



COMMUNITY PARK AT CORNER OF LITTLE DOCKLANDS AND ST MANGOS LANE (LOOKING DOWN LANEWAY)



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OVERALL VIEW LOOKING NORTH



OVERALL VIEW LOOKING SOUTH

Appendix 7 Melbourne Water Letter

DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

CoM Application Number:	TPM-2022-23
DTP Application Number:	99000673
Applicant:	MAB Corporation Pty Ltd c/- Contour
Owner:	Development Victoria
Architect:	ARM Architecture
Address:	396-416 Docklands Drive, Docklands
Proposal:	Proposed Amendment (Addendum) to the MAB Docklands Development Plan (1999)
Cost of Works:	N/A
Date Application Received:	27 October 2022
Date s.50 Application Received:	31 August 2023
Responsible Officer:	Richard Cherry, Principal Urban Planner



Figure 1: Site location (source: application material)

1. PREFACE

On 27 October 2022 Council received notice from the Minister for Planning of an application that seeks approval for an addendum to an existing Development Plan (DP) – MAB Docklands Development Plan (1999) – refer Section 3.1 for a detailed description of the relevant DPs. The application was referred to the City of Melbourne (CoM) for consideration and advice.

Prior to and during the application process, several design meetings have been held between the Department of Transport and Planning (DTP), the City of Melbourne (CoM) and the permit applicant.

The detailed design has evolved with the key milestones as follows:

- 27 October 2022 – Receipt from DTP of the application including the DP addendum for a six tower development and odd-shaped public park.
- 11 November 2022 – Circulation of DTP Request for Further Information (RFI) letter.
- 1 December 2022 – Applicant's response to DTP's RFI letter, which included an amended DP addendum.
- 19 December 2022 – Circulation of CoM key issues. These included:
 - Incorrect expressions written into the DP addendum, which undermined the role of a DP as opposed to a planning application.
 - Insufficient tower separation.
 - Inadequate controls relating to building heights, setbacks and wind requirements.
- January 2023 – Applicant's written response to CoM internal referral comments.
- 9 February 2023 – Meeting between applicant and CoM Strategic Planning team to discuss preliminary matters.
- 27 April 2023 – Circulation of draft discussion DP. This included, amongst other things, deletion of one tower resulting in a total of five towers on the site; varied tower heights; greater tower separation; reduced street wall heights; reconfiguration and increased area of the public park; and subsequent reduced Floor Area Ratio (FAR).
- 31 August 2023 – Receipt from DTP of a revised application including amended DP addendum and associated supporting documents. This forms the formal assessment material of this referral.
- 24 October 2023 – Receipt from the applicant of a further amended DP addendum in response to CoM referral comments. This has been considered in the assessment, where relevant.

2. SUBJECT SITE AND SURROUNDS

2.1. Site

The subject site affected by this Development Plan encompasses an entire block bound by Little Docklands Drive to the north; Saint Mangos Lane North to the east; Docklands Drive to the south; and Waterfront Way to the west. The site has street frontages of approximately 106 m (north), 88 m (east), 111 m (south) and 82 m (west); and a total area of 9,891 m².

The land is currently used as a public open air commercial car park.

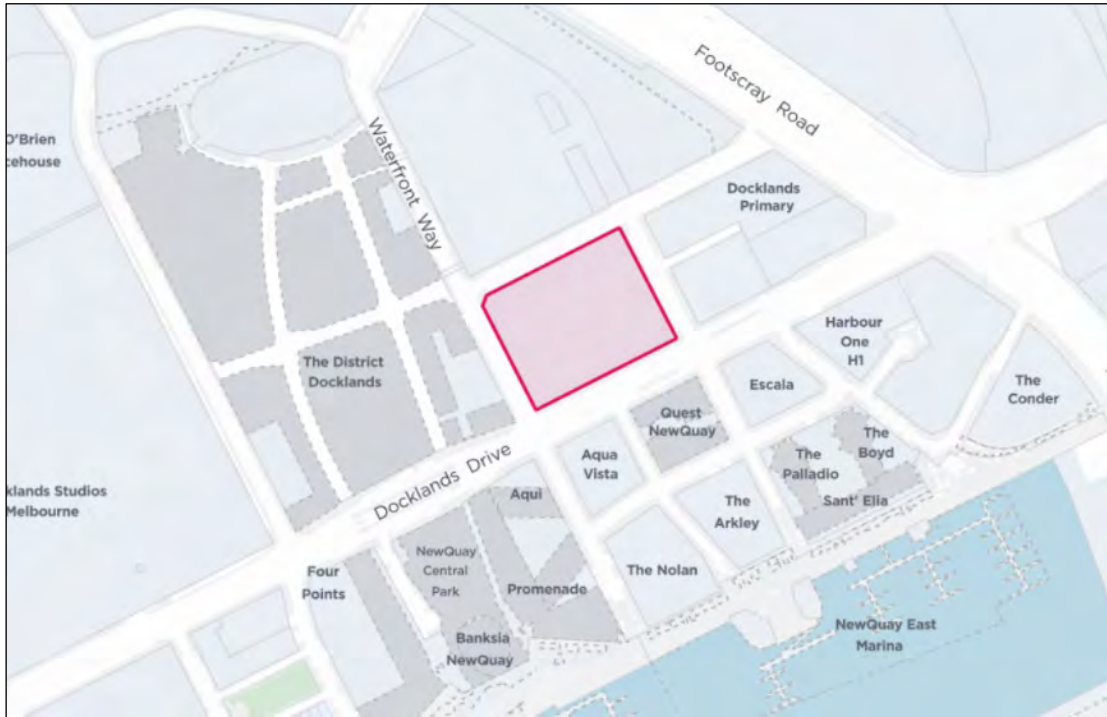


Figure 2: Map of subject site and surrounds

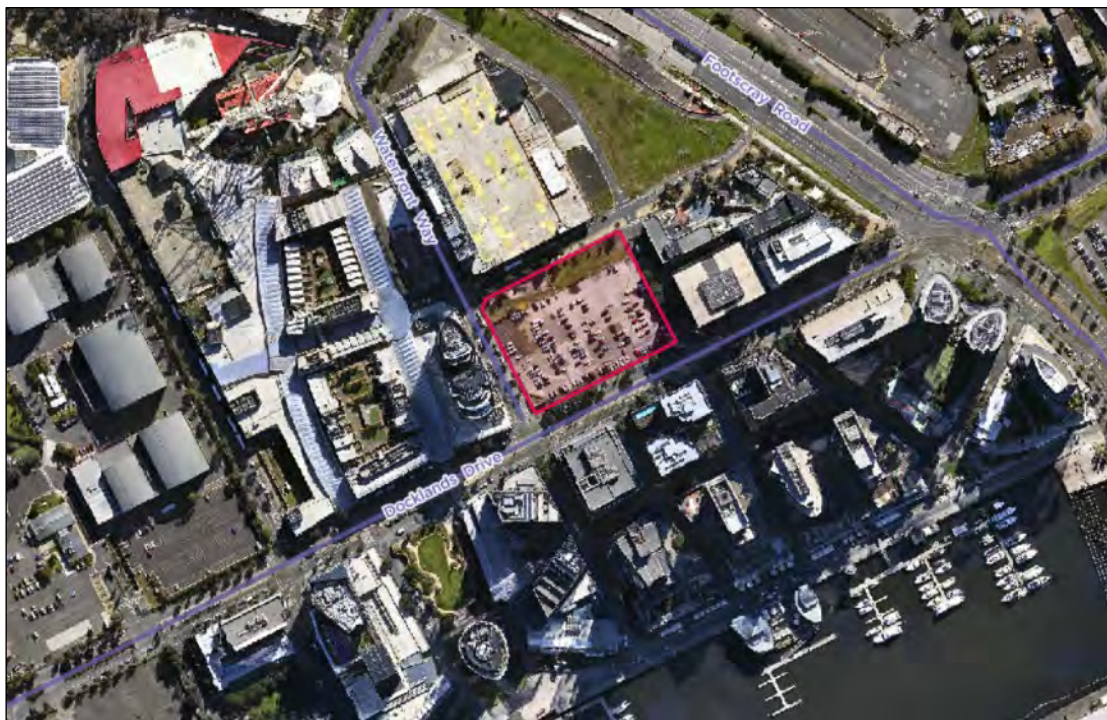


Figure 3: Aerial of subject site and surrounds (May 2023)

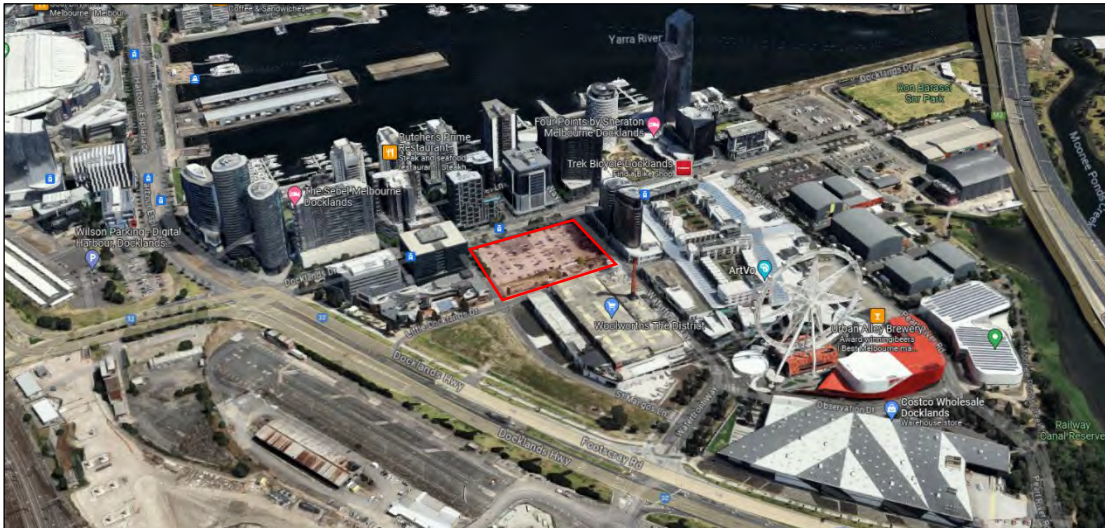


Figure 4: Subject site and surrounding context (looking south) – Source: Google



Figure 5: Subject site from Docklands Dr / Saint Mangos Ln



Figures 6 & 7: Subject site from Saint Mangos Ln / Little Docklands Dr (left) & Waterfront Way (right)

2.2. Surrounds

The subject site is located towards the north-west area of Docklands within what can be described as an urban renewal precinct. The site is in the last substantial part of Docklands to be redeveloped and presents as an area in transition. Built form in the immediate surrounds consists of a mix of building heights and land uses, undeveloped vacant land, car parking and public parks.

To the immediate north of the site is the 'District Docklands and East Car Park'. The site consists of several lots and two of these lots form part of a staged planning application currently with Council for consideration (DTP referral).

To the immediate east of the site is the three storey Docklands Primary School as well as a 10 storey office building.

To the immediate south of the site are a mix of medium and high-rise residential developments.

To the immediate west of the site is the Marriott Hotel, which sits at the south-east corner of the 'District Docklands' precinct described as a retail, office and residential complex of six building properties. The south-west portion of the site has recent planning approval for a mixed-use tower (TPM-2022-18).



Figures 8 & 9: Docklands Dr looking east (left) & Docklands Primary School (right)



Figure 10: Site and surrounds from Saint Mangos Ln / Little Docklands Dr



Figure 11: Site and surrounds from Little Docklands Dr



Figure 12: Marriot Hotel / Waterfront Way



Figure 13: Site and surrounds from Waterfront Way



Figures 14 & 15: NewQuay Central (left) & Victoria Harbour / NewQuay from Harbour Esp (right)

3. RELEVANT BACKGROUND

3.1. MAB Docklands Development Plan (1999)

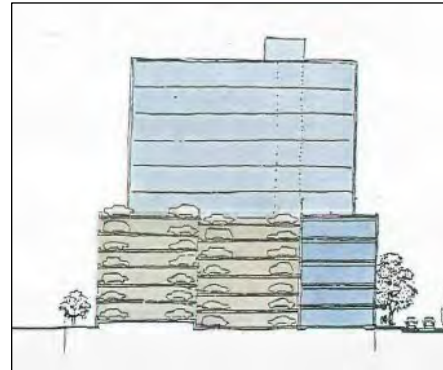
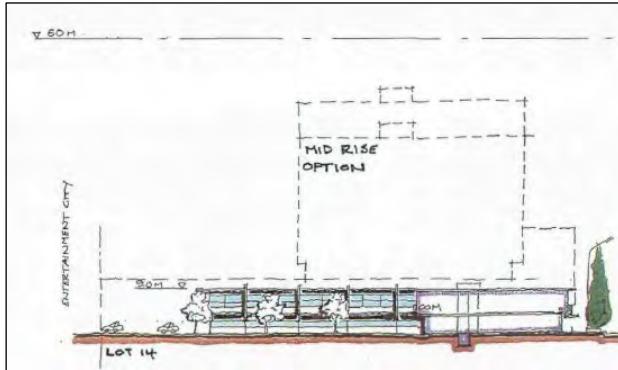
The precinct is affected by the provisions of Schedule 7 to the Development Plan Overlay (DPO7) of the Melbourne Planning Scheme (MPS) and is subject to an approved Development Plan known as the 'MAB Docklands Development Plan' dated 8 October 1999, which was approved by the Minister for Planning on 22 November 1999. The MAB Docklands Development Plan is also known as a supplementary Outline Development Plan (ODP) and is to be read in conjunction with the 'Business Park Development Plan' approved on 30 April 1999. The supplementary ODP states that where a conflict is evident, the most recent DP prevails.

The DP is 24 years old. Since then, there has been significant changes to the precinct including physical development and planning policy. As one of the last parcels of land to be developed in the precinct, the proposed addendum seeks to ensure that the future development of the site will be guided by contemporary planning principles and outcomes sought by the MPS.

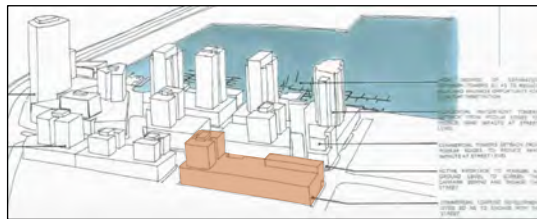
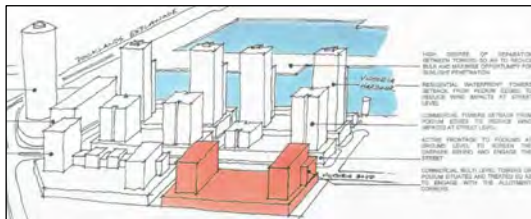
There have been several amendments / addendums to the approved DP in the intervening years, relating to other precinct sites.

It is important to note that the two DP documents identified above provide for different building envelopes for the subject site (also known as Lot 14). For example:

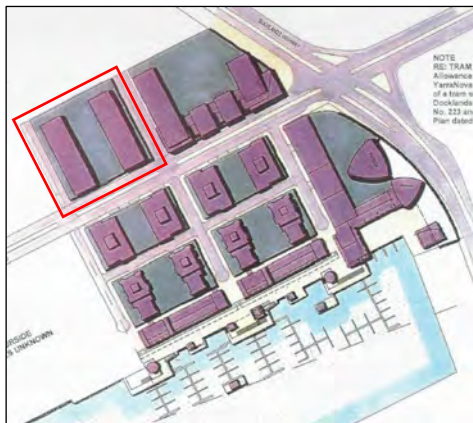
- The Business Park Development Plan envisages a 9 m high podium across the site with two mid-rise tower forms of up to approximately 50 m.
- The Supplementary Outline Development Plan, while it also depicts a similar scale tower form in section, the podium appears higher and the various plan views appear to include only the southern portion of the lot.



Figures 16 & 17: Business Park DP (left) and Supplementary Outline DP (right)



Figures 18 & 19: Business Park DP (left) and Supplementary Outline DP (right)



Figures 20 & 21: Business Park DP (left) and Supplementary Outline DP (right)

Notwithstanding, the development summary within the supplementary ODP (as the most recent approved DP), contemplates a commercial office building of 11,150 m² GFA and 900 car parking spaces in a podium arrangement.

As outlined by the applicant, the following changes are considered factors in warranting a review of and update to the current DP:

- Planning policy.
- Planning controls applying to the land / precinct.
- Demographics.

- Site context, including increased density across Docklands.
- Technology advancements.
- Formats of housing.
- Commercial office market.

The proposed DP addendum provides an opportunity to deliver a significantly more detailed and modern 'master plan' for the subject site compared to the existing endorsed DPs.

Where relevant or applicable, a comparison between the approved DP and proposed addendum are illustrated throughout this report.

3.2. Subject Site Approval History

The subject site currently benefits from Planning Permit TP-2012-828, which allows the construction of an 11 storey office building with ground level retail / hospitality land uses and associated podium car parking.

The building is approved for construction in the south-east corner of the site and it was intended that the site as a whole would have a north-south / east-west road network, creating a 'quadrant' for the approved development and subsequent stages.

The permit remains live and is set to expire if construction has not commenced by 19 November 2023 (note a six month grace period applies to apply for an extension of time to the permit).

4. PROPOSAL

4.1. Application Details

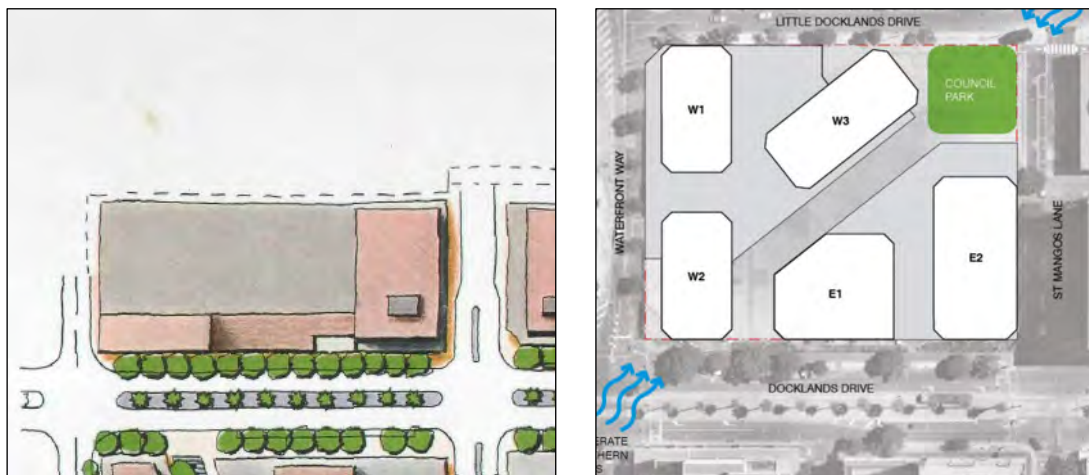
Details of the proposed DP Addendum are as follows:

Land Use

- The proposed DP Addendum identifies that the land uses would include:
 - Residential / dwellings in varying typologies (including the potential for residential hotel).
 - Office floor space.
 - Ground level retail, food & beverage and other complementary uses.
- For comparison, the approved DPs identify the subject site for commercial use with podium car parking.

Site Layout

- The proposal seeks to amend the site layout by introducing two podiums separated by a central pedestrian walkway (laneway) ranging from 11 m to 13 m wide, five towers and a public park. Note that Figure 22 (current DP) illustrates the southern portion of the lot only.



Figures 22 & 23: Current DP site layout (left) and proposed DP addendum site layout (right)

Gross Floor Area

- The proposed GFA is 94,575 m² (FAR 9.56:1), including 610 dwellings.
- The original DP identifies a total precinct GFA of 337,500 m² with 11,150 m² allocated to Lot 14A (southern portion of the subject site).
- Since 1999, the precinct has been substantially developed and several DP addendums approved. These milestones have resulted in changes to the lot allocation of GFA.
- The existing DP allows for a modest development opportunity in this context. On this basis, there was considered to be scope to increase the GFA for the subject site. Rather than fit built form within an assigned GFA, the proposed GFA is the outcome of the significant work done since original discussions on amending Lot 14 first commenced (refer Section 1 of this report). This included, amongst other things, a reduction in the number of towers on the site; and the urban design / built form scale, layout and design principles now proposed, which is considered to be consistent with the precinct context. In other words, development of this addendum is design led, rather than GFA led.
- It is also important to note that, as the responsible authority for managing the Docklands urban renewal project, DV partners with developers via a Development Agreement. It is understood that these agreements include delivery of community infrastructure to offset any GFA exceeded. For example, the MAB has delivered Ron Barassi Senior Park.
- Notwithstanding, it is recognised that the proposed GFA is a substantial increase from the more modest original GFA and this is discussed at Section 7.6 of this report.

Building Height / Setbacks

- The proposal seeks to establish two distinct podiums rising from the laneway connection, with a focus on active frontages and engaging 'edge' spaces to conceal the car parking within. Podium heights range up to 20 m.
- The extrapolation of three tower forms above the western podium and two tower forms above the eastern podium, each to have their own character and architecture, but with unifying elements to create a cohesive design response. Maximum tower heights and street setbacks proposed are as follows:
 - W1 – 70 m set back 5 m above the podium.
 - W2 – 70 m set back 5 m above the podium.

- W3 – 75 m.
- E1 – 50 m with a 5 m street setback above 45 m.
- E2 – 40 m stepping up to 70 m to the south.

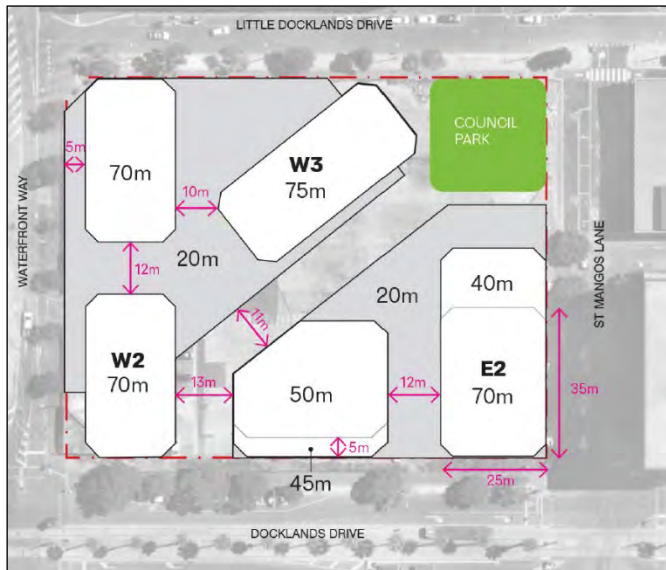


Figure 24: Proposed building heights

Note: Only one of two examples shown above. Refer Section 8.2.2 of this report for details.

Building Separation

- Podium separation of 11 m-13 m (laneway) and tower separation of a minimum 10 m (average of 12 m).

Landscape and Public Realm Design

- A square-shaped community public open space (park) is proposed to be located at the north-east corner of the site, totalling approximately 700 m² in area. A 3 m buffer (access) zone is proposed around the west and south boundaries of the park.
- A new publicly accessible privately owned pedestrian laneway connection from the open space to Docklands Drive at the western end of the site is proposed to provide 24/7 through-block connectivity.

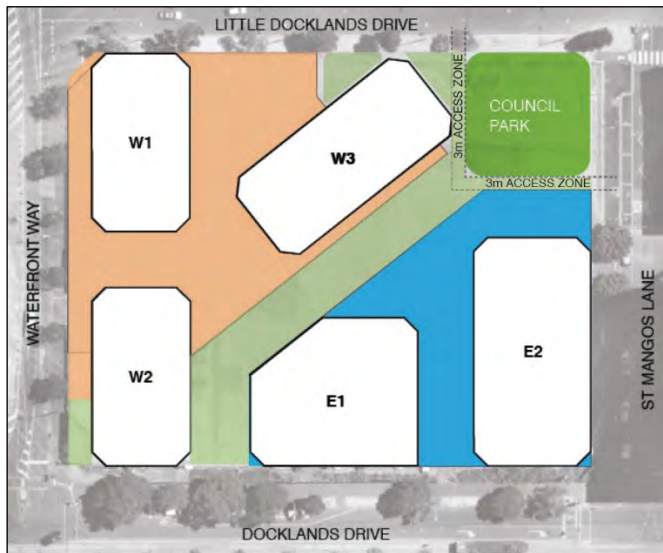


Figure 25: Publicly accessible space shown in green

Car Parking

- A decrease in on-site car parking rates / provision from the approved DP, from 900 car spaces to 390 (noting that the Appendix 3: Traffic Report identifies 370 car spaces).

Bicycle Facilities

- The Appendix 3: Traffic Report identifies that it is proposed to provide 700 bicycle parking spaces across the site.

Staging

- Four stages are proposed and importantly, the public park is included in Stage 1. Note the DP addendum provides for an alternative staging plan with the public park also in Stage 1.
- For comparison, the approved DP identifies construction of the subject site in three stages ranging between the years 2001 and 2007.

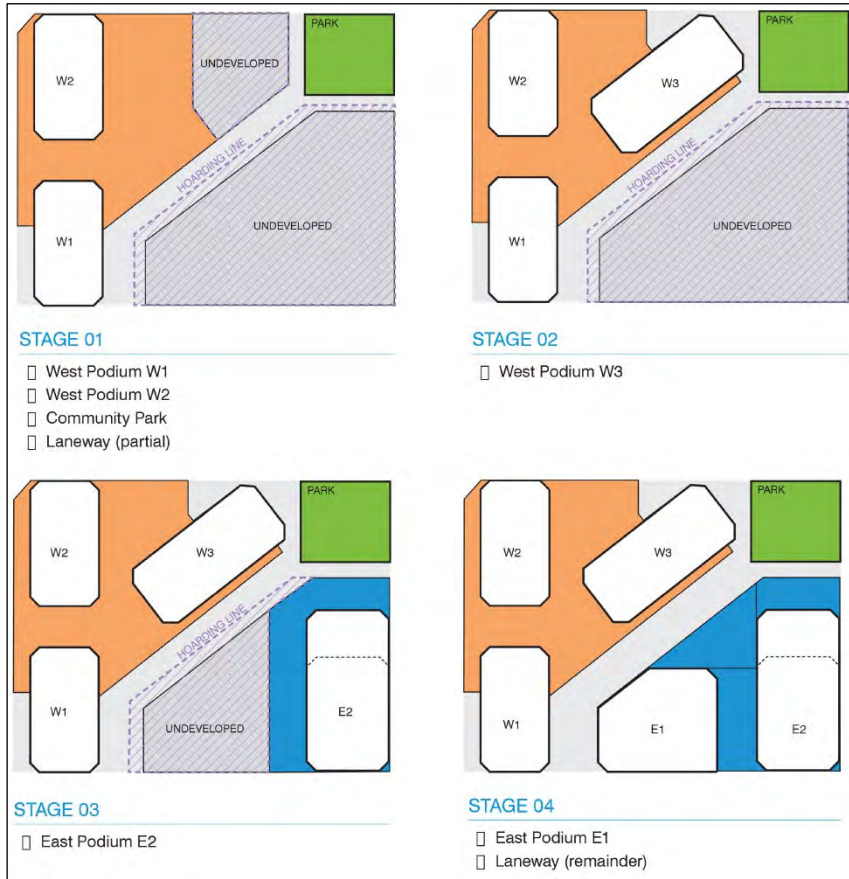


Figure 26: Proposed staging plan

4.2. Application History

A list of the relevant application documents provided to CoM are as follows:

Material	Date Received
Lodged application	27 October 2022
DTP RFI	11 November 2022
Applicant's response to DTP RFI	1 December 2022
CoM RFI	19 December 2022
Applicant's written response to CoM referral comments	January 2023
Draft discussion material	27 April 2023
Amended application material, including DP (assessment material)	31 August 2023
Applicant's response to CoM comments, including DP (reference material)	24 October 2023

5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

Municipal Planning Strategy and Planning Policy Framework	
Municipal Planning Strategy	Clause 02.03-4 – Built Environment and Heritage Clause 02.03-5 – Housing Clause 02.03-6 – Economic Development Clause 02.03-8 – Infrastructure
Planning Policy Framework	Clause 11.01-1R – Settlement Clause 11.02-2S – Structure Planning

	<p>Clause 11.03-1S – Activity Centres</p> <p>Clause 11.03-2S – Growth Areas</p> <p>Clause 11.03-6L-03 – Docklands</p> <p>Clause 15.01-1S – Urban Design</p> <p>Clause 15.01-1L-03 – Sunlight to Public Spaces</p> <p>Clause 15.01-2S – Building Design</p> <p>Clause 15.01-2L-01 – Energy and Resource Efficiency</p> <p>Clause 16.01-1S – Housing Supply</p> <p>Clause 16.01-2S – Housing Affordability</p> <p>Clause 17.01-1S – Diversified Economy</p> <p>Clause 17.02-1S – Business</p> <p>Clause 17.04-1S – Facilitating Tourism</p> <p>Clause 19.02-6S – Open Space</p> <p>Clause 11.03-6L – Southbank</p> <p>Clause 19.03-3L – Stormwater Management (WSUD)</p>
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Statutory Controls	
<p>Clause 36.04 Docklands Zone 6</p>	<p><u>Use</u></p> <p>Pursuant to Clause 37.05-1, a permit is required to use the land for the purposes of those listed in Table 2 to Schedule 6.</p> <p><u>Development</u></p> <p>Pursuant to Clause 37.05-4, a permit is required to construct a building or construct or carry out works, and to demolish or remove a building or works.</p>
<p>Clause 43.02 Design and Development Overlay 12, 54-A4</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p><u>Schedule 12</u></p> <p>Pursuant to 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>If any future planning application includes noise sensitive uses (accommodation), a permit would be required.</p> <p><u>Schedule 54</u></p> <p>Pursuant to Schedule 54, a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met.</p> <p>The Development Plan Addendum proposes building heights above the height specified in Table 1 to DDO54 and therefore, a permit would be required.</p>
<p>Clause 43.04 Development Plan Overlay 7</p>	<p>The purpose of a Development Plan Overlay (DPO) 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>The DPO specifies requirements for the content of a development plan and contemplates that development plans may be amended. It specifies decision guidelines for assessing an amendment to a development plan.</p> <p>Once a development plan (or amended development plan) has been endorsed as being to the satisfaction of the responsible authority, separate planning applications will need to be lodged for the individual stages of development. The statutory controls that affect the site will apply to future development of the land.</p>

	A permit granted must be generally in accordance with the development plan.
Clause 45.09 Parking Overlay 10	Pursuant to Schedule 10 to the Parking Overlay, maximum car parking rates apply. Car parking is provided at a rate less than the maximum specified in the Schedule. Refer Section 8.5.3 of this report for details.

Particular Provisions	
	<ul style="list-style-type: none"> • Clause 52.06 – Car Parking • Clause 52.34 – Bicycle Facilities • Clause 53.18 – Stormwater Management in Urban Development • Clause 58 – Apartment Developments

General Provisions	
Clause 65 Decision Guidelines	The Minister for Planning is the Responsible Authority and must determine if the proposed development will generate acceptable outcomes with reference to the provisions of this clause. This includes, amongst other things, the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66.02 Use and Development Referrals	Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works must be referred to Head, Transport for Victoria for any of the following: <ul style="list-style-type: none"> • A residential development comprising 60 or more dwellings or lots. • A residential building comprising 60 or more lodging rooms. • A new retail premises of 4000 or more square metres of leasable floor area. • An office development of 10,000 or more square metres of leasable floor area.
Clause 66.04 Referral of Permit Applications under Local Provisions	Ordinarily the Minister for Planning must notify all relevant authorities. Pursuant to the Schedule to Clause 66.04, any permit application for use or development within the Docklands Zone must be referred to Development Victoria.
Clause 72.01 Responsible Authority for this Planning Scheme	The Minister for Planning is the Responsible Authority in this case.

6. PUBLIC NOTIFICATION AND CONSULTATION

6.1. Public Notification

Section 3.0 of Schedule 7 to the Development Plan Overlay specifies that, in assessing an amendment to a Development Plan, the Responsible Authority (i.e. the Minister for Planning) should, among other things, consider the views of the City of Melbourne.

The application was therefore referred to the City of Melbourne for consideration and advice.

6.2. Consultation

To inform this DP Addendum prior to lodgement, MAB consulted extensively with DTP, CoM, and DV; and completed a non-statutory community consultation process.

The submitted Community Engagement Report identifies that consultation included community sessions, online forums and phone / email correspondence.

Some of the key themes of concern raised during community consultation include increased traffic, excessive building height and minimal tower setbacks above the podium, overshadowing, loss of views, location of the park and reorientation of the internal laneway.

The key changes to the DP addendum identified at Section 1 of this report occurred post-consultation and has considered / made changes in response to concerns raised, where applicable.

7. REFERRALS

7.1. City Design

It is important to note that the CoM City Design team has been comprehensively involved in the project from the beginning. This includes attendance and advice given at pre and post-lodgement meetings; reviews and commentary on several iterations of material; and formal advice.

Key comments of support from City Design are as follows:

- *The removal of tower E3 creates a generally more appropriate massing relationship with site public interfaces that are more 'local' in scale and activity. This includes key interfaces to Little Docklands Drive, the proposed new green square, and Docklands Primary School.*
- *We continue to support the level of design quality depicted in the provided renders by ARM architects, and strongly encourage that this is reflected through strong design parameters in the development plan to ensure the expected level of quality will be achieved.*
- *We are generally supportive of the inclusion of design principles within Appendix 6 (of the DP – Interface and Design Principles), which begin to outline expectations to the interface between proposed building envelopes and public spaces.*

Further, City Design has been instrumental in the drafting of additional design principles for the DP to ensure that the criteria that will be assessed in any future planning application is detailed enough to deliver a high quality and appropriate outcome for the site.

This is on the basis that *Appendix 6: Interface and Design Principles* relates mostly to functional matters that are already depicted elsewhere in the DP (i.e. programming, services locations and activation requirements). City Design therefore requests the inclusion of design principles that relate specifically to design quality expectations for this site, noting that the design concepts and renders presented to DTP and CoM have been an important part of the negotiation of the overall building heights and envelopes deemed supportable to the site.

Having regard to the drafting of various design principles in the DP as recommended by City Design (refer **red** text in table below), the applicant has considered these and provided a response including an updated DP dated “*August 2023 (October 2023 Update)*”. The updated DP has not been formally substituted. Rather, it has been provided to CoM to demonstrate how City Design’s outstanding items have been addressed.

An assessment of the applicant's response to City Design's comments, amendments and additions is as follows:

City Design Comments	Assessment of Applicant's Response
<p>The 12 m minimum setback between towers and removal of tower E3 facilitates higher building amenity, reduces the perception of visual bulk, and maintains views to sky from the street / pedestrian level. We note the pinch point of 10 m depicted between tower W1 and W3 and recommend the inclusion of a note which states that a <i>12 m average building separation will occur across the facing interfaces, with a 10 m minimum at the buildings closest points</i>. This is consistent with diagrams provided by City Design.</p>	<p>Achieved</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has generally included this note at Section 4.8 <i>Building Separation, Light and Views</i>.</p>
<ul style="list-style-type: none"> • We are supportive of the updated street wall / tower heights as described in section 4.6 Podium Design, Tower Forms and Setbacks which suitably address urban design parameters raised by City Design; however, <ul style="list-style-type: none"> ○ We have concerns with the preferred maximum building heights as described in section 4.7 Urban Design – preferred maximum building heights, which exceed recommendations of maximum heights outlined by City Design, and does not include the nuance of setbacks required to facilitate greater heights at the site's edges as described in the preceding diagram. ○ We recommend this diagram in section 4.7 is updated to align with the setback and height parameters described in section 4.6. ○ Alternatively, preferred maximum building heights should be included in the diagram on section 4.6, and be within an acceptable height range that addresses parameters proved by Council, and section 4.7 will not be required. 	<p>Achieved</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has included an update to Sections 4.6 and 4.7.</p> <p><u>Section 4.6</u></p> <p>With regard to Section 4.6 (Podium Design, Tower Forms and Setbacks), E1 building facing Docklands Drive has introduced a 5 m setback above a street wall height of 45 m. This is consistent with the Street Wall interpretation at Section 4.6 of the DP.</p> <p>It is also noted that Example #2 diagram now shows this building with a maximum height of 50 m – an increase of 5 m. The 50 m maximum is consistent with the DP diagram at Section 4.7; is consistent with the relevant DDO maximum building height control (DDO54-A4); and is offset by the introduction of a minimum 5 m setback above the street wall.</p> <p><u>Section 4.7</u></p> <p>With regard to Section 4.7 (Urban Design – Preferred Maximum Building Heights), the overall height of tower E2 on the corner of Docklands Drive and Saint Mangos Lane is now correctly shown at 70 m to align with the Example #1 and Example #2 diagrams under Section 4.6.</p>
<p>Dockland Drive Interface design principles 'civic street'</p> <ul style="list-style-type: none"> • Building facades predominantly set on property boundary reflecting the existing Docklands Drive streetscape. Undercroft and recessed areas to the street frontage may be considered to facilitate outdoor seating or for footpath widening at the major entries, if the following design parameters are met: <ul style="list-style-type: none"> ○ The proportion of the undercroft or recessed areas are contained to the extent of highly active street 	<p>Achieved</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has included these additional / amended design principles in Appendix 6.</p>

<p>interfaces, including retail or café spaces</p> <ul style="list-style-type: none"> ○ The extent of undercroft or recessed areas have a minimum soffit height that is double its proposed width. ○ The undercroft or recessed areas achieve an exceptional level of design quality to ensure pedestrian comfort, safety, passive surveillance and pedestrian movement across the entire building elevation. ● Well-designed, light-weight street awnings are provided for weather protection over the footpath across active interfaces, within the height range of 3.5 – 5 m from the ground level. ● Ensure all public realm interfaces adopt a fine grained design with high quality, robust and natural materials as depicted in provided renders. 	
<p>Little Docklands Drive interface design principles</p> <ul style="list-style-type: none"> ● Potential for undercroft and recessed areas on the North West corner for footpath widening at the lobby entry, if the following parameters are met: <ul style="list-style-type: none"> ○ The design of integrated design or landscape elements such as planting / seating, or an activating use (café kiosk or retail) are considered to better facilitate public occupation of the space. ○ The proportion of the undercroft or recessed area is contained to the extent of the highly active public interfaces, such as retail or café spaces or the direct lobby entrance. ○ The extent of undercroft or recessed areas have a minimum soffit height that is double its proposed width. ○ The undercroft or recessed areas achieve an exceptional level of design quality to ensure pedestrian comfort, safety, passive surveillance and pedestrian movement across the entire building elevation. ● Primary building entries to be weather protected and legible for visitors, and designed with high quality light-weight materials. ● Potential for café / restaurant use overlooking park, to be designed with a unique and publicly inviting design 	<p>Achieved</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has included these additional / amended design principles in Appendix 6.</p>

<p>language that further invites public through the community park space to the active use (<i>Note: consider including precedent imagery</i>).</p> <ul style="list-style-type: none"> • Ensure all public realm interfaces adopt a fine grained design with high quality, robust and natural materials as depicted in provided renders. 	
<p>Waterfront Way interface design principles</p> <ul style="list-style-type: none"> • Primary building entries to be weather protected and legible for visitors, and designed with high quality light-weight materials. • Services interfaces should be designed with high quality materials and design details that maintain visual interest at the street level. 	<p>Achieved (subject to additional recommendation)</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has generally included these amended design principles in Appendix 6.</p> <p>The last principle in the updated DP Addendum (dot point 8) references quality materials; however, City Design advice recommends reference to “high” quality materials. This change could be included as a recommendation to DTP – refer recommendation at Section 9.1 of this report.</p>
<p>St Mangos Lane interface design principles</p> <ul style="list-style-type: none"> • Services, loading and vehicle entry located mid-block should be designed with high quality materials and design details that maintain visual interest at the street level. • Primary building entries to be weather protected and legible for visitors, and designed with high quality light-weight materials. • Well designed, light-weight street awnings are provided for weather protection over the footpaths across active interfaces, within the height range of 3.5 – 5 m from the ground level. 	<p>Achieved</p> <p>The informal DP dated <i>August 2023 (October 2023 Update)</i> has included these amended design principles in Appendix 6.</p>

As all City Design recommendations have been incorporated into the informal DP dated “*August 2023 (October 2023 Update)*”, substituting these sections of the DP could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

7.2. Traffic Engineering

Key Traffic Engineering comments are as follows:

- A bicycle lane is being proposed along the front of the site in Docklands Drive.

Planner’s response: This is now considered to be in line with Traffic Engineering’s previous request.

- The pedestrian green lane does not provide a pedestrian connection across the tram reserve in Docklands Drive.

Planner's response: While the orientation of the 'Green Lane' would result in pedestrians having to walk further to the Newquay Docklands Tram Stop, for other reasons the laneway alignment as currently proposed is preferred; and the additional distance to the tram stop would be in the order of 85 m.

- It is likely cyclist will ride along the Green Lane adjacent shop fronts and residential apartment openings.

Planner's response: The Green Lane final design would be resolved at a future planning application stage and balance engineering and pedestrian amenity requirements.

- The proposed bicycle racks adjacent the community park appear to be located on the footpath of Little Docklands Drive. It preferable that the footpath remain clear of obstructions and these be located within the development site.

Planner's response: The landscape plans depict bicycle racks within the title boundaries.

- It is recommend that the green lane is solely for pedestrians and that no loading facilities are located in this area.

Planner's response: No loading is intended to occur along the Green Lane and this could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

7.3. Civil Infrastructure

Civil Infrastructure has confirmed that the 'Green Lane' is to remain in private ownership, but remain open for public access 24/7. This could be formalised through a Section 173 Agreement in any future planning permit issued.

Civil Infrastructure has also provided a set of conditions relating to the design and vesting of the public park, as well as other standard conditions. As relevant, these conditions could be included in any future planning permit issued.

7.4. Waste Planning

A Waste Management Statement (two pages) prepared by Leigh Design and dated 30 July 2023 has been included in the application package and reviewed by CoM Waste Planning.

Waste Planning has identified that a complete Waste Management Plan (WMP) would be required as part of any future planning application and a full assessment would be made at that stage.

In the interim, the following comments are for the applicant's information to assist with a future planning application:

- Residential waste generation volumes have been correctly calculated.
- Residential bin numbers and collection frequency are appropriate based on information provided.
- It should be made clear that the café is 180 m² (not 180 units). The 1,100 L recycling bin would only need collecting two times per week.
- Retail glass (240 L bin) would only need collecting one or two times per week.

- Office waste can be estimated on five days a week use, unless the application indicates six or seven day use is expected.
- Office glass (240 L bin) would only need collecting two times per week.
- More detail is required to determine if “hotel” calculations are correct as estimates given are higher than those for 200 rooms using the City of Melbourne Guidelines.
- The City of Melbourne Guidelines for Waste Management Plans requires developers to ensure that it is as easy to dispose of commingled recycling, organics and glass, as it is to dispose of garbage. CoM encourages implementation of this in new developments to avoid situations where there is a disincentive for residents and tenants to correctly separate waste into four streams.
- Ensure residential and commercial waste rooms are only accessible to the relevant users.

7.5. City Property

City Property has reviewed the submitted material and confirmed that the best outcome is:

- To vest the unencumbered public park in Council.
- Retain the Green Lane in private ownership; to create this as common property; and to ensure the ongoing maintenance will be the responsibility of the owners corporation. If a future planning application is lodged, CoM would consider recommending a Section 173 Agreement to establish maintenance standards as appropriate.

7.6. City Strategy

CoM Strategic Planning has identified and reiterated that the provision of community infrastructure has not been addressed in the proposed DP Addendum. Reasons for this shortcoming are as follows:

- In 2021, DV commissioned a Community Infrastructure Needs Assessment (CINA) for the Docklands precinct. The assessment identified a demand for an additional 2,000 m² integrated community hub (a consolidation of various infrastructure i.e. library, bookable spaces, art gallery etc.) to be provided in New Quay or North Wharf precincts by 2036. These precincts have been identified for new community infrastructure as they are projected to accommodate the highest resident and worker population growth. Community infrastructure in Docklands is delivered by DV, provided as either a built form outcome or cash contribution.
- The increased residential and worker population as a result of this proposal will likely place pressure on existing community services; however, no information has been provided on how this demand will be addressed.
- In the short-term, the CINA identified a 200 m² local community space as a shortfall / gap to be delivered by 2026.
- The delivery of small scale, cold-shell spaces within buildings that have not been designed for a use / activity (such as Yarra’s Edge Community Space) has resulted in significant fit-out costs incurred by CoM, as well as on-going operational, resourcing, and maintenance liabilities.

- The delivery of community infrastructure (delivered in “hubs”) is preferred over small-scale, cold-shell spaces within buildings that have not been designed for a use / activity. Integrated hubs are best practice as they cluster services together at a single location in larger multi-purpose rooms. The benefits of this model include:
 - Reduced operational costs for establishing and maintaining multiple buildings across a large geographical area.
 - The community can access multiple services in one place.
 - They can be co-located with other services (delivered by third-parties) to facilitate referrals between different providers.
- Only three sites remain undeveloped in the New Quay precinct, being 50-94 Waterfront Way and 2-16 Little Docklands Drive; 473-505 Docklands Drive; and the subject site. It will therefore be important to secure community facilities across at least one of these sites. A community facility is identified in the DP Addendum for the site at 50-94 Waterfront Way and 2-16 Little Docklands Drive; however, there is no certainty that this will be delivered. The site at 473-505 Docklands Drive is already subject to more recent approvals without any community facilities.

Planner’s response: The background work identified by City Strategy is acknowledged. It is also acknowledged that identifying the requirement for a 2,000 m² integrated community hub early in the process, where possible, is important.

The existing DP allows for a modest GFA in this context (11,150 m²) and the proposed addendum seeks a substantial increase to 94,575 m². An increase of 83,425 m² will create a lot more residents, workers, businesses and visitors to the precinct than originally envisaged and as a result, there is a greater need for community services. On that basis, Strategic Planning identified that facilities are required to offset, or compensate for, this increase not previously accounted for.

While a community facility at this site would be a welcome inclusion, particularly given its central location within the precinct and proximity to a school, it is acknowledged that there are no mandatory uplift requirements in the MPS that can be used as a lever; and DV has confirmed that MAB has satisfied its requirements in relation to contribution of land and/or funding to community facilities. Further, a public park, to be vested in Council, has also been proposed on-site. The park is an offering to CoM that sits outside the Development Agreement.

On this basis, no recommendation will be made for the provision of an integrated community hub to be delivered within the future development on-site. Notwithstanding, a separate recommendation is proposed that allows for an increased FAR if it is provided for the purpose of a public benefit, such as a community facility. This recommendation is discussed further at Section 8.4.2 of this report.

7.7. Open Space Planning

Open Space Planning has confirmed that the revised park layout is a significantly improved outcome on what was originally lodged in terms of its shape, size, location and layout. Other Open Space Planning comments are as follows:

- The park must be subdivided and included in stage 1 and vested in Council.

Planner’s response: The Staging Plan within the DP Addendum includes delivery of the park in Stage 1. Future planning permit conditions would deliver the requirement for vesting of the park.

- CoM Open Space Planning would like to be involved in the design of the park and would also provide advice on the Green Lane.

Planner's response: Any future planning application would be re-referred to Open Space Planning, as well as City Design and Green Infrastructure for review and comment and to ensure it meets Council's design and construct standards.

7.8. Green Infrastructure

CoM Green Infrastructure has advised that, while the ESD commitments provided in the Consultant Advice Notes prepared by ADP (Appendix 4 of the proposed DP addendum) are generally in accordance with the Melbourne Planning Scheme, there are important sustainability aspects that should also be covered in the proposed DP to ensure ESD is adequately addressed across the development's timeframe.

Discussion

Previous comments: Contact the GBCA and confirm that additional lots can be certified under the Design and As Built tool. The previous certified development was under the Office tool (legacy to D&AB) and the project may need to be registered under the new Buildings tool. There is an argument to suggest that any future development should be using the most current Green Star building related tool at the time of planning approval, currently this is the Green Star Buildings tool. There are several targets that are outdated and the project outcomes will not be aligned with where the sustainable development industry will be at the time of development if the Development Plan references legacy tools.

Current comments: MAB and ADP have reviewed these comments and have indicated at this stage MAB's consultant (ADP) cannot complete the required assessments. However, CoM is not expecting that the assessments are completed as part of the DP addendum. Rather, the development plan should be used to set clear sustainability benchmarks and targets that future planning applications for each building will be required to meet.

Green Infrastructure Recommendation

The advice below is suggested to be updated in a more formal report format (eliminating the need for the Consultant Advice Notice) as part of Appendix 4 to the proposed DP addendum. The recommendation is to prepare an ESD report, detailing how the development will exceed sustainability requirements outlined in the planning scheme and provide detail under each category including energy, water, waste, stormwater, urban ecology, transport and urban heat.

While it is great that the development is committing to certification of the project via the Green Star Design and As Built tool, these are now legacy (since December 2022) and the preference would be to switch across to the current Green Star Buildings tool. A 5 Star Green Star Buildings project will align to the Climate Positive Pathway and the development's sustainability credentials are more relevant to an Australian Excellence standard that secures high environmental performance within the development industry.

Green Star Pathway

Some of the project benchmarks in Table 1 to the ADP Consultant Advice Note should be increased beyond the requirements in 19.03-3L.

- NABERS office – Energy 5 Stars is acceptable; however, it should be reinforced with a NABERS commitment agreement to ensure the development will achieve the standard in operations. This aligns to Energy credit pathway 15D. The Newquay Development Plan can outline this pathway and provide detail on what is required at the planning permit stage for each building including a signed NABERS commitment agreement and preliminary modelling.
- Other building use types including retail and accommodation should have more ambitious energy targets set, including at least a minimum 0.5 Star NatHERS rating for residential spaces which should be 7.5 stars due to recent NCC changes which will be released in 2024. For non-residential spaces a 20% reduction of GHG Emissions or at least 5 points under Energy should be pursued.
- For water efficiency, 5 points should be targeted for accommodation instead of 1 which brings it in line with other use types and will ensure a reduction of just over 30% is achieved in comparison to a standard practice benchmark.
- For waste, projects should pursue credit 08 Operational Waste. This should align to policy requirements to provide a compliant Waste Management Plan in conjunction with CoM's Guidelines for Waste Management Plans.

Additional credits that align to broader planning scheme objectives and should also be covered in the development plan include:

- 17 Sustainable Transport – Project should exceed Green Star requirements for bicycle parking and change facilities and consider providing on-site Electric Vehicle parking for at least 5% of car parking spaces.
- 23 Ecological Value – It is strongly encouraged to consider this aspect of the design and utilise the City of Melbourne's Green Factor tool to increase green infrastructure. A score of 0.55 should see credits achieved in the Ecological Value Score for each site.
- A commitment for providing a full set of landscape documents will be provided to fully detail the landscape proposal for all proposed buildings and that adequate deep soil, tree canopy, green cover, and communal open spaces will be provided on-site for this strategic site.
- 25 Heat Island Effect – Provide information with the planning submission that shows calculation of site areas and specifies material finishes on the town planning drawings that meet the requirements of this credit. This should ensure that at least 75% of the total project site area comprises building or landscaping elements that reduce the impact of the heat island effect.
- 26 Stormwater – The project needs to meet Stormwater Peak Discharge requirements of credit 26.1 and pursue pollution reduction targets from Column B of table 26.2 to ensure the development exceeds minimum best practice standards set in CI 19.03-3L.

Planner's response: An ESD report would be a requirement of any future planning application lodged. However, to ensure that there is a commitment to the project exceeding minimum expectations for sustainability, it is recommended that a new section in the proposed DP addendum be included and titled 'ESD'; and an aspirational paragraph that outlines how future planning applications will commit to exceeding sustainability requirements outlined in the MPS including energy, water, waste, stormwater, urban ecology, transport and urban heat. This recommendation could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

7.9. Urban Forest and Ecology

Urban Forest & Ecology has offered no comments at this stage of the process, noting that, while the DP landscape plan shows the intent for trees around the site boundary, it is difficult to see which trees are proposed for removal or determine what impacts future construction will have on the existing public trees.

The following comments are provided to assist with a future planning application:

- It will be useful to identify the requirements for a Tree Protection Plan.
- Should any public trees require removal (subject to following Council's process for approval), replacement tree plots must maximise soil volumes. This can be achieved with the use of continuous soil trenches and structural soils.

8. ASSESSMENT

The key issues in the consideration of this DP Addendum are:

- Land use.
- Built form, including height, setbacks and separation.
- Public realm, including landscaping, overshadowing and wind.
- Public benefits, including community facilities and affordable housing.
- Movement networks, including pedestrian connections, traffic and parking.
- Other matters, including waste management, ESD, noise, staging and signage.

These are addressed in the subsequent sections.

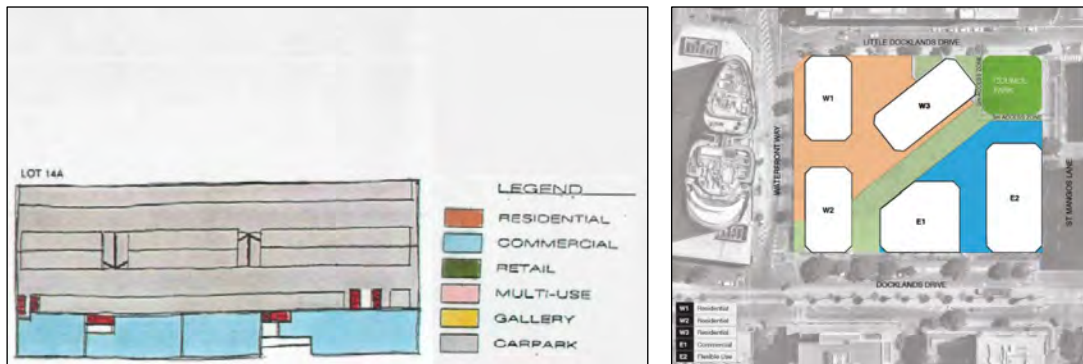
8.1. Land Use

The proposal includes a mix of retail, office and residential uses, which align with Schedule 6 to the Docklands Zone (DZ6), within which the site is located. Office, residential hotel, dwelling and most retail uses (including hotel, tavern / bar and shop) are Section 1 uses with a permit not required for the land use. This aligns with a purpose of DZ6, which seeks to provide for a range of commercial, residential, recreational, educational, technology and business and leisure uses within a mixed use environment.

The Planning Policy Framework (PPF) likewise identifies Docklands as a precinct where medium to high residential development is encouraged with support for mixed use development including office and commercial in New Quay (Clause 11.03-6L-03).

Further, the mix of uses would capitalise on the present day connections to the CBD, transport networks, open space / pedestrian / cycling links, shops, library and other infrastructure, such as the adjacent Docklands Primary School, in the precinct.

For these reasons, the broader mix of land uses identified in the DP addendum better respond to the current strategic direction of Docklands compared to the current DP, which is limited.



Figures 27 & 28: Current DP land uses (left) and proposed DP addendum land uses (right)

8.2. Built Form

8.2.1. Site Layout

In comparison with the current DP, the proposed DP addendum introduces a complete overhaul of the site layout to maximise the site's attributes and respond to any constraints.

The podium has been broken into two forms to improve permeability through the site; introduce a through-block link for better pedestrian connectivity; complemented the site's intensification with a public park; and strategically sited the tower forms.

Through the application process, the proposed DP addendum has removed one tower to improve separation and amenity for the remaining towers on-site; widened the pedestrian through-link; and redesigned the shape of the park. These changes are seen as positive, having addressed Council's previous concerns.

8.2.2. Building Heights, Setbacks and Separation

Background

The current DP does not include definitive building height limits for the subject site, though a desire for mid-rise buildings is evident in the corresponding massing diagrams. In lieu of this, the discretionary height limits of DDO54 are the most relevant planning control governing building height on the subject site, noting that Planning Scheme Amendment C92 installed DDO54 in the Melbourne Planning Scheme in 2008. The Panel Report that considered the Amendment made the following conclusion about DDO54:

The Panel finds that the height controls specified in Schedule 54 to the Design and Development Overlay are a direct translation of the existing controls and that no change is therefore required.

This is to say, the height controls for the site have not been substantively reviewed for a considerable period of time and the current DDO represents a neutral translation of the old-format "ODP" heights.

Summary

Of relevance, the applicant has engaged meaningfully with CoM for more than 12 months to achieve a design outcome for the site that responds to the development parameters provided by the Statutory Planning and City Design teams. The intent of these parameters was to resolve a more contextually responsive maximum envelope for the subject site; and to ensure there was comfort in the massing proposition.

Through this engagement, one tower has been removed to create a generally more appropriate massing relationship with site interfaces that are more ‘local’ in scale and activity, including Little Docklands Drive, the proposed park and the Docklands Primary School. Further, alongside the increased setbacks and separation between towers, the removal of one tower facilitates higher building amenity, reduces the perception of visual bulk and maintains views to sky from the street / pedestrian level.

Assessment

The proposed DP addendum includes five towers over two podiums with maximum heights ranging from 50 m (E1 Tower) to 75 m (W3 Tower). Four of the five towers would exceed the current discretionary controls of DDO54-A4, being 50 m. However, the E1 Tower street wall would not exceed 45 m and the E2 Tower would step down to 40 m to the north – both below the 50 m DDO control. In summary, a spread of built form below and above a height of 50 m is proposed.

More broadly, and in response to the surrounding context, the proposed heights have been assessed against the design objectives and decision guidelines of DDO54. This is considered relevant as these are the current built form controls that affect the site. To assist this assessment, Figure 29 provides a contextual overview of building heights in the precinct.



Figure 29: Proposed DP addendum heights and surrounding heights (source: proposed DP)

DDO54 Design Objectives	
Design Objective	Response
To provide for a complementary mix of medium and high rise development within the Precinct.	The proposed building heights are complementary to the wider precinct. The DDO heights as noted above have not been reviewed for some time; however, there are Development Plans and planning permits approved proximate to the precinct which have created a different context

	<p>from what was envisaged by the height controls originally. Refer Figure 30, prepared by ARM Architecture, demonstrating the approved / constructed buildings that protrude above their respective DDO54 preferred maximum building height control.</p> <p>The proposed building heights on the subject site have sufficient variation amongst them – being 25 m in height difference between the lowest and highest, creating a dynamic skyline profile.</p> <p>The heights will readily assimilate with the heights approved or constructed nearby, including the Marriott to the west (approximately 68 m), the AsheMorgan site to the north (ranging between 12 m and 90 m), and the varying heights of New Quay to the south.</p> <p>It is also noted that Buildings 2 and 5 within the site directly to the north, which is part of the Waterfront City East Development Plan, are currently proposed at heights of 78 m and 63 m respectively. This application is currently under consideration (TPM-2023-13).</p>
To provide continuous public access along the waterfront area adjoining Moonee Ponds Creek and Victoria Harbour.	The proposed DP does not impact on any public access to the waterfront or Victoria Harbour.
To facilitate innovative buildings and structures relating to the Waterfront City precinct for entertainment purposes.	The proposal does not include any entertainment purposes.
To ensure the conservation of the general form of Victoria Harbour.	The site is located approximately 200 m from Victoria Harbour and is extensively screened by existing development. In this respect the proposal is not considered to impact in any way on the heritage importance of Victoria Harbour.
DDO54 Decision Guidelines	
Decision Guideline	Response
The orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on the public realm.	<p>ARM has prepared a shadow study at Section 4.5 of the proposed DP addendum alongside the following principles:</p> <ul style="list-style-type: none"> • <i>Tower heights and orientation to ensure no overshadowing of NewQuay Central Park at all daylight hours of the equinox (September 22).</i> • <i>Tower heights and orientation to ensure no overshadowing of Docklands Primary School during school hours (08:50-15:00) at the equinox (September 22).</i> <p>While shadow outcomes for the public realm appear to have been considered in the development of the site plan, the following further recommendation is made:</p> <ul style="list-style-type: none"> • Update shadow diagrams within the proposed DP addendum to show NewQuay Central Park. <p>This is recommended on the basis that one of the principles proposes no overshadowing of</p>

	<p>NewQuay Central Park; however, the park is not shown on the shadow diagrams.</p> <p>This update could form a CoM recommended change to DTP – refer recommendation at Section 9.1 of this report.</p> <p>Note that, as the proposed built form is substantially different to that of the original DP, a shadow comparison has not been discussed here.</p>
<p>The need to ensure appropriate separation of buildings, particularly tower elements, to provide spacing of building bulk and to avoid the creation of a wall effect.</p>	<p>The towers above the podiums achieve a minimal separation distance of 10 m (average 12 m). The five towers have been sited within the podiums to ensure outlook and views from each building, and this is further aided by the footprint and orientation of these buildings.</p>
<p>Buildings exceeding 40 metres in height must provide an appropriate built form relationship to the street.</p>	<p>The relationship of the buildings to the street is to be developed in different ways:</p> <ul style="list-style-type: none"> • Through the use of tower-podium configurations in some cases. • The setting of proportions of buildings where a podium can ‘touch the ground’. • The use of weather protection canopies. • The integration of landscaping. • The use of materials and finishes. <p>These matters are articulated in the proposed DP addendum’s design principles and will guide the discretion of future planning applications.</p>
<p>The need to preserve significant vistas.</p>	<p>The proposed DP addendum is not considered to impinge upon any significant vistas.</p>
<p>The nature of wind effects caused by any new building, and design measures to address these.</p>	<p>Appendix 2 of the proposed DP addendum includes a wind report prepared by MEL Consultants. The report is based on the original six building proposal. A wind memo has also been provided to address the current changes, being the five building proposal. The conclusion made is that the revised proposal would result in improved wind conditions compared to the original proposal.</p> <p>Section 4.4 of the proposed DP addendum includes the following criteria based on the wind report by MEL Consultants:</p> <p><i>Sitting Criteria:</i></p> <ul style="list-style-type: none"> • <i>External café seating areas.</i> • <i>Podium local activation areas such as BBQ area and pool deck.</i> <p><i>Standing Criteria:</i></p> <ul style="list-style-type: none"> • <i>Building and Retail tenancy entrances.</i> • <i>Within the new community park.</i> <p><i>Walking Criteria:</i></p> <ul style="list-style-type: none"> • <i>Docklands Drive, Waterfront Way, Little Docklands Drive and St Mangos Lane.</i> • <i>The internal laneway.</i> • <i>All podium areas excluding the above “sitting criteria” areas and service zones.</i>

	<p><i>Localised wind mitigations may include (but not limited to) the following:</i></p> <ul style="list-style-type: none"> • <i>Screens.</i> • <i>Balustrades.</i> • <i>Landscape features and planting in private areas.</i> • <i>Building orientation.</i> • <i>Awnings.</i> <p>The current wind study builds on the wind effects analysis within the original DP, which identified that the location of the subject site (Lot 14) is exposed to strong northerly and westerly winds; and determined that with some general landscape street trees, the wind conditions in and around Lot 14 for a low-scale building would be within the recommended wind criteria.</p> <p>Given the substantial change to the proposed building heights and arrangement on the site under the proposed DP addendum, the updated criteria outlined above, is more relevant.</p> <p>Importantly, the MEL Consultant wind report identifies that:</p> <ul style="list-style-type: none"> • All publicly accessible areas would at least meet the walking criterion. • The courtyard of Docklands Primary would meet the sitting criterion. • For the Proposed Configuration, wind conditions for all Test Locations surrounding the development have been shown to pass the walking criterion, with many Test Locations passing the sitting and standing criteria, or equivalent to the Existing Configuration wind conditions. • The wind conditions at all Test Locations for the Proposed Configuration in the surrounding streetscapes have been shown to satisfy the pedestrian safety criterion. • No wind mitigation strategies or modifications to the proposed DP addendum building siting or envelopes have been recommended. <p>Notwithstanding the above, it is considered that the following revision should be made to Section 4.4 (Wind Conditions and Mitigations) of the DP addendum:</p> <ul style="list-style-type: none"> • Replace the word 'should' in the second paragraph with 'must' so that the requirements are mandatory. <p>This update could form a CoM recommended change to DTP – refer recommendations at Section 9.1 of this report.</p>
<p>The impact and relationship of any proposed structure on the significance of existing heritage places located within the Precinct.</p>	<p>The subject site is located approximately 200 m from the nearest heritage place, being Victoria Harbour and associated NewQuay Promenade, and is extensively screened by existing development. It is therefore considered that the</p>

proposal would not be considered to impact on the heritage importance of these places.
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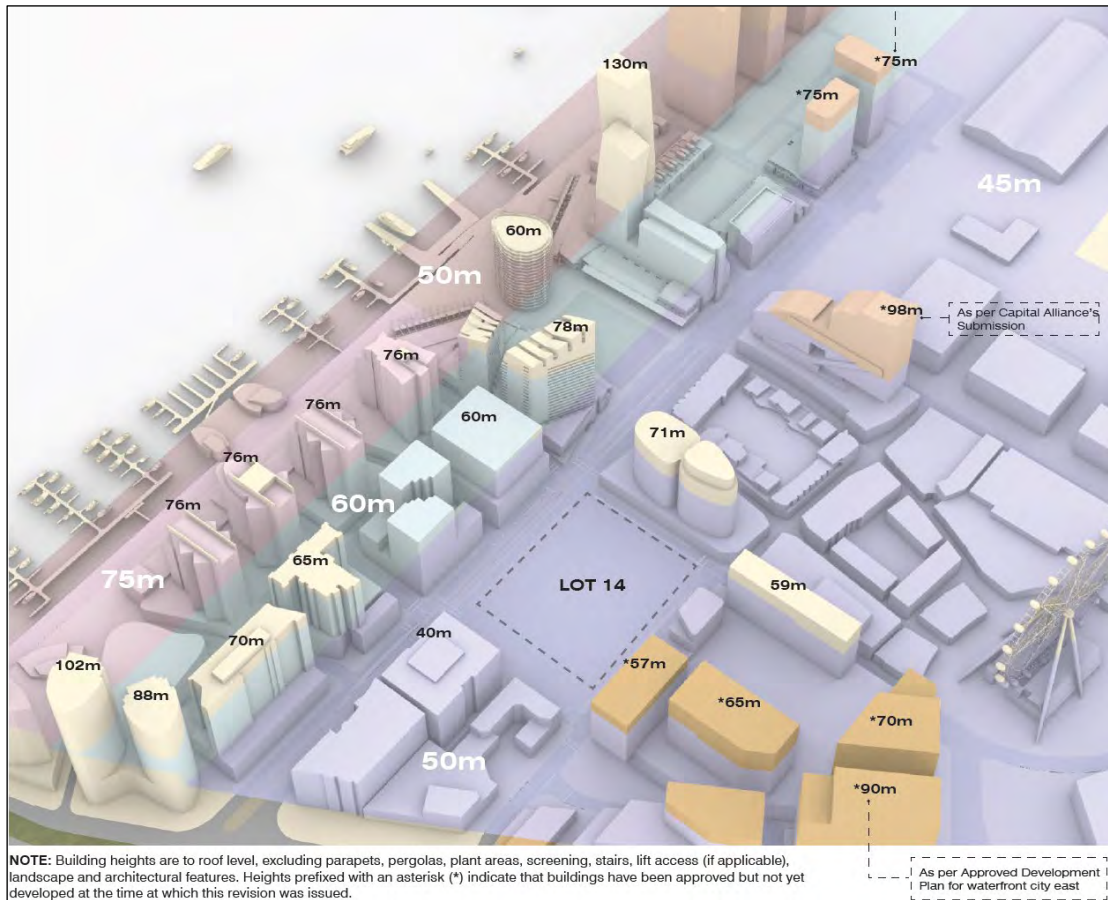


Figure 30: Demonstration of buildings above the DDO54 preferred maximum building heights

On balance, and considering the general increase in height of buildings approved nearby in Docklands above DDO54 controls, as shown in Figure 30, an increase in height from the current DP is a built form outcome that can be achieved in this context. However, this is on the basis that appropriate street wall, setbacks and separation is also achieved.

It is acknowledged that DDO54 does not provide any guidance with respect to building setbacks or separation. Therefore, the reliance on relevant design principles within the proposed DP addendum is crucial.

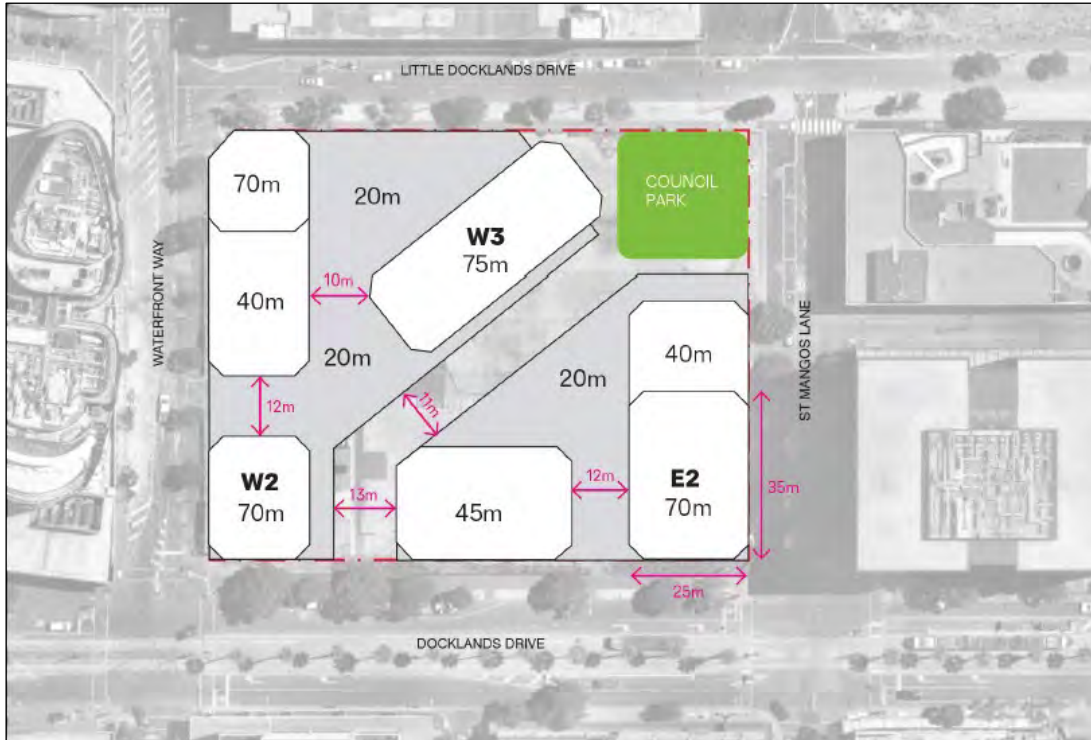
During the application process, a precinct analysis was undertaken by CoM City Design. The following points relate to context informed parameters for street walls within the precinct:

- The majority of buildings fronting streets (to a depth of 5 m into the site boundary) are below 20 m in height (the predominant street wall height of the precinct).
- It is acknowledged that there are instances within the emerging context where the street wall is raised to 60 m, primarily facing council major roads.
- Any built form above 65 m can be considered as a 'tower'. At this height, the building form no longer addresses the human scale.
- Most 'towers' within the precinct are set back at least 5 m from the street.

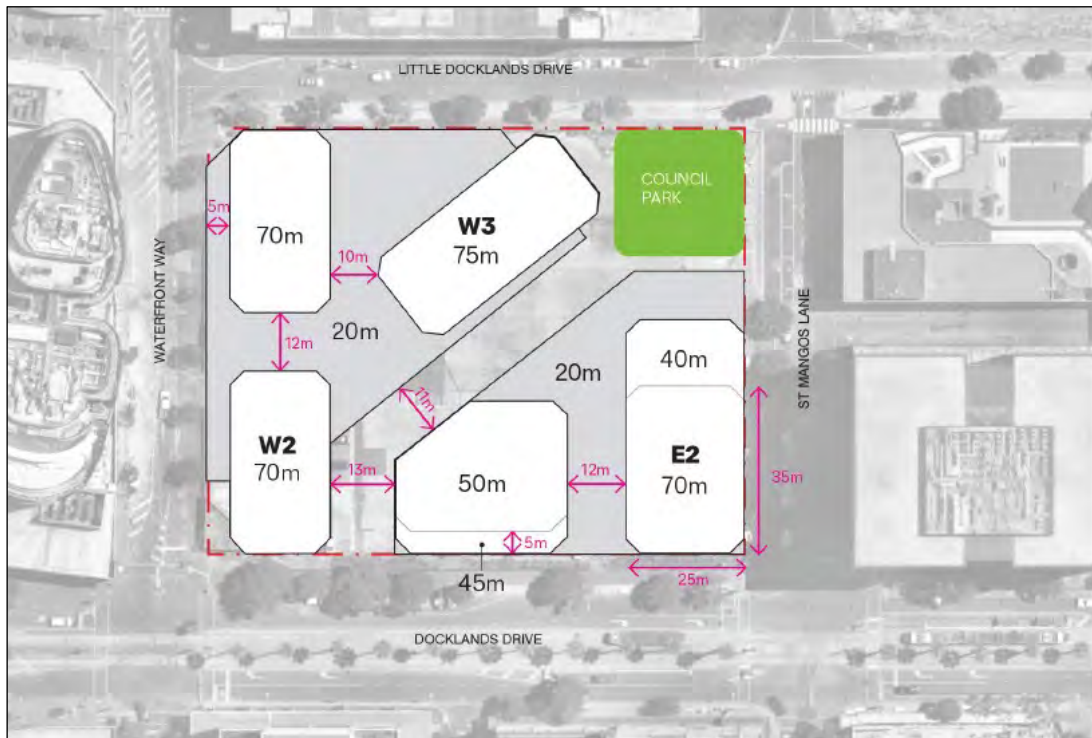
- There are instances where some ‘towers’ are not set back (or have a minimal setback of 3 m or less) from the site’s boundary. It is acknowledged that this is a unique characteristic of the precinct; however, the maximum length of any ‘tower’ directly abutting the street is in the order of 15 m - 25 m.

These parameters have informed the detail provided in Section 4.6 (Podium Design, Tower Forms and Setbacks) of the most recent DP addendum, being the informal DP addendum dated “August 2023 (October 2023 Update)” – circulated to Council on 24 October 2023.

Section 4.6 of this proposed DP addendum includes two examples of building siting and boundary setbacks, as follows:



Figures 31: Proposed DP Section 4.6 (Podium Design, Towers Forms and Setbacks) – **Example #1**



Figures 32: Proposed DP Section 4.6 (Podium Design, Towers Forms and Setbacks) – **Example #2**

Example # 2 is preferred as it provides minimum 5 m setbacks to the two 70 m towers on the north-west and south-west corners; and a 5 m setback to the central building above 45 m to Docklands Drive. These setbacks generally respond to the context informed parameters listed above and are introduced alongside the following design principles:

- At least 50% of Docklands Drive frontage should maintain the predominant Street Wall height of 20 – 45 m.
- At least 50% of Waterfront Way frontage should maintain the predominant Street Wall height of 20 – 40 m.
- At least approx. 75% of the Little Docklands Drive frontage should maintain the predominant Street Wall height of 20 – 40 m.
- At least approx. 60% of the St Mangos Lane frontage should maintain the predominant Street Wall height of 20 – 40 m.

Note: while both examples depict a tower length greater than 25 m along Saint Mangos Lane (35 m), the street wall height would be tempered with lower street walls of 20 m and 40 m; and the open park (no built form) at the northern end.

While Example #2 is preferred, Example #1 would still be considered an acceptable alternative as the 70 m street walls are confined to the north-west and south-west corners only. Notwithstanding, it is recommended that the 70 m street walls to these corners are dimensioned to a maximum 25 m, which could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

Regarding Example #2, it is recommended that reference to tower setbacks above the street wall, being 5 m, is identified as ‘mandatory’ – **refer recommendation at Section 9.1 of this report.**

Along with setbacks, amenity impacts also depend on the size of building footprints and the separation between them, which should also be controlled.

All towers are proposed to be separated by a minimum of 10 m and an average of 12 m. The tower separation has responded to the relevant DDO54 decision guideline to provide spacing of building bulk and to avoid the creation of a wall effect. This also assists to ensure views between buildings and to achieve privacy, daylight and outlook amenity.

The central laneway proposes an 11 m width, widening to 13 m at the southern end with provision for 1 m projections.

The tower siting has also considered separation between towers forms on other surrounding sites.

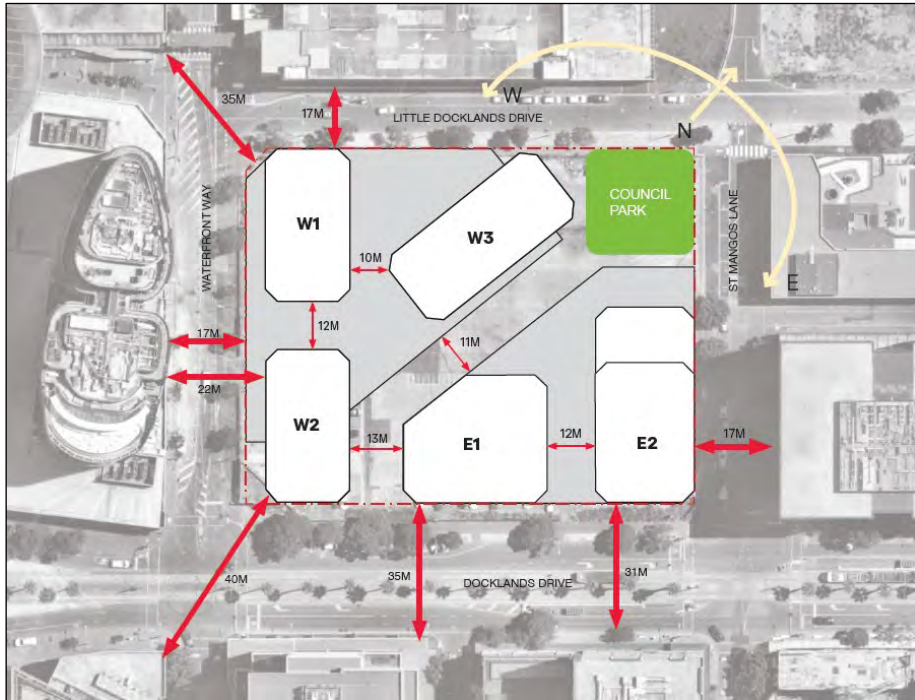


Figure 33: Proposed DP Section 4.8 (Building Separation, Light and Views)

Conclusion

Subject to the recommended changes identified above, the heights, setbacks and separation as detailed in the proposed DP addendum is supported. However, on the basis of the context work undertaken; proposed number of towers reduced from six to five; the spread of massing across the site; and the discretionary height controls sought in the DP addendum, it is therefore important to mitigate this with a mandatory control that ensures the agreed outcomes are not undone. CoM therefore recommends that the discretionary height controls and strong design principles are balanced with mandatory FAR controls consistent with the maximum GFA (94,575 m²) sought by the proposed DP addendum. The proposed FAR equates to 9.56:1 and introducing this as a maximum FAR across the site for future planning applications could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

Refer Section 8.4.2 for discussion on the potential for additional FAR for the delivery of a future public benefit, such as community facilities and affordable housing.



Figure 34: Proposed DP: Interface and Design Principles (corner Little Docklands Dr / Saint Mangos Ln)



Figures 35 & 36: Proposed DP: Interface and Design Principles (north (left) and south (right))

8.3. Public Realm

8.3.1. Landscaping

Public Park

It is important to recognise that a park was never envisaged for this site in the endorsed DP. In other words, a precinct or neighbourhood park is not being delivered here. Rather, the park is provided to primarily service occupants of the site.

With that in mind, the provision of a 700 m² public park, as shown in the proposed DP addendum, is a positive community gesture in this instance.

Council’s City Design Studio has confirmed that the general design principles outlined at Section 6.0 (Landscape) of the proposed DP addendum is acceptable at this early stage; and it is encouraging that the entire park would allow for deep soil planting.

However, as this space is to be vested in Council, a design brief must be prepared in consultation with CoM prior to endorsement of any landscape plan under a future planning application. This requirement could be included at Section 6.1 (Landscape Mater Plan – Public Realm) of the proposed DP addendum as a recommended change to DTP – **refer recommendation at Section 9.1 of this report.**

Separately, City Design Studio has also identified that the following additional design principle should be added to Section 6.2 (New Park):

The design should encourage safe, exciting and engaging journeys. The materiality selection should be seen as an extension of the City Public realm and be consistent with the City of Melbourne Design and Construction Standards unless approved otherwise by City of Melbourne.

This additional design principle could form a CoM recommended change to DTP – **refer recommendation at Section 9.1 of this report.**



Figure 37: Proposed public park landscape plan

Laneway

The proposed laneway, known as the ‘Green Lane’, would remain in private ownership; however, will have public access 24/7. CoM City Design Studio supports the general design principles outlined at Section 6.3 (The Green Laneway) of the proposed DP addendum, noting that a complete set of detailed landscape plans will need to accompany any future planning application for further consideration.

As with the public park, the deep soil planting zone would cover the entire laneway.



Figure 38: Proposed laneway landscape plan

8.3.2. Overshadowing

Refer discussion at Section 8.2.2 (Table to DDO54) of this report.

8.3.3. Wind

Refer discussion at Section 8.2.2 (Table to DDO54) of this report.

8.4. Public Benefits

8.4.1. Community Facilities

Refer discussion at Section 7.6 of this report.

8.4.2. Affordable Housing

Despite an increase in GFA proposed as part of this DP addendum, the proposal does not specify any commitment to affordable housing provision or a firm decision on whether Building E2 will be dwellings, commercial or residential hotel.

Notwithstanding, DV has confirmed that under the Development Agreement, MAB has satisfied its requirements in relation to contribution of land and/or funding to community facilities; and affordable housing is not a requirement of DV.

On the other hand, MAB has confirmed that there may be future opportunity to provide a public benefit on the land, such as affordable housing, and has identified that this could be achieved on this basis of additional FAR allowance.

It is considered reasonable to conclude that the potential to offset minor additional FAR for the significant public benefit of providing affordable housing in this location, is a positive outcome. The same could be said for a community facility as discussed at Section 7.6 of this report. To balance the setting of a mandatory FAR, but without limiting the ability for a public benefit in the future, CoM continues to recommend a mandatory FAR of 9.56:1, but with an exemption for the delivery of a public benefit.

This could be included as a CoM recommendation to DTP – **refer recommendation at Section 9.1 of this report.**

8.4.3. Public Art

Both the original DP and supplementary ODP include the following framework relating to public art:

The inclusion of an urban art program is a key component of the development. Typical works will include permanent outdoor sculptures of significance by national and international artists, paintings, murals, water sculptures, illuminated works and projections. The entry forecourt to the waterfront promenade will be treated as a sculpture square.

Given the amount of public space proposed (park and laneway), opportunity exists for consideration of urban art on-site, which would ensure consistency with the broader strategy for the Docklands precinct. Introducing the above paragraph, but with changes such as reference to local and/or Indigenous artists; and the removal of the reference to waterfront promenade as it relates to a different site, could be included as a CoM recommendation to DTP – **refer recommendation at Section 9.1 of this report.**

8.5. Movement Networks

8.5.1. Pedestrian Connections

The original DPs lack clear and detailed design principles for pedestrian connections in the precinct, particularly the subject site. The supplementary ODP identifies two ‘minor pedestrian access’ points to the site along the southern boundary (Docklands Drive).

As illustrated in Figure 39, the proposed DP addendum now allows for pedestrian movement through the site at ground level and several residential and commercial access points around the site, but importantly away from the dedicated vehicle points. Further, wheelchair access would be provided along the laneway.

The revised pedestrian connections are therefore considered to be acceptable.

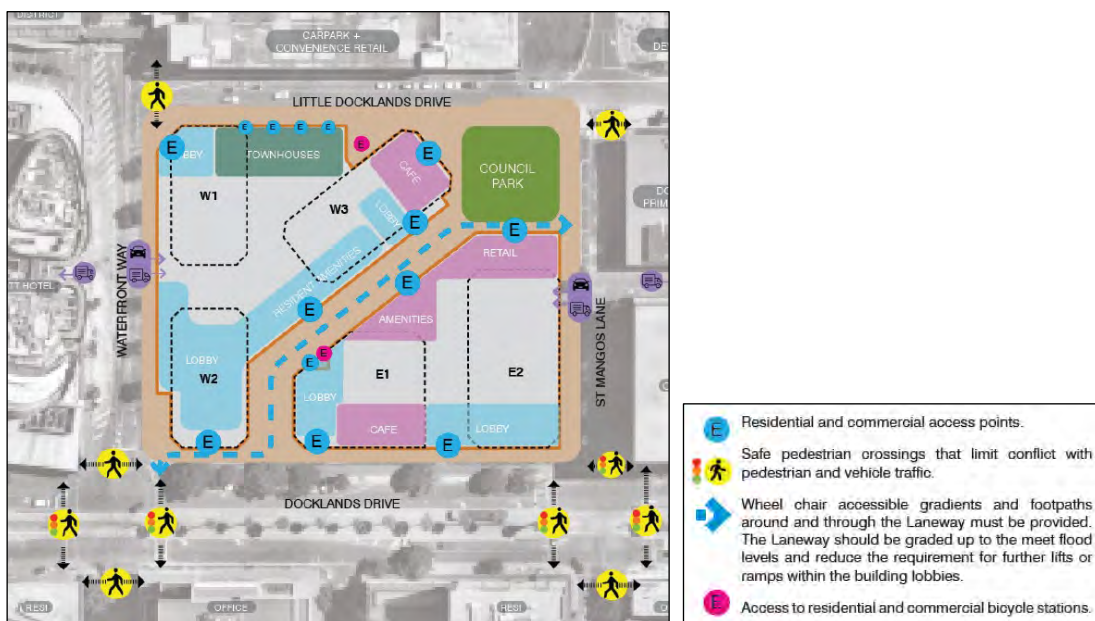


Figure 39: Proposed DP Section 5.3 (Pedestrian Access Plan)

8.5.2. Vehicle Access

The original DPs illustrate vehicle access points along Waterfront Way and Saint Mangos Lane.

As illustrated in Figure 40, the proposed DP addendum would retain vehicle access to these minor streets and importantly, away from the main residential and commercial pedestrian entry points. Further, CoM Traffic Engineering supports these locations.

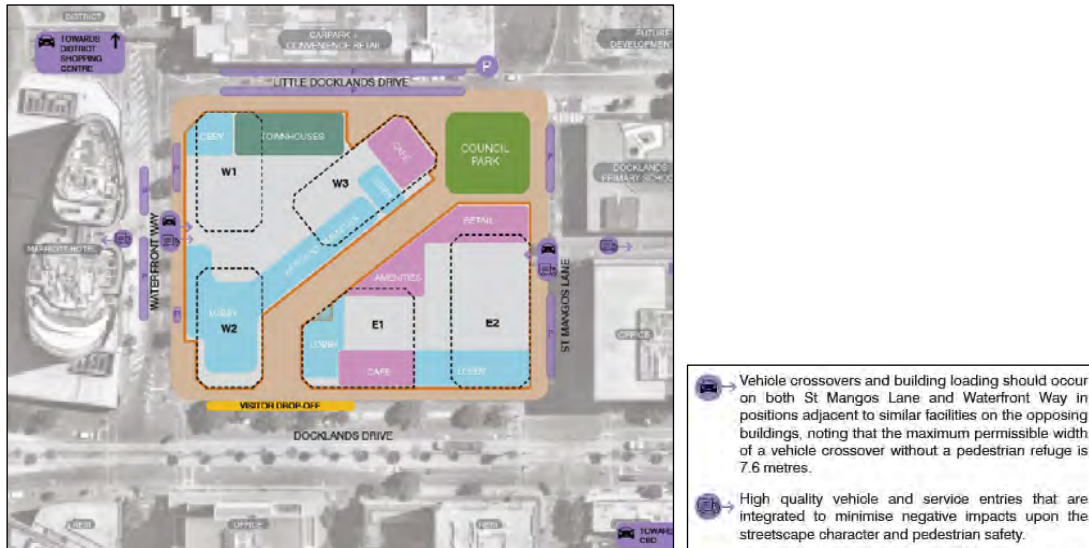


Figure 40: Proposed DP Section 5.1 (Vehicle Access)

8.5.3. Car Parking

The endorsed supplementary ODP identifies provision for 900 car spaces within Lot 14.

The proposed DP addendum identifies 390 spaces, including 210 in the East podium and 180 in the West podium.

The proposed number of spaces is a significant reduction to the original approved DPs and importantly, are below the maximum rates specified in the Planning Scheme. The dwelling component alone, based on the proposed 610 dwellings, would allow for a maximum 915 car parking spaces at a rate of 1.5 spaces per dwelling in accordance with Parking Overlay Schedule 10.

It is noted that the dwelling and car parking numbers identified in the proposed DP addendum at Section 8.1 (Indicative Development Schedule) differs from these numbers identified in the Appendix 3: Traffic Report prepared by Stantec (dated 15 August 2023). Ensuring consistency between the two documents could be included as a CoM recommendation to DTP – **refer recommendation at Section 9.1 of this report.**

8.5.4. Bicycle Facilities

Section 5.2 (Bike Parking) of the proposed DP addendum identifies that:

Bike spaces will be delivered at ratios determined by the planning controls and as required to achieve the relevant statutory requirements and/or certifications for environmental sustainability (e.g. Greenstar).

This is considered an appropriate outcome and is further accepted on the basis that Appendix 3: Traffic Report submitted with the proposed DP addendum identifies that the proposal would generate a statutory requirement under Clause 52.34 (Bicycle

Facilities) of approximately 255 bicycle spaces and will provide in the order of 700 on-site bicycle spaces.

Further, the proposed DP addendum illustrates the entries to on-site bicycle storage away from vehicle entries to avoid conflict.

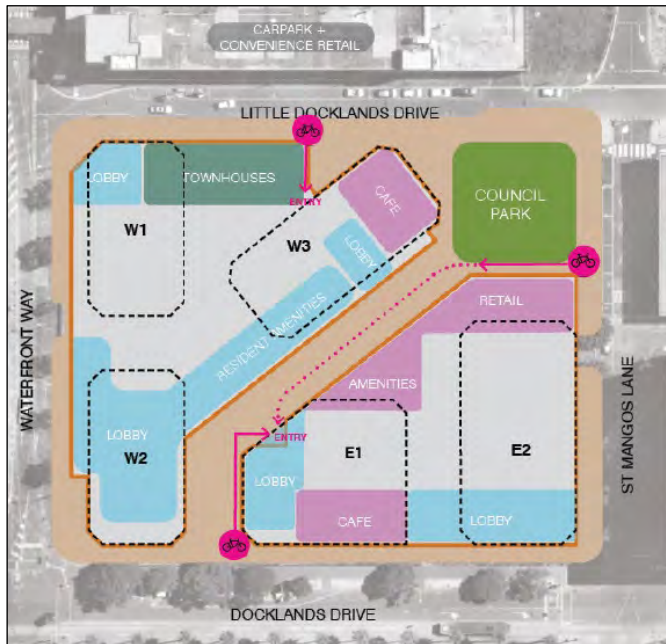


Figure 41: Proposed DP Section 5.1 (Vehicle Access)

8.6. Other Matters

8.6.1. Waste Management

Refer discussion at Section 7.4 of this report, noting that details of waste collection are best resolved via future planning permit applications.

8.6.2. ESD

Refer discussion at Section 7.8 of this report.

8.6.3. Noise

The Appendix 4 Consultant Advice Notice prepared by ADP Consulting identifies that any future development application would be subject to the requirements of DDO12 (Noise Attenuation Area). DDO12 would be considered at the appropriate stage and any future application would require the preparation of a full acoustic report based on the detailed design proposed.

8.6.4. Staging

The staging diagrams included at Section 7.1 (Staging Plan) of the DP addendum identify a preferred construction delivery of:

1. West buildings W1 and W2 and podium below, park, and 7 m width of laneway.
2. West building W3 and podium below.
3. East building E2 and podium below.
4. East building E1 and podium below, and remainder of laneway.

An alternative staging plan has also been provided that identifies a construction delivery of:

1. East building E2 and podium below, and park.
2. West buildings W1 and W2 and podium below, and 7.m width of laneway.
3. East building E1 and podium below, and remainder of laneway.
4. West building W3 and podium below.

Either staged delivery would be considered to be a generally practical approach as the park would be delivered concurrently with whichever stage is the first to proceed. Further, constructing the laneway to a width of 7 m would a) still allow pedestrian movement through the site post-stage 1 delivery and b) allow for a 4 m curtilage to be established around the future stage for buildability.

8.6.5. Signage

Signage has not been considered as part of the proposed DP addendum, consistent with the original DPs. Any proposed signage that forms part of a future planning application would be assessed against relevant policy and requirements of the Melbourne Planning Scheme.

9. RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Department of Transport and Planning be advised that Melbourne City Council supports the proposal subject to the following recommended changes:

9.1. Recommended Changes

1. Formally incorporate all changes in the informal DP addendum “*August 2023 (October 2023 Update)*” and as identified at Section 7.1 of this report, but with the following additional change:
 - Appendix 6: Interface and Design Principles > Waterfront Way Interface Design Principles sub-heading > dot point 8:
 - *Services, loading and vehicle entry located mid-block should be designed with **high** quality materials and design details that maintain visual interest at the street level.*
2. Inclusion of a new section in the proposed DP addendum titled ‘ESD’ with an aspirational paragraph that outlines how future planning applications will commit to exceeding sustainability requirements outlined in the Melbourne Planning Scheme including energy, water, waste, stormwater, urban ecology, transport and urban heat.
3. Update Section 4.6 (Podium Design, Tower Forms and Setbacks) to:
 - Introduce a mandatory maximum Floor Area Ratio (FAR) across the site of 9.56:1.
 - Include an exemption to the mandatory FAR for the delivery of a public benefit, which could include affordable housing or community facilities.
 - Update Tower Forms and Setbacks sub-heading > dot point 1:
 - Maximum tower heights as depicted in the preferred Maximum Building Height plan (Refer 4.2 **4.7** Urban Design - Maximum Building Heights).
4. Update shadow diagrams within the proposed DP addendum to include NewQuay Central Park in full.

5. Establish mandatory sitting, standing and walking wind criteria, including:
 - Section 4.4 (Wind Conditions and Mitigations) > paragraph 2:
 - *MEL Consultants prepared the Wind Report in Appendix 2. The report establishes the following criteria that ~~should~~ **must** be achieved in each position:*
6. Section 4.6 (Podium Design, Tower Forms and Setbacks) > Example #1 diagram:
 - The 70 m street walls to the north-west and south-west towers dimensioned to a maximum length of 25 m.
7. Reference to tower setbacks as 'mandatory', including:
 - Section 4.6 (Podium Design, Tower Forms and Setbacks) > Tower Forms and Setbacks sub-heading > dot point 3:
 - *Towers ~~should~~ **must** maintain a **minimum** 5 m setback above Street Wall except where Corner Towers are permitted.*
8. New subsection to Section 4.0 (Concept Plan) of the proposed DP addendum headed "Urban Art" and include the following paragraph:
 - *The inclusion of an urban art strategy is a key component of the development. Typical works can include, but is not limited to, examples of the following: permanent outdoor sculptures of significance by local and/or Indigenous artists, paintings, murals, water sculptures, illuminated works and projections.*
9. Update Section 5.1 (Vehicle Access) to identify that loading must not occur along the Green Lane.
10. Ensure the dwelling and on-site car parking numbers identified at Section 8.1 (Indicative Development Schedule) of the proposed DP addendum are consistent with the dwelling and on-site car parking numbers in the Appendix 3: Traffic Report prepared by Stantec (dated 15 August 2023).
11. Ensure the section drawings at Section 4.9 (Sections) of the proposed DP addendum are consistent with at least one of the Examples (#1 or #2) at Section 4.6 (Podium Design, Tower Forms and Setbacks).
12. Update Section 6.1 (Landscape Master Plan – Public Realm) of the proposed DP addendum to include a requirement that a design brief must first be prepared in consultation with City of Melbourne prior to endorsement of any landscape plan under a future planning application.
13. Include the following additional design principle at Section 6.2 (New Park) of the proposed DP addendum:
 - *The materiality selection should be seen as an extension of the City Public realm and be consistent with the City of Melbourne Design and Construction Standards unless approved otherwise by City of Melbourne.*