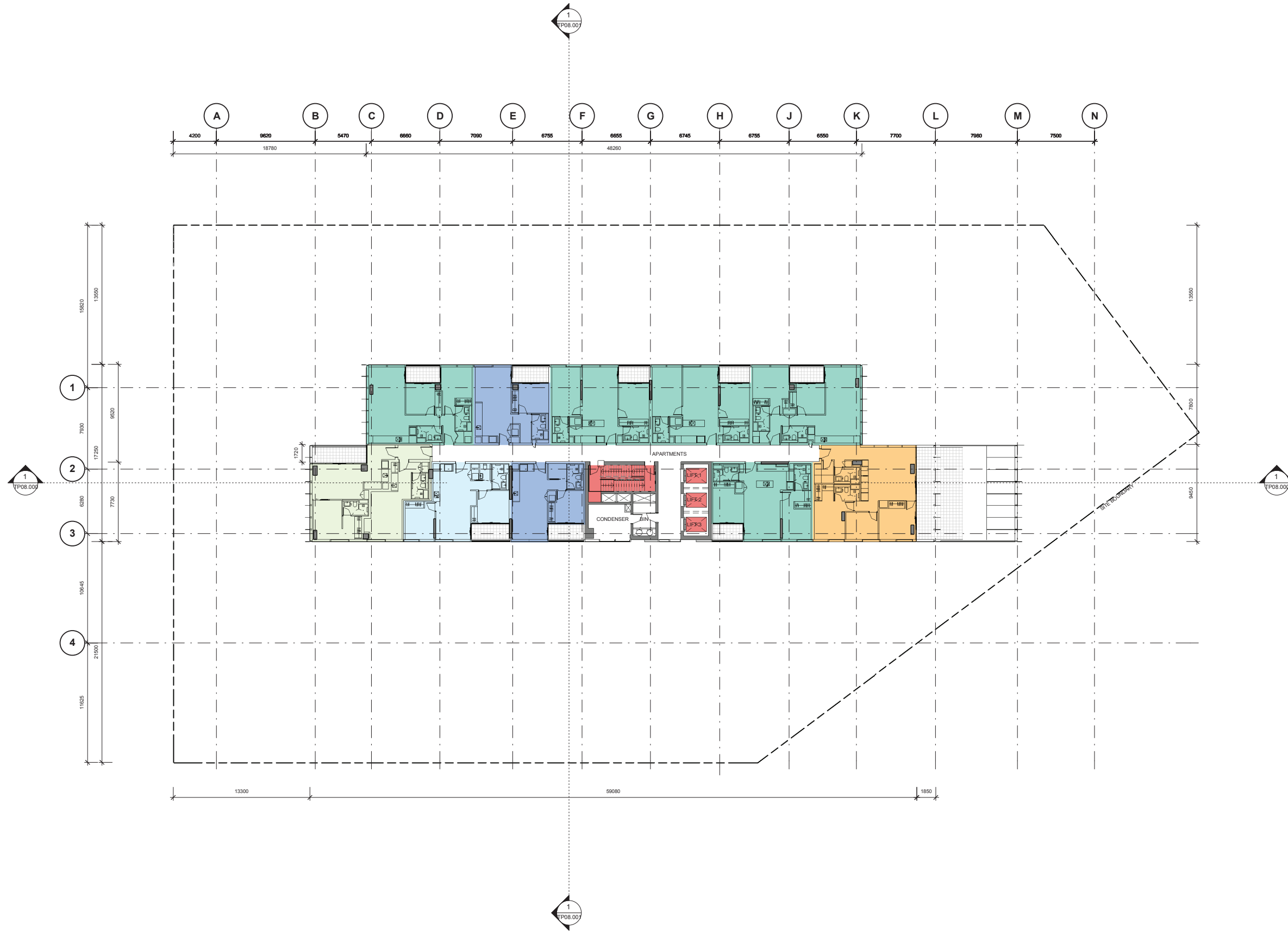
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One Collins Wharf

Town Planning
Level 16-26



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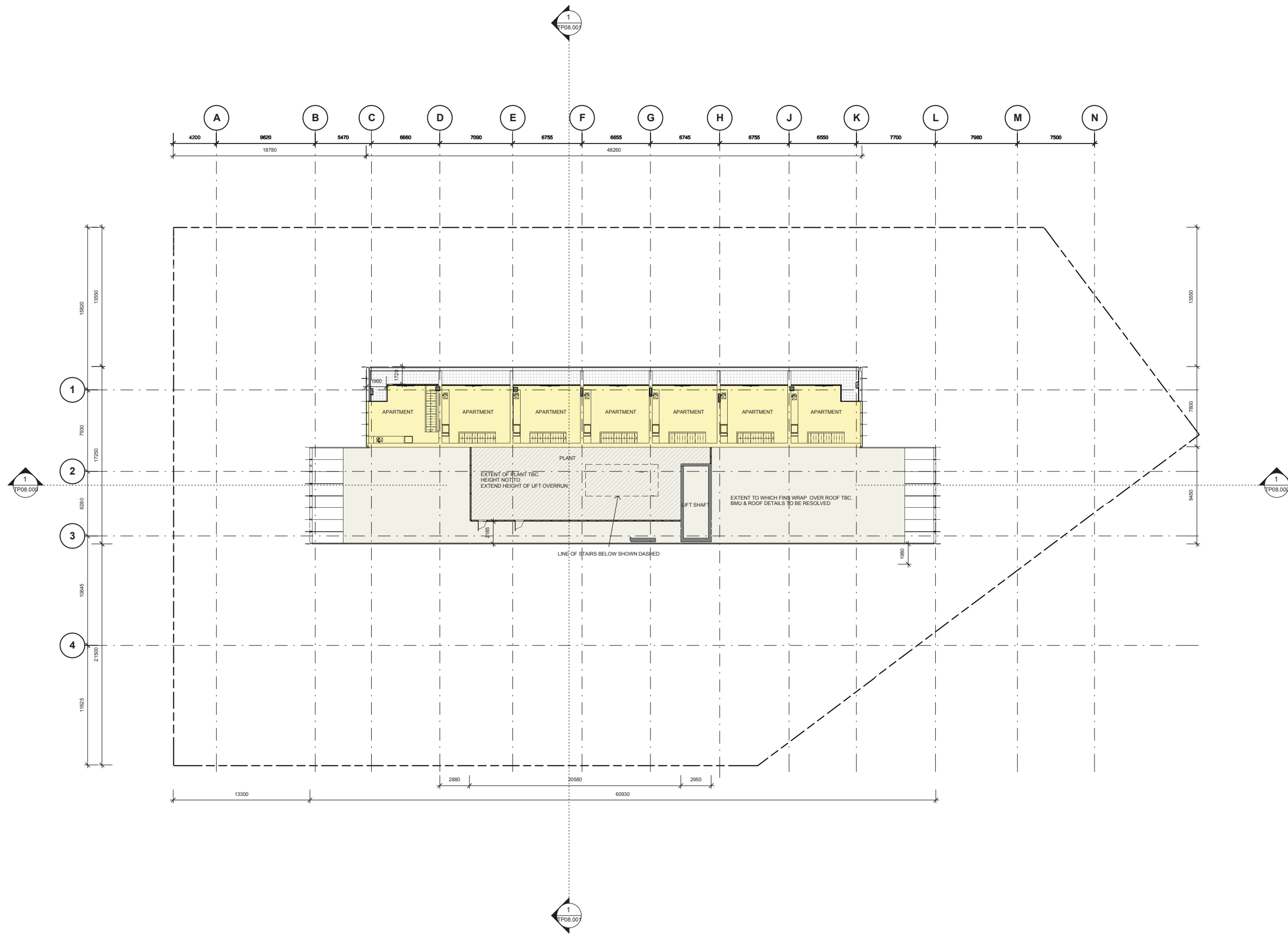
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One Collins Wharf

Town Planning
Level 28



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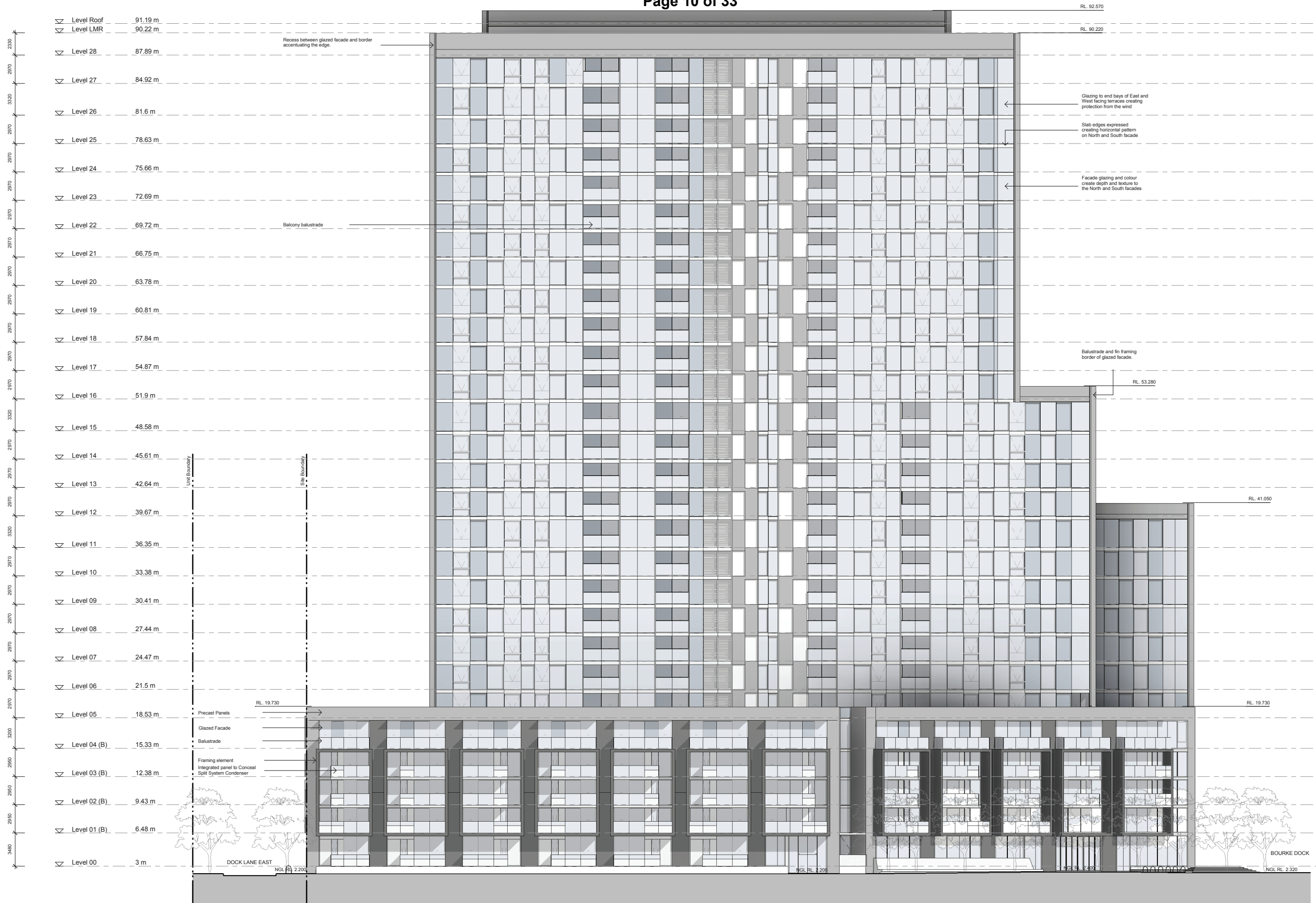
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One Collins Wharf

Town Planning
South Elevation

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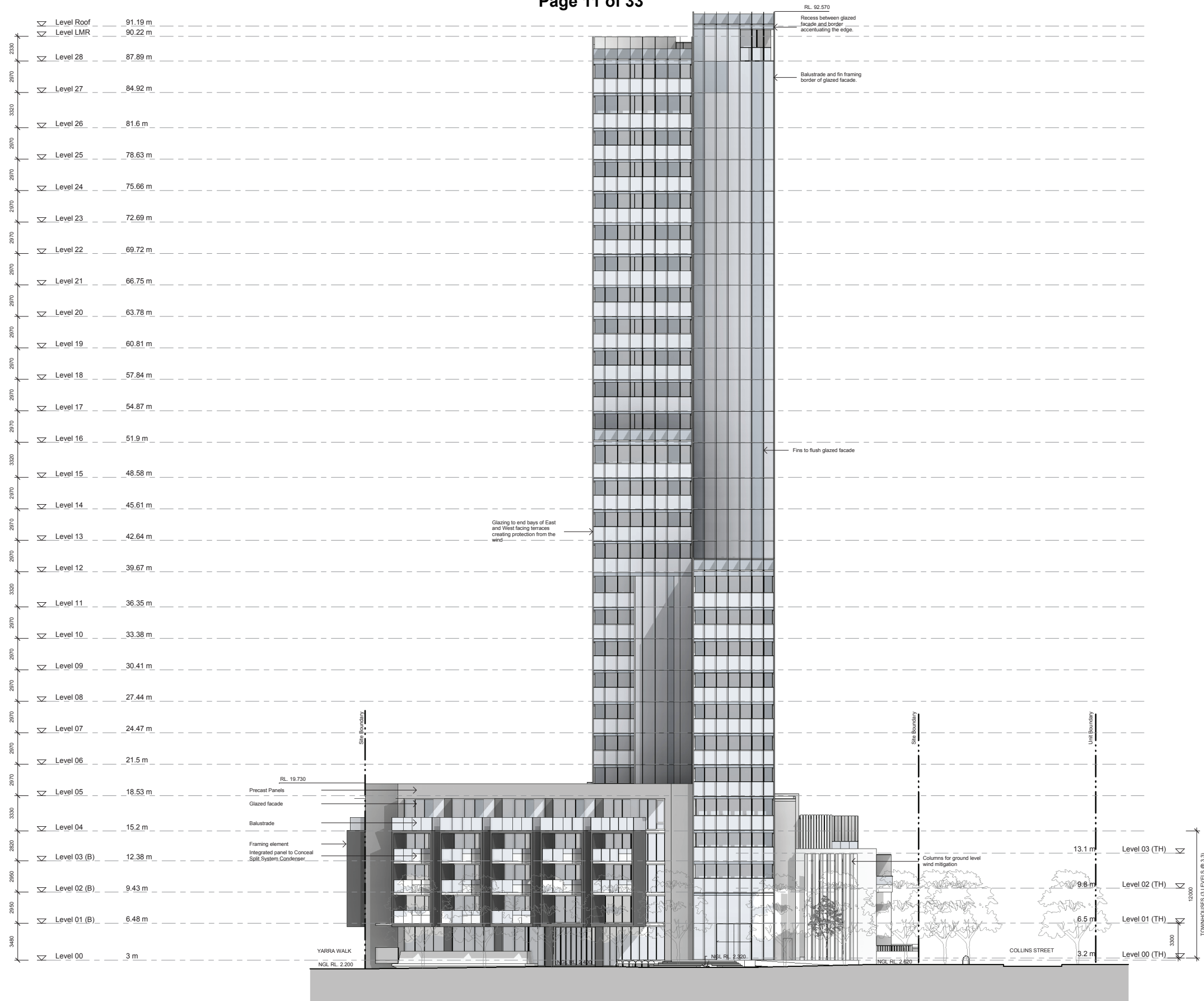
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One Collins Wharf

Town Planning
East Elevation

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PLANNING REPORT**MINISTERIAL REFERRAL**

Application number:	TPM-2015-40
DTPLI Application number:	PA1500038
Applicant / Owner / Architect:	Lend Lease / Urban Renewal Authority (now known as Places Victoria) / Bates Smart
Address:	915 Collins Street (aka No. 1 Collins Wharf) Docklands
Proposal:	Construction of a multi-storey building to be used for dwellings and food and drink premises, associated car parking and public realm works and a waiver of the loading and unloading requirements
Cost of works:	\$106 million
Date received by City of Melbourne:	24 December 2015
Responsible officer:	Maree Klein
Report Date:	4 May 2016
(DM# 9745951)	

1. SUBJECT SITE AND SURROUNDS

Development of the Victoria Harbour Precinct in Docklands commenced in 2001 when Lend Lease was awarded the development rights to develop Victoria Harbour over a 20 year period. The Development Plan under which development of the precinct is to be guided has been reviewed and amended on several occasions since its initial approval in 2002.

The current Development Plan (the 'Victoria Harbour Development Plan 2010') was approved by the Minister for Planning in 2011. It is this Development Plan that the current application is to be considered against.

The 2010 Development Plan divides the Victoria Harbour Precinct into two areas; the City Quarter to the east and the Wharf Quarter to the west. The City Quarter is primarily over terra firma while the Wharf Quarter is largely over the 450m long wharf bound by Victoria Harbour to the north, City Quarter to the east and the Yarra River to the south (see location plan below). The Wharf Quarter is referred to by Lend Lease as 'Collins Wharf'.



Image 1. Location Plan

The subject site is located within the Collins Wharf area, between Collins Street to the north and the Yarra River to the south. The site occupies sites N1, T1 and T2 of the Development Plan, and is located across the road from Buluk Park and directly interfaces with Bourke Dock. Buluk Park is framed by community uses at the Library and Boating Hub and the retail and mixed use along the edges of the development known as 'Concavo' and development site referred to as 'Y7'.

While no planning permit has been issued for the development of Y7, the Victoria Harbour Development Plan 2010 indicates that this site is to be used for a predominantly residential building up to 90m in height, but also refers to it as a 'flexible site', the use of which may change, subject to markets.

The creation of Bourke Dock was approved under Ministerial Planning Permit No. 2011/013728 (CoM Ref: TPD-2011-47) which also approved the library, wharf works, public realm works, public transport infrastructure etc. The 2010 Development Plan identifies Bourke Dock as "an urban dockside plaza that terminates Bourke Street at the water's edge. The space is activated by cafes and lobbies at the ground level of adjacent buildings."

The wharf structure itself and the adjoining peninsula of land that is bordered by Victoria Harbour and the Yarra River is currently owned by Places Victoria. All other continuing wharf areas in Docklands have been rejuvenated before divestment to the Crown with Council then being appointed as Committee of Management under the *Crown Land (Reserves) Act 1978*. It is proposed to continue with this approach for the wharf to ensure that the waterfront is delivered in good condition and to remain in public ownership with both municipal and state oversight.

Of relevance, there is a concurrent application to the Minister for Planning to amend the Victoria Harbour Development Plan 2010 as it relates to Collins Wharf (Council Ref No. TPD-2010-7/A). The submitted 'Victoria Harbour Collins Wharf Development Plan 2015' ('2015 Development Plan') would supersede the majority of the 2010 Development Plan for the Wharf Quarter area, proposing to alter the future development outcomes in the Wharf Quarter precinct in built form outcomes, public realm and land use terms.



Image 2. Development Context Plan

2. THE PROPOSAL

Lend Lease has submitted an application to the Minister for Planning for a residential development of the site now referred to as CW1 or No. 1 Collins Wharf.

The plans referred to Melbourne City Council (MCC) for comment from the Department of Environment, Land, Water and Planning (DELWP) were originally received on 4 January 2016, and formally amended in early April 2016.

The proposed development can be summarised as follows:

- Construction of a 29 storey building comprising a five level podium and 24 levels above, to be used primarily for residential purposes;
- The podium generally constructed to all site boundaries, with exception of an approximately 4m setback from the north (Collins Street), increasing to approximately 5.7m at level 3 and 11.3m at level 4. A 1.5m approx. setback from south-east boundary (to Bourke Dock) is also provided at podium levels;
- The podium consists of a ground level residential lobby and residential amenities, a café tenancy fronting Bourke Dock, north facing SOHO format units (Single Occupancy Home Offices) oriented toward Collins Street, south facing apartments facing the Yarra River and concealed car parking accessed from Dock Lane East on its east side;
- Upper levels within the podium feature north, east and south facing apartments which sleeve car parking centrally within the floorplates;
- The tower is located centrally within the site, with varying setbacks from all property boundaries (approximately 13.5m from the northern boundary to Collins Street, approximately 21.5m from the southern boundary to the Yarra River, approximately 13.3m from Dock Lane East and varying setbacks from the east increasing as the building height increases).



Image 3. Planning application extent (red line area)

In addition to the above building, public realm works are also proposed, including:

- Yarra Walk - a 5.5m wide public promenade separated from the southern edge of the building by a 5.7m wide passage of water. The promenade would be a shared zone for cyclists and pedestrians and also provide access for small service vehicles limited to a proposed 10km/h speed limit. An enlarged landing at the junction of Yarra Walk and Bourke Dock provides a nodal point at the southern entry to No. 1 Collins Wharf. An additional landing connects into Dock Lane East for through pedestrians and cycle access.
- Dock Lane East - a 11.95m wide road reserve (6m wide carriageway) running along the western boundary of the site, serving primarily as a vehicle and service access to the rear of No. 1 Collins Wharf and the future development of land to the immediate east (identified as CW2). Dock Lane East would be the first of the through linkages between Collins Street and Yarra Walk.
- Collins Street – realignment so as to deviate past Buluk Park (partly constructed) and continue along the wharf structure. A 19m wide road reserve (10.4m wide carriageway), tree lined street, with parallel parking to both sides of the street. The proposed SOHO's will have a direct interface with Collins Street along the northern boundary of the site.

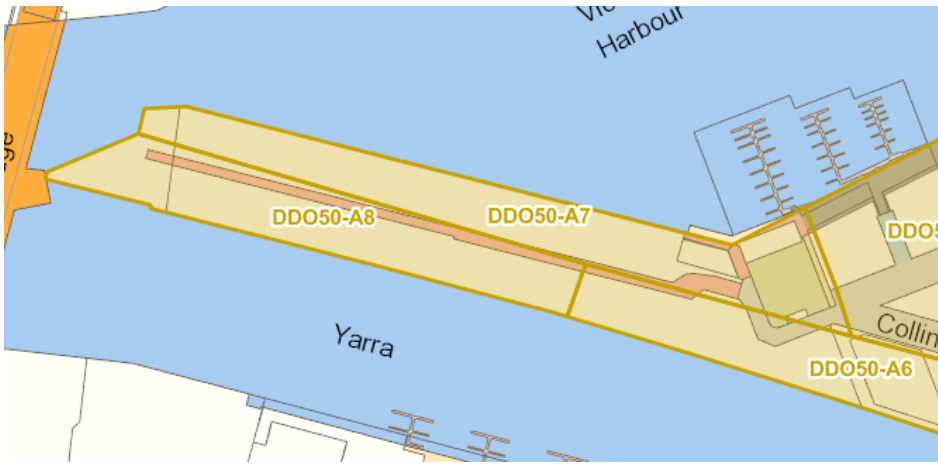
The development of this parcel of land would represent the first residential development in the Wharf Quarter.

In summary, the development proposes:

Dwellings	<p>Total number of dwellings: 321</p> <p>Mix of 1, 2 and 3 bedroom dwellings provided in townhouses style dwellings, apartments and SOHO's.</p> <ul style="list-style-type: none"> • One bedroom - 90 • Two bedroom - 201 • Three bedroom - 30
Retail (ground level)	68m ² Leasable Floor Area
Building height	90.22m
Podium height	18.53m
Front, side and rear setbacks (see image 4 below)	<p>North (Collins Street) – 13.5m</p> <p>South (Yarra River) – 21.5m</p> <p>West (Dock Lane East) – 13.3 m</p> <p>East – varying, increasing as the building height increases.</p>
Gross floor area (GFA)	44,119m ²
Car parking spaces	290
Motorcycle spaces	16
Bicycle facilities and spaces	<p>Total 312</p> <p>Resident bicycles overbonnet – 201</p> <p>Resident bicycles communal – 85</p> <p>Visitor bicycles - 26</p>
Loading/unloading	Via Dock Lane East
Vehicle access	Via Dock Lane East

Statement	<p>Clause 21.07 Housing</p> <p>Clause 21.08 Economic Development</p> <p>Clause 21.09 Transport</p> <p>Clause 21.10 Infrastructure</p> <p>Clause 21.13-2 Docklands</p>
Local Planning Policies	<p>Clause 22.18 Urban Design within the Docklands Zone</p> <p>Clause 22.19 Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls	
Docklands Zone, Schedule 2 – Victoria Harbour Precinct	<p>The purpose of DZ2 is:</p> <ul style="list-style-type: none"> To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment. To provide a promenade environment for urban art and waterfront events and festivals. To provide a retail focus for Docklands that complements retailing in the Central City. To encourage the refurbishment of existing wharves for commercial, institutional and public uses.
Docklands Zone, Schedule 7 – Waterways	<p>The purpose of DZ7 is:</p> <ul style="list-style-type: none"> To provide for the mooring of watercraft. To provide for integration with adjoining development. To provide for extensive public access to the water. To ensure the conservation of the general form of Victoria Harbour. To ensure that any use and development on the edge of the waterways is appropriately designed, operated and maintained so as to retain an attractive waterfront.
Development Plan Overlay, Schedule 3 – Victoria Harbour	<p>Purpose of a Development Plan is to identify areas which require the form and conditions of future use and development to be shown before a permit can be granted to use or develop the land.</p> <p>Clause 43.04-1 specifies that a permit granted must generally be in accordance with the development plan</p>
Design and Development Overlay, Schedule 12 (Noise Attenuation Area)	<p>Seeks to ensure that developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building.</p>
Design and Development	<p>Schedule 50 to the DDO applies specifically to the Victoria Harbour Precinct and provides height requirements for the various areas, and identifies</p>

<p>Overlay, Schedule 50 (Victoria Harbour Precinct), areas 6, and 7</p>	<p>minimum widths for waterfront promenades.</p>  <p>The following requirements are specified for the respective areas:</p> <p>Area 6 Maximum building height of 90m with the exception of two towers not exceeding 115m, comprising one tower at each of the eastern and western portions of this area. Minimum 6.5m wide southern waterfront promenade</p> <p>Area 7 Maximum building height of 15m with the exception of one building not exceeding 25m at the eastern portion of this area. Minimum 6.5m wide northern waterfront promenade with the eastern end promenade to have an average width of 15m.</p> <p>A permit is required if the requirements are not met.</p>
<p>Parking Overlay, Schedule 6 (Docklands – Victoria Harbour)</p>	<p>Sets out maximum car parking rates for various land uses including:</p> <ul style="list-style-type: none"> • 2 spaces to each dwelling • 2.5 spaces to each 100m² of office floor area • 2 spaces to each 100m² of retail floor area • 1 space to each 150m² of industrial floor area • 1 space to each 100m² of floor area for any other use

Particular Provisions	
<p>Clause 52.06, Car Parking</p>	<p>A permit is required to:</p> <p>Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p>
<p>Clause 52.07, Loading and Unloading of Vehicles</p>	<p>No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:</p> <ul style="list-style-type: none"> • Space is provided on the land for loading and unloading vehicles as specified in the table below. • The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres. <p>The road that provides access to the loading bay is at least 3.6 metres wide.</p>

Clause 52.34, Bicycle Facilities	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 reduce or waive the bicycle parking requirement.
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	An application for a residential development of five or more storeys in any zone must be accompanied by: <ul style="list-style-type: none"> • An urban context report. • A design response.
Clause 52.36, Integrated Public Transport Planning	An application for an excess of 60 dwellings must be referred to PTV for comment.

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.
Clause 65 Approval of an application or plan	Sets out matters that the responsible authority must consider before deciding on an application.

5. PUBLIC NOTIFICATION

The application has been referred to MCC for comment by the DELWP.

Pursuant to the each of the applicable planning scheme provisions, the application 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 a number of areas of Council. Key comments are summarised below.

6.1 Urban Design

Urban Design have raised issues with the application, including its compliance with the approved Development Plan:

- The southern building alignment built to the water of the Yarra River.
- Yarra Walk is separated from the southern edge of the building by a 5.7m wide passage of water, rather than an on wharf promenade (referred to as Australia Wharf Promenade West in the Development Plan).

- The Collins Street building alignment does not make a positive address on the short Collins Street/ Buluk Park alignment by not being built on the boundary and not being orientated to the street and Buluk Park.
- The predominantly residential building (one ground floor retail tenancy) is contrary to the Development Plan which contemplated human services/mixed use at its interface with Bourke Dock; retail along Collins Street and commercial uses along the Yarra River interface. The wintergarden on the shorter Collins Street/Buluk Park alignment is inactive. These departures from the use create a solely residential building with portions of inactive frontages to the public realm, rather than a mixed use building.
- The tower form meets at the junction of Collins Street and Bourke Dock, resulting in an oblique alignment. The tower will appear as a side “end” of a tower, not a front “face”, and does not positively address Collins Street and Buluk Park.
- The wind mitigation design measures (high steel fin structure) is inappropriate on the prime frontage, opposite Buluk Park.

These concerns are addressed in Section 7 Assessment of the report below.

6.2 Engineering Services Group – Traffic

ESG – Traffic have no objection to the proposal:

- Satisfied with the internal layout and the location of the internal loading dock.
- Identified that the provision of 201 ‘over bonnet’ bicycle racks can be inconvenient for residents.
- Would prefer that motorcycle spaces are grouped in one area, but acknowledge this is not always possible.
- No objection to loading arrangements proposed, but applicant should be aware that any loading that may be provided on-street would be available for the general public in the immediate area and may not be available or be able to cater for the development’s loading requirements.

6.3 Engineering Services Group – Waste

Object to the proposal as currently submitted:

- The submitted Waste Management Plan dated 29 September 2015 proposed that the waste collection contractor park along the western entry point of the site, exit the vehicle and move bins from the bin storage room to the rear of the collection vehicle before returning bins to their original location.
- ESG – Waste advise that on-street collection is not acceptable and that waste material must be collected from within the building.
- Recommend that this development utilise static compactor for waste materials to reduce the loading/congestion on site.
- Acknowledge that ultimately an updated Waste Management Plan will need to be submitted and approved which can be made a condition of any approval issued.

6.4 Engineering Services Group – Infrastructure

No objection subject to the inclusion of the following conditions:

- Prior to the occupation of the building, the surface and air space of Collins Street and Dock Lane East must be formally vested in Council as Road on plan of subdivision to the satisfaction of the MCC's Manager, Engineering Services and Team Leader, Land Survey. The wharf structure must remain as part of the abutting Crown Land Reservation.
- The Yarra Walk structure must be constructed in accordance with plans and specifications first approved by Places Victoria in consultation with Melbourne Water, Parks Victoria and MCC, and the works performed to the satisfaction of Places Victoria, Melbourne Water, Parks Victoria and MCC – Manager Engineering Services Branch.
- The wharf structures must be designed in accordance with the relevant codes and standards and the current Docklands Design and Construction Standards – Public Infrastructure Works.
- Unless otherwise agreed in writing by Parks Victoria and MCC – Waterways Services, all redundant timber piles must be cut at river bed level as part of the demolition works.
- 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 commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to MCC's stormwater drainage system.
- All new portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Collins Street and Dock Lane East must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- The footpath adjoining the site along Collins Street must be constructed in new sawn bluestone in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- North side wharf is a Places Victoria asset and as such any works affecting the wharf structure and the required rejuvenation works must be undertaken to the requirement and satisfaction of Places Victoria.

The following notes are also recommended for inclusion on any permit issued:

- The works must be designed and undertaken in accordance with the current Docklands Design and Construction Standard.
- All necessary approvals and permits are to be first obtained from Places Victoria and the MCC – Manager Engineering Services Branch and the works performed to the satisfaction of Places Victoria and the City of Melbourne – Manager Engineering Services Branch.

6.5 Waterways

- Notes that charter boats will be operating on the adjacent wharf and that there will be a need for garbage disposal associated with these boats. Queries the possibility of shared garbage disposal with the development.

6.6 Land Survey

- Dock Lane East does not appear to be a Gazetted Name and should be deleted.
- Prior to the issue of the permit a land ownership plan must be agreed to by Council.
- Plans show service cupboard doors opening out onto a Road and should be deleted.
- Balconies are proposed beyond the current title boundaries over the Yarra River. A proposed plan of subdivision has been sighted by Land Survey showing a step in the title boundary around the balconies. Land Survey has confirmed that no conditions are required at this time. The balconies will be dealt with at the subdivision stage.

6.7 Open Space Planning

- Queries whether there is any overshadowing to the adjacent open space of Bourke Dock.

6.8 Urban Forest and Ecology

Reviewed the landscape plans for the proposal and noted the following:

All sites

- Evergreen trees are recommended for all tree planting locations. Evergreen trees will provide wind mitigation and other eco-system services year-round.
- WSUD tree pits and/or constructed soil volumes should be implemented at all tree planting locations for the purpose of maximising tree performance. Constructed soil volumes (vault or cell systems) are preferential to structural soils. Tree pits and constructed soil volumes should be interconnected wherever possible.
- Soils for tree pits and constructed soil volumes must be specified by a suitably qualified and experienced soil scientist for the purpose of maximising tree performance.

Potential tree species

- The following evergreen trees could be considered for each location. *Ficus hillii* and *Waterhousea floribunda* are not recommended.

Location	Potential trees (a single species is recommended to be selected for each location)
Collins Street on Wharf	<i>Magnolia grandiflora</i> , <i>Brachychiton</i> 'Jerilderie Red' or <i>Arbutus unedo</i>
Collins Street opposite Buluk Park	<i>Ficus rubiginosa</i> or <i>Cinnamomum Camphora</i>
Dock Lane East	<i>Melaleuca quinquenervia</i> or <i>Eleocarpus reticulatus</i> 'Prima Donna'
Bourke Dock	<i>Brachychiton</i> 'Jerilderie Red', <i>Cinnamomum camphora</i> or <i>Melaleuca quinquenervia</i>

6.9 Water Sensitive Urban Design Co-ordinator

The documentation supplied with the application satisfies the WSUD requirements of Clause 22.23 of the Melbourne Planning Scheme.

7. ASSESSMENT

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

- Consistency with Victoria Harbour Development Plan 2010
- Built form, including height and setbacks
- Apartment amenity
- Wind
- Overshadowing
- Parking, traffic and waste
- Environmentally Sustainable Design

Each is addressed in turn below:

7.1. Consistency with Victoria Harbour Development Plan 2010

The relevant Development Plan Overlay requires a planning permit to be 'generally in accordance with' the approved Development Plan.

The current 2010 Development Plan identifies the subject site as being developed primarily for a residential building with various building heights ranging from 20-35m in some parts of the site, 85-95m in other parts and the provision of a tower element to be constructed to a height of 100-120m. It is noted that the Development Plan specifies that 'tower locations are indicative only'.

To the immediate south of the subject site, the Development Plan proposes 'Australia Wharf Promenade West', a 6.5m wide promenade; primarily a pedestrian and cyclist zone with vehicle access limited to service vehicles only. The promenade is to be activated by waterfront businesses 'that offer a range of services and products.'

Section 6.4 of the Development Plan refers to land use, and includes the following provisions applicable to the subject site:

- The subject site being primarily residential;
- Retail uses at ground level along the Collins Street frontage, human services/mixed use at ground level along the Bourke Square interface and commercial uses at ground level (and upper levels) along the Yarra River, accessed directly from Australia Wharf Promenade West.

Clearly active land use and edge activation are encouraged, with recognition that the Wharf Quarter is less attractive to larger commercial tenants due to its distances from the CBD. Therefore the buildings are encouraged to provide for low intensity small-medium sized enterprises at ground and first level, including Single Occupancy Home Offices (SOHO) with front doors that open onto the street. The lower levels of the south facing (Yarra River) elevations are proposed to be two level strata commercial suits.

Recognising these guiding built form and land use principles (which are supported by Clause 22.18 Urban Design within the Docklands Zone), the following assessment is provided with regard to the current application:

- The proposal for the subject site proposes a single 90m building tower above an 18m high podium. The Development Plan notes that the tower locations for this site are 'indicative only'. The height of the building is generally in accordance with the built form provisions of the Development Plan as they relate to this site.
- The provisions of the Development Plan as they relate to land use are flexible, with the overriding objective being to ensure active land uses and edge activation for all elevations. The adjacent Bourke Dock public space will be suitably activated by the ground level retail tenancy, the residential lobby and associated common area residential facilities, including a winter garden. As identified in the Development Plan, 'public spaces are generally activated with uses that either create or attract activity' and it is considered that this objective is met.
- Retail uses along the Collins Street façade are not provided, instead being replaced with 10 x triple level SOHO units, with direct pedestrian entrances from Collins Street. The use of SOHO units along this street frontage is considered acceptable and generally in accordance with the Development Plan as they will result in active streets and public spaces.

- Residential apartments are proposed along the Yarra River, in lieu of the two level strata commercial suits accessed directly from the southern promenade. Prior to the lodgement of this application, DELWP advised the applicant that, 'given the flexibility of the Development Plan provisions, the Department is prepared to accept residential uses along the Yarra River, Bourke Dock and western laneway frontages of the CW1 site (with a café included fronting public open space)', but encouraged the developer to incorporate SOHO units to dwellings facing Collins Street. The planning application reflects this advice.
- The on-wharf 6.5m public promenade to the south of the subject site, known in the Development Plan as Australia Wharf Promenade West, is now proposed to be a 5.5m wide over-water boardwalk, separated from the southern edge of the building by a 5.7m wide passage of water. The boardwalk is referred to as Yarra Walk and is proposed to continue along the entire southern face of Collins Wharf under the separate application to amend the Development Plan currently being considered by DELWP (Council Ref. TPD-2010-37/A). Together with the removal of waterfront businesses at the lower south facing levels (in lieu of residential as noted above), this design represents a departure from the Development Plan.
- This departure is nonetheless considered acceptable, given the balance of the remainder of the development being generally in accordance with the Development Plan. In particular:
 - the reduced width is sufficient in terms of pedestrian amenity and Council's Engineering Services Group have confirmed that it can function successfully in terms of service vehicle access;
 - pedestrians and cyclists would continue to be encouraged to utilise the promenade/boardwalk, given it commences at a key public space (Bourke Dock) and would terminate at another key public space (John Coode Park) at the western tip of the wharf. The boardwalk would be fitted with seats where appropriate to enable visitors to linger and enjoy the view and water experience. The design is simply a variation to the waterfront experience that is provided elsewhere in Docklands in recognition of the uniqueness of Collins Wharf, but its intent is fulfilled; and
 - while not being activated by waterfront business as contemplated by the Development Plan, Yarra Walk will nonetheless be subject to the visual surveillance afforded by the residential uses with an outlook over the boardwalk. Additionally, this 'detached' configuration from the adjacent residential apartments reduces any adverse amenity impacts associated with the proximity of the boardwalk.

7.2. Built Form

Height

As stated above, podium heights and overall building heights are considered to be generally in accordance with the applicable Development Plan. Additionally, the heights are consistent with the discretionary height controls for the site specified in Schedule 50 of the Design and Development Overlay (as identified in section 4 of the report above).

Setbacks

Referring to Image 4 above, the proposed setbacks of the tower are 13.5m from Collins Street (North), 21.5m from the south (Yarra River), 13.3m from the west (Dock Lane East) with reduced setbacks from the east (Bourke Dock) but increasing as the height of the building increases.

Neither the applicable Development Plan, nor the DDO specify applicable or appropriate setbacks for the site. The Development Plan provides the following general guidance:

- The façades of all buildings align with the lot boundaries on the south side of Collins Street;
- The larger buildings on Collins and Bourke Streets are typically configured as a tower form over a podium structure; and that
- The 'final design and massing of buildings is subject to wind modelling where a tower setback from a podium may be more appropriate'.

The setbacks of the tower as proposed are considered to be generous, in the case of the north, south and west and are supported. The setbacks ensure the maintenance of a low rise building form as it presents to Collins Street, the newly created Dock Lane East (to be renamed) and the Yarra River to the south.

Importantly, the setback from the west of 13.3m will ultimately result in a generous separation between the subject site and any future development to the west, including the separation between the two from the service lane (currently referred to as Dock Lane East). The proposed amendment to the Development Plan currently being separately considered by DELWP has an indicative distance between the subject site tower and any future development to the west (known as CW02) of 20m.

The reduced setbacks for the Bourke Dock interface are also supported, subject to no adverse wind or overshadowing implications for this public open space (discussed below). From a design perspective, the alignment of the tower component of building at this interface being on an angle reflects the triangular shape of the eastern part of site, being the junction between the City Quarter and Wharf Quarter of Victoria Harbour (and also the junction of Collins Street and Bourke Dock). The slender tower form, which steps back from level 16, is considered an appropriate response to the unusual shaped parcel of land, at a location which is identified as a landmark site (discussed below). The tower has been designed 'in the round', and would positively address Collins Street and Buluk Park (as evidenced by the perspective images provided by the applicant – see Image 4 below).



Image 4. View from the northeastern corner of Bourke Dock looking west.

As argued by the project architect:

‘the east façade creates a measurable backdrop to the civic space of Buluk Park and announces the start of the Collins Wharf Precinct.’

Officers agree with this contention.

Design

The Development Plan identifies the subject site (N1/T1) as being a landmark building being at a significant site, junction, gateway and key destination. Being identified as such, the Plan suggests that this building should be a high quality architectural response to reflect its prominent position at Bourke Dock, the termination of Bourke Street at the water’s edge.

Local Policy 'Urban Design within the Docklands Zone' further supports landmark buildings to reinforce view corridors or terminate axes via buildings, structures or landscape treatments.

The architectural character has adopted a contemporary style and palette of materials, providing visual interest from both land and water (Victoria Harbour and the Yarra River). All elevations are well designed and articulated (including the Dock Lane East elevation which is primarily access and servicing). The tower will be worthy additions to the Docklands skyline.

7.3. Apartment Amenity

All apartments will have an outlook ranging from good to excellent, given the orientation of the site and its location on the wharf, thus being largely unobstructed by other buildings.

Apartments located on podium levels (ground to level 4) provide residents with outlook over the Yarra River, with their primary access via Yarra Walk. Every tower apartment from level 6-27 also benefits from water views, either Victoria Harbour to the north or the Yarra River to the south. Each of the SOHOs located on the north side (Collins Street) has its own individual front door off the street, with three levels of living and a roof terrace (commercial office activation on ground floor), providing uninterrupted views of Victoria Harbour from their upper levels.

There is a diversity of housing types, and a mix of 1, 2 and 3 bedroom dwellings.

7.4. Wind

The subject site is identified in the Development Plan as acting to reduce the impact of the southerly winds impacting Dock Square.

The Wind implications are addressed in a report by Windtech, which concludes that the potential impacts are managed through the design, including a wind mitigation filigree to the west side of the SOHOs, and a full height porous screen at the south entry.

Council's Urban Designer contends that the resultant measures are inappropriate opposite Buluk Park. However, it is clear that early advice was sought regarding wind mitigation measures given the site is exposed to winds from both Victoria Harbour and the Yarra River. The wind mitigation measures have been designed into the building from the outset and have not been added on as an afterthought.

7.5. Overshadowing

The Development Plan identifies that urban form should be designed to avoid overshadowing of the south bank of the Yarra River between 11am and 2pm in winter. Indeed, Schedule 2 of the Docklands Zone actually prohibits buildings from casting such shadows. Solar access studies have been undertaken demonstrating compliance with the above applicable shadowing requirements.

As queried by Open Space Planning, the adjacent open space of Bourke Dock would experience overshadowing as a result of the proposed development. Local Policy 'Urban Design within the Capital City Zone' suggests that 'development should provide sunlight access to important areas of the public domain and protect key recreational spaces from overshadowing.'

Given the site is located within a DDO which contemplates a maximum building height of 90m with the exception of two towers not exceeding 115m(also reflected in the 2010 Development Plan), some overshadowing impact is inevitable.

7.6. Parking, Traffic and Waste

As identified in Section 6 of the report above, the proposed car parking and access arrangements are generally considered to be acceptable. The exception to this is the proposed collection of waste on-street.

The applicant's Traffic Engineer contends that an on-street loading zone can be established at the end of Dock Lane East and an additional on-street loading zone (with parking restrictions) are proposed for the end-of-street loading zone to the south, and therefore waste collection can be undertaken from these areas (subject to a loading management plan for the site).

Council's Engineering Services Group – Waste do not support this proposed arrangement. Ultimately, a modified Waste Management Plan will need to be prepared and agreed to by ESG – Waste, which can be made a condition of approval.

7.7. Environmentally Sustainable Design

A range of sustainable outcomes have been incorporated into the development consistent with Clauses 22.19 and 22.23 of the Planning Scheme and the Development Plan.

8. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that MCC offers in principle support for the proposal subject to the inclusion of the following conditions on any permit issued:

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans accompanying the amended application but amended to show:
 - (a) Any modifications required for on-site waste collection and storage in accordance with the Waste Management Plan required by Condition 2.
 - (b) Removal of the name 'Dock Lane East'

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

2. Prior to the commencement of the 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 be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council - Engineering Services.
3. Prior to the occupation of the building, the surface and air space of Collins Street and Dock Lane East must be formally vested in Council as Road on plan of subdivision to the satisfaction of Melbourne City Council - Engineering Services and Team Leader, Land Survey. The wharf must remain as part of the abutting Crown Land Reservation.
4. The Yarra Walk structure must be constructed in accordance with plans and specifications first approved by Places Victoria in consultation with Melbourne Water, Parks Victoria and Melbourne City Council and the works performed to

the satisfaction of Places Victoria, Melbourne Water, Parks Victoria and Melbourne City Council – Manager Engineering Services Branch.

5. The wharf structures must be designed in accordance with the relevant codes and standards and the current Docklands Design and Construction Standards – Public Infrastructure Works.
6. Unless otherwise agreed in writing by Parks Victoria and Melbourne City Council – Waterways Services, all redundant timber piles must be cut at river bed level as part of the demolition works.
7. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by of Melbourne City Council - Engineering Services.
8. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by of Melbourne City Council - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
9. All new portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Collins Street and Dock Lane East must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council - Engineering Services.
10. The footpath adjoining the site along Collins Street must be constructed in new sawn bluestone in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.
11. North side wharf is a Places Victoria asset and as such any works affecting the wharf structure and the required rejuvenation works must be undertaken to the requirement and satisfaction of Places Victoria.
12. Prior to the commencement of the development, a revised detailed landscape plan prepared by a suitably qualified landscape architect, and in consultation with the Melbourne City Council Urban Forest and Ecology branch, must be submitted and approved by the Responsible Authority. This plan must include:
 - (a) A schedule of all soft and hard landscaping and treatments including all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes and maturity, and quantities of each plant.
 - (b) A schedule of all hardscape and urban design elements including, but not limited to, paving, retaining walls, lighting, seating, irrigation and public art.
 - (c) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
 - (d) Response to water sensitive urban design principles and type of irrigation systems to be used.

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development.

The following notes are also recommended for inclusion on any permit issued:

- The works must be designed and undertaken in accordance with the current Docklands Design and Construction Standard.
- All necessary approvals and permits are to be first obtained from Places Victoria and Melbourne City Council – Engineering Services and the works performed to the satisfaction of Places Victoria Melbourne City Council – Engineering Services.