

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Ministerial Planning Referral: TPM-2014-35/A
7-23 Spencer Street, Docklands**

4 September 2018

Presenter: Kate Yuncken, Principal Urban Planner

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an amendment to a Ministerial planning application prior to the Minister for Planning (the Minister) making a decision. The applicant/owner is Century Group Pty Ltd c/o- Urbis Pty Ltd and the architect is Fender Katsalidis Architects Pty Ltd.
2. Ministerial Planning Permit Application TPM-2014-35 was presented to Council's Future Melbourne Committee (FMC) on 7 July 2015. The application originally sought approval for a staged development of the land including the construction of three multi-storey mixed use buildings at 7-23 Spencer Street, Docklands (Attachment 2). The FMC was unable to consider the application as the quorum was lost due to a number of Councillors declaring a conflict of interest. The application was therefore determined by management and support for the proposal was given. The Minister subsequently granted a planning permit on 5 April 2016. Permit conditions require an amended Master Plan, as well as detailed development plans for each stage of works.
3. The Minister recently referred an application to amend the existing approval to the administration for comment. TPM-2014-35/A sought to incorporate a 172 room residential hotel, reduce the number of dwellings by 440 (previously 620 dwellings), reduce the number of car parking spaces by 141 (previously 310 spaces), increase the retail offering to 2,543m², deliver a plaza in the southern portion of the land and make minor changes to the built form. The amended application results in additional overshadowing of the Yarra River corridor (refer Attachment 3) which is now prohibited under planning rules introduced via amendment C270.
4. On 6 April 2018 Councillors were briefed of management's intention to support the application and no Councillor objected to this course of action. On 23 April 2018 management advised the Minister that it does not object to the proposal subject to conditions requiring the development not result in any additional shadowing of the Yarra River and minor technical and urban design changes.
5. On 13 July 2018 the applicant amended the application prior to the Minister making a decision. This amendment seeks to introduce 20 affordable housing dwellings into the proposal, discounted at 50% market rent for key workers. The Minister has re-referred the application to the Council as a recommending referral authority to provide comment on this change.

Key issues

6. The provision of affordable housing is supported by the *Planning and Environment Act 1987*, state and local policy, and Council's Housing Strategy. However, the amendment continues to result in additional shadowing of the Yarra River corridor. The additional overshadowing of the Yarra River corridor is a poor outcome.
7. While the provision of affordable housing is supported by planning policy and legislation, it is not to be 'traded off' for poor outcomes such as additional overshadowing of significant urban features.

Recommendation from management

8. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council:
 - 8.1. Does not object to the proposal subject to conditions requiring the development not result in any additional shadowing of the Yarra River and minor technical and urban design changes (refer Attachment 4).
 - 8.2. Supports the provision of affordable housing as a significant and positive addition to the proposal.

Attachments:

1. Supporting Attachment (page 2 of 18)
2. Locality Plan (page 3 of 18)
3. Plans (page 4 of 18)
4. Email to DELWP 23 April 2018 (page 18 of 18)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining the application.
2. Council is a recommending referral authority under Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Melbourne Planning Scheme.

Finance

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

Conflict of interest

4. 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

5. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

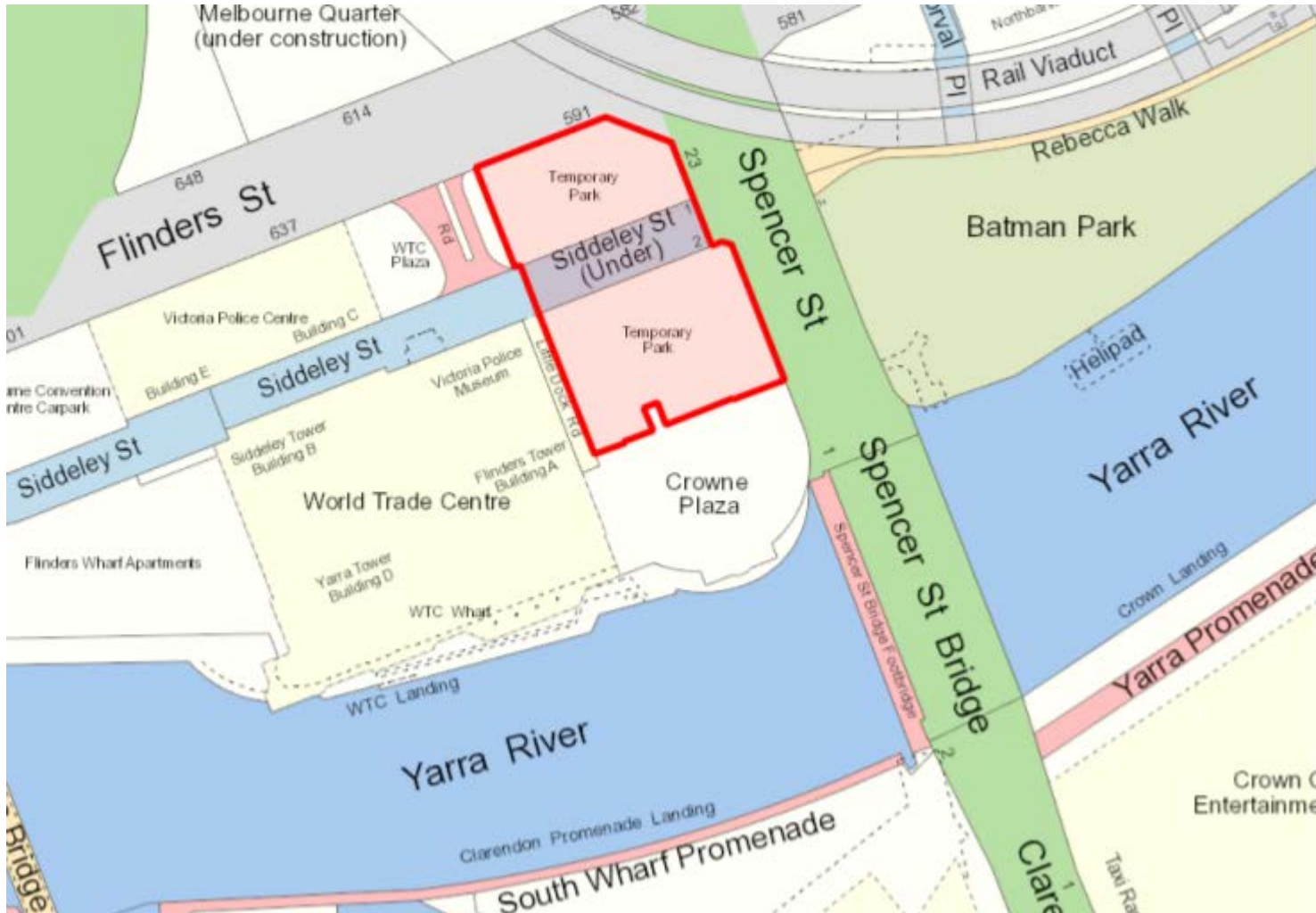
6. Relevant Council policies are discussed in the attached officer report (refer Attachment 4).

Environmental sustainability

7. The Master Plan provides a statement that the proposal will meet:
 - 7.1. A 5 star rating under a current version of Green Star-Retail Centre rating tool or equivalent.
 - 7.2. A 5 star rating under a current version of Green Star-Multi Unit Residential rating tool or equivalent.
 - 7.3. 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Retail rating tool or equivalent.
 - 7.4. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Multi Unit Residential rating tool or equivalent.
8. In addition to the Masterplan noting ESD requirements, it is recommended that conditions be included on the amended permit requiring the submission of Environmentally Sustainable Design Statement at each stage of the proposal in accordance with the requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

Locality Plan

7-23 Spencer Street, Docklands



04.1 SUMMARY

PODIUM

North Podium: 5 Storeys

Hotel Rooms: 51

South Podium: 4 Storeys

Apartments: 23

Total Podium Apartments: 23

Total Podium Hotel Rooms: 51

TOWER

Tower 1: 23 Storeys Above Podium

Apartments: 177

Tower 2: 29 Storeys above Podium

Apartments: 237

Hotel Rooms: 117

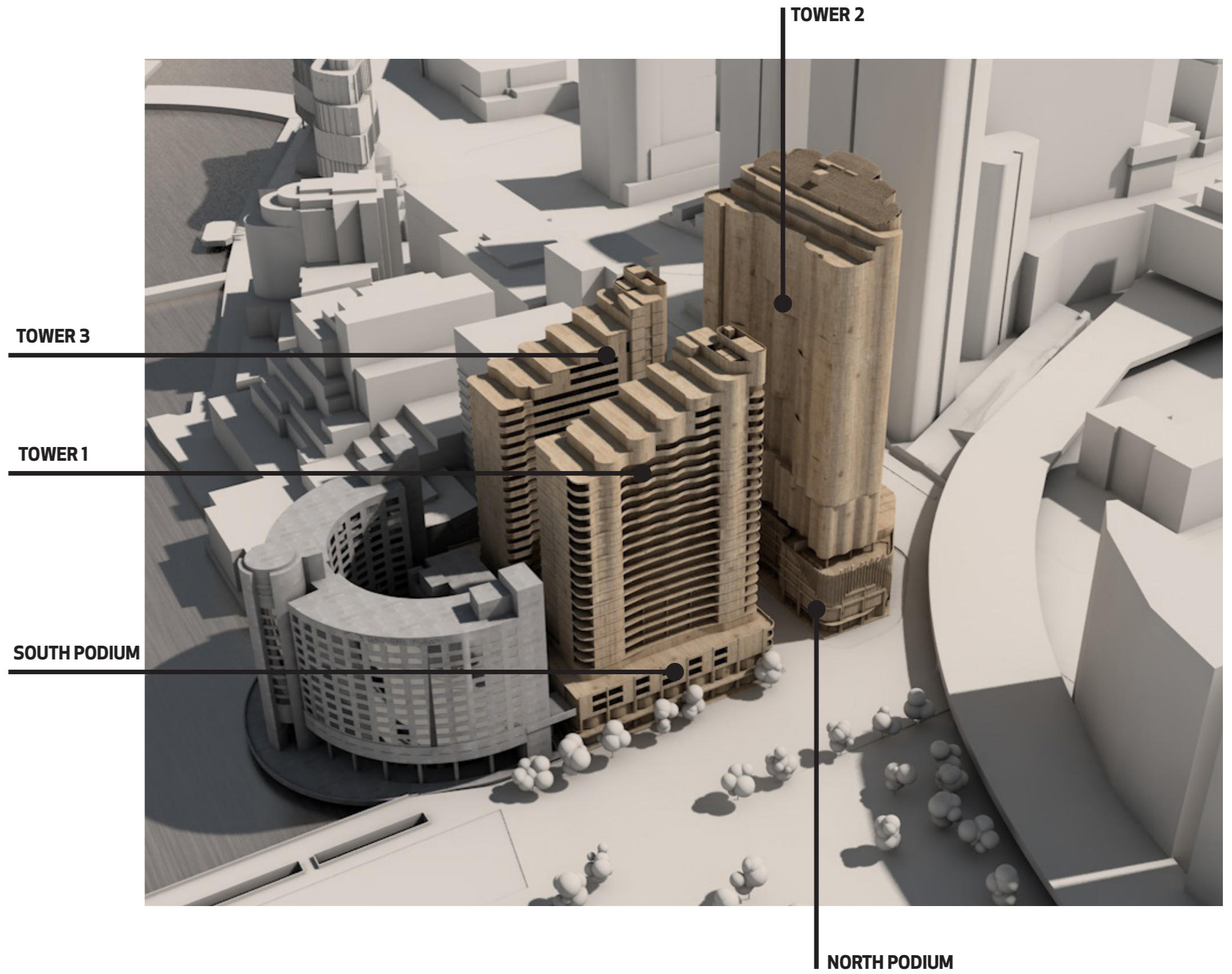
Tower 3: 23 Storeys Above Podium

Apartments: 220-240

Total Tower Apartments: 640

TOTAL APARTMENTS: 620-680

TOTAL HOTEL ROOMS: 168



GROUND FLOOR PLAN SCALE 1:400 @ A3



06.1 VIEW FROM BATMAN PARK



FENDER KATSALIDIS ARCHITECTS

06.2 NORTH EASTERN VIEW



FENDER KATSALIDIS ARCHITECTS

06.4 VIEW FROM KINGS WAY



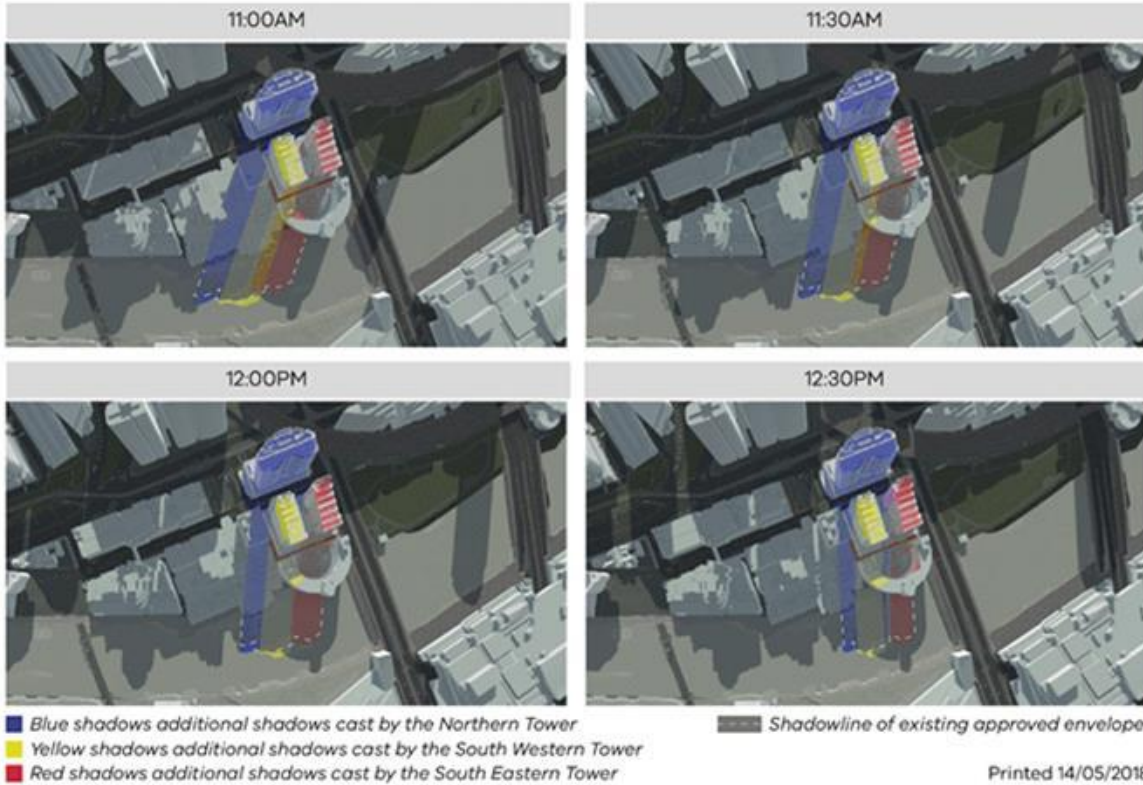
06.5 VIEW FROM SPENCER STREET



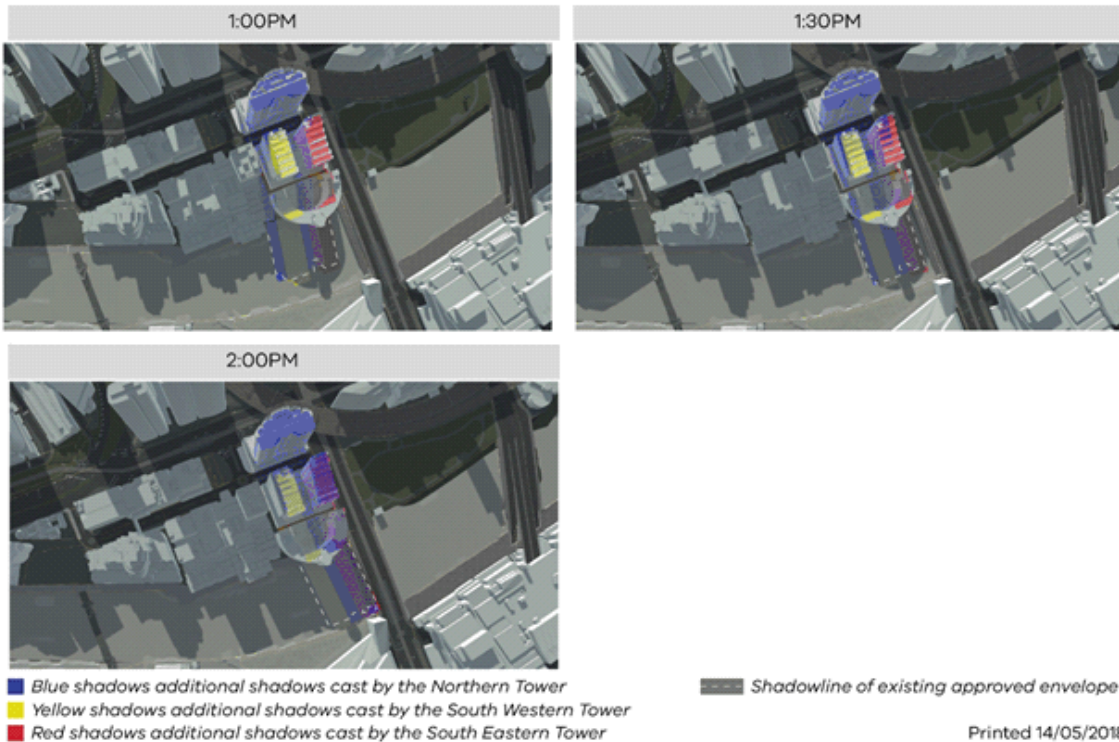
DELWP Shadow Diagrams TPM-2014-35/A 7-23 Spencer Street, Docklands

Received City of Melbourne Planning: 5 June 2018

7-23 Spencer St - June 22 Overshadowing



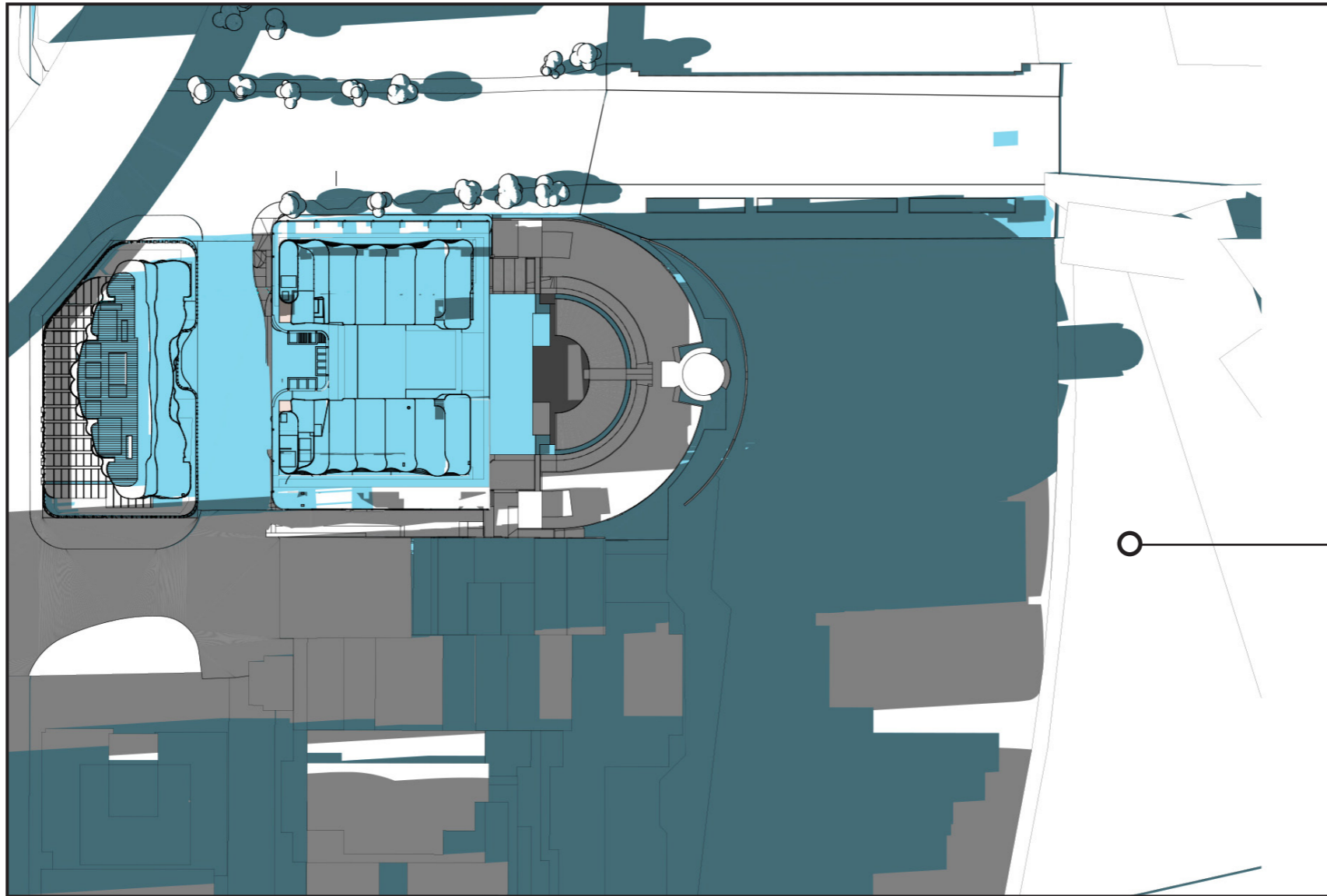
7-23 Spencer St- June 22 Overshadowing



PROPOSED SHADOW

AT 2PM JUNE 22ND

NO ADDITIONAL OVER SHADOWING
TO SOUTH BANK



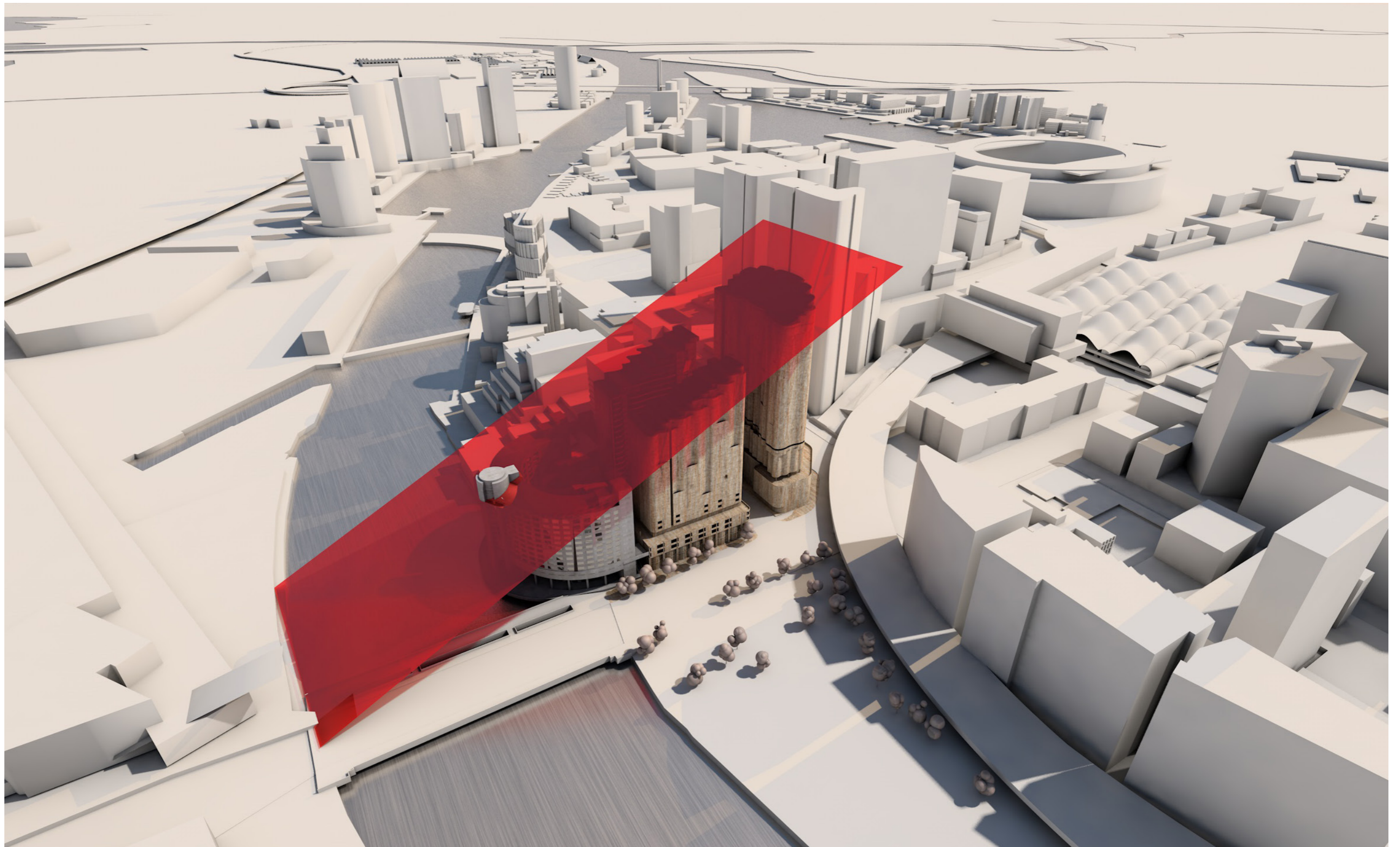
PEDESTRIAN
BOARDWALK TO
SOUTH BANK OF
YARRA

- Existing Shadows
- Proposed Shadows

04.3 BUILDING HEIGHTS

Planning regulations prohibit the proposal from casting a shadow onto the South bank of Yarra River.

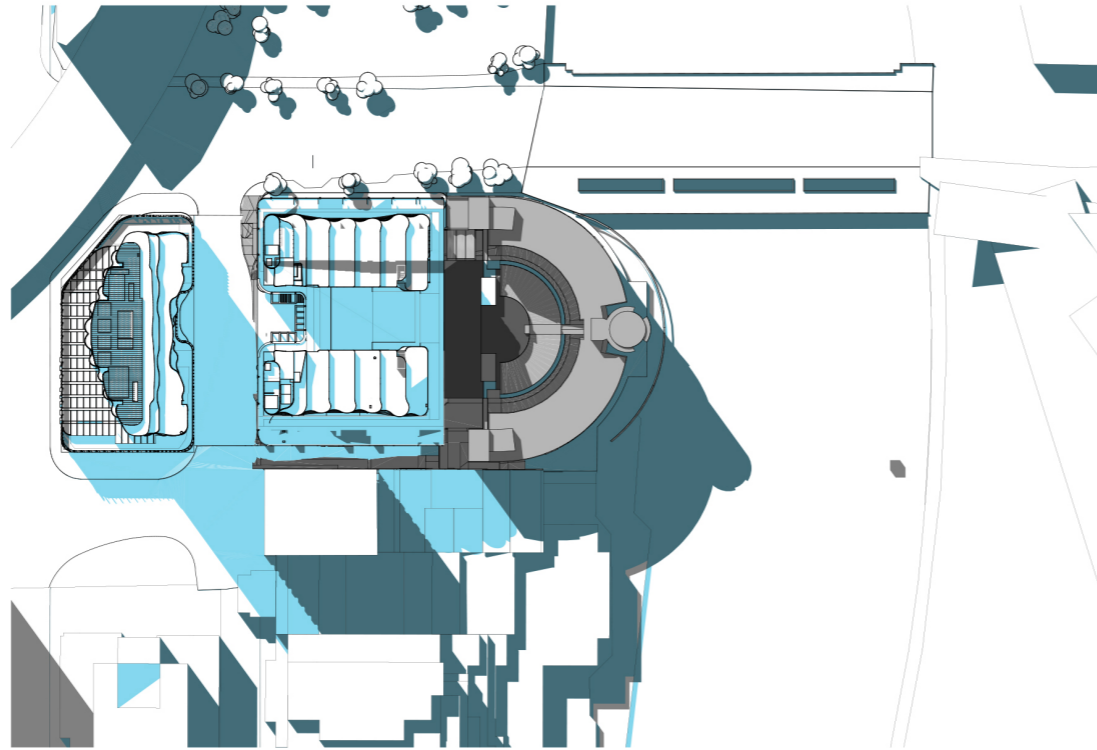
By utilizing the existing shadow profile, the tower apartments terrace to a peak height, this sloped height will be used to create terraced zones for the upper level apartments. Providing spaces that have uninterrupted views across to the Yarra River.



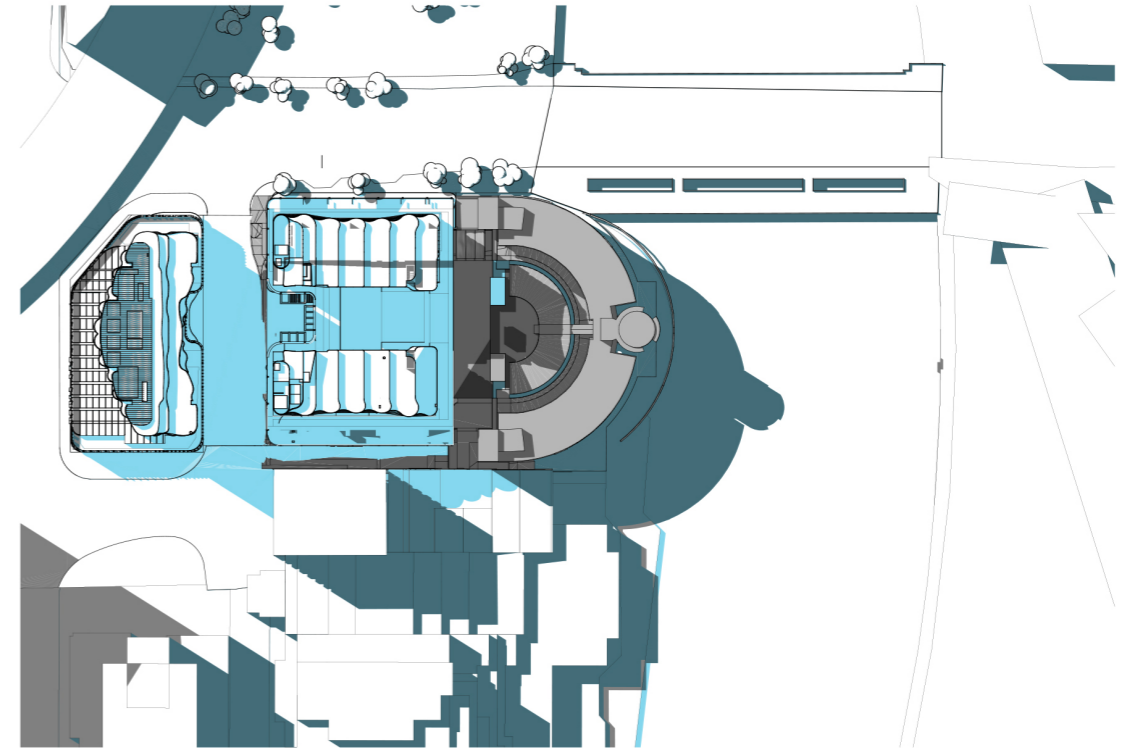
22ND JUNE SHADOW PLANE VIEW FROM EAST

FENDER KATSALIDIS ARCHITECTS

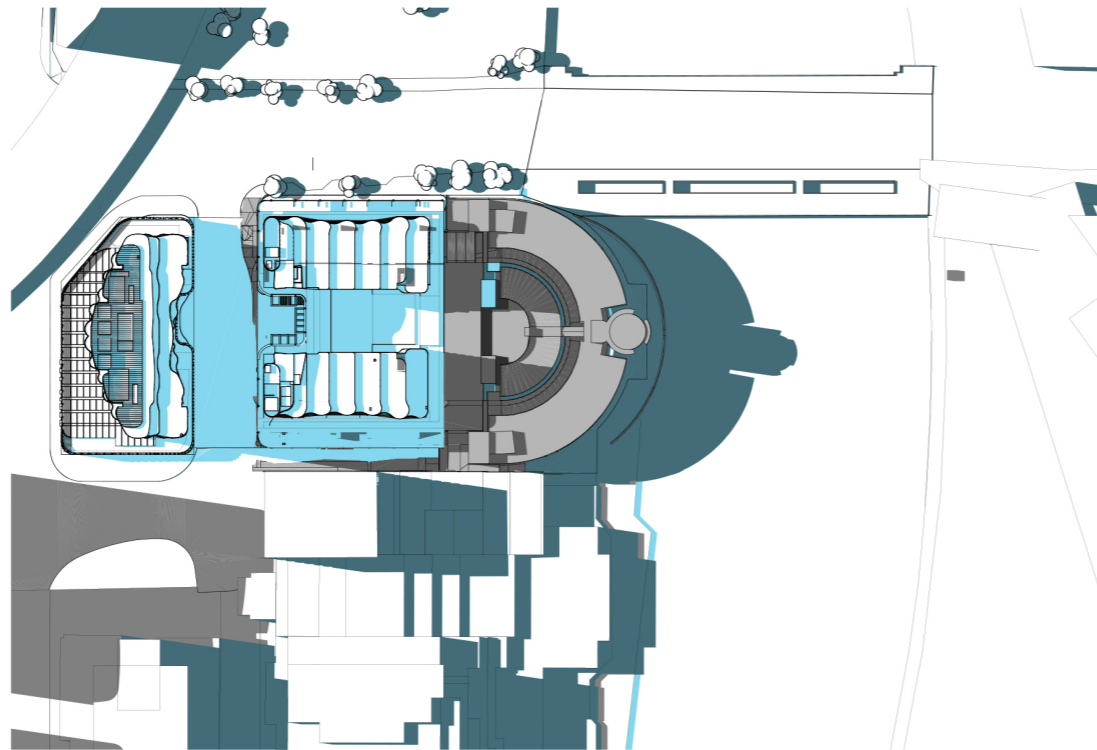
SHADOW STUDIES
March 22nd (Equinox)



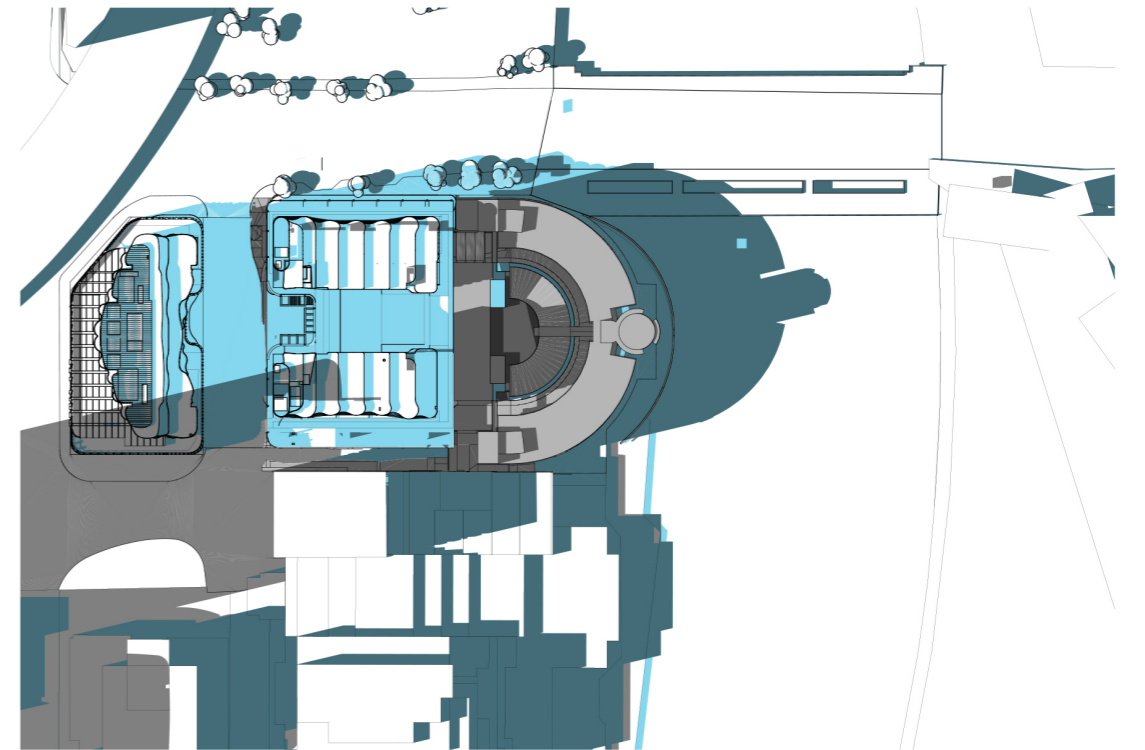
SH2.1 SHADOWS 22 MARCH 11AM



SH2.2 SHADOWS 22 MARCH 12PM



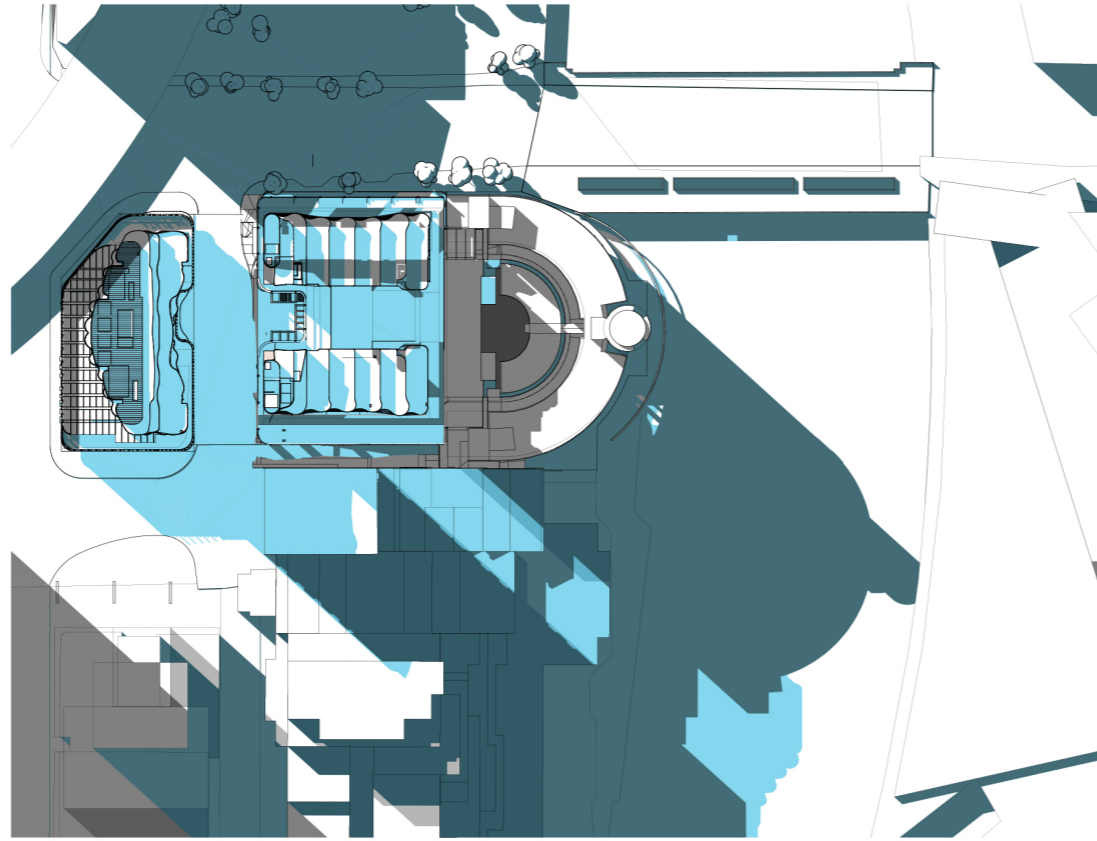
SH2.3 SHADOWS 22 MARCH 1PM



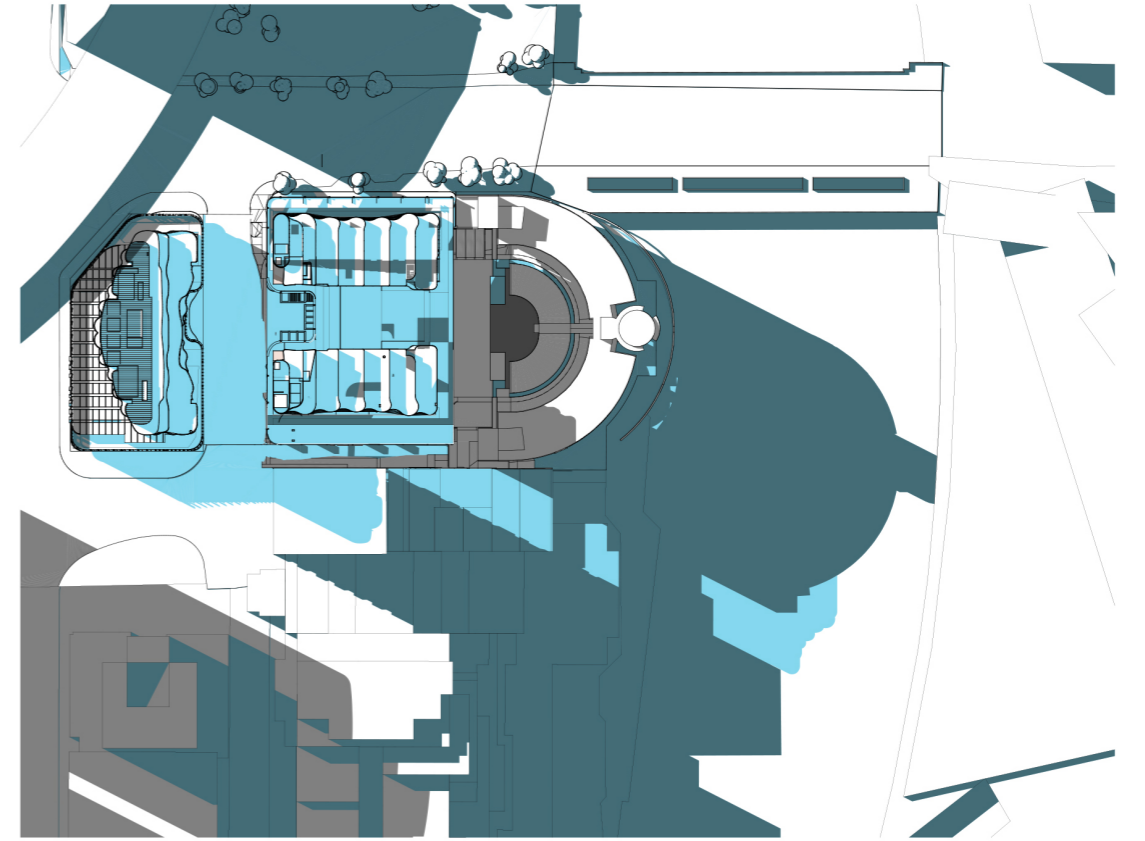
SH2.4 SHADOWS 22 MARCH 2PM

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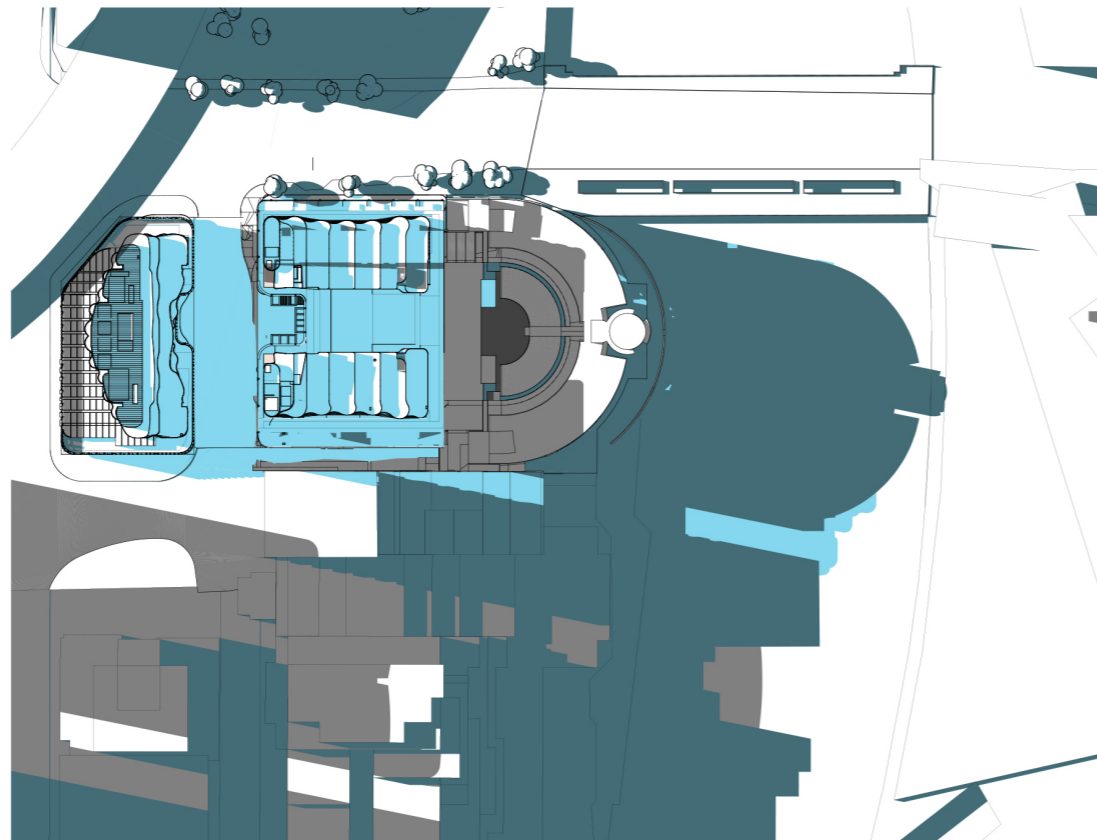
SHADOW STUDIES
June 22ND (Solstice)



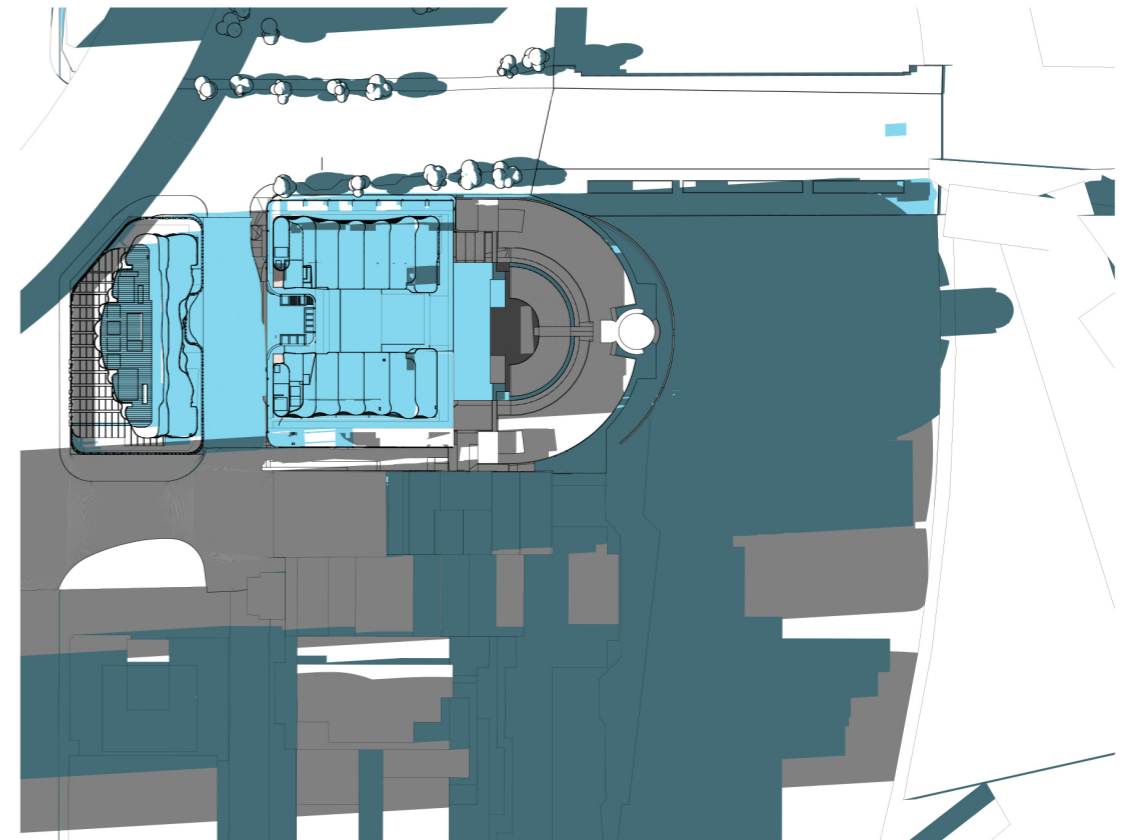
SH1.1 SHADOWS 22 JUNE 11AM



SH1.2 SHADOWS 22 JUNE 12 NOON



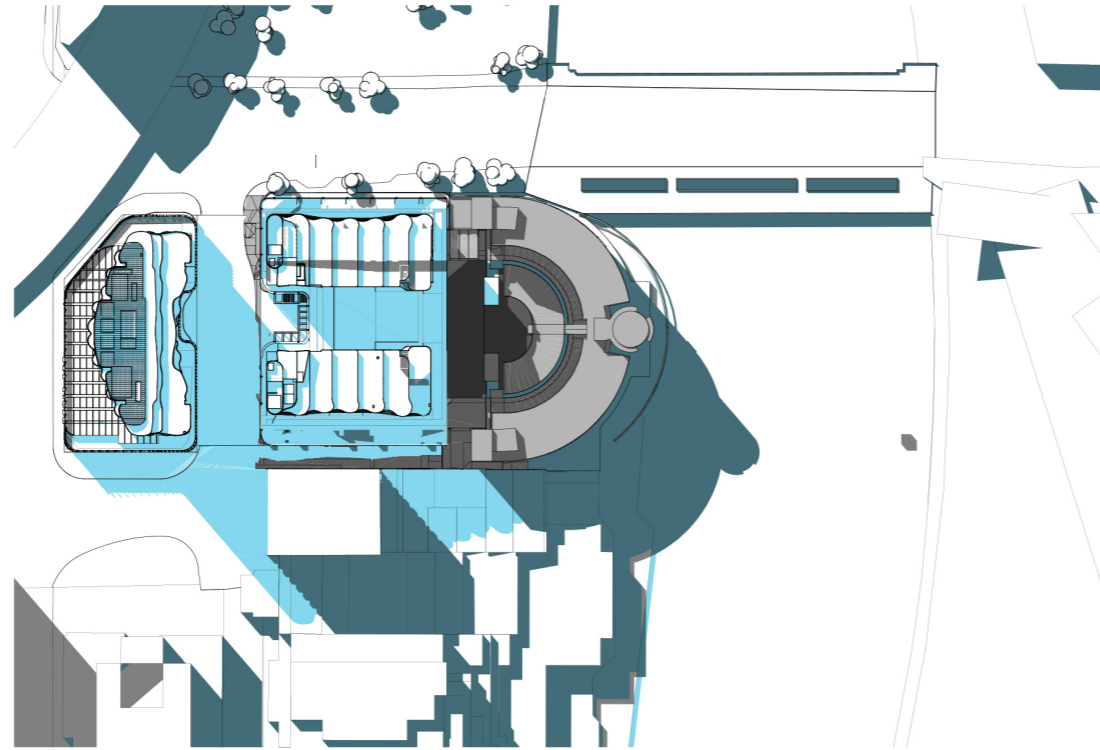
SH1.3 SHADOWS 22 JUNE 1PM



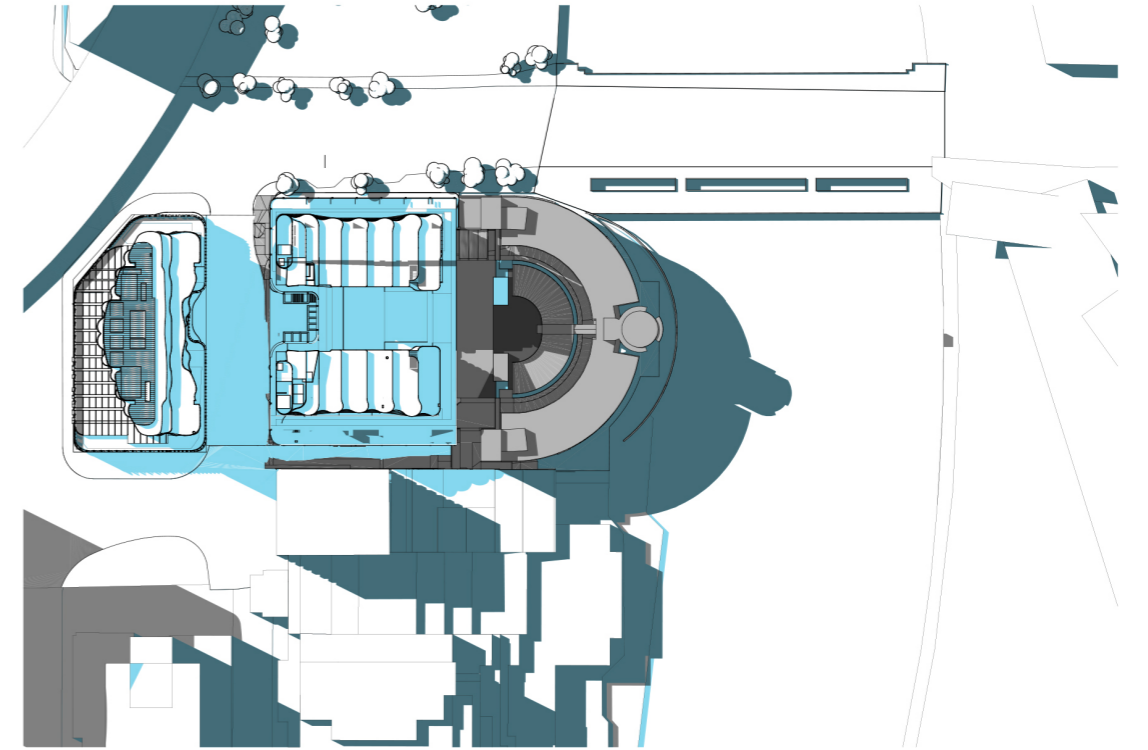
SH1.4 SHADOWS 22 JUNE 2PM

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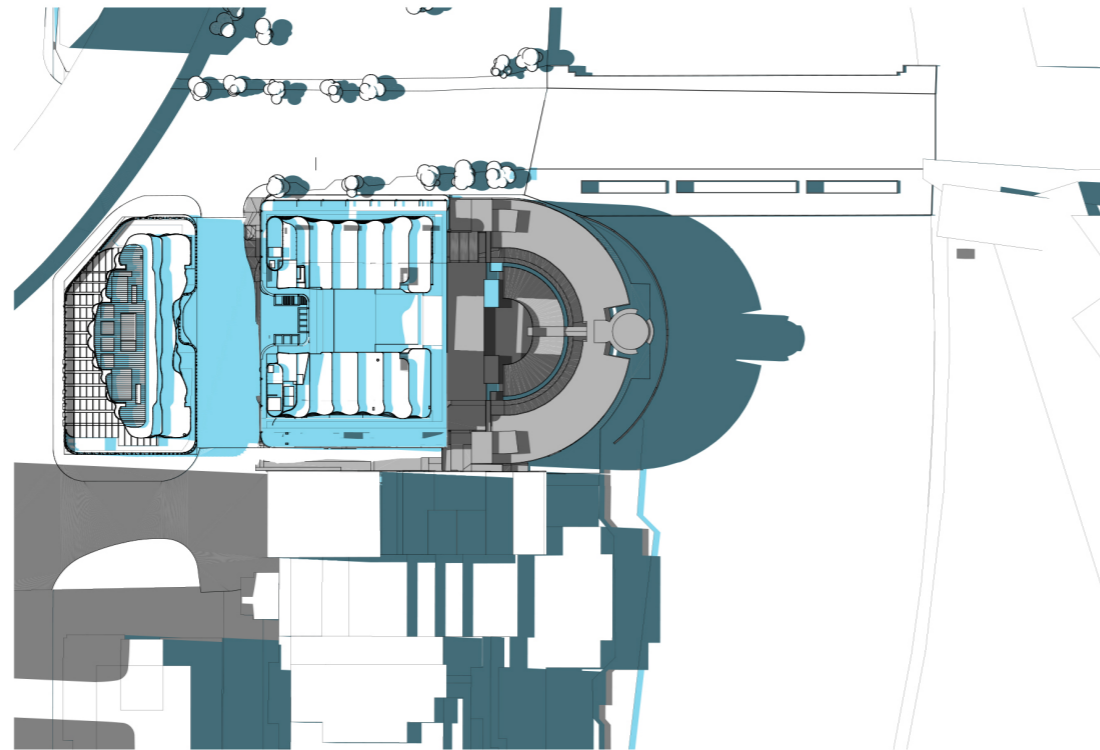
SHADOW STUDIES
September 22nd (Equinox)



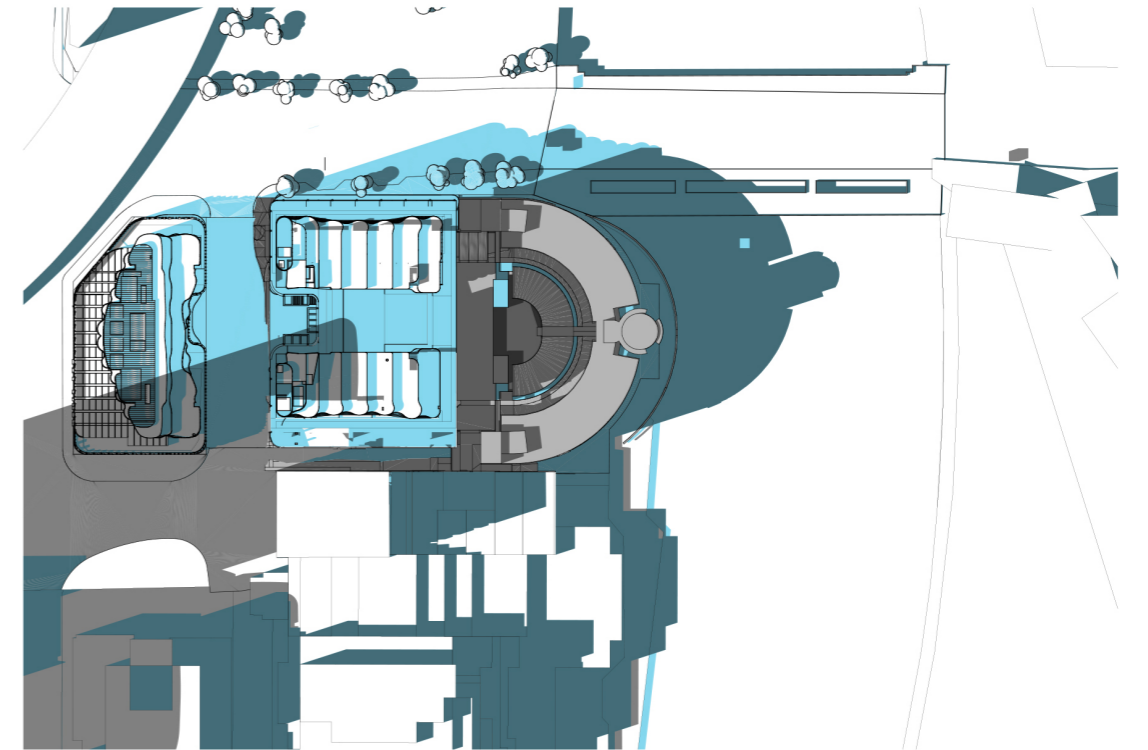
SH3.1 SHADOWS 22 SEPTEMBER 11AM



SH3.2 SHADOWS 22 SEPTEMBER 12PM



SH3.3 SHADOWS 22 SEPTEMBER 1PM

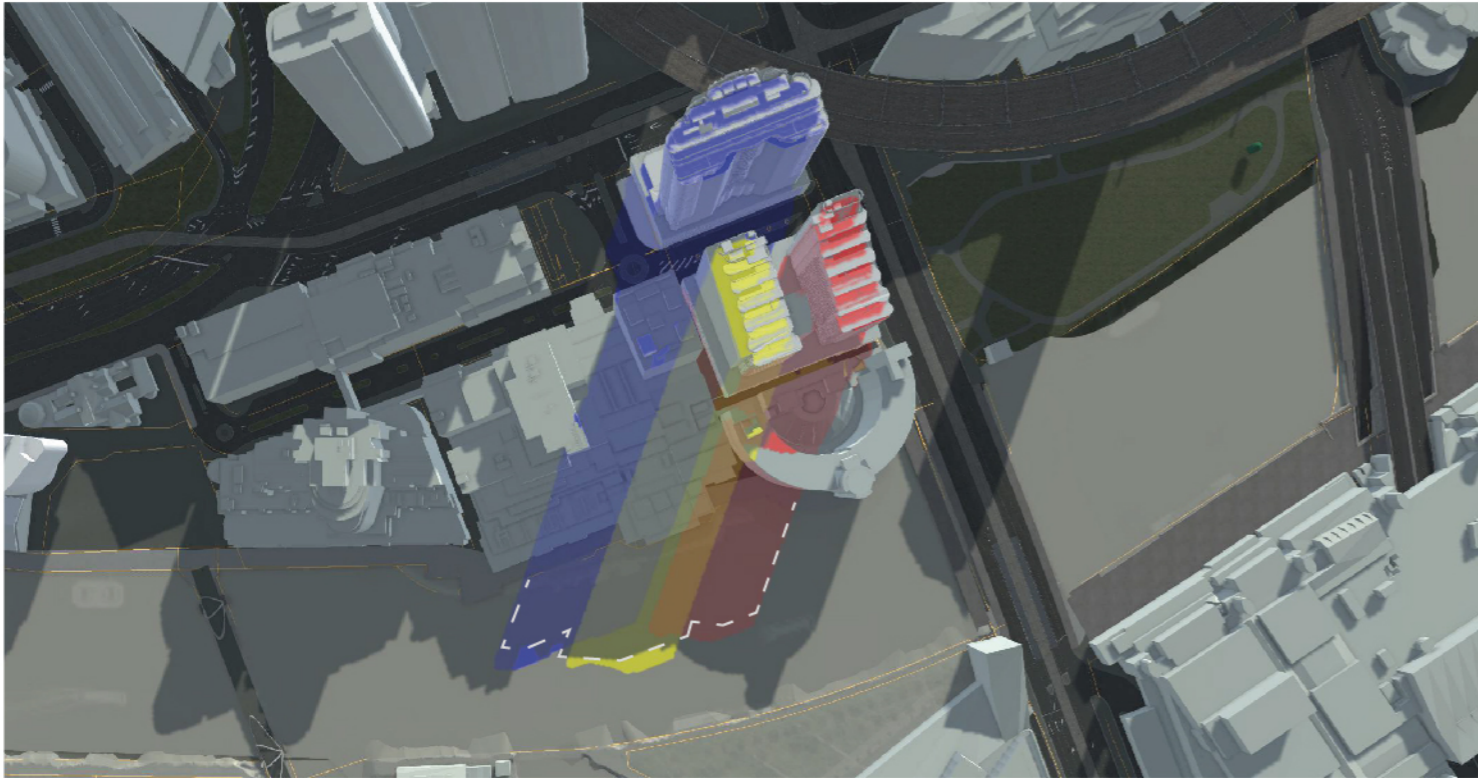


SH3.4 SHADOWS 22 SEPTEMBER 2PM

BIM Server: Bimserver9 - BIM Server 20/16073 7-23 Spencer Street/16073 General

7-23 Spencer St - June 22 Overshadowing

11:00AM



11:30AM



12:00PM



12:30PM



- Blue shadows additional shadows cast by the Northern Tower
- Yellow shadows additional shadows cast by the South Western Tower
- Red shadows additional shadows cast by the South Eastern Tower

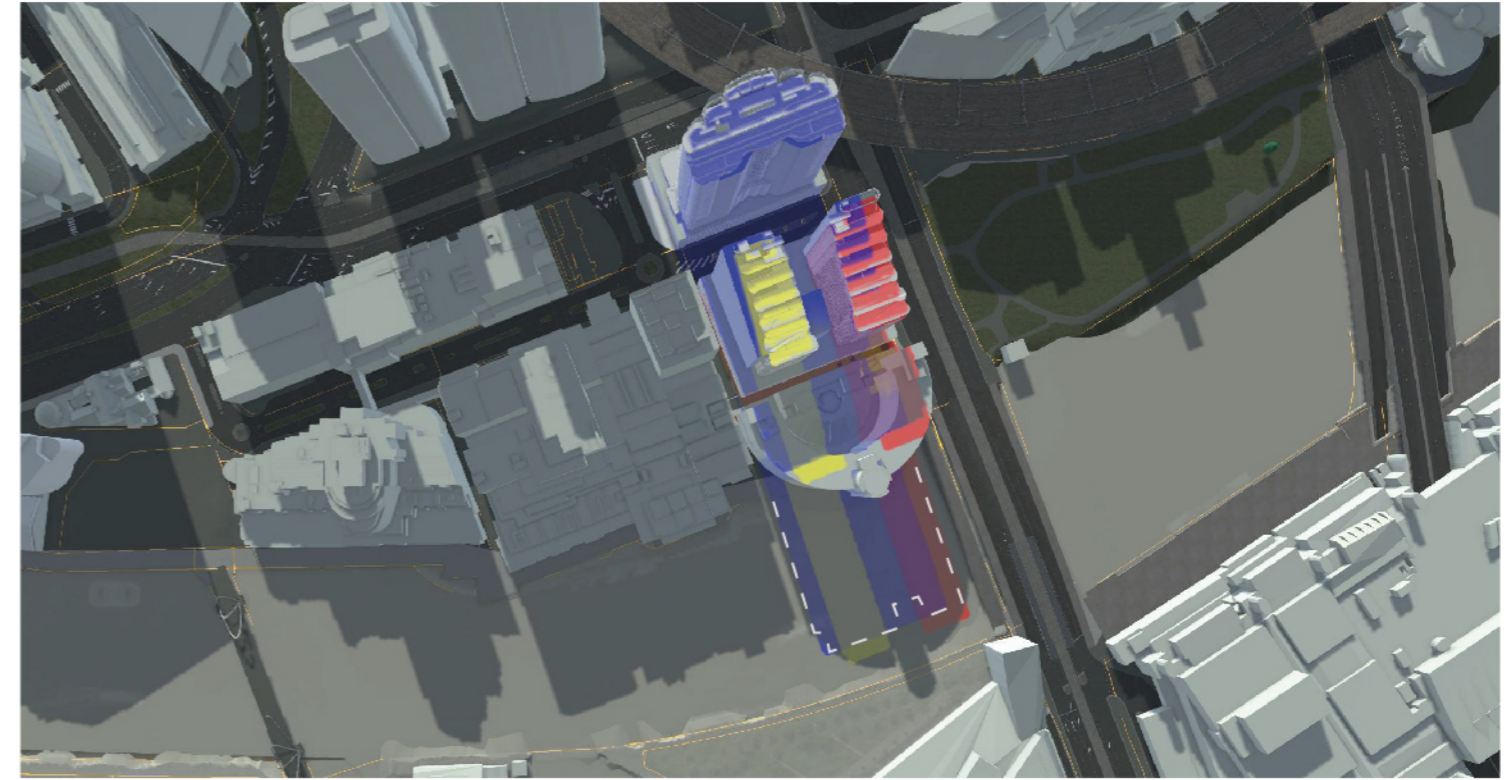
--- Shadowline of existing approved envelope

7-23 Spencer St- June 22 Overshadowing

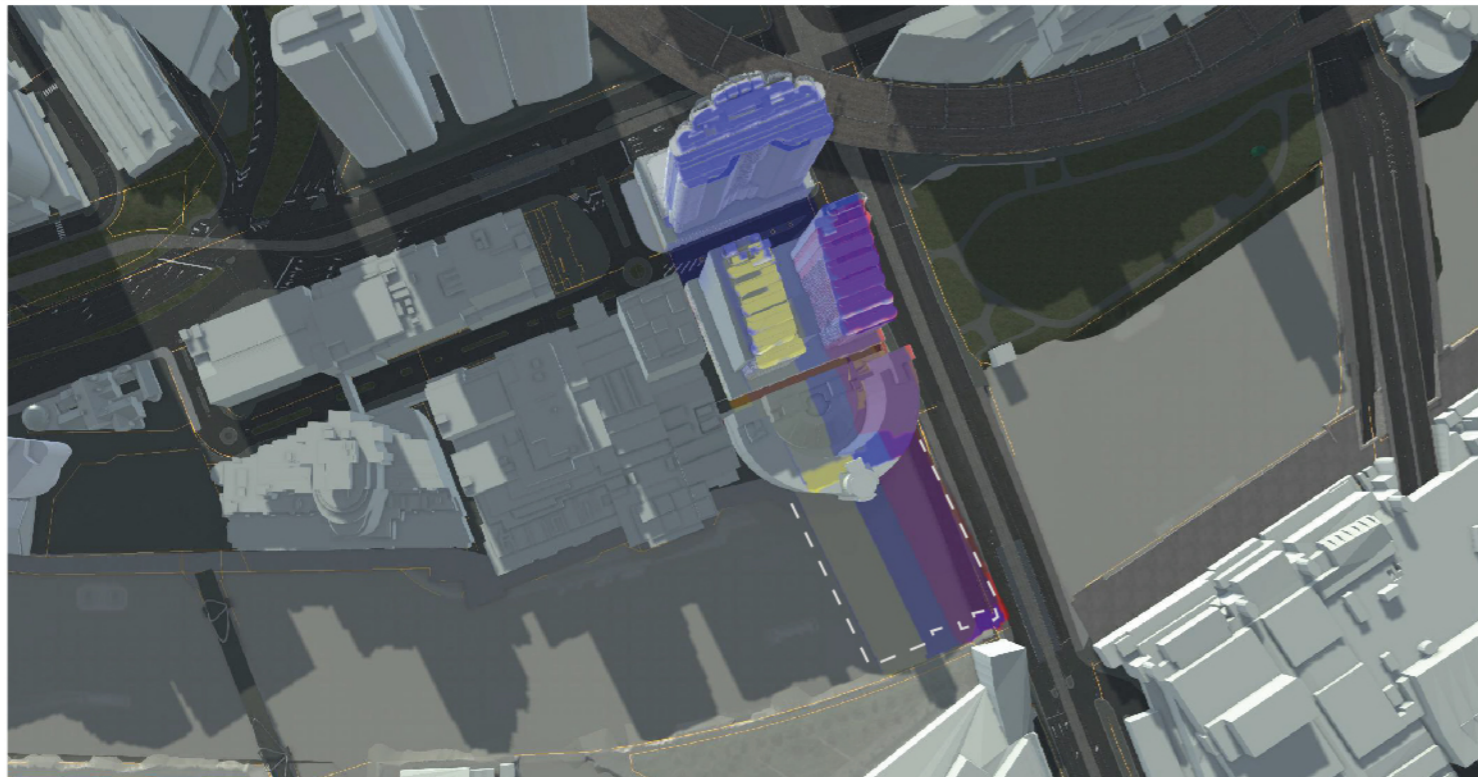
1:00PM



1:30PM



2:00PM



- Blue shadows additional shadows cast by the Northern Tower
- Yellow shadows additional shadows cast by the South Western Tower
- Red shadows additional shadows cast by the South Eastern Tower

--- Shadowline of existing approved envelope

Advice to DELWP on 23 April 2018

The City of Melbourne is supportive of the amendment and recommends that conditions be included that address the following matters:

- The proposal does not result in any additional shadowing of the Yarra River
- The northern podium's materials and articulation be enhanced to create a better sense of human scale and connection between the inside and outside
- The curved glass screens to the plaza/forecourt balcony to be removed
- Demonstration that irregular spaces within the retail offerings are functional
- Redesign the potential entrapment space in the south-west corner of the plaza/forecourt
- Confirmation that 24/7 access to the plaza/forecourt will be provided