

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

Ministerial Planning Referral: TPM-2018-23 28-38 Pearl River Road and 3-43 Waterfront Way, Docklands

15 October 2019

Presenter: Evan Counsel, Acting Manager Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial referral of an application for an addendum to the Waterfront City Outline Development Plan 2003 ('WFCDP'). The submitted 'Addendum to the Waterfront City Outline Development Plan' ('The Development Plan Addendum') would modify the future land use and built form guidance for the land located at 28-38 Pearl River Road ('the SW site') and 3-43 Waterfront Way ('the SE site'), Docklands (refer Attachment 2 – Locality Plan).
2. The applicant is Capital Alliance 6 Pty Ltd, the owner of the land is Capital Alliance 6 Pty Ltd, and DKO / David Lock & Associates are the project designers.
3. The land is located within the Docklands Zone Schedule 6 (DZ6) and is affected by the Design and Development Overlay Schedule 12 (DDO12 - Noise Attenuation Area) and Schedule 54 (DDO54 - Business Park Precinct, Area 1) and Parking Overlay Schedule 10 (PO10 - Docklands Business Park).
4. The Development Plan Addendum seeks to amend the maximum building heights, setbacks and land uses recommended by the WFCDP. The Development Plan Addendum would allow for an increase of building height for the two development sites from 25 metres to 90.95 (SW site) and 70.82 (SE site) metres above ground level respectively with street setbacks between 0 and 10 metres; and the use of the land for a residential hotel and commercial / office.
5. Both sites benefit from current planning permits. The SW site has approval for a 17 storey building comprising dwellings and ground floor shops (TP-2013-242); and an 18 storey residential hotel is currently under construction at 3-43 Waterfront Way in accordance with Ministerial Permit No. PA17/00219.
6. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has informally referred the application to the City of Melbourne for comment.

Key issues

1. The key issues relate to the proposed land use, built form (including height and setbacks), views from the Melbourne Star and public realm impacts (including overshadowing and wind).
2. The proposed residential hotel and offices will improve the mix of land uses within this part of Docklands.
3. The revised built form character is supported by Clause 22.18 (Urban Design within the Docklands Zone) and is considered to be an appropriate response to the established and emerging character of the precinct. The altered form will allow for increased height, maintain the setbacks of the approved building on the SE site, increase the setback of the approved building on the SW site, will not unreasonably obstruct views from the Melbourne Star, subject to conditions will maintain comfortable wind conditions and not result in unreasonable overshadowing of the public realm.
4. Conditions are recommended to ensure that overshadowing and wind impacts are reduced to acceptable levels, no additional car parking spaces are provided and sufficient bicycle facilities are included.

Recommendation from management

5. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to conditions outlined in the delegate report (refer to Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 104)
2. Locality Plan (Page 3 of 104)
3. Selected Plans (Page 4 of 104)
4. Delegate Report (Page 74 of 104)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application. The application is exempt from the notice of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*. Melbourne City Council therefore has no formal status under the *Planning and Environment Act 1987* in relation to the application.

Finance

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

Conflict of interest

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

Health and Safety

4. Relevant planning considerations such as traffic and potential amenity impacts that could impact on health and safety have been considered within the development plan addendum and assessment process.

Stakeholder consultation

5. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of DELWP acting on behalf of the Minister for Planning.

Relation to Council policy

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

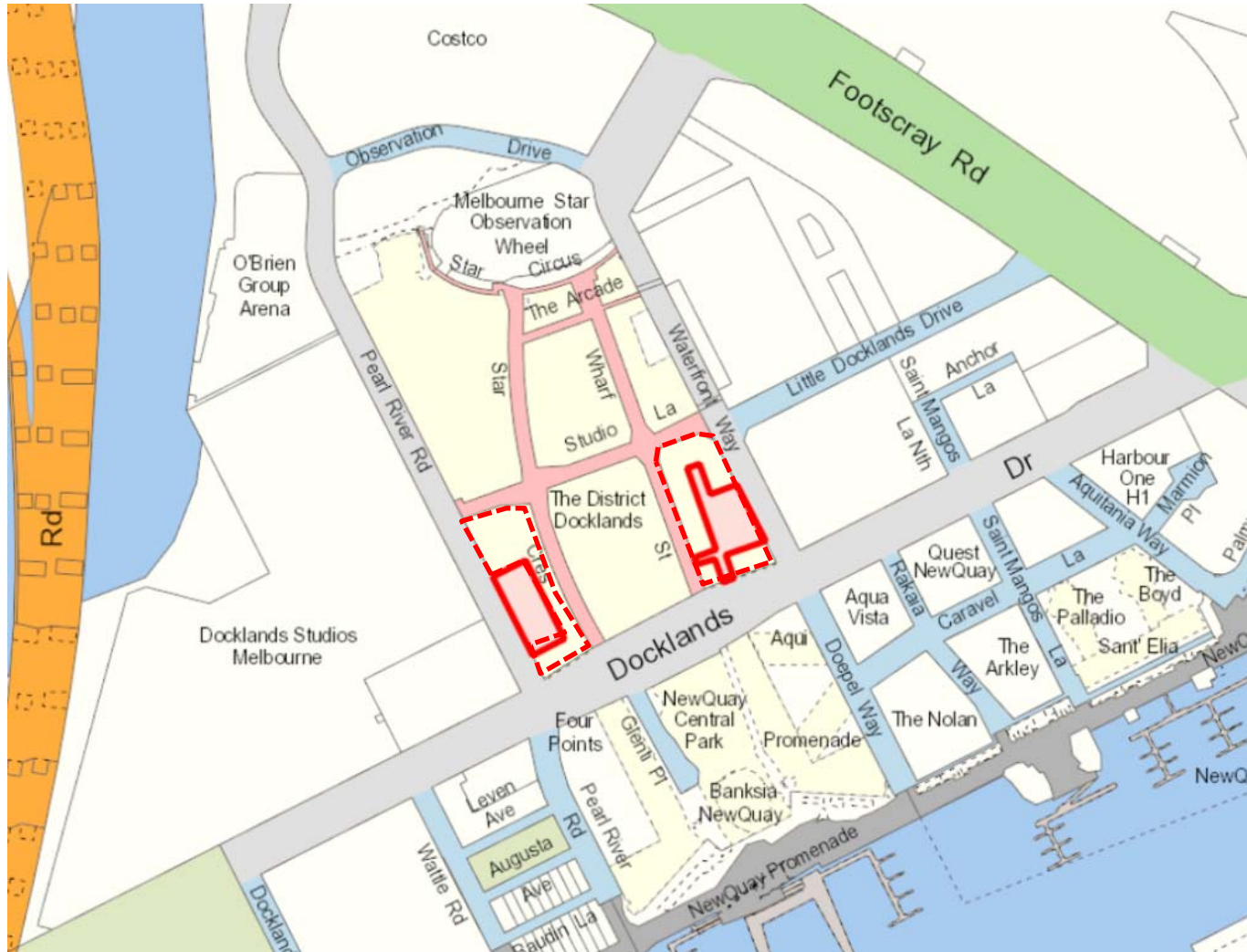
Environmental sustainability

7. Any future developments on the subject site would need to obtain a planning permit. Such applications would require the submission and approval of an Environmentally Sustainable Design (ESD) Report that demonstrates how the development(s) would achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

Locality Plan

Attachment 2
Agenda item 6.3
Future Melbourne Committee
15 October 2019

28-38 Pearl River Road and 3-43 Waterfront Way, Docklands





District Docklands Development Sites Development Plan

ADDENDUM TO WATERFRONT CITY
OUTLINE DEVELOPMENT PLAN

May 2019

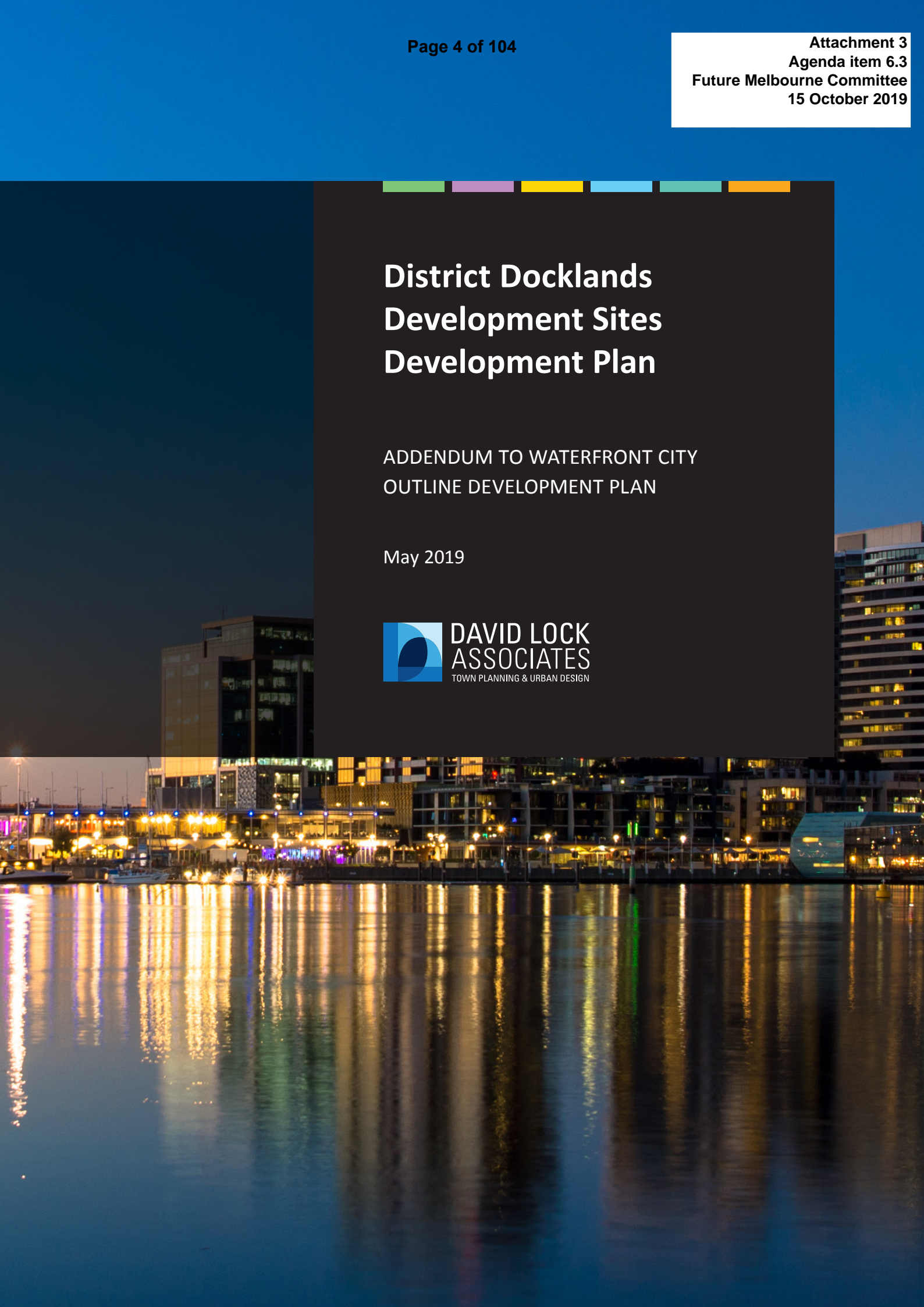


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ABBREVIATIONS

Business Park Precinct (BPP)

Capital Alliance Investment Group (CAIG)

District Docklands (DD)

Development Sites Development Plan (DSDP)

Melbourne Star Observation Wheel (the Wheel)

Waterfront City (WFC)

WFC Outline Development Plan dated 15 September 2003 (WFCDP)

Responsible Authority (RA)



INTRODUCTION



1.0

1.1 Introduction

This report provides an Addendum to the WFC Outline Development Plan dated 15 September 2003 (WFCDP) and has been prepared on behalf of Capital Alliance Investment Group (CAIG) in accordance with the requirements of Clause 43.04 (Development Plan Overlay – Schedule 7) of the Melbourne Planning Scheme.

The purpose of this Addendum is to update the Development Plan specifically in relation to the remaining two Development Sites.

- Pearl River Road Development Site - 28-38 Pearl River Road (described as South West [SW] - Stage 1B-5).
- Waterfront Way Development Site -3-43 Waterfront Way (described as South East [SE] - Stage 1B-3).

These are illustrated at Figure 1 and described further at sub-section 1.4.

1.2 Role of the Development Plan

The Development Sites Development Plan (DSDP) provides a development framework for the two Development Sites, and their associated air rights, within the southern part of the DD.

The DSDP framework includes:

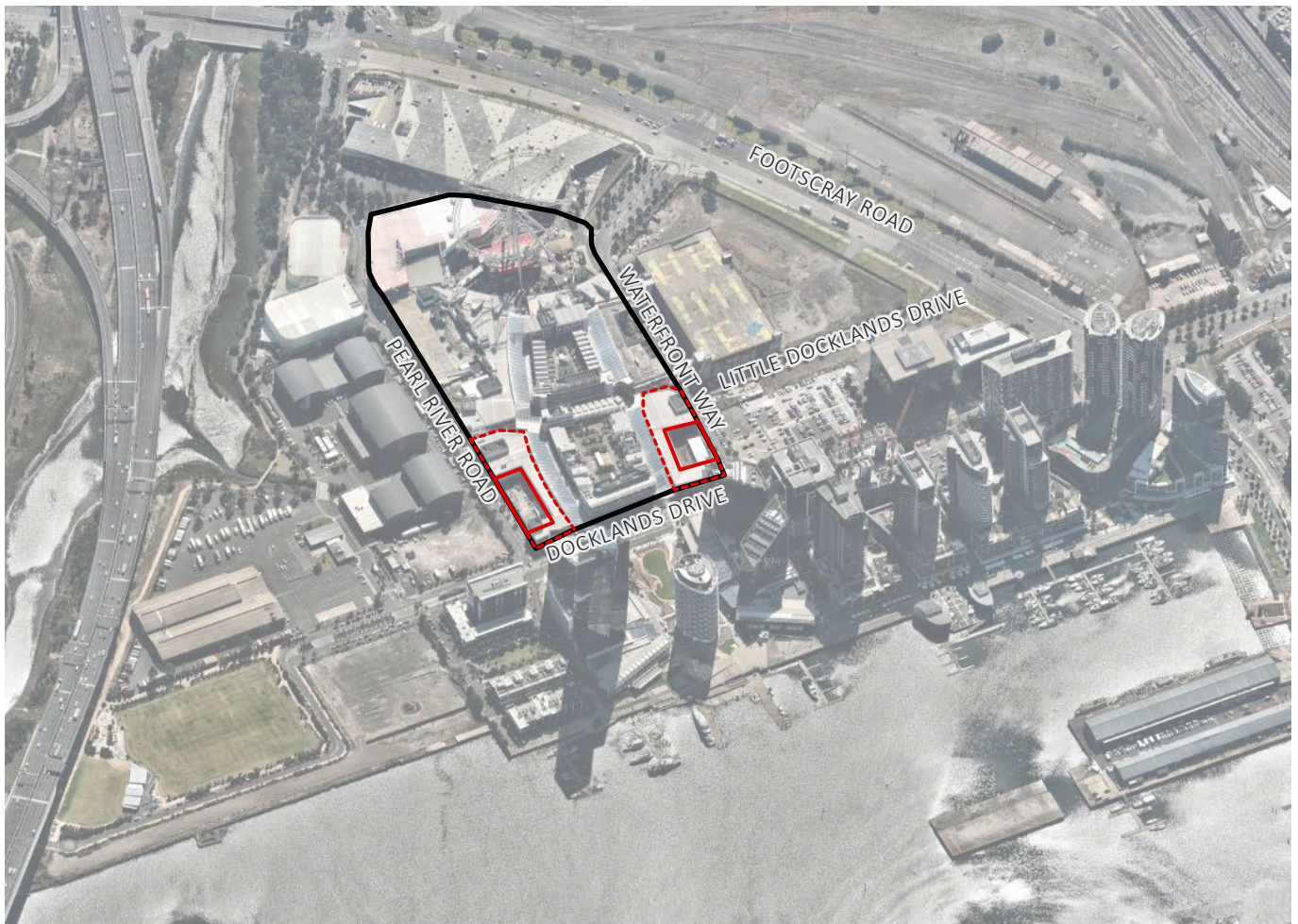
- 10 Urban Design Principles to ensure an appropriate response to the site context.
- Objectives and Strategies to implement the 10 Design Urban Principles and provide clear guidance for the future development of the Development Sites.
- A development framework comprising:
 - Indicative building envelopes for the SW and SE Development Sites.
 - Preferred land uses for the SW and SE Development Sites.
 - Proposed built form in terms of street wall and overall building height and building separation.
 - Guidance to ensure an improved public realm in terms of permeability, activation and overshadowing.
 - Detailed guidance that encourages a well-designed architectural response to the site.
 - Guidance to ensure development respects the existing residential amenity.
- The DSDP Concept Plans.

1.3 Report Structure

This addendum to the WFCDP for the Development Sites Development Plan (DSDP) comprises the following sections:

- **Section 2.0** summarises the planning context, particularly in relation to DPO7 and DDO54 of the Melbourne Planning Scheme and the key policy considerations which have informed this amended DSDP.
- **Section 3.0** details the emerging urban context within WFC and the wider Docklands area, and identifies some of the important urban design characteristics which the DSDP should respond to.
- **Section 4.0** describes 10 Urban Design Principles which the DSDP is guided by.
- **Section 5.0** proposes a new vision for the Development Sites to revitalise this part of WFC. It also details the objectives, strategies and building envelopes that form the DSDP and which should inform any future permit application within this precinct.
- **Section 6.0** contains all the DSDP concept plans that address the DPO7 Section 2.0 Development Plan requirements and includes:
 - Conceptual plans for the SE & SW sites.
 - Conceptual elevations.
 - Conceptual cross sections.
 - Three-dimensional views from the Wheel, Victoria Harbour and the SE & SW Sites.
 - Shadow Studies.

Figure 1. DD and Development Sites




-  DEVELOPMENT SITE
-  DISTRICT DOCKLANDS
-  AIR RIGHTS

Figure 2. DD - View from NewQuay Central Park towards the Development Sites (air rights)



1.4 Development Sites

The Development Sites subject to this development plan include 28-38 Pearl River Road (South West) and 3-43 Waterfront Way (South East).

28-38 Pearl River Road (South West- SW)

28-38 Pearl River Road is irregular in shape comprising a total area of 1420sqm for the first two levels (approx. 12m) in height. Beyond this, the site area of the property increases to extend beyond the property boundary and include a portion of the air use rights of the property at 1-19 Pearl River Road to form 4993.8sqm (approx.) in total.

The site is a single allotment with an approximately 59.13m frontage to Pearl River Road and depth of 24m. The land is generally flat and vacant of development, with no distinguishable slope or characteristics and is currently devoid of any significant vegetation, except for street trees located in front of the site. Access to the site is currently provided via an informal crossover located centrally within the site from Pearl River Road.

This site has a current planning permit TP-2013-242 (dated 28.06.2013) for a mixed use, 17 storey building comprising dwellings and ground floor shops. The architectural plans by Design Inc were endorsed by City of Melbourne in December 2013.

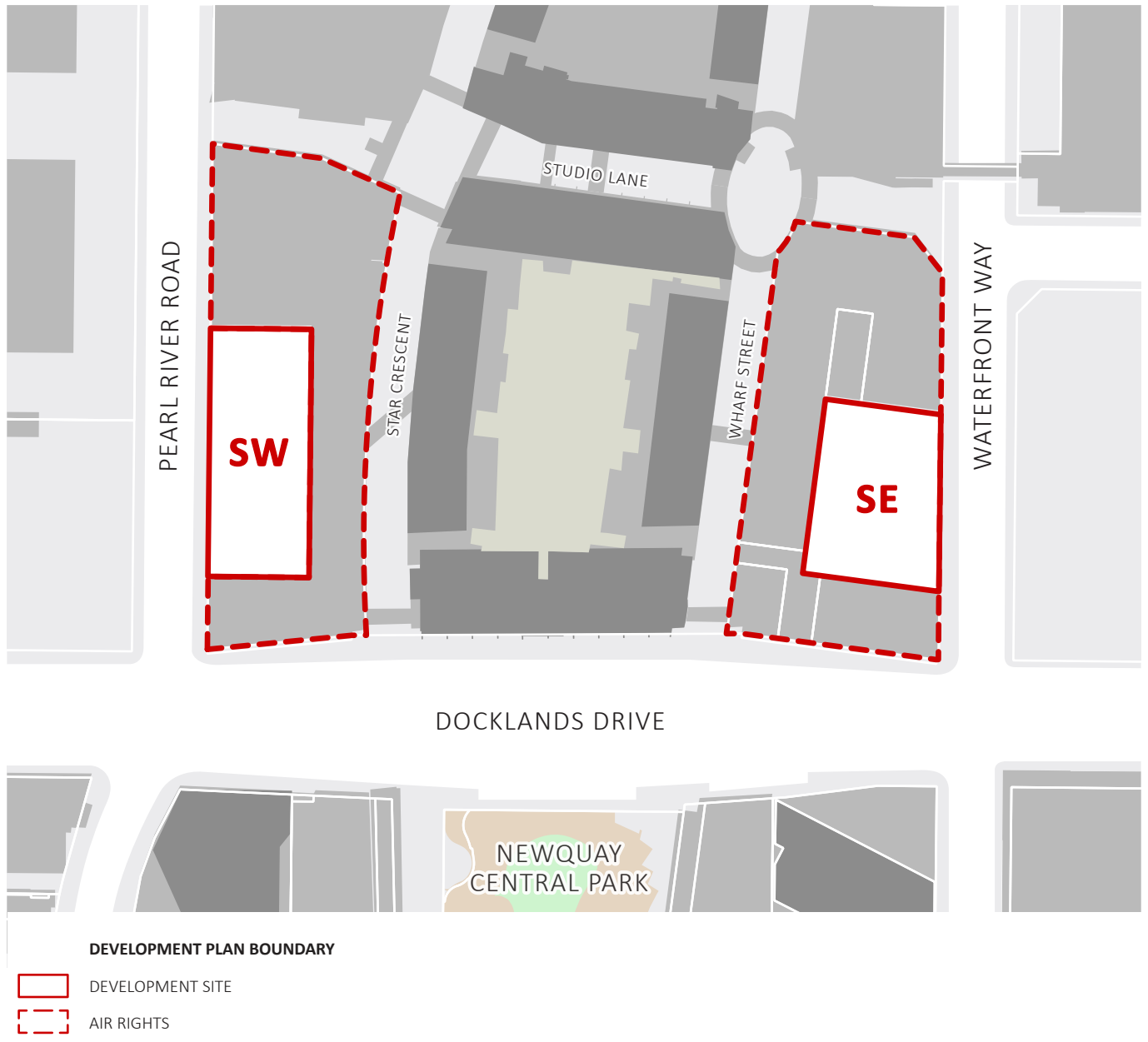
3-43 Waterfront Way (South East- SE)

3-43 Waterfront Way is irregular in shape comprising a total area of 1261sqm for the first two levels in height (approx. 12m). Beyond this, the area of the property increases to include the air rights of the properties at 2-20 Wharf Street, 101-103 Studio Lane and 420-430 Docklands Drive, to form 4392.2sqm (approx.) in total.

The site is a single allotment with a 42m frontage to Waterfront Way and a depth of 29m. The land is essentially flat and vacant of development, with no distinguishable slope or characteristics. Street trees are located in front of the site. Access to the site is currently provided via an informal crossover located centrally within the site.

This site has a current planning permit PA1700219 (dated 20.08.2017) for a mixed use, 17 storey (~55m) building comprising hotel and dwellings. The architectural plans by DKO Architecture were endorsed by DELWP in August 2017.

Figure 3. Development Plan Areas





PLANNING CONTEXT



2.0

2.1 Introduction

The planning controls and policy considerations of the Melbourne Planning Scheme detailed in this section have informed the creation of the DSDP. A more detailed policy summary is provided at Appendix A.

The general planning policy intent for Docklands and WFC has remained relatively unchanged since the WFCDP was endorsed in 2003, even though the State and Local planning policy frameworks have changed over time.

There have been a number of changes and addendums to the approved development plans within Docklands.

2.2 Strategic Context

DD and the Development Sites are located in Docklands, which is identified in Plan Melbourne as a major urban renewal precinct. DD is located near a number of other urban renewal precincts to the west and south of the CBD that are in early stages of renewal.

Docklands wraps around Victoria Harbour as an extension of the Yarra River, providing excellent opportunities to capitalise on the recreation and transport links to the River and Port Phillip Bay as well as its waterfront open space.

The Development Sites fall within the northern section of the Docklands Urban Renewal Area, known as the Business Park Precinct (BPP), which includes the WFC Precinct and is bounded by Victoria Harbour to the south, Footscray Road to the north east and City Link to the west.

Docklands is described in policy as an ‘extension’ of the CBD/Hoddle Grid both visually and physically in terms of its built form profile and connections.

The location of Docklands at the western edge of the CBD ensures that it is proximate to a variety of transportation, service and amenity options.

2.3 Statutory and Policy Framework Summary

Key policy considerations in relation to the Development Sites are as follows:

State Policy

Collectively, the following policies seek a well designed urban environment within the Docklands Urban Renewal Area:

- Clause 11.03 - Planning for Places
- Clause 15.01 – Built Environment

Local Policy

Local policy reinforces Docklands as a new and vital urban renewal redevelopment and activity hub.

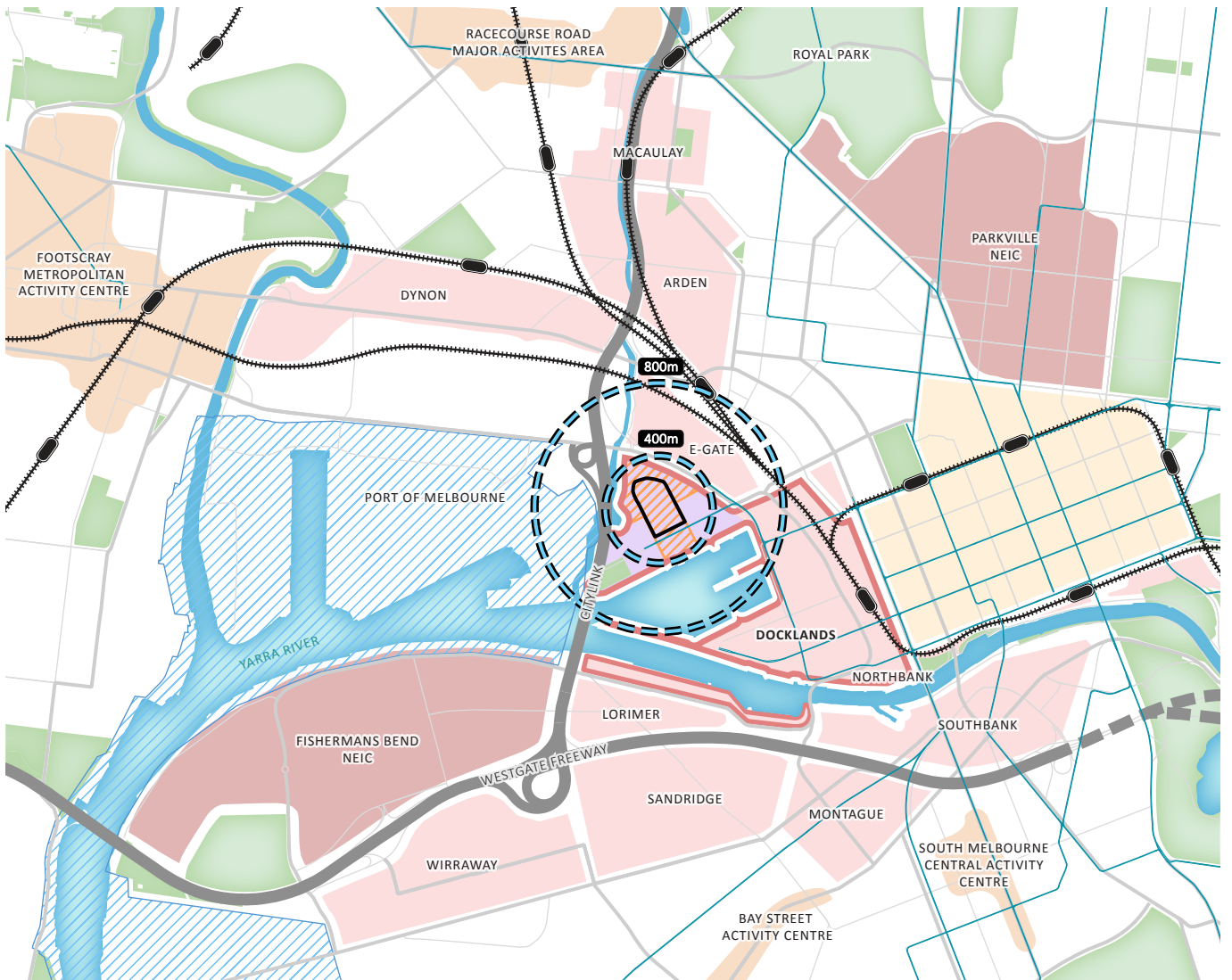
Clause 21.13 – Urban Renewal Areas

- Clause 21.13-2 Docklands seeks development of a medium to high density typology that forms an “extension of the Hoddle Grid building profile” and that supports a range of complementary uses and an attractive and comfortable public realm.

















Clause 22.18 - Urban Design Within the Docklands Zone

- Clause 22.18 provides a range of objectives and urban design principles to guide the development in the Docklands urban renewal area to create a quality place, with high design and environmental standards which respond to the changing Docklands urban character while strengthening its relationship to the CBD and Yarra River.

Figure 4. Strategic Context



LEGEND

- | | | |
|--|---|--|
|  DOCKLANDS |  CBD |  TRAM LINE |
|  BUSINESS PARK |  PORT OF MELBOURNE |  RAILWAY |
|  WATERFRONT CITY |  PUBLIC OPEN SPACE |  TRAIN STATION |
|  DISTRICT DOCKLANDS |  FREEWAY |  WALKING RADIUS |
|  URBAN RENEWAL PRECINCT |  ARTERIAL ROAD | |
|  NATIONAL EMPLOYMENT AND INNOVATION CLUSTER | | |
|  ACTIVITY CENTRE | | |

2.4 Planning Controls

The following statutory planning controls are relevant to the Development Sites:

Clause 37.05 Docklands Zone – Schedule 6 (DZ6)

supports a range of uses and development which appropriately considers their visual and amenity impacts on the public and private realms.

Clause 43.02 Design and Development Overlay – Schedule 54 – Business Park Precinct (DDO54)

provides a preferred maximum height of 45m for DD and the Development Sites. Buildings or structures with entertainment/attraction for visitors/tourists, do not have a preferred height limit.

The following decision guidelines are considered by the Responsible Authority (RA) for buildings with a height above the preferred 45 metres:

- 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.
- Appropriate separation of buildings, particularly tower elements, to provide spacing of building bulk and to avoid the creation of a wall effect.
- An appropriate built form relationship to the street.
- Preservation of significant vistas.
- The nature of wind effects caused by any new building, and design measures to address these.

Clause 43.04-7 Development Plan Overlay – Schedule 7 – Business Park Precinct (DPO7) establishes the requirement for a Development Plan.

In assessing a Development Plan, the RA should consider:

- Views of the City of Melbourne and the precinct from the Victoria Harbour water body.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- Impact of overshadowing on the waterfront promenade and Victoria Harbour water body.
- Treatment of the public realm.

The table at Appendix B provides a summary of the DPO7 Section 2.0 requirements in relation to the DSDP amendments to the WFCDP and indicates where the relevant information in response to the requirements can be found in this report.

In addition, a comparative requirement summary of these three planning controls is provided at Appendix C.

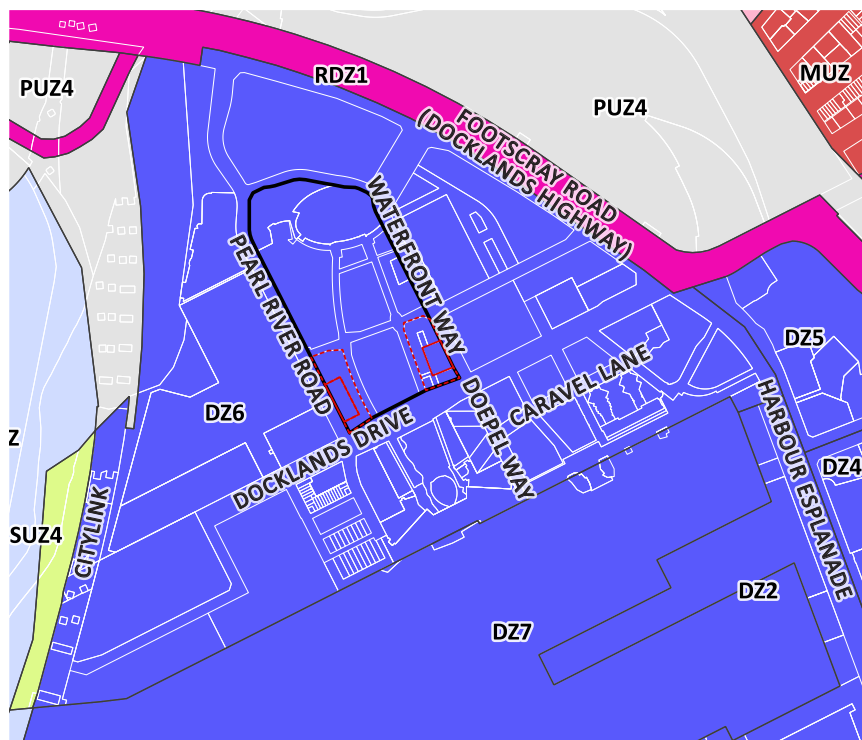
In summary, any future development proposal within the Development Sites will require a planning permit which will need to be generally in accordance with this amended Development Plan and a range of other Melbourne Planning Scheme policy requirements.

Clause 45.09 Parking Overlay Schedule 10 Docklands Business Park (PO10)

specifies a maximum car parking rate and seeks to ensure that car parking is not visible from the street frontage. The RA must consider any impact on vehicle and pedestrian traffic and parking in the area while also acknowledging the contribution of alternative modes of transport.

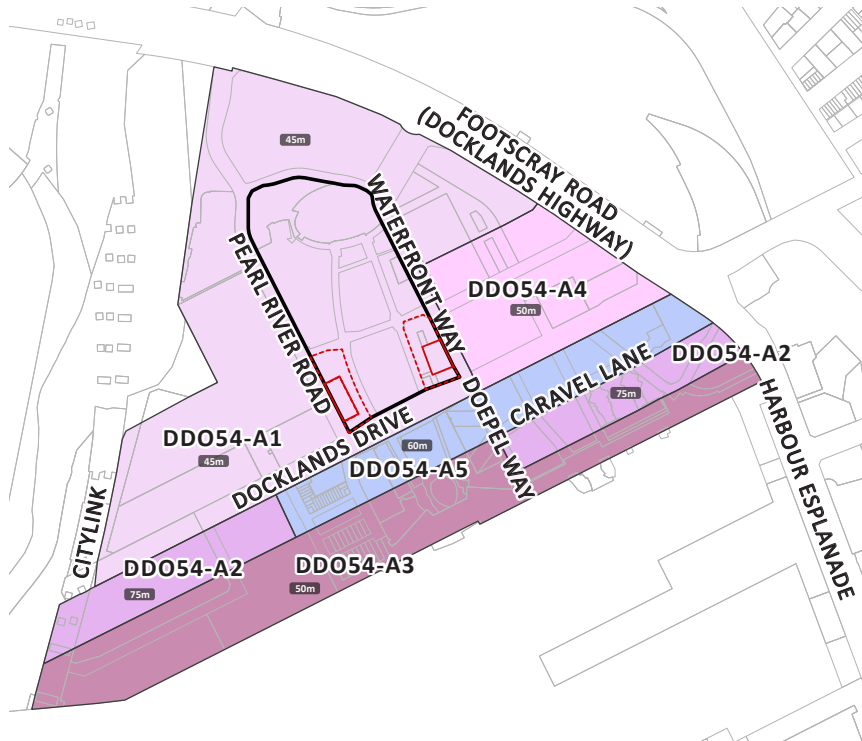
The box at page 18 summarises the key planning considerations that have informed this DSDP.

Figure 5. Zones



- DEVELOPMENT SITE
 - AIR RIGHTS
 - DISTRICT DOCKLANDS
- ZONES**
- DOCKLANDS ZONE SCHEDULE 2,4,5,6 AND 7
 - MIXED USE ZONE
 - PUBLIC USE ZONE TRANSPORT
 - ROAD ZONE CATEGORY 1
 - SPECIAL USE ZONE SCHEDULE 1, 4 AND 5

Figure 6. Overlays



- DEVELOPMENT SITE
 - AIR RIGHTS
 - DISTRICT DOCKLANDS
- OVERLAYS**
- DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 54 (AREA 1)- 45m HEIGHT LIMIT
 - DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 54 (AREA 2)- 75m HEIGHT LIMIT
 - DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 54 (AREA 3)- 50m HEIGHT LIMIT
 - DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 54 (AREA 4)- 50m HEIGHT LIMIT
 - DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 54 (AREA 5)- 60m HEIGHT LIMIT

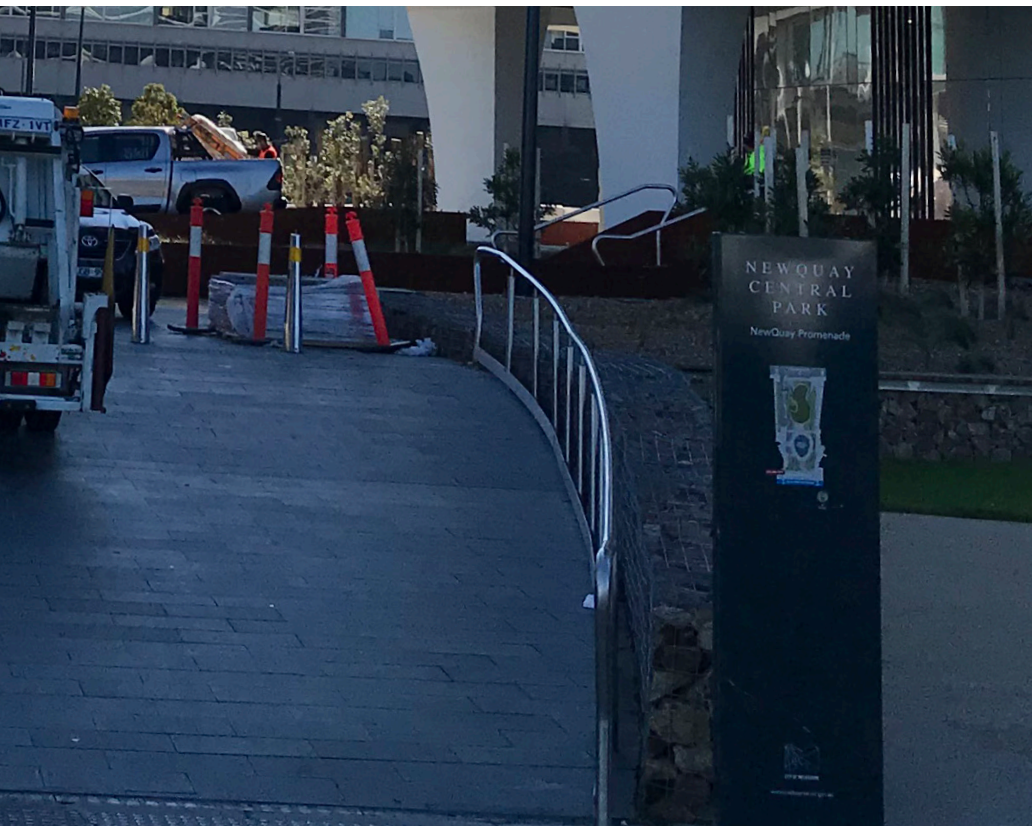
SUMMARY OF THE KEY PLANNING CONSIDERATIONS:

1. State and Local policy support land use intensification of medium to high density mixed use development in this urban renewal precinct.
(Clauses 11, 21.13, 22.18, 37.05-06 43.02-54)
2. Docklands to form an extension of the Hoddle Grid both in terms of built form and street layout.
(Clauses 22.13, 22.18)
3. Preserve long range views (vistas) of:
 - The precinct from Victoria Harbour.
 - To the City of Melbourne.
 - To and from the Wheel.
(Clauses 43.04-7, 21.12, 22.18)
4. Maintain views through the precinct from Victoria Harbour and surrounds by applying adequate building separation and appropriate building heights.
(Clauses 43.04-7, 21.12, 22.18)
5. While the preferred height of 45m is indicated for the DD area, there is discretion for buildings which serve as a landmark feature and tourist attraction to the Business Park Precinct.
(Clause 43.04-7)
6. Maintain solar access to park, plazas and other public spaces areas. "Public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox (22 September / 20 March)."
(Clause 22.18 -5)
7. Provide good public realm amenity through street activation, solar access and weather and wind protection.
(Clauses 43.02-54, 21.13, 22.18)
8. Buildings exceeding 40m in height must provide an appropriate built form relationship to the street.
(Clause 43.02-5)
9. Consider any impact on vehicle and pedestrian traffic and parking in the area while also acknowledging the contribution of alternative modes of transport.
(Clause 45.09)





SCENE SETTING



3.0

3.1 Introduction

This chapter describes the key "scene setting" elements of the existing and emerging Docklands context. These include:

- The history of Docklands, BPP and the WFC.
- The emerging urban context of the BPP and WFC in relation to:
 - Land use.
 - Built form.
 - The public realm.
 - Views and vistas.

This analysis of the key "scene setting" elements has informed the identification of emerging precincts within Docklands and the role each of these precincts will play moving forward.

3.2 History

The Development Sites fall within the suburb of Docklands and are located approximately one kilometre north west of the Melbourne Central Business District (CBD).

Docklands is a State significant urban growth precinct located within the City of Melbourne Municipality and is within close proximity to a range of essential services, sporting and cultural facilities.

The planned urban renewal of Docklands is nearing its realisation with all development estimated to be near completion by 2025. With an anticipated population of 20,000 residents and 60,000 workers, the urban renewal private investment in Docklands is estimated to be in the order of \$17.5 billion.

The BPP, at the northern edge of Docklands, is also nearing completion, with the NewQuay Central and East areas complete, except for 385 Docklands Drive which is under construction and 375 Docklands Drive which has recently been approved for development.

The vacant sites at the eastern and western edges of the Business Park are either approved or in the process of gaining approval for a range of different developments.

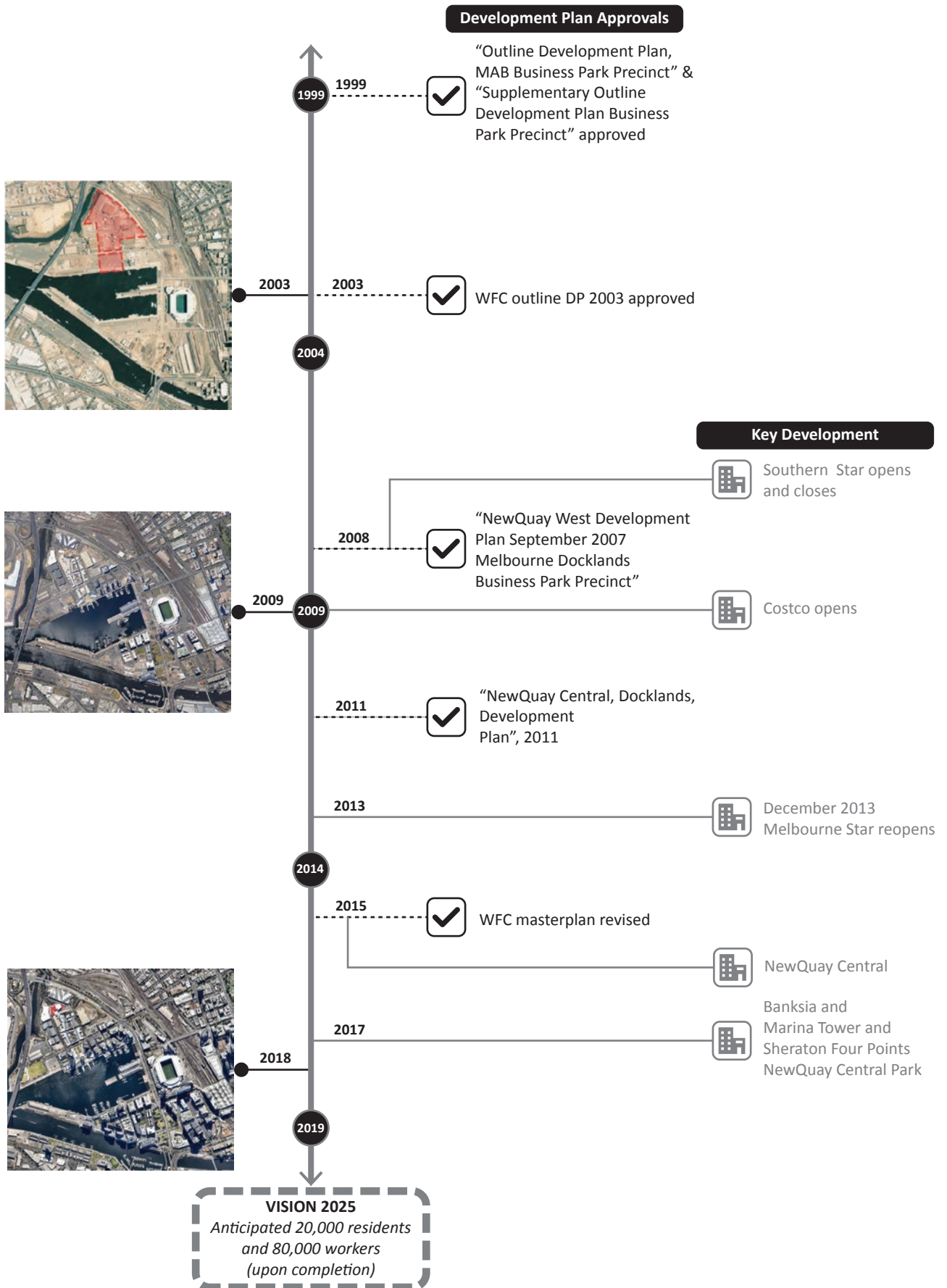
The historical development of Docklands in relation to WFC and the BPP can be summarised as follows:

- In 1999, the Outline Development Plan for the MAB Business Park Precinct & Supplementary Outline Development Plan were approved. Later, construction began on Harbour Town Shopping Centre (now DD).
- In 2003, the WFC Outline Development Plan was approved.
- In 2008 the NewQuay West Development Plan was approved and construction began. The Wheel opens and then closes again.
- In 2009 Costco opens.

- In 2013 the Wheel reopens. A planning permit was granted for a 17 storey NRAS development on the SE development site.
- In 2014 WFC assets and development rights were sold to the current land owner group (Ashe Morgan) and extensive revisioning and a new masterplan were developed to create an economically viable mixed use retail and entertainment waterfront destination.
- In 2017 the Banksia and Marina Tower Buildings and associated NewQuay Central Park are constructed.
- In 2017 the CAIG purchased from Ashe Morgan the 2 remaining Development Sites and associated air rights over part of the existing low-scale built form forming in the southern portion of DD, which has necessitated this addendum to the WFCDP.
- In 2017 CAIG received a planning permit for a 17 storey Marriott Hotel and apartment building on the SE development site.
- In 2018 the NewQuay West Development Plan 2017 replaced the 2007 plan.

Refer to Figure 7 for visual documentation of the development approvals and construction history of Docklands.

Figure 7. Docklands Urban Renewal Timeline



3.3 Urban Context Analysis

This section provides a summary of the emerging urban context that can be observed in relation to the Development Sites and surrounds. Themes analysed include:

- Urban context and access.
- Land uses.
- Emerging built form.
- Public realm.
- Off-site amenity.
- Key views and vistas.

3.3.1 Urban context and access

The BPP is bound by the following physical features:

- Moonee Ponds Creek, Citylink overpass and the Melbourne Port to the west.
- Victoria Harbour to the south.
- Footscray Road and rail reserve to the north east.

Both Footscray Road and Citylink ensure this part of Docklands and the Development Sites can easily access the rest of Metropolitan Melbourne and regional Victoria.

The Development Sites have convenient access to the Principal Public Transport Network (PPTN) via tram services (routes 35, 70 and 86) along Docklands Drive and buses (routes 220 and 942) on Footscray Road. Southern Cross Train Station and interstate bus interchanges are located approximately 1.8 km south east.

Victoria Harbour, the Railway Canal Reserve and Moonee Ponds Creek Trail, along with the newly created Ron Barrasi Snr Park, all offer close and easy access to open space and bicycle path links.

Permeability across the BPP varies significantly. There is pedestrian access to the NewQuay Promenade from Docklands Drive every 50 to 100 metres via pedestrian laneways or roads. There is existing pedestrian connectivity from DD and the Development Sites across Docklands Drive via pedestrian crossings, through NewQuay Central Park towards NewQuay Promenade.
























To the north of Docklands Drive both permeability and legibility reduce due to the large block sizes, large grain built form and density of a low scale.

SUMMARY OF URBAN AND ACCESS ANALYSIS

- The Development Sites are well served by public transport and road infrastructure therefore supporting further urban consolidation.
- Victoria Harbour and Moonee Ponds Creek provide opportunities for recreational activities proximate to the Development Sites.
- NewQuay Promenade, Docklands Drive and the links between provide a permeable network for pedestrians and cyclists.

Figure 8. Urban Context and Access



- | | | | | | |
|---|----------------------|---|--------------------------|--|-----------|
|  | DEVELOPMENT SITE |  | TOLLWAY |  | RAILWAY |
|  | AIR RIGHTS |  | ARTERIAL ROAD |  | TRAM LINE |
|  | DISTRICT DOCKLANDS |  | MAJOR ROAD |  | TRAM STOP |
|  | PORT OF MELBOURNE |  | COLLECTOR ROAD |  | BUS ROUTE |
|  | GREEN SPACE |  | LOCAL ROAD |  | BUS STOP |
|  | WATER |  | KEY INTERSECTION |  | LANDMARK |
|  | PROMENADE OPEN SPACE |  | KEY PEDESTRIAN ROUTES | | |
|  | TOWERS |  | CAPITAL CITY TRAIL | | |
| | |  | MOONEE PONDS CREEK TRAIL | | |

3.3.2 Land uses

As illustrated at Figure 9, the Docklands zoning has allowed a wide range of uses to emerge in the BPP. These are described below:

Residential

Residential uses are predominantly located within NewQuay next to the waterfront. They typically consist of a podium and tower typology with the podium consisting of commercial at the ground, followed by carparking sleeved by active uses in the podium. The balance of the tower forms are for residential uses. There are also 2-3 levels of residential apartments running down the central spine of DD.

A number of hotels and serviced apartments are located in the BPP, with the Four Points by Sheraton and Sebel located in the NewQuay Precinct.

Retail and Entertainment

Retail uses are predominately located to the north of Docklands Drive and consist of DD and Costco. DD offers retail including food and beverage. DD is closed at night, therefore not providing a night-time economy. Hoyts Cinema and F&B are open at night, with Woolworths to follow in 2019.

There is also some retail located around NewQuay Central Park, which is predominately vacant.

Entertainment uses to the north of Docklands Drive include large format stand-alone structures including Docklands Studio, O'Brien Arena Ice Rink and the Wheel. This will be further supported by the Hoyts Cinema which is nearing completion.

Office

In comparison to residential and retail uses, limited land is currently utilised for office purposes in the BPP. Offices are generally limited to the eastern edge of the BPP with some smaller spaces located in the podium levels in the NewQuay Central buildings. The vacant land at 396 Docklands Drive west of the office/ Kaplan Business School buildings is also mooted for additional office space.

Public Open Space

In relation to public open space, the waterfront around Victoria Harbour and the water itself provides open space and opportunities for recreation. The NewQuay Promenade extends over 800m to link to the Ron Barrasi Senior Park.

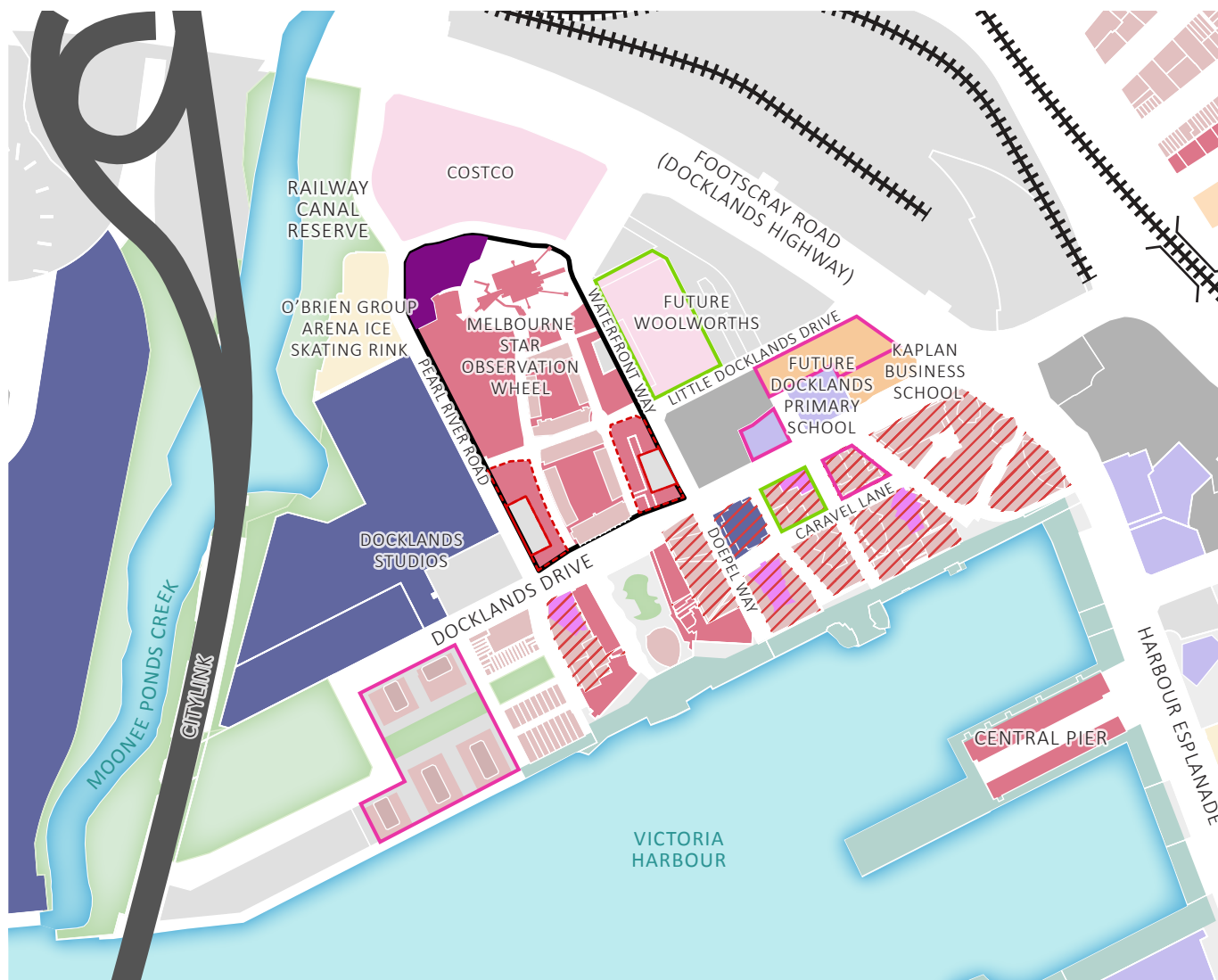
The Railway Canal Reserve forms the end of the Moonee Ponds Creek Trail and provides a green link to the park.

These linear links and open spaces are important open space assets within and adjacent to the BPP.

Other smaller parks and plazas are the NewQuay Central Park, pocket parks in the NewQuay West Precinct, Monument Park on NewQuay Promenade, ground level space around the Wheel, and the forecourt of Costco. These spaces provide a more intimate place to stay, sit, or meander through.

They can be at times, sheltered from the sun and wind and provide a place for respite.

Figure 9. Urban Context and Land Uses



- | | | | | | |
|---|--------------------|---|---------------------------------|---|----------------------------|
|  | DEVELOPMENT SITE |  | PROMENADE OPEN SPACE |  | CINEMA |
|  | AIR RIGHTS |  | GREEN SPACE |  | RETAIL / RESTAURANT |
|  | DISTRICT DOCKLANDS |  | APPROVED DEVELOPMENTS |  | RESIDENTIAL |
|  | TOLLWAY |  | DEVELOPMENTS UNDER CONSTRUCTION |  | HOTEL / SERVICE APARTMENTS |
|  | RAILWAY |  | COMMERCIAL / WAREHOUSE |  | GROUND FLOOR COMMERCIAL |
|  | VACANT LOT |  | OFFICE |  | COMMUNITY USE |
|  | PARKING LOT |  | LARGE FORMAT RETAIL |  | EDUCATIONAL USE |

Vacant Sites

There are some remaining development opportunities in the BPP, however most of the sites are already developed or pending development approval.

Future development opportunities are the remaining vacant sites, at grade car parking sites and the Development Sites subject to this Development Plan.

The Development Sites have always presented the opportunity to introduce a wider range of uses at a higher density such as office, residential apartments and a hotel / serviced apartment in this part of WFC.

The introduction of a greater land use mix will increase the residential catchment both for short and long term stays. It will also increase the workforce travelling to Docklands, capitalising on its strategic location as an extension of the CBD with good access to public transportation and road infrastructure.

Car parking

On-street car parking, subject to time restrictions, is provided near the Development Sites.

There are private commercial off-street car parks in the vicinity of the Development Sites. This includes the two car parks at District Docklands, which have approximately 1,500 spaces in total.

The Development Sites have the potential to provide some on-site car parking. However, the range of alternative modes of transport, including the tram route extension along Docklands Drive past the site (which occurred after the approval of the ODP), gives the site better access to public transport than what was previously available, and supports a reduced supply of car parking. Notwithstanding this, car and bicycle parking will be provided generally in accordance with the rates stipulated in Clause 45.09 and Clause 52.34.

SUMMARY OF LAND USE ANALYSIS

- There is currently a limited provision of office space in this part of Docklands and WFC considering the existing residential population. In part this is due to competition with Victoria Harbour, Collins Square and Melbourne Quarter precincts.
- A considerable amount of retail is provided in DD and at the ground floor of existing residential towers. However, there is limited retail and commercial uses that provide for a night-time economy.
- There is an opportunity to provide more short term accommodation options within the BPP to help support a night time economy and further support the entertainment uses that exist.
- There is an opportunity to increase the residential density to the north of Docklands Drive to capitalise on the retail and entertainment uses in the area.
- The existing quantity and quality of open space within and surrounding the BPP supports further urban consolidation.
- The existing provision of car parking and other transport modes, supports a limited provision of car parking.



3.3.3 Emerging built form

The urban renewal process of this part of Docklands has seen the emergence of either podium and tower format developments to the south of Docklands Drive and large format, low scale development generally to the north of Docklands Drive. This is illustrated in the diagram at Figure 10.

DDO54 sets the maximum preferred height limits within the BPP. When the emerging building heights are overlaid against the preferred DDO height, predominantly recent developments exceed the preferred height. For example, the recently constructed Marina Tower extends to 140m, The Quays extends to 100m and Banksia extends to 68m.

The resultant emerging built form particularly in NewQuay is of towers of varied shapes and heights. These buildings together contribute to a more varied and interesting skyline. They create a new architectural energy and vision for the place, where the higher built form, and not just the Wheel, plays an important visual, design and place making function.

To the north of Docklands Drive, most of the built form is low-scale and therefore visually subservient to NewQuay and the Wheel. For land to the north of Docklands Drive and DD, this leads to a lack of identity and legibility. The current scale of built form does not capitalise on the opportunity this urban renewal precinct provides.

Given the policy thrust for growth in this location, reinforced by Plan Melbourne, and the lack of clear and relevant strategic basis for the maximum height in DDO54, it is considered that greater height above 45m on the Development Sites should be considered, provided it does not adversely impact the public realm or neighbouring sites.

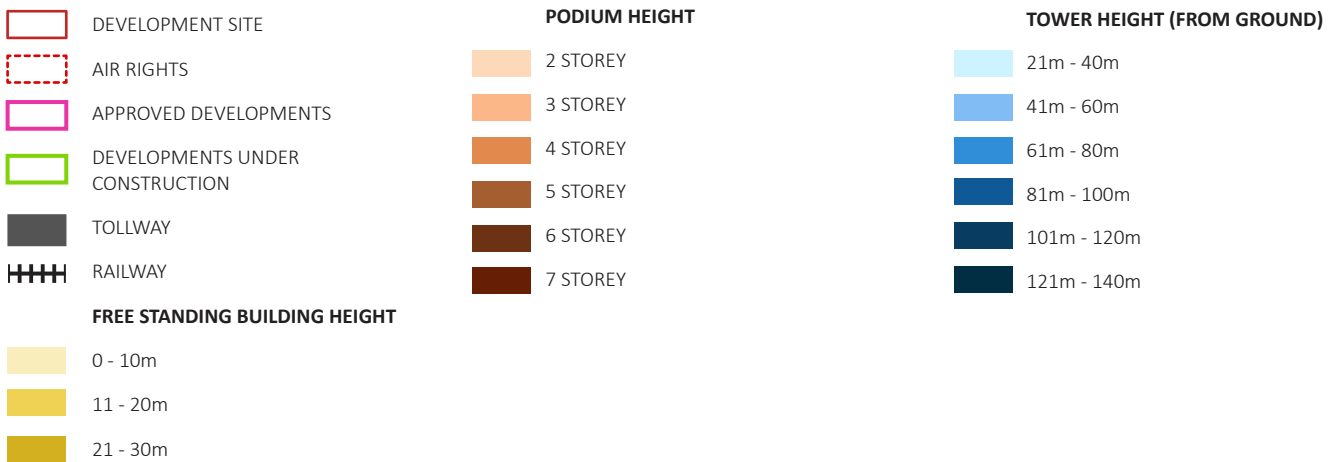
The Development Sites can play a role in delivering interesting tower forms which contribute to a varied skyline whilst not competing with the presence of the Wheel and other prominent towers in NewQuay.

The Development Sites also provide the opportunity to form key markers to the north of Docklands Drive, to what is a currently low-scale 2 storey built form, improving the legibility of the area.

SUMMARY OF EMERGING BUILT FORM ANALYSIS

- The emerging built form in NewQuay is of podiums and towers of varying shapes and heights due to the height control in DDO54 being preferred rather than mandatory.
- Land to the north of Docklands Drive has limited presence due to its low scale nature and does not respond to the opportunity this urban renewal precinct provides for.
- At 2-5 storeys, DD does not provide a marker in the precinct. Punctuating DD with taller forms on the Development Sites will create a visual marker and further contribute to the a varied and interesting skyline.

Figure 10. Emerging Built Form



3.3.4 The Public Realm

The public realm in the BPP varies in quality and consistency. South of Docklands Drive, NewQuay provides a public boulevard along the waterfront that is landscaped and activated by restaurants and cafes at the ground floor. This activation extends along the frontage to NewQuay Central Park, an important pocket of public open space within the BPP. Any new built form on the Development Sites should ensure the amenity within NewQuay Central Park is maintained.

The public realm around DD and the land to the north of Docklands Drive lacks passive surveillance. DD is an internalised shopping centre with laneways lined with shops and cafes.

These laneways are closed to the public in the evening. Due to the internalised nature of DD, it leaves a considerable amount of its external edges blank and inactive. Along Pearl River Road, aside from the south east corner with Docklands Drive, DD presents inactive frontages. This interface is predominantly utilised for back of house functions loading and car parking. The western side of Pearl River Road also presents a blank facade. The poor public realm along Pearl River Road necessitates the importance of providing active frontages on the proposed SW facade.

Waterfront Way has a slightly better public realm, with some activation through entrances to DD and a small temporary pocket park. Again the SE development site provides an opportunity to provide further activation in the public realm.

The insertion of new buildings and uses into the Development Sites would improve the public realm by contributing to increased activation, by providing openings and active frontages to the ground plane, and increasing passive surveillance of the streets from the development above.

Furthermore, to ensure amenity of the public realm (and in particular NewQuay Central Park) is further protected, any development on the Development Sites should consider the potential shadow impacts to the NewQuay Central Park, particularly during the middle of the day.






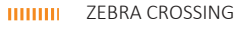











Generally, the BPP benefits from public realm landscaping and extensive street tree planting which overtime will mature to full canopy trees along key boulevards.

SUMMARY OF PUBLIC REALM ANALYSIS

- Pearl River Road and Waterfront Way frontages have predominately blank walls which delivers an unsafe, uninteresting and poor public realm outcome.
- The waterfront and NewQuay Central Park provide a positive public realm contribution and should be protected from additional shadow (including the footpath immediately north of the park).

Figure 11. Public Realm Interfaces

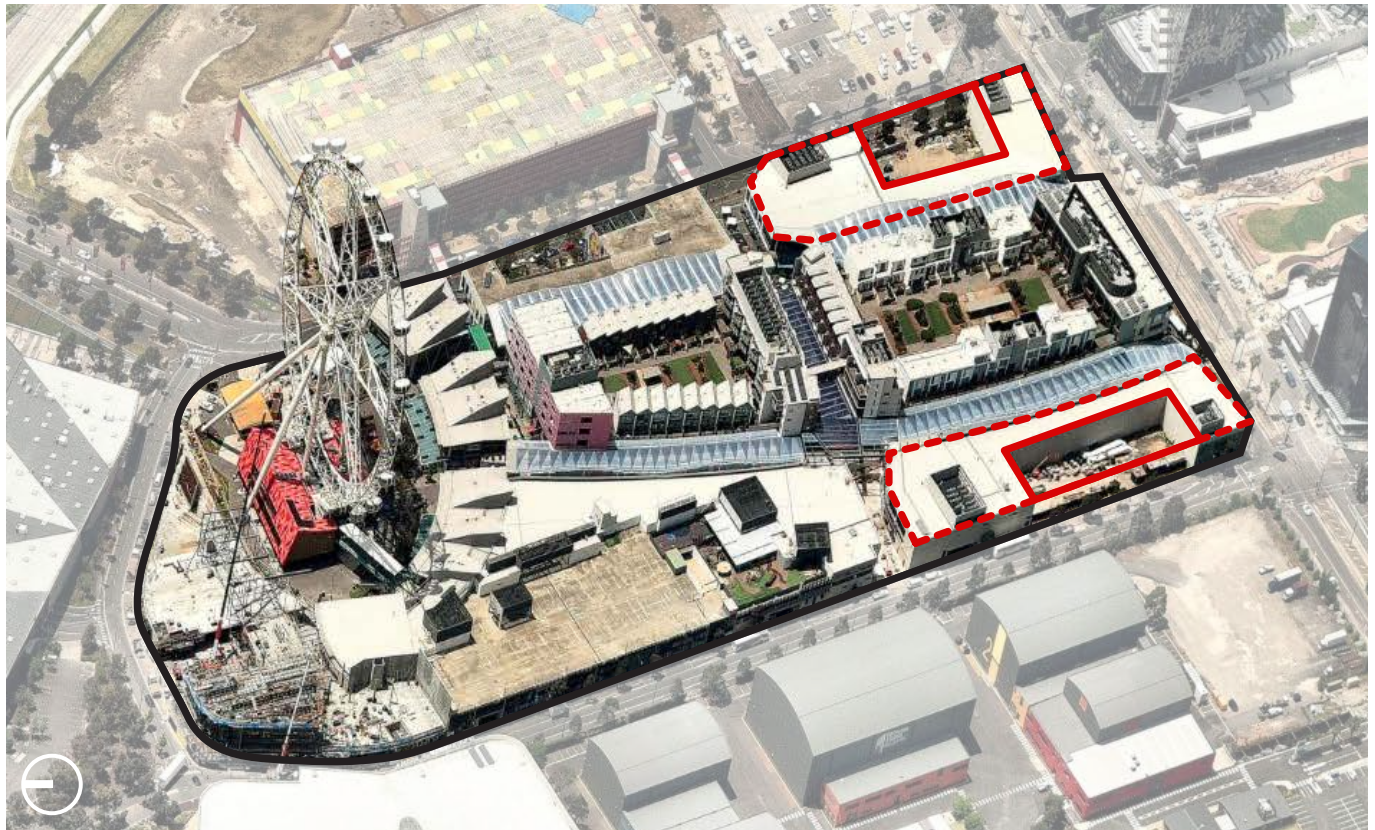


- | | | |
|--|---|---|
|  DEVELOPMENT SITE |  ACTIVE FRONTAGE |  FOOTPATH |
|  AIR RIGHTS |  PASSIVE FRONTAGE |  ZEBRA CROSSING |
|  TREES |  BLANK WALL |  SIGNALLED PEDESTRIAN CROSSING |
|  BUS ROUTE |  PRINCIPLE PEDESTRIAN ROUTES |  PEDESTRIAN BRIDGE |
|  BUS STOP |  PRINCIPLE VEHICLE ENTRIES |  NEWQUAY CENTRAL PARK |
|  TRAM LINE | | |
|  TRAM STOP | | |

3.3.5 Off-site Amenity

The top two levels of DD are residential apartments which surround communal open space. As the Development Sites abut a sensitive residential interface, there may be potential off-site amenity impacts with respect to visual bulk, overlooking and overshadowing. Therefore the building envelopes prepared on the Development Sites will need to consider off-site amenity.

Figure 12. Aerial view of DD, upper level apartments and communal open space



-  DEVELOPMENT SITE
-  AIR RIGHTS
-  DISTRICT DOCKLANDS



3.3.6 Views and Vistas

The policy context places importance on the protection of views (and vistas) within Docklands, particularly to and from the CBD, the waterfront of Victoria Harbour and the Wheel.

Given the proximity of the Development Sites to the Wheel, which is a key landmark and tourist destination in Docklands, it is important to consider and analyse the potential visual impacts on views associated with the proposed built form on the Development Sites.

Accordingly, an observational and photographic study of important views was undertaken. The analysis was undertaken either:

- From the ground plane in the BPP and Docklands, to determine the range of views available towards the Wheel and to ascertain the impact tall buildings proposed on the Development Sites may have.
- From the Wheel looking towards the key views to determine the impact the Development Sites may have.

The analysis makes a key distinction between views (close range) and vistas (long range).

Views can be defined as follows:

- Close range – generally within several hundred meters.
- Scale and distance are perceptible.
- Affect the experience in the public realm where the immediate surrounds dominate the visual experience.
- Offers glimpsed views between buildings which rapidly change as one moves.

Vistas can be defined as follows:

- Long range – generally above the 1km range.
- The perception of scale and distance merge and are distorted.

- The vista comprises of a foreground created by the leading edge and with the built form behind and above opening up to form a silhouette to the sky.
- Offers glimpsed views between buildings which are slow to move.

Views to the Wheel

To understand the impact the built form on the Development Sites may have on views to the Wheel, key view points were identified (Figure 13) with corresponding photographs at Figures 14-18. The photos depict key views to the Wheel from the waterfront and surrounds at the ground plane.

The following observations were made:

- At a close range near DD some views to the Wheel, as shown in Figure 14, will be obscured by built form on the Development Sites. Just a few metres away the view to the Wheel opens up again.
- The podium and tower building forms that line the waterfront largely screen close views to the Wheel as shown in Figure 16. However, there are glimpsed views of the Wheel available between the towers and along the streets. Structures on the Development Sites would affect View point 3b.
- Views north from the NewQuay Central Park offer uninterrupted views towards the Wheel over DD, as shown at View point 3e. As the Development Sites are located on the eastern and western edges of DD, the view to the Wheel would remain uninterrupted but the new structures will form a framing element either side of the Wheel.

Figure 13. Views

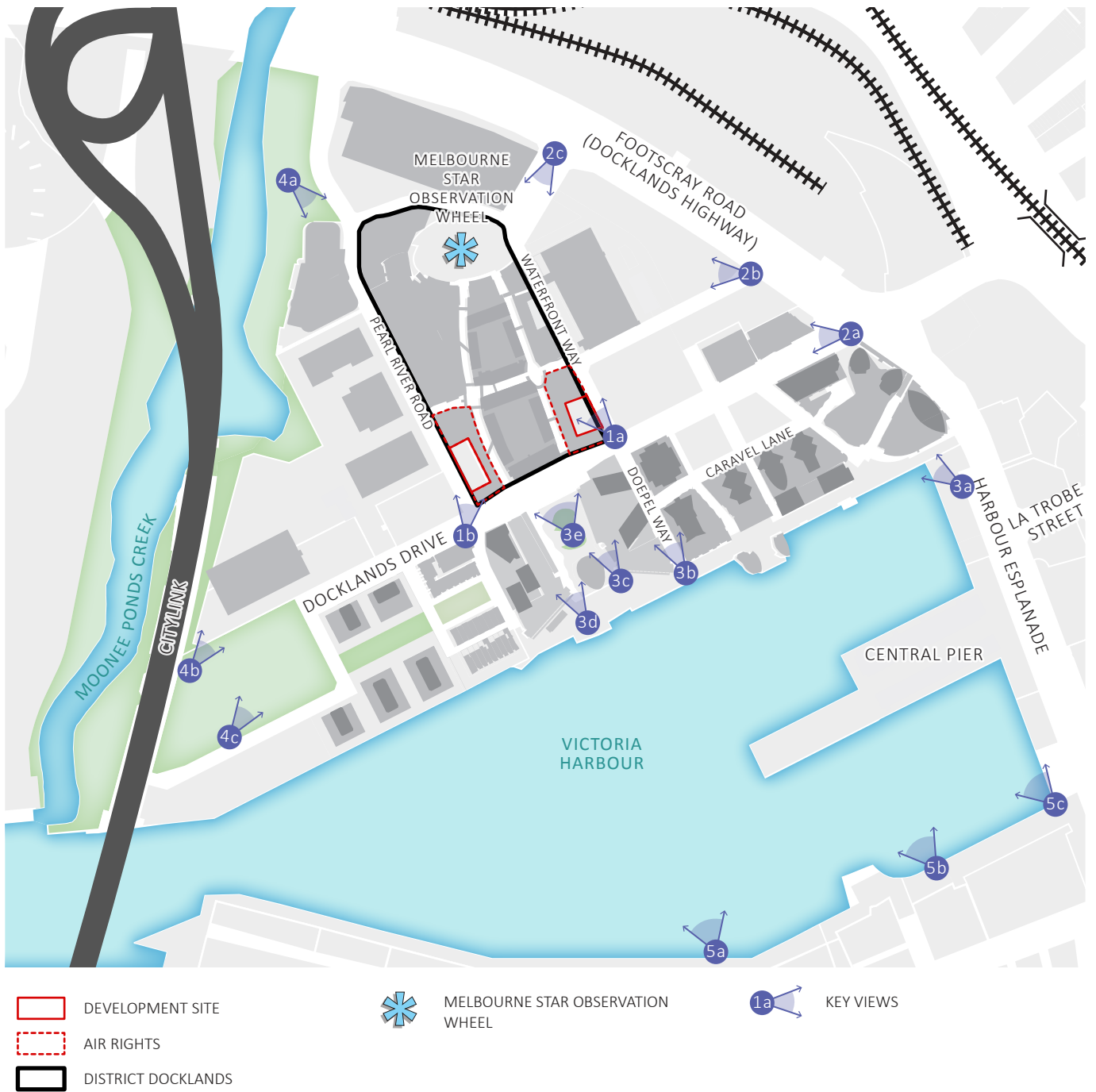


Figure 14. Views towards the Development Sites



Figure 15. Views from Footscray Road



Figure 16. Views from the waterfront and NewQuay Central Park

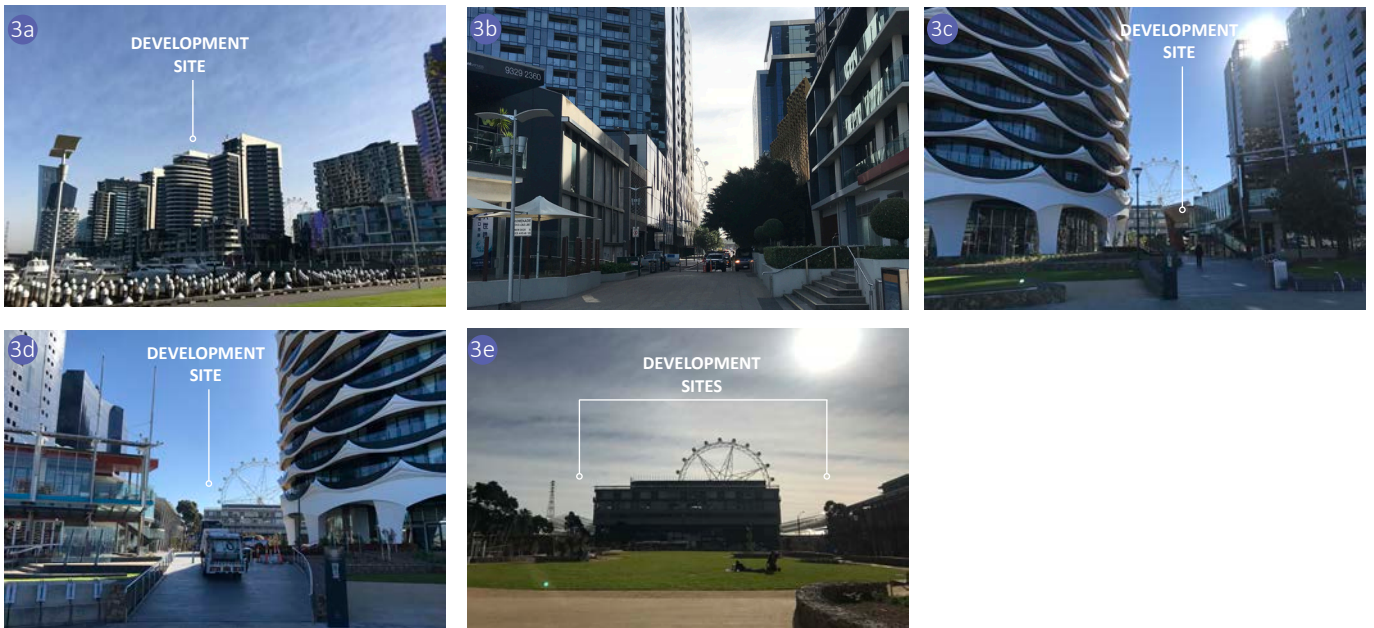
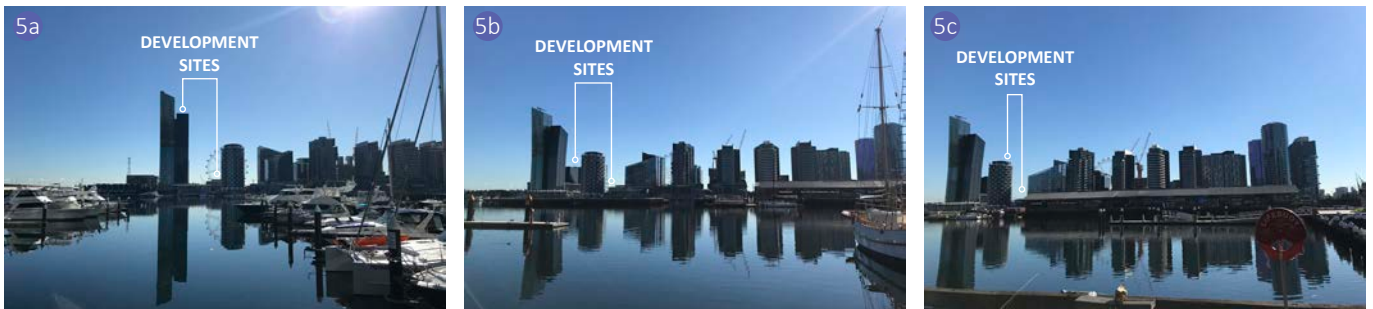


Figure 17. Views from the the Railway Reserve and Ron Barrassi Senior Park



Figure 18. Views across Victoria Harbour



- Footscray Road has the most uninterrupted view of the Wheel as shown in View point 2b and 2c. However, this view will slowly become glimpsed views as infill development emerges over time. This is illustrated by View point 2a, where the Kaplan Business School building obscures views to the Wheel from the corner of Docklands Drive and Footscray Road.
- The western parks and linear reserve area offers open views over the low-scaled studio structures towards the Wheel and Marina, as shown in Figure 17. Structures on the Development Sites will not interrupt View points 4a-c.
- Built form on the Development Sites will have limited impact on the northern view across the Victoria Harbour waterfront to the Wheel, as shown in Viewpoint 5a. The new structures will form a framing element either side of the Wheel amongst the other existing towers.

- The more oblique views across Victoria Harbour waterfront to the Wheel are largely obscured by existing towers as shown in Viewpoint 5b and 5c. Structures on the Development Sites may partially block these views in some instances.

Overall, given the variety and multiple opportunities to see the Wheel, taller buildings on the Development Sites will not reduce the visual impact of the Wheel to act as a visual and wayfinder marker in precinct.

Views from the Wheel

To understand the potential impact of built form on the Development Sites to the views and vistas from the Wheel, a view cone analysis and photographic study from the top of the Wheel was undertaken. This is illustrated at Figures 19 and 20.

The following observations were made:

- The views and vistas that open up change depending on where the Wheel is in its cycle.
- From the Wheel, a combination of foreground views to Victoria Harbour and Docklands are available from the moment the ride commences. The focus of these views change as the ride reaches its peak at 120m.
- Foreground views to the water of Victoria Harbour are predominately obscured by the buildings located between the Wheel and the water's edge. Glimpsed views to the water are available looking south between the Development Sites and across NewQuay Central Park or to the south west across the undeveloped sites in the NewQuay West area as illustrated in Figures 17 and 18.
- The Wheel, from the start of the ride to its peak at a height of 120m offers sweeping 360 degree vistas towards the horizon and features to the north, west and Port area, along with key vistas to Port Phillip Bay to the south and south east to the CBD skyline. Only Marina Tower at 140m at its peak punctuates the vista to the horizon of the Port Phillip Municipality and Port Phillip Bay and beyond.
- Over time as the proposed 72m to 120m buildings emerge in NewQuay West, the views and vistas south west to the Victoria Harbour and Port Phillip Bay may be further punctuated by towers.
- In terms of any future structures on the Development Sites, Figures 17 and 18 illustrate that only a small portion (approximately 17.5 and 19 degrees) of the views and vistas to the foreground and waterfront and potentially a portion of the vista to the Bay and horizon could be obscured by structures on the Development Sites. This also represents the "worst case scenario" because the height and massing of buildings on the Development Sites will be less than what the air right site area allows.
- While towers on the Development Sites will be closer than the other buildings, they are a sufficient distance from the Wheel to not completely close views and vistas.
- If the height of building on the Development Sites are less than Marina Tower (~140m), they will have a less significant impact on views and vistas from the Wheel and will sit as another layer in the foreground to the already existing and any future development in this part of Docklands.

SUMMARY OF VIEWS TO AND FROM THE WHEEL

- The views through the precinct to the Wheel will not be significantly or detrimentally impacted by tall buildings on the two Development Sites.
- Tall buildings on the two Development Sites will be within a confined section of the views and vistas from the Wheel which change depending where one is on the journey around the Star.
- The massing of the form and height of structures on the Development Sites can reduce the extent of visual impact to the views and vistas to and from the Wheel.

Figure 19. Vistas

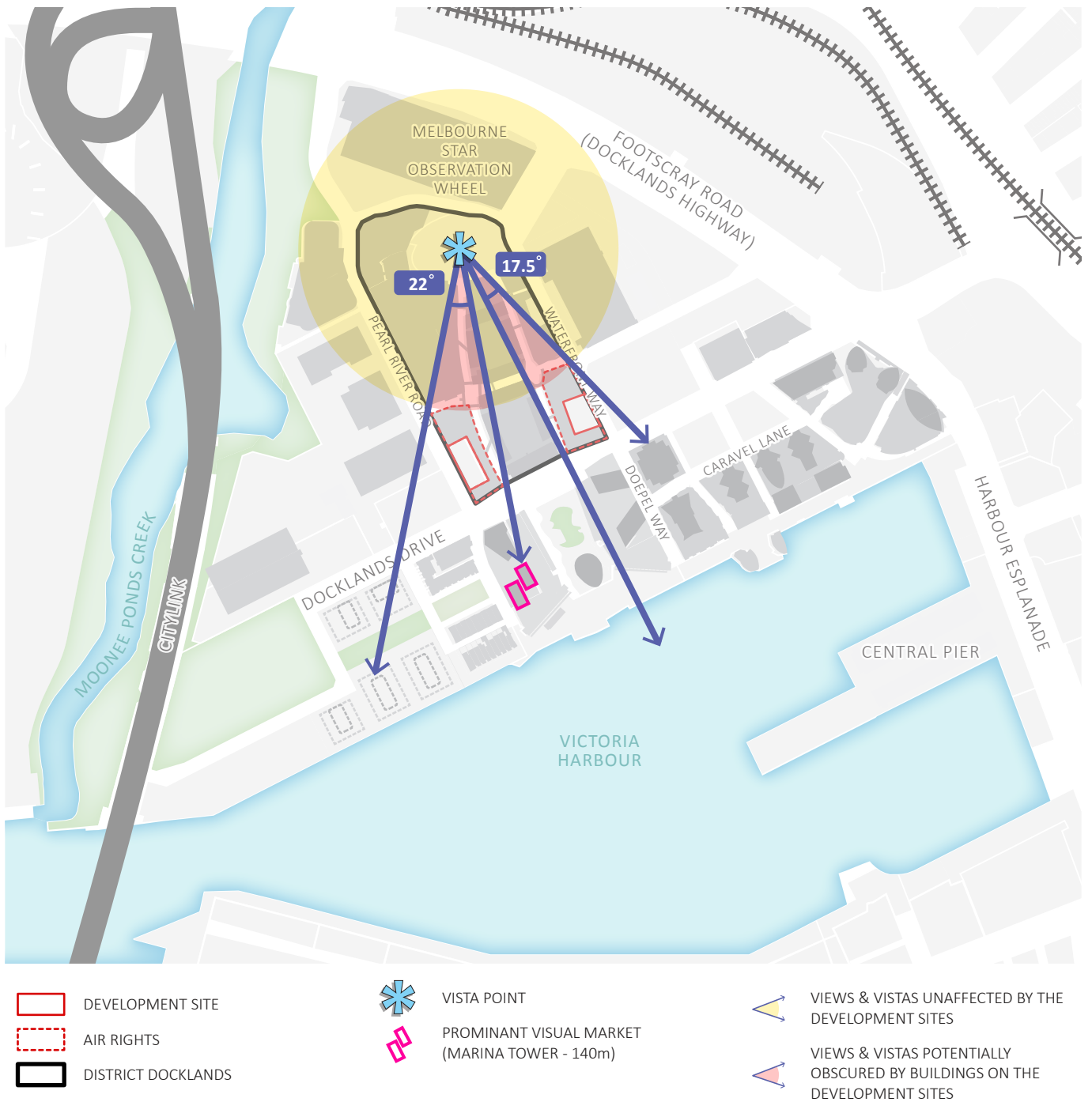
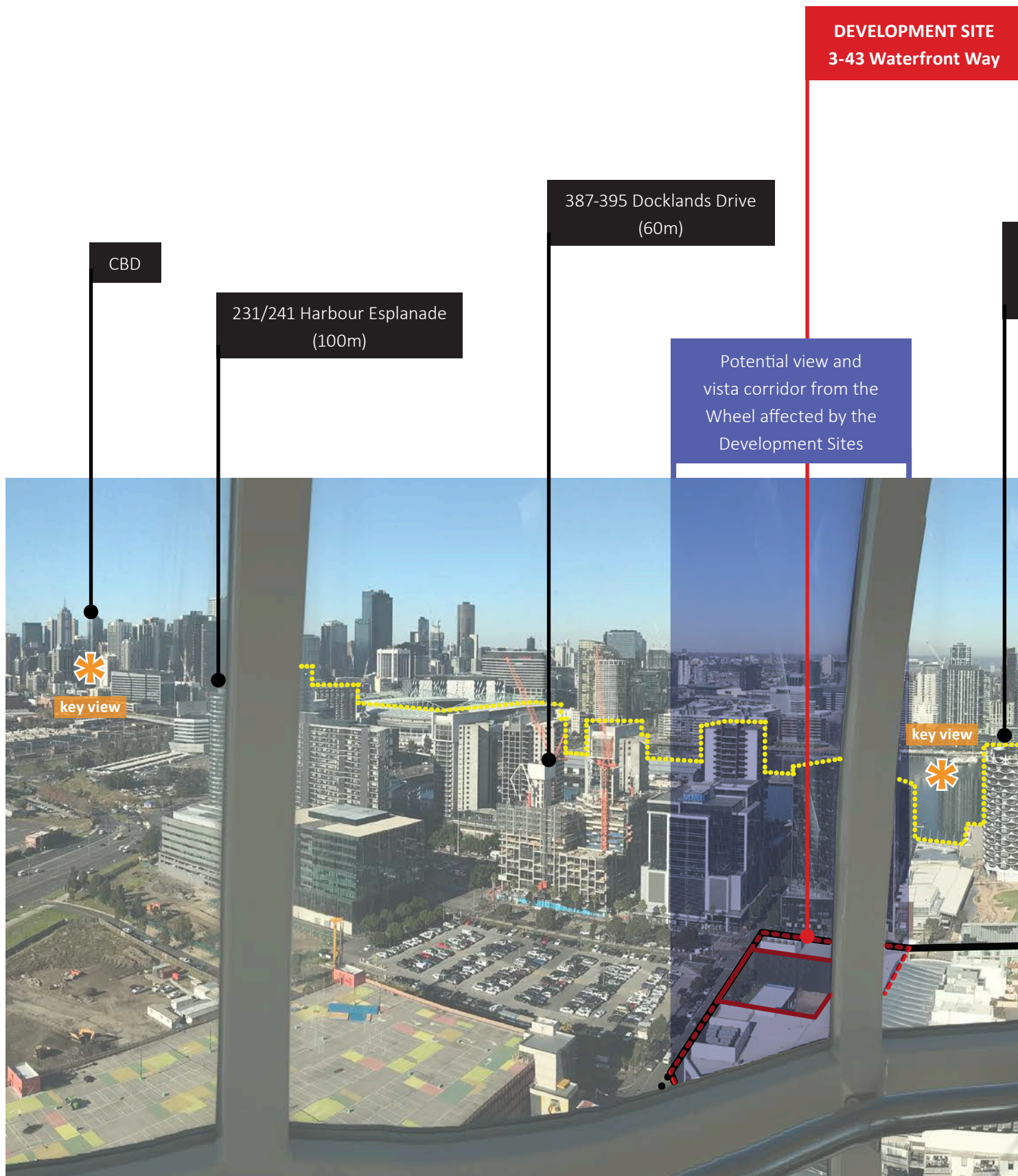
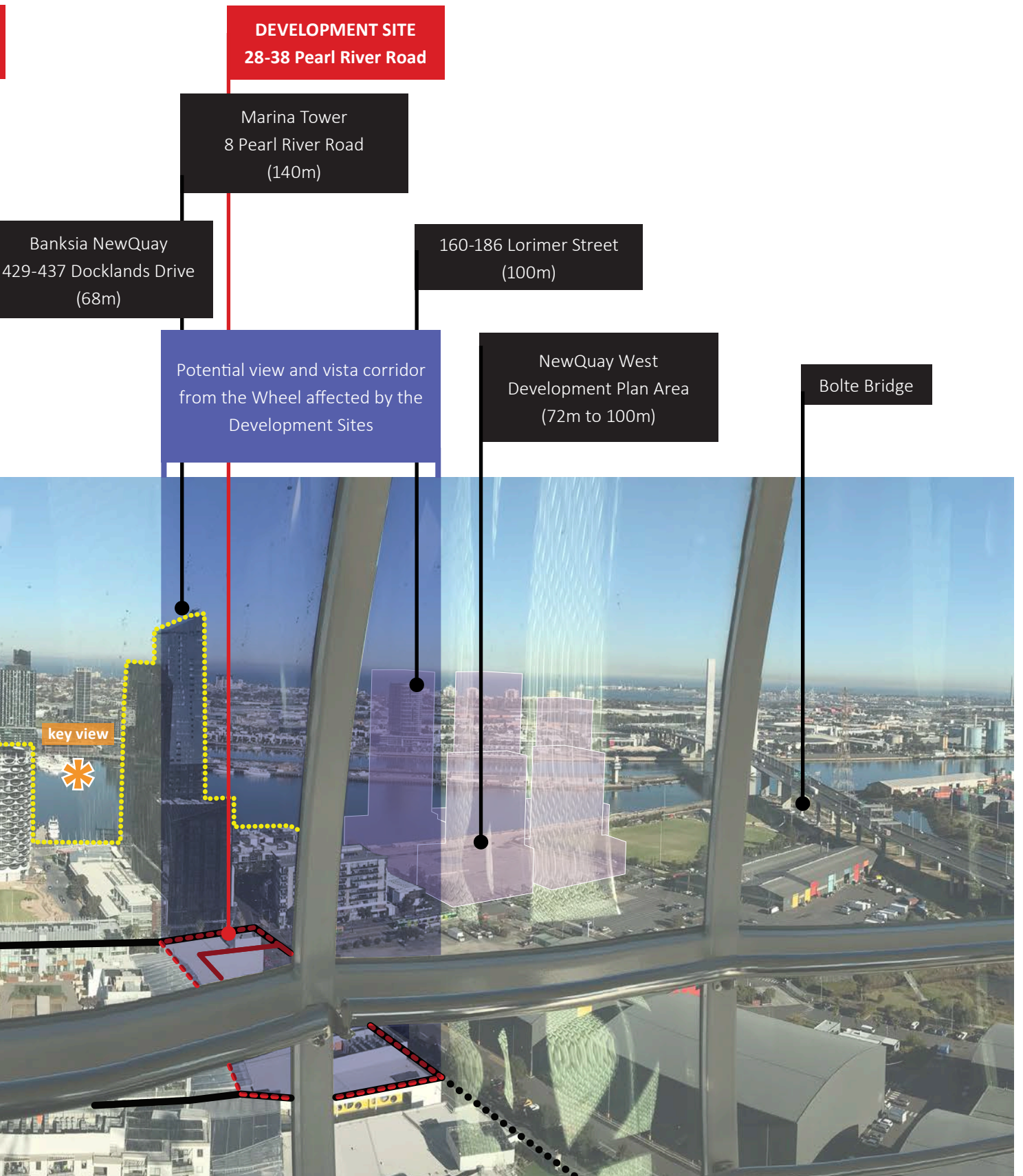


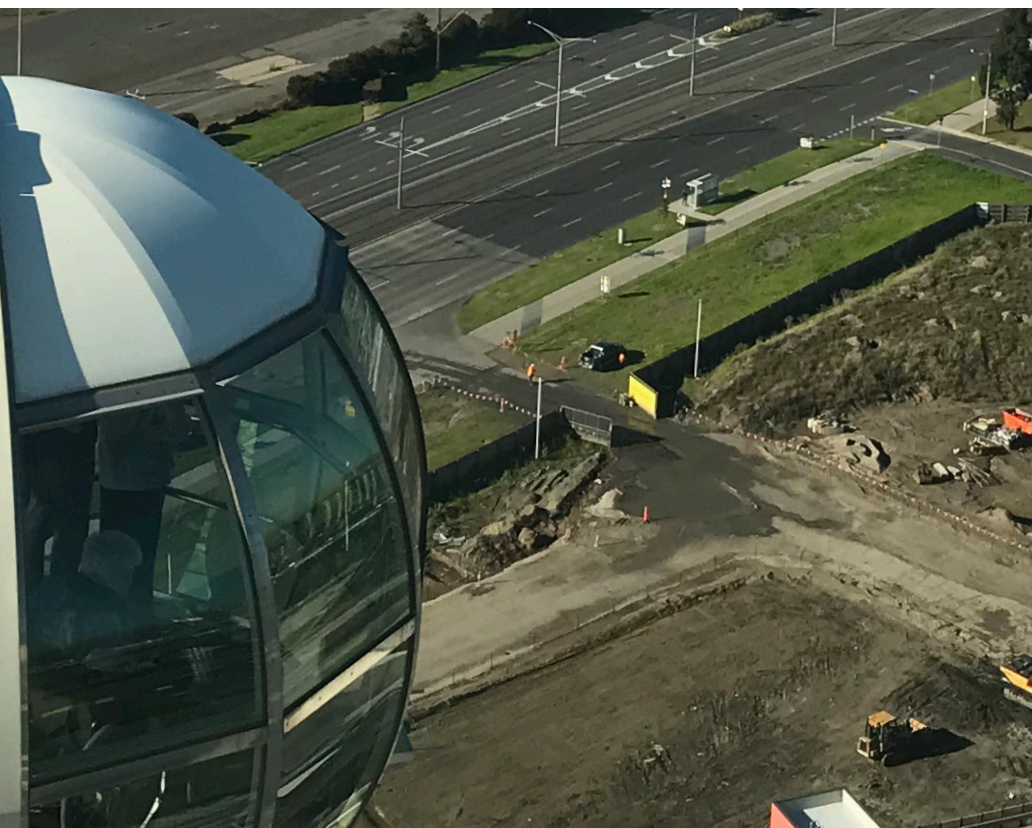
Figure 20. Photograph of Docklands and surrounding areas from the top of the Wheel







URBAN DESIGN PRINCIPLES



4.0

4.1 Introduction

Based on the analysis undertaken in Sections 2.0 and 3.0 of this report, a series of Urban Design Principles have been developed to guide the Development Plan for the DD.

The following Urban Design Principles have been prepared to ensure future development responds to the context.



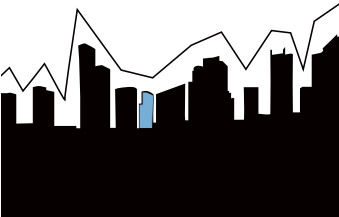
1. Urban Intensification

Optimise opportunities for urban intensification in response to the location in an urban renewal precinct, which is an extension of the CBD and its access to light rail.



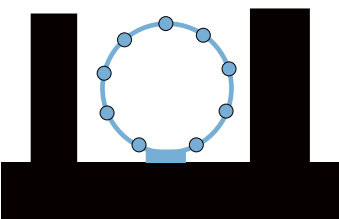
2. Emerging Character

Punctuate the existing 2-4 storey built form with tower forms above the street wall, responding to the emerging character in the surrounding blocks and creating a diverse built form.



3. Skyline

Scale tower forms to contribute to a visually interesting city skyline and urban backdrop that frames existing landmarks and public open space.



4. Views and Landmarks

Confine taller forms and building height to ensure views to and from the Wheel are not obstructed.



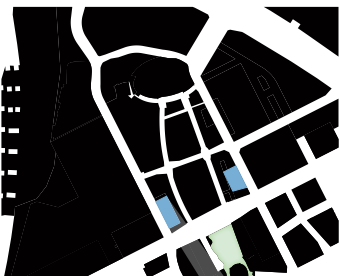
5. Urban Structure and Legibility

Locate towers to mark the key nodes of Docklands Drive and the Waterfront Way/ Pearl River Road loop to reinforce the legibility of this part of Docklands.



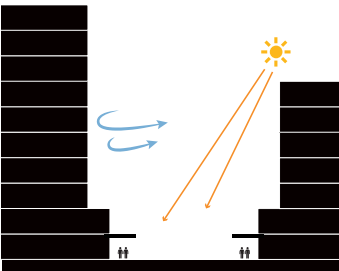
6. Active Edges

Ensure buildings provide activated edges where possible and an attractive built form to promote a vibrant and safe public realm.



7. Public Realm Overshadowing

Scale and shape future tower forms to ensure that NewQuay Central Park will be kept free from unreasonable overshadowing.



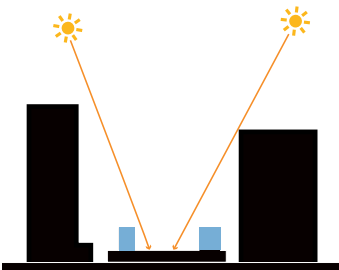
8. Street Environment (Microclimate)

Design buildings to ensure a comfortable street environment is achieved for pedestrians taking into account access to sun and wind effects at street level and on public open space.



9. Design Detail

Design buildings to provide ordered and interesting façades to the public realm that is reflective of both the existing and emerging built form context.

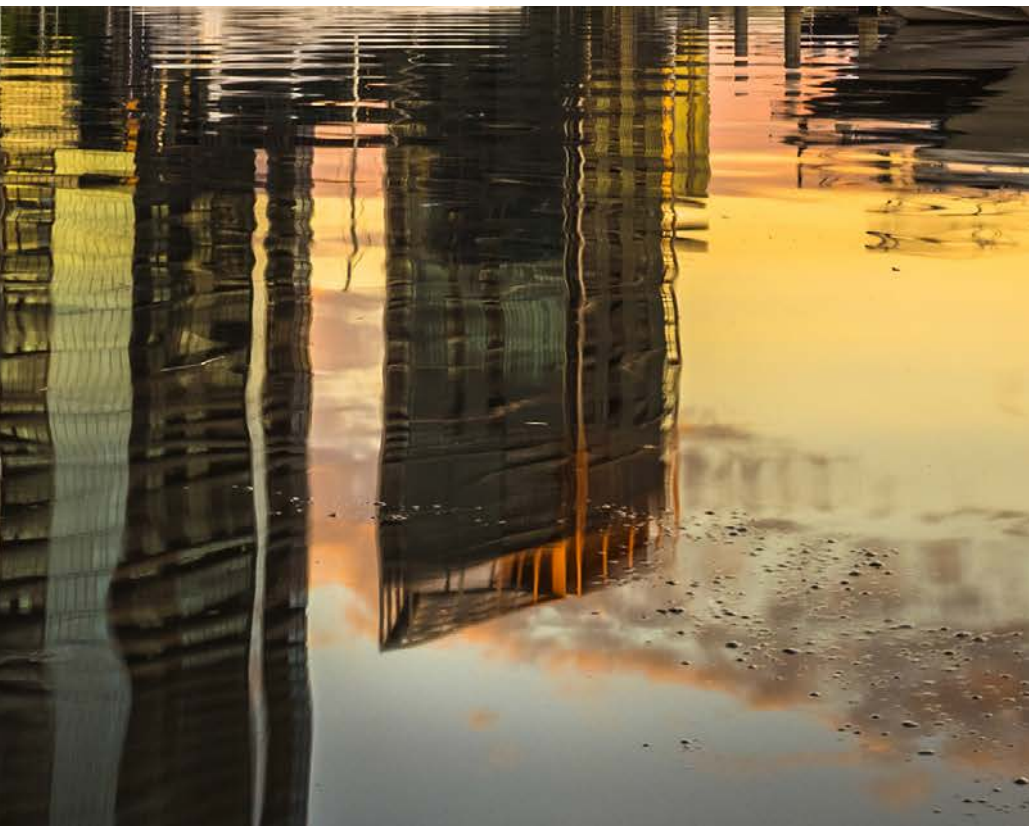


10. Existing Residential Amenity

Design buildings to ensure a reasonable amenity is maintained for existing residents in the DD precinct.



DEVELOPMENT PLAN



5.0

This section outlines the Vision, Objectives and Guidelines that form the Development Plan for the Development Sites, encapsulating the analysis at Section 3.0 and the Urban Design Principles at Section 4.0. The following sections also explain the various layers of analysis and assessment that have led to the proposed DP for the Development Sites.

The five themes of assessment are land use, built form, public realm, design detail and existing residential amenity.

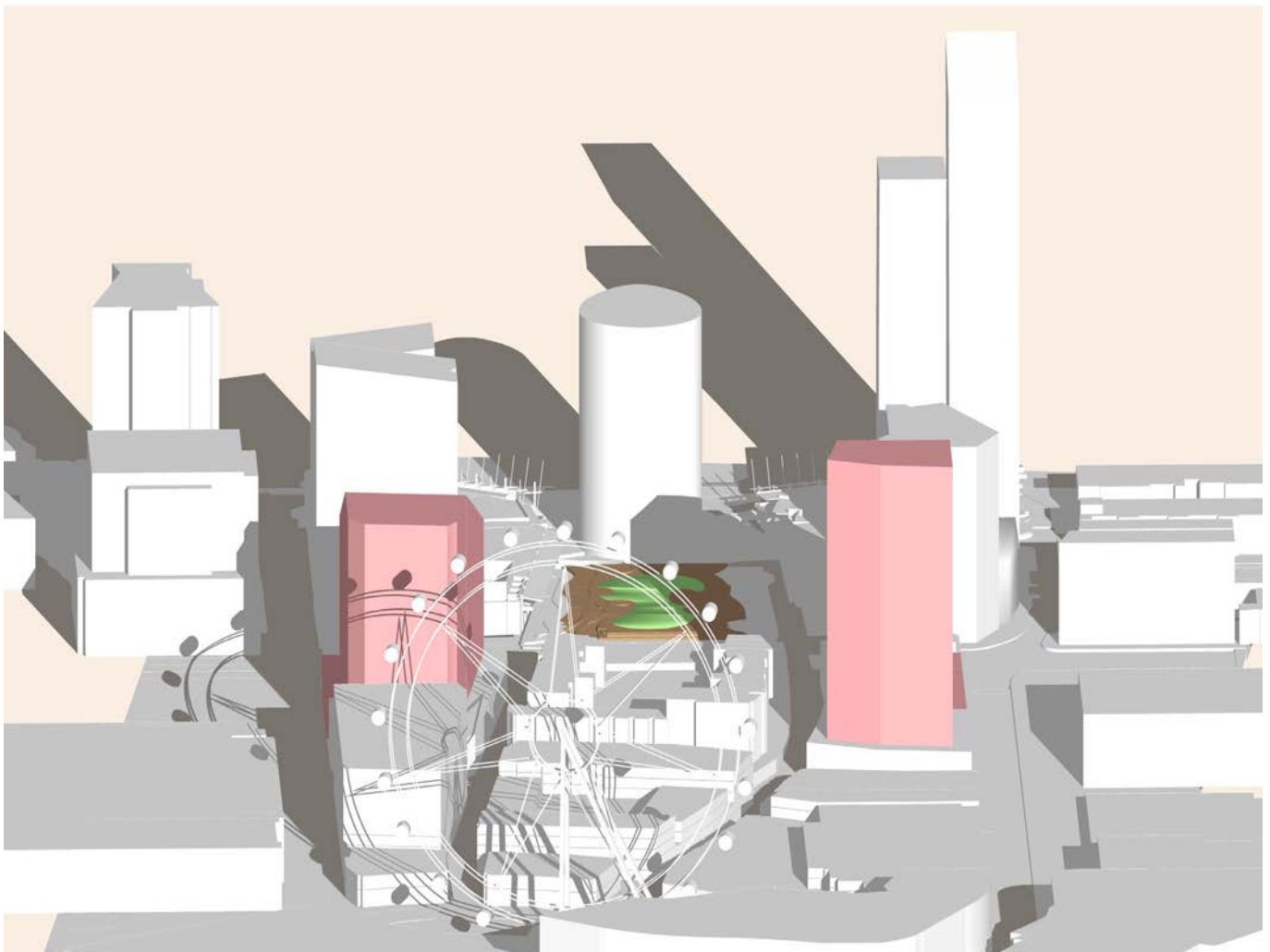
The Development Sites Development Plan is provided at Section 5.6.

Vision Statement

The Vision Statement for the Development Sites are as follows:

" A LIVELY AND INTEGRATED HIGH DENSITY, MIXED-USE PRECINCT WHICH BRINGS A VARIETY OF RESIDENTIAL AND WORK OFFERINGS CLOSE TO THE DISTRICT DOCKLANDS."

Figure 21. 3D Perspective of building envelopes on Development Sites



5.1 Land Uses

The Development Sites need to respond to the evolving land use mix in Docklands. As a regionally significant urban renewal precinct in the City of Melbourne, Docklands is a destination in its own right, with sporting facilities, recreational activities, entertainment, accommodation and other cultural activities.

Within the BPP and WFC, there is an eclectic existing and emerging land use mix. NewQuay along the waterfront generally consists of residential towers with commercial at ground floor. To the north of Docklands Drive, there are many attractors including the Wheel, ice skating rink, Costco and the DD.

There isn't, however, a strong residential, office component, or density that enlivens the precincts to the north of Docklands Drive. The area is lacking in land uses that attract people both day and night and a residential component, short or long term, that can support its viability.

Based on this need, the Development Sites will accommodate a mix of uses complementary to DD and the surrounding areas. This will include office, accommodation (hotel), residential and retail. To embed commercial uses, the development of the SW site will be contingent upon any planning permit issued including a condition that requires commercial floorspace via a S.173 agreement. Further to this, a maximum gross floor area limit is provided to ensure the Development Plan building envelopes are not filled with structures. The following objectives and guidelines underpin the desired land use mix.

RELEVANT UD PRINCIPLE

*Urban
Intensification*



Land Use Objectives

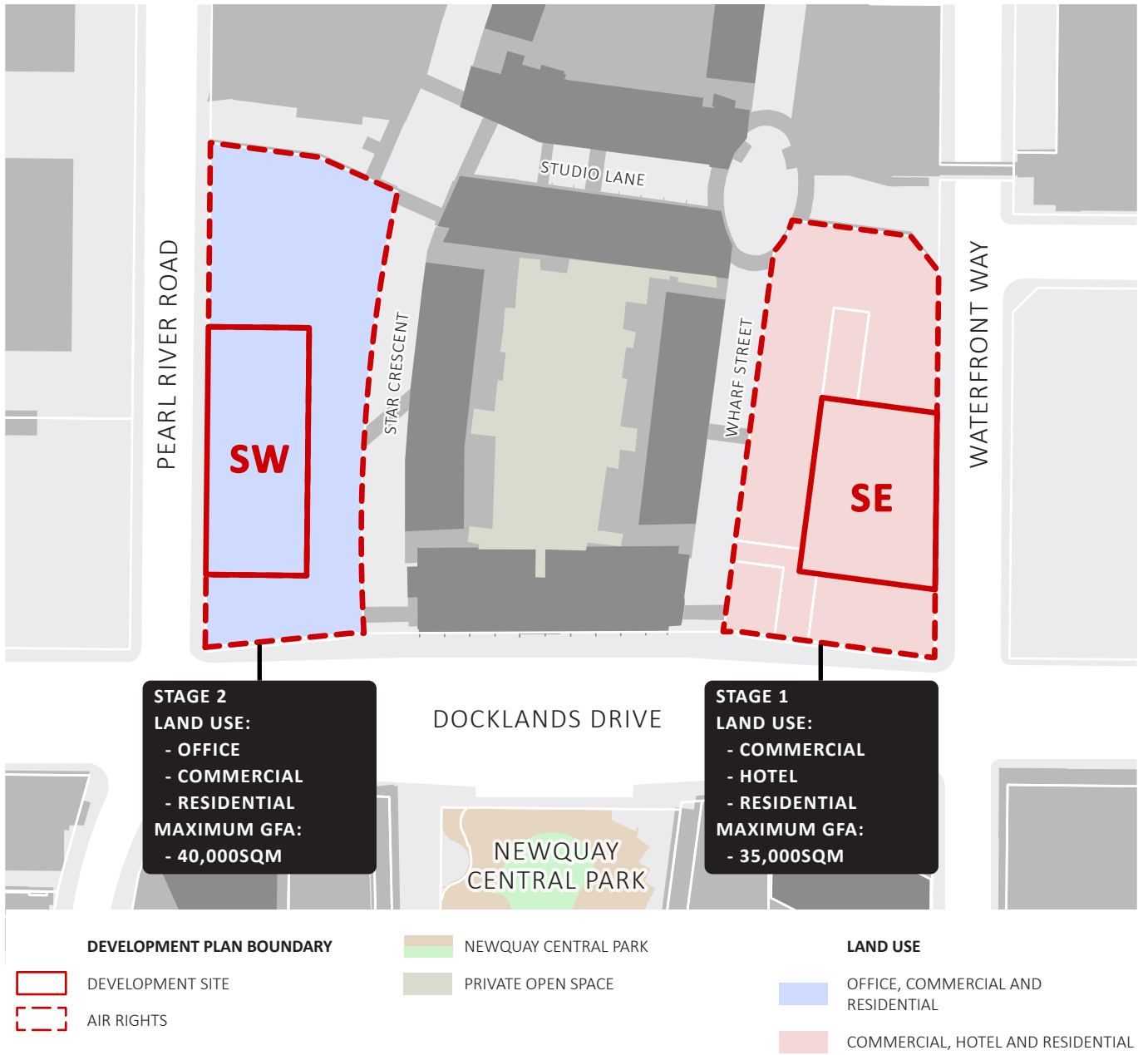
- Contribute to distinct, liveable, mixed-use developments that operate day and night to attract residents, workers and visitors to the area.
- Deliver sustainable, higher density living and habitation diversity for short, medium and long term residents.
- Provide hotel accommodation and conference areas to complement and contribute to the entertainment and services role of DD.
- Incorporate office space within the Development Sites.

Land Use Guidelines

The following strategies guide the Development Plan:

- Hotel/ serviced apartments and residential uses in the SE Development Site with an estimated Development GFA range of 35,000 sqm.
- Commercial/office and residential uses in the SW Development Site, with an estimated Development GFA range of 40,000 sqm.
- Provide complementary retail or services uses at ground level where possible.

Figure 22. Land Use Plan



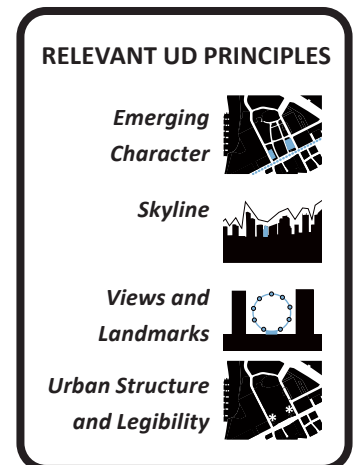
5.2 Built Form

The Development Sites have always been identified as “strategic redevelopment sites”. Any proposal on the Development Sites needs to respond to both the existing and emerging built form character within WFC and DD. The existing character along the waterfront to the south of Docklands Drive forms both physical and visual extensions of the Hoddle Grid with towers punctuating the skyline. The emerging character and any development plan approved sites replicate this character.

The area north of Docklands Drive generally consists of buildings of 2-6 storeys with a large grain and commercial in nature. The Development Sites are surrounded by DD built form of 2-7 storeys, which is visually subservient compared to the south of Docklands Drive. The highest form north of Docklands Drive is the Wheel, which creates a distinct marker in Docklands. Views to and from the wheel are important visual and policy consideration in the future development of the Development Sites. Another relevant point is the existing approved and soon to be constructed development on the SE Development Site.

Based on these distinct observations of existing and emerging characters, the proposed building envelopes for the Development Sites (SE and SW) have been designed to fulfil their role as strategic redevelopment sites to:

- Create distinctive visual markers to the north of Docklands Drive and presence of DD as a local focal point and wayfinding markers, which will fit in the existing and emerging skyline without visually dominating.
- Manage how they will impact views to and from the Wheel.
- Ensure the overall height proposed in the building envelopes manage overshadowing impacts to NewQuay Central Park.
- Provide a street wall to respond to the existing character on each interfacing street.



The following objectives and strategies guide the future built form outcome within the building envelopes to manage public realm impacts, response to character, street integration and impact on views.

Built Form Objectives

- Encourage a street wall definition that responds to its street width and positively contribute to the public realm.
- Encourage building forms which vary in height and form, which contribute to an attractive and interesting skyline when viewed from a distance.
- Encourage architecturally diverse and unique buildings that serve as local focal points to assist with wayfinding.
- Maintain reasonable views and vistas to and from the Wheel.

Built Form Guidelines

Street wall

- Provide street wall built to street edge that aligns with the existing DD built podium.
- Provide varied setbacks or other design technique above the existing street wall form of DD to create interesting relationships between the base and building envelope proposals.
- Implement a street wall or podium height of 5 storeys (no more than 18 metres).

Figure 23. Existing Streetwall Character along Docklands Drive



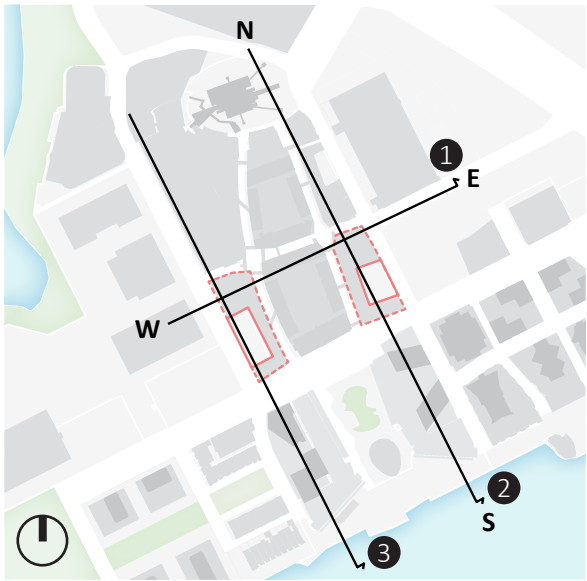


Figure 24. Section 1: East-West Height Transition

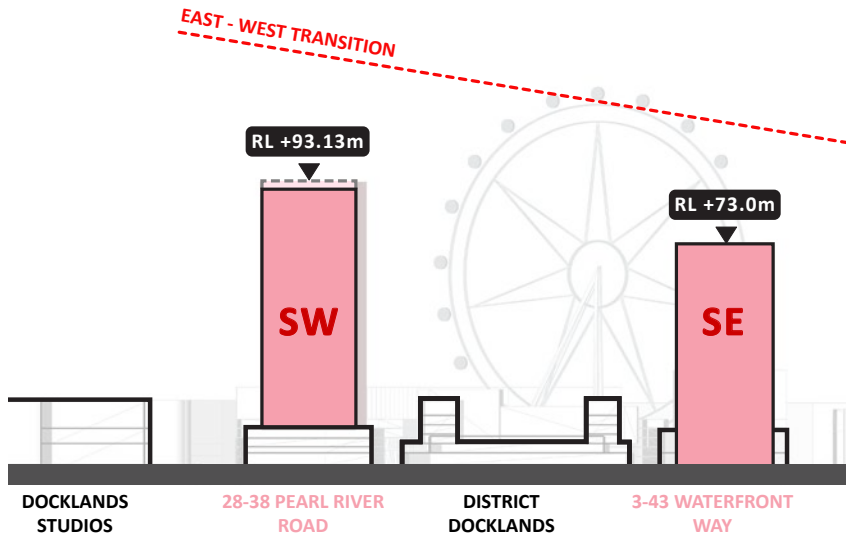


Figure 25. Section 2: North-South

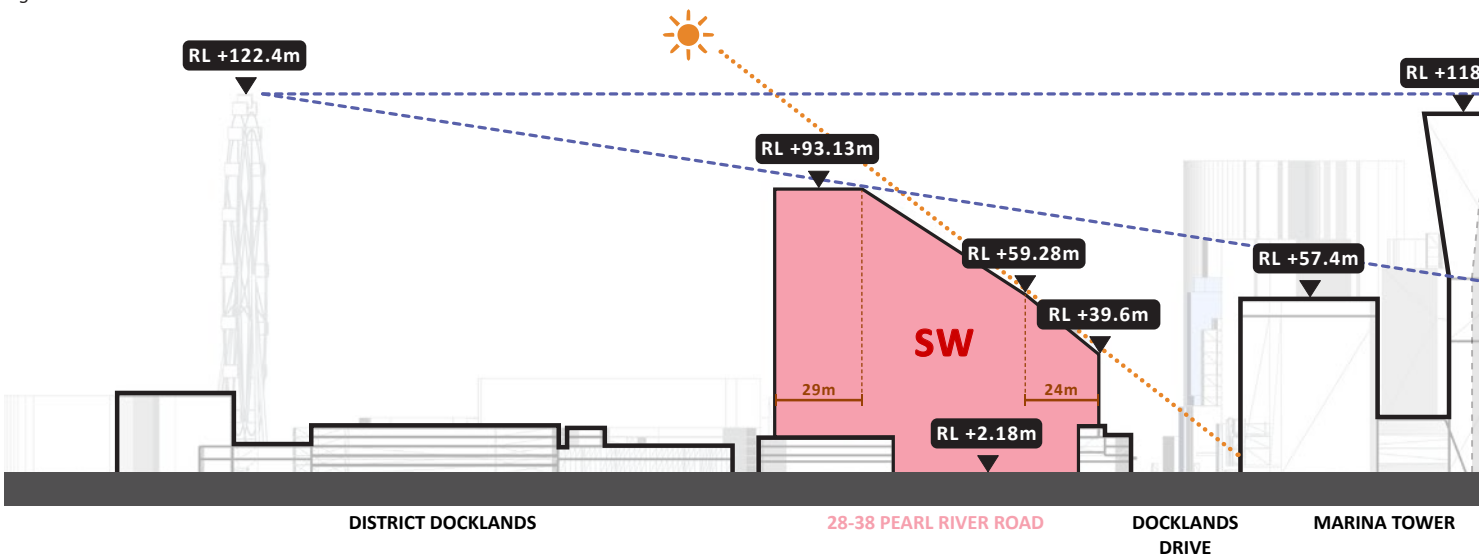
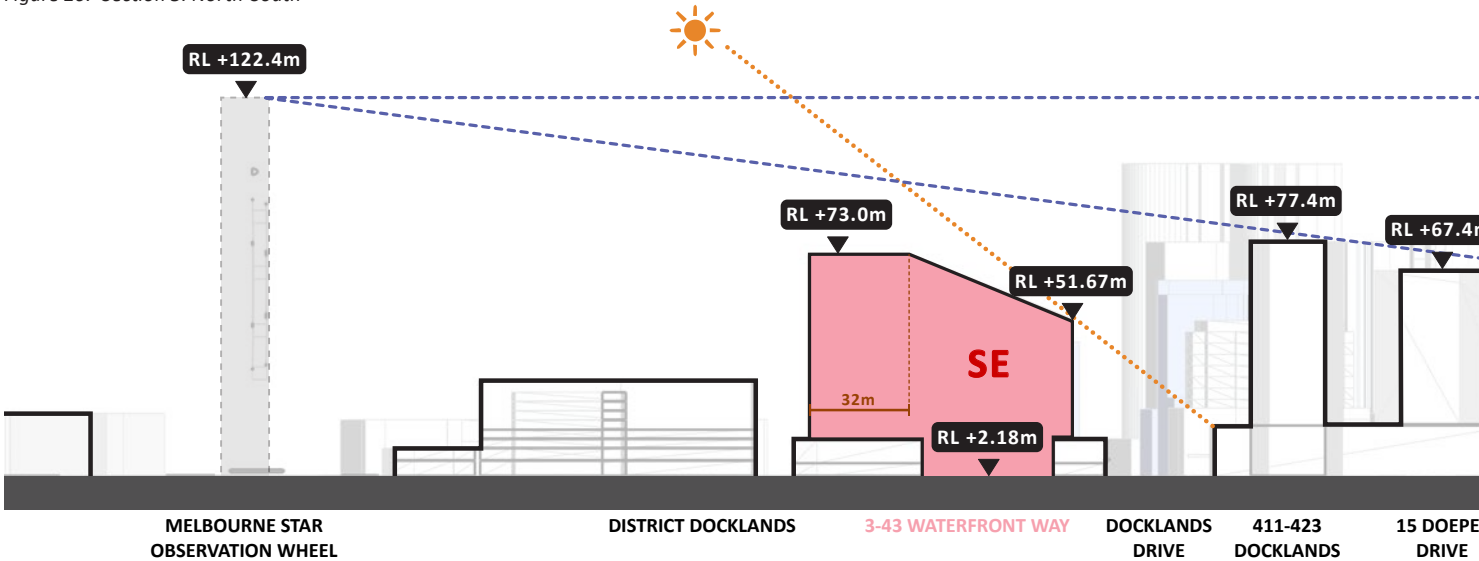
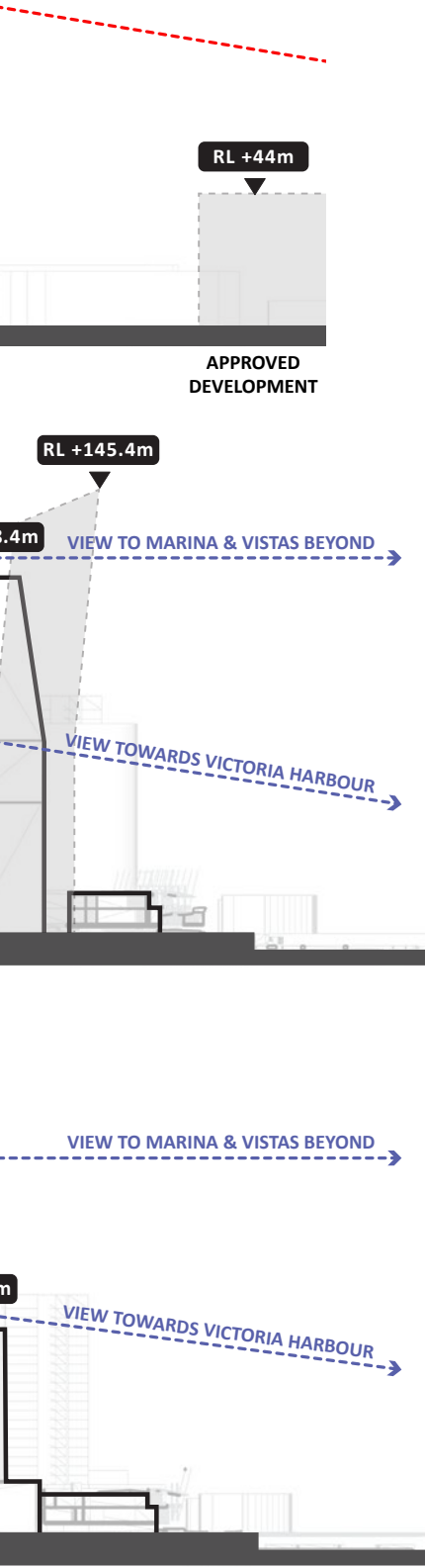


Figure 26. Section 3: North-South



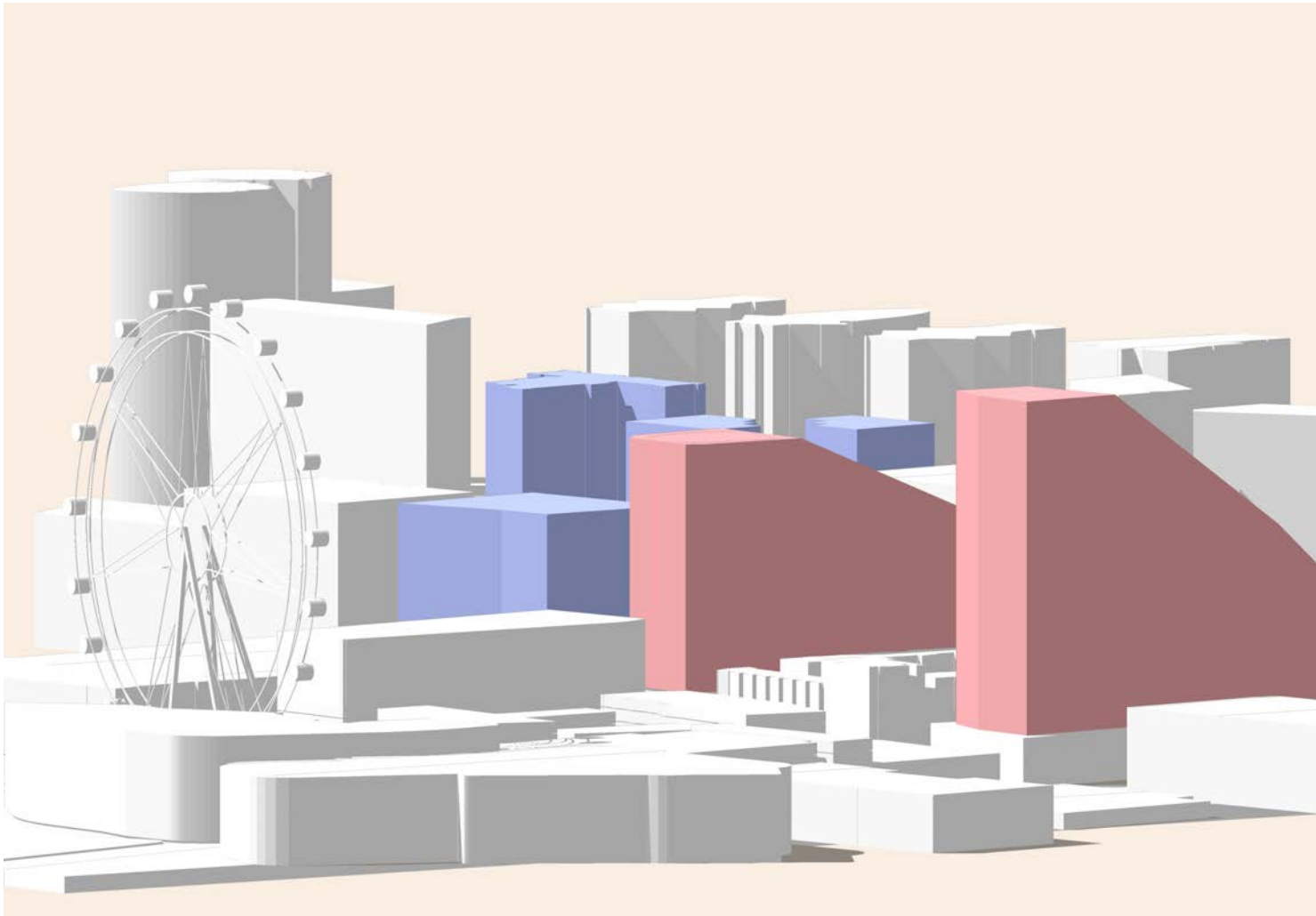
Tower forms


- Facilitate air right developments above the existing low rise form, subject to managing off-site amenity.
- Provide 5m tower setbacks from the podium form to ensure the higher elements as read as distinct from the lower form. Tolerance for encroachment into this setback by the SE Development Site is acceptable to accommodate the existing approval.
- Buildings should be no greater in height than as shown at Figures 27-29, subject to overshadowing testing as required at Figures 35-39.
- Encourage multiple tower forms and a range of design techniques to minimise visual bulk.
- Orient towers north/south and positioned to minimise overshadowing to NewQuay Central Park and existing or proposed communal open space.
- Ensure buildings have a minimum 10m building separation to maintain internal amenity which is appropriate to the proposed use.
- Ensure new buildings integrate with the existing built form services or screened plant areas to avoid an adverse impact on their functioning.
- Ensure new buildings integrate with co-locating of any services or screen plant to avoid an adverse impact on the public realm.

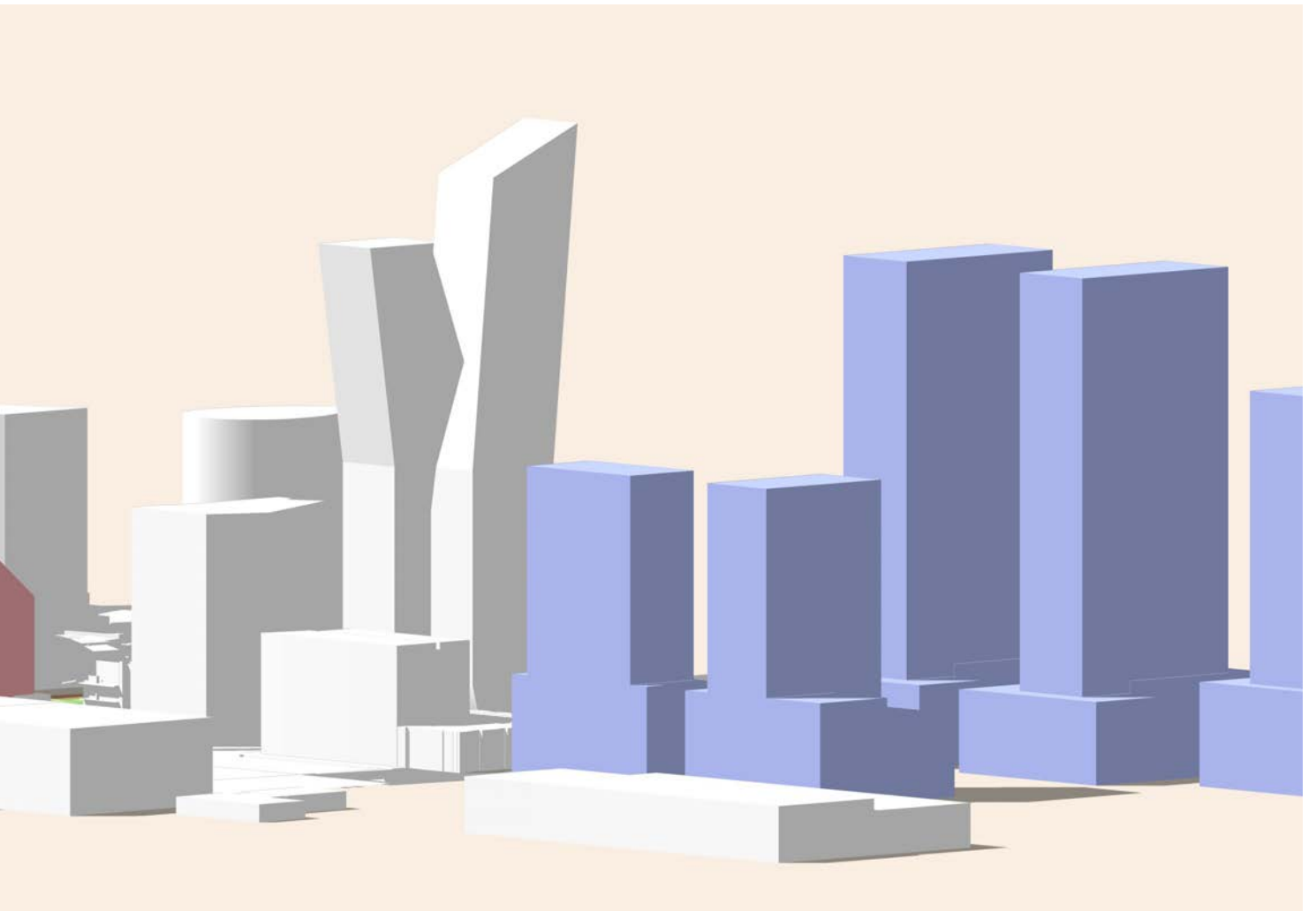


- BUILDING ENVELOPE
- BUILDING OUTLINE IN THE FOREGROUND

Figure 27. 3D Perspective of Building Envelopes in Relation to the Wheel and Surrounding Buildings



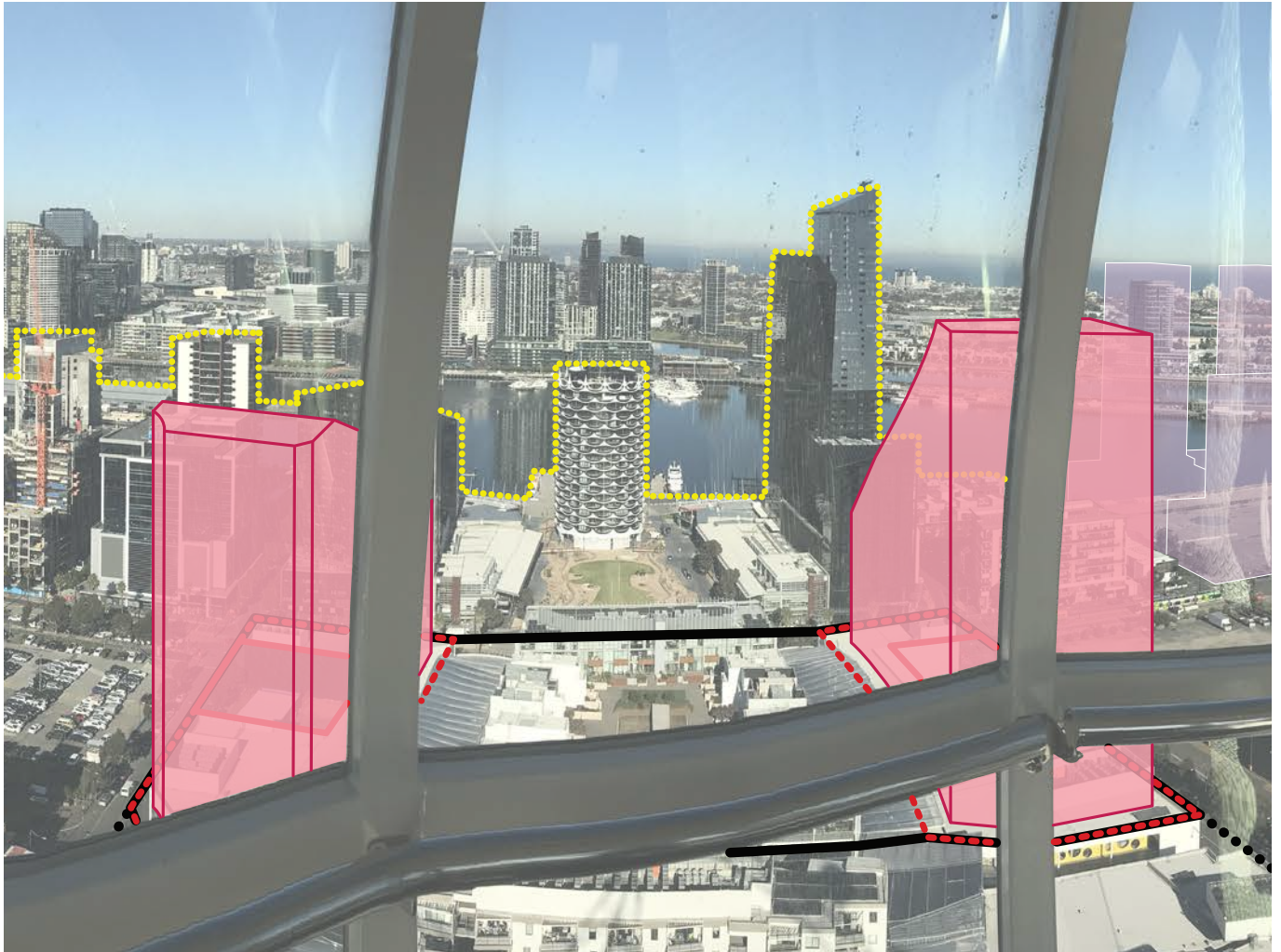
-  BUILDING ENVELOPE/
INDICATIVE TOWER FORMS
-  APPROVED DEVELOPMENTS



Views and Vistas

- Ensure glimpses of views of the Wheel are maintained from a range of near and far locations, particularly to frame the Wheel when viewed from the public open space at NewQuay Central Park.
- Ensure higher buildings do not form a wall of structure that entirely blocks the 360 degree views from the Wheel.
- Encourage multiple tower forms and a range of design techniques to minimise impact on views from the Wheel.
- Buildings should be well designed and with obscured plant area to consider the views of the building from the Wheel.

Figure 28. Proposed building envelopes and indicative massing of NewQuay West as seen from the top of the wheel



 BUILDING ENVELOPE

5.3 Public Realm

There is an opportunity for the Development Sites to contribute positively to the amenity of public realm through providing increased permeability, active frontages for passive surveillance and protection from the elements on Pearl River Road and Waterfront Way.

The following objectives and guidelines direct the future built form outcome within the building envelopes to improve the public realm.

Public Realm Objectives

- Improve the permeability of the Development Sites.
- Provide a street wall edge, active frontages and opportunities for passive surveillance to the public realm along street frontages.
- Ensure the built form maintains a high amenity to the public realm in terms of protection from the elements, solar access and is designed to mitigate wind impacts.
- Protect solar access to NewQuay Central Park.
- Ensure the proposal does not unreasonably impact on car parking and traffic in the area.

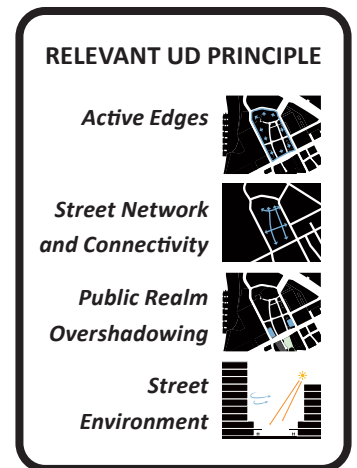
Public Realm Guidelines

Permeability

- Encourage improved links and permeability with neighbouring precincts and developments.

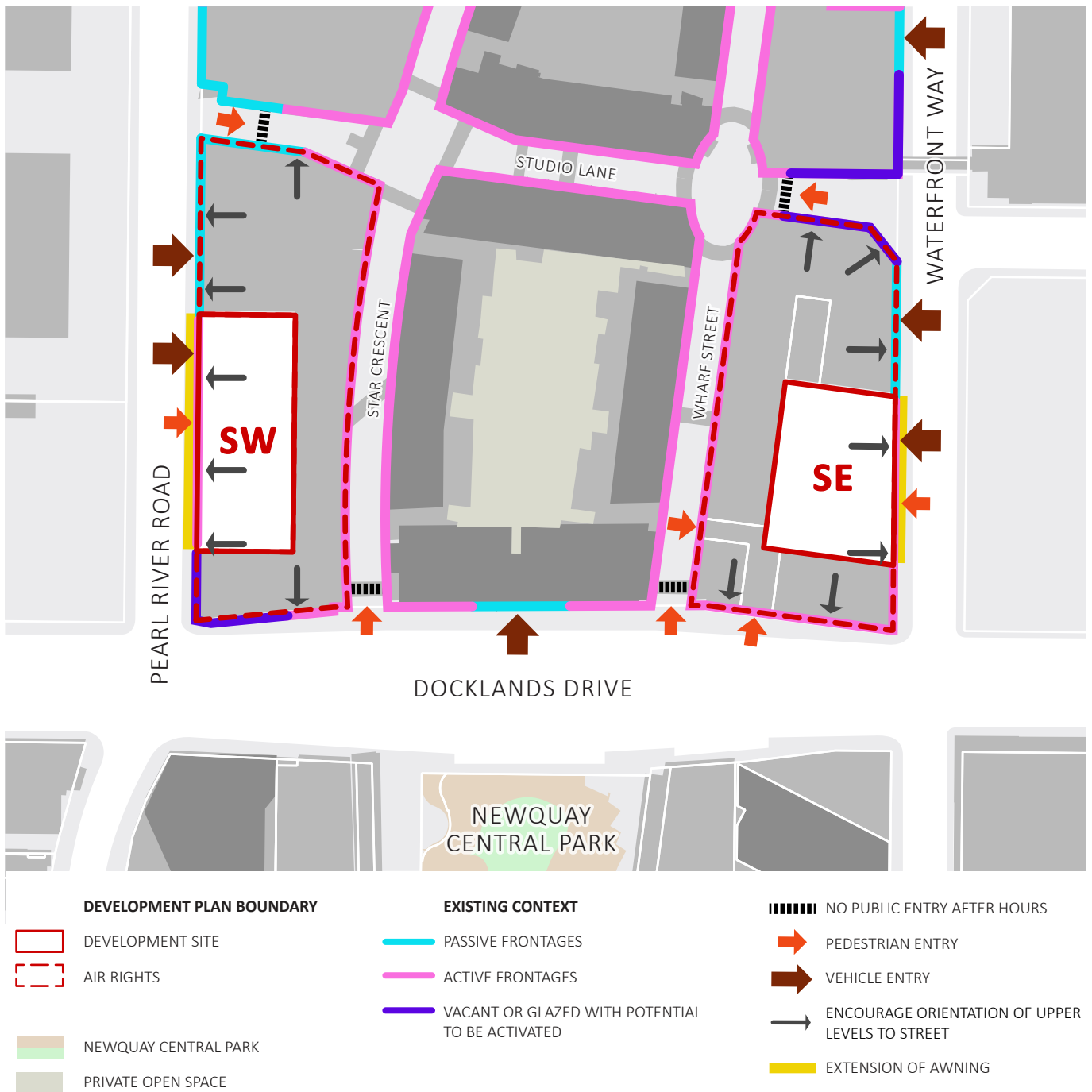
Activation

- Where possible provide mixed-use or commercial spaces at ground floor alongside lobby areas.
- Provide an active frontage at the ground floor.
- Limit the extent of blank walls and facades.



- Provide passive surveillance of the street, orientating windows and balconies to the street frontages.
- Provide a ‘hard’ street edge that aligns with the adjoining buildings up to the height of the surrounding built form. A small number of modest recesses at selected pedestrian or vehicle entry points would be appropriate at ground floor only.
- The number of vehicle entries should be minimised and avoid multiple vehicle entry points and be separate from pedestrian entries.
- Avoid locating vehicle entries where street trees are located or ensure the relocation of the street tree.
- Limit the extent of the service requirements and vehicle entries interface to the ground floor to minimise visual impact to the street and existing street trees; and, design the interfaces into the architecture of the building.
- Provide sleeving to any car parking that interfaces to street frontages.

Figure 29. Ground Floor Activation Plan



Microclimate

- Provide awnings along the public realm. Awnings should extend to 0.7m from the curb edge to maximise coverage of the public realm.
- Seek to achieve reasonable wind conditions on Pearl River Road, Waterfront Way and Docklands Drive by employing the appropriate wind criterion as follows:

Public Realm

- Pedestrian Transit Areas (footpaths, roads) - Walking Criterion.
- Retail store facades (window shopping) - Standing Criterion.
- Retail outdoor seating areas (café) - Sitting Criterion.
- Building Entrances (retail, residential) - Standing Criterion.

Private Realm

- Communal open space - Walking Criterion.
- Specific key locations (BBQ areas etc) - Standing/ Sitting Criteria.
- Allow for a range of wind mitigation techniques including aerodynamic tower shapes, vented facades, airlocks, awnings, screens and/or built form.

The Environmental Wind Considerations report prepared by Mel Consultants is attached at Appendix 7.4, which provides further detail of the wind conditions.

Overshadowing of the NewQuay Central Park

- The NewQuay Central Park (the green and brown areas in the diagrams) should be protected from additional shadow from:
 - Both the SE and SW Development Sites between 11am-3pm at the 22 September equinox.
 - The SW Development Site between 11am-2pm at the 21 June Solstice.
 - The SE Development Site is generally in accordance with the Permit Approved Plans between 11am-2pm at the 21 June Solstice.

Traffic and car parking

- Ensure car parking is screened from the public realm.
- Ensure that the proposal will not unreasonably impact on traffic and car parking in the precinct.

The Transport Engineering Review prepared by GTA Consultants is attached at Appendix 7.5, which provides further detail of the transport impacts.

Figure 30. Protection from the elements/ micro climate

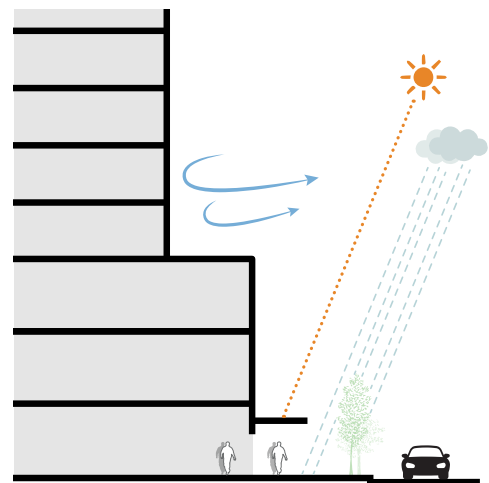


Figure 31. 11am Shadows (22 September)

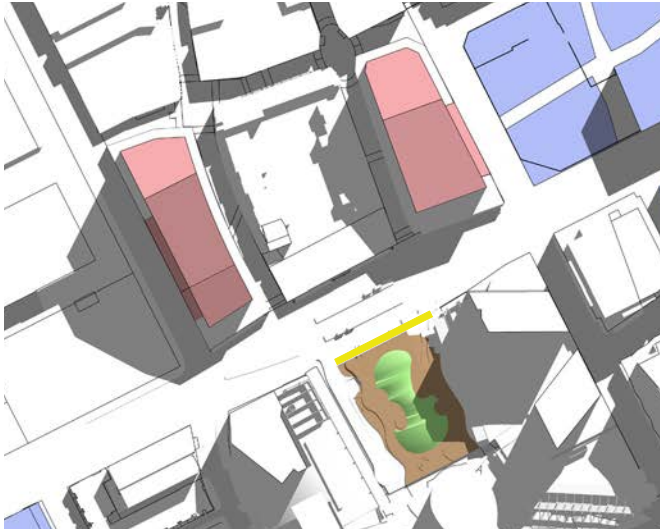


Figure 32. 12pm Shadows (22 September)

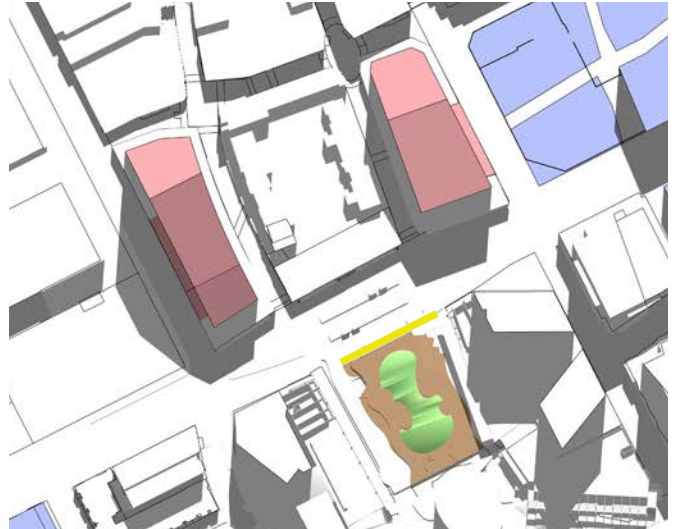


Figure 33. 1pm Shadows (22 September)



Figure 34. 2pm Shadows (22 September)

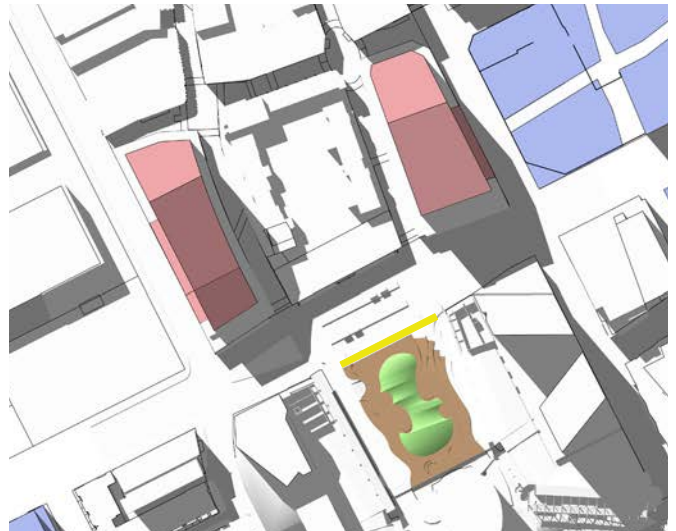
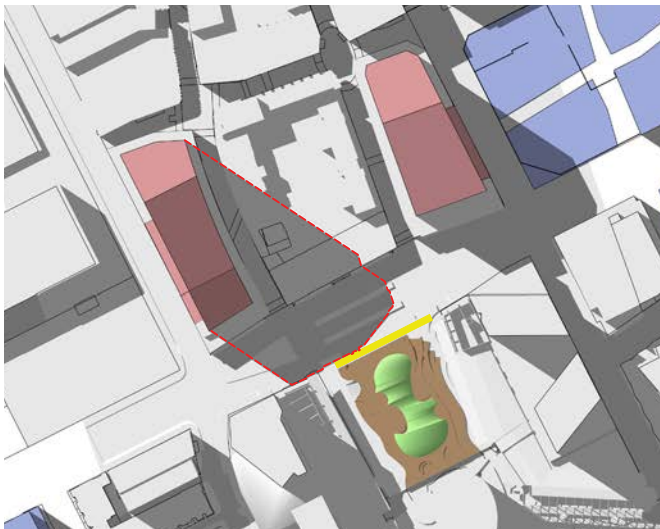


Figure 35. 3pm Shadows (22 September)



- BUILDING ENVELOPE
- NEWQUAY CENTRAL PARK
- BUILDING ENVELOPE SHADOW OUTLINE
- FOOTPATH NORTH OF NEWQUAY CENTRAL PARK

5.4 Detailed Design

The Development Sites should incorporate buildings designed to provide ordered and interesting façades to the public realm that are reflective of both the existing and emerging built form context.

The following objectives and guidelines influence the future built form outcome in relation to detailed design.

Detailed Design Objectives

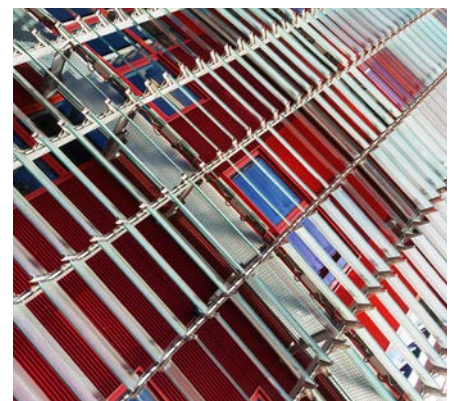
- To integrate building elements into the overall building form and design.
- Deliver high quality buildings and materials.
- Create a high level of visual interest.

Detailed Design Guidelines

- Provide a streetscape that improves the existing blank and inactive condition.
- Ensure development provides a detailed material and finishes schedule.
- Buildings should be designed with an appropriate scale, rhythm and proportion to its use and context.
- The design of a building is three dimensional, where building volumes, façades and building elements (entries, interior public spaces, drainage, security, services, heating and air conditioning, telecommunications, etc), must be appropriately integrated in the overall design.
- Create visual interest through openings to the building which allows for views of both daytime and night time activity at the ground plane and levels above.
- Provide communal or shared open spaces which provide for flexible use areas and landscaping where possible.

RELEVANT UD PRINCIPLE

Design Detail





5.5 Off-site Amenity

Future built form on the Development Sites needs to be designed to mitigate unreasonable off-site amenity impacts associated with visual bulk, overlooking and overshadowing. The following objectives and strategies guide the built form to ensure it considers off-site amenity.

Off-site Amenity Objectives

- Maintain reasonable solar access to the central roof communal open spaces of the existing DD south dwellings.
- Ensure reasonable outlook from existing dwellings.

Off-site Amenity Guidelines

- To protect the solar access into communal open space (COS), at least 50% or 125sqm, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
- Provided either physical or sense of breaks to buildings so that they appear no wider than 40-50m.

RELEVANT UD PRINCIPLE

*Existing
Residential
Amenity*

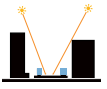


Figure 36. 9am Shadows (21 June)

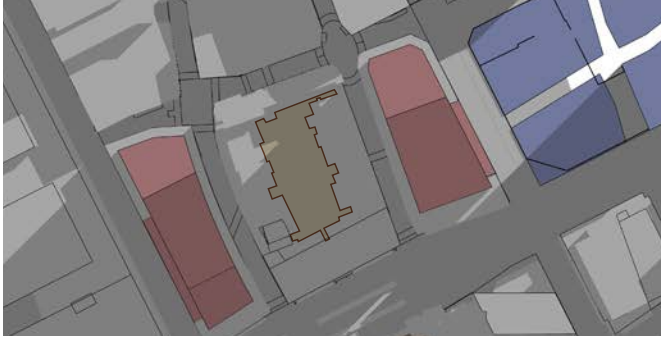


Figure 37. 10am Shadows (21 June)

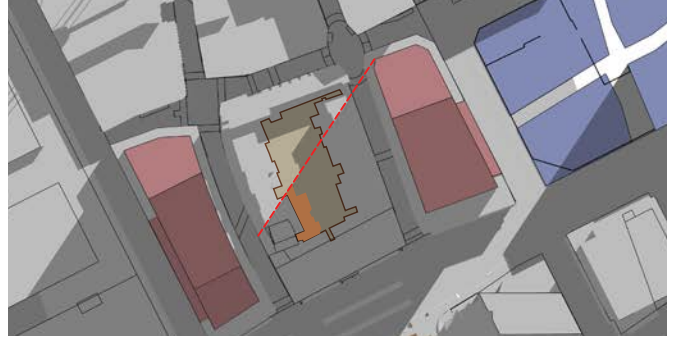


Figure 38. 11am Shadows (21 June)

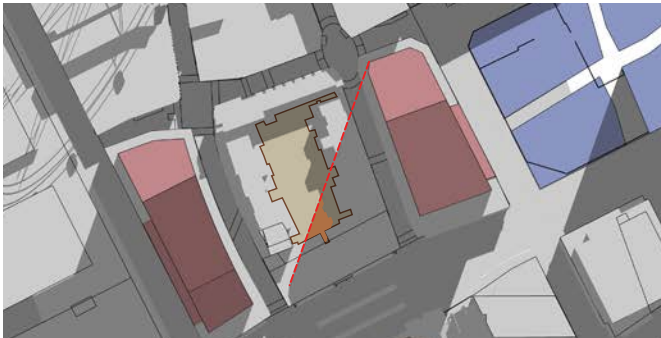


Figure 39. 12pm Shadows (21 June)

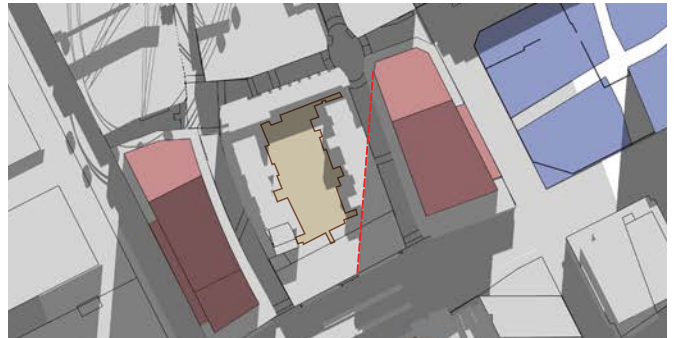


Figure 40. 1pm Shadows (21 June)

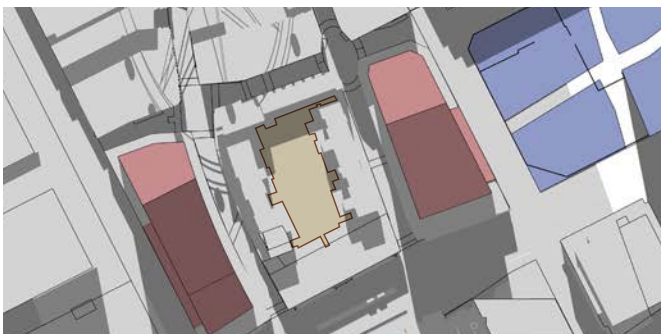


Figure 41. 2pm Shadows (21 June)

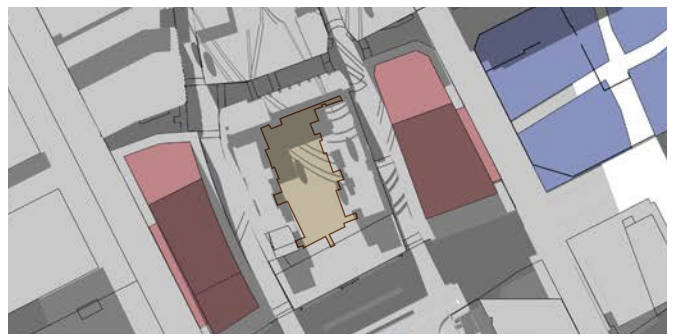
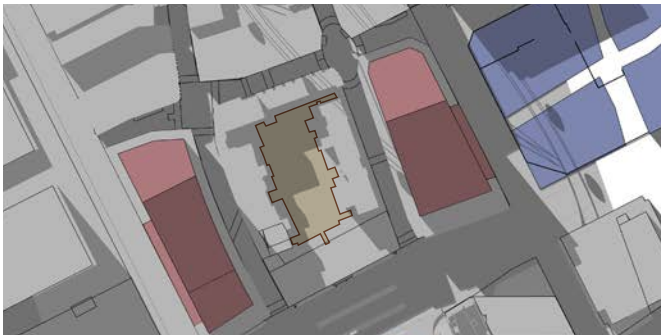





Figure 42. 3pm Shadows (21 June)



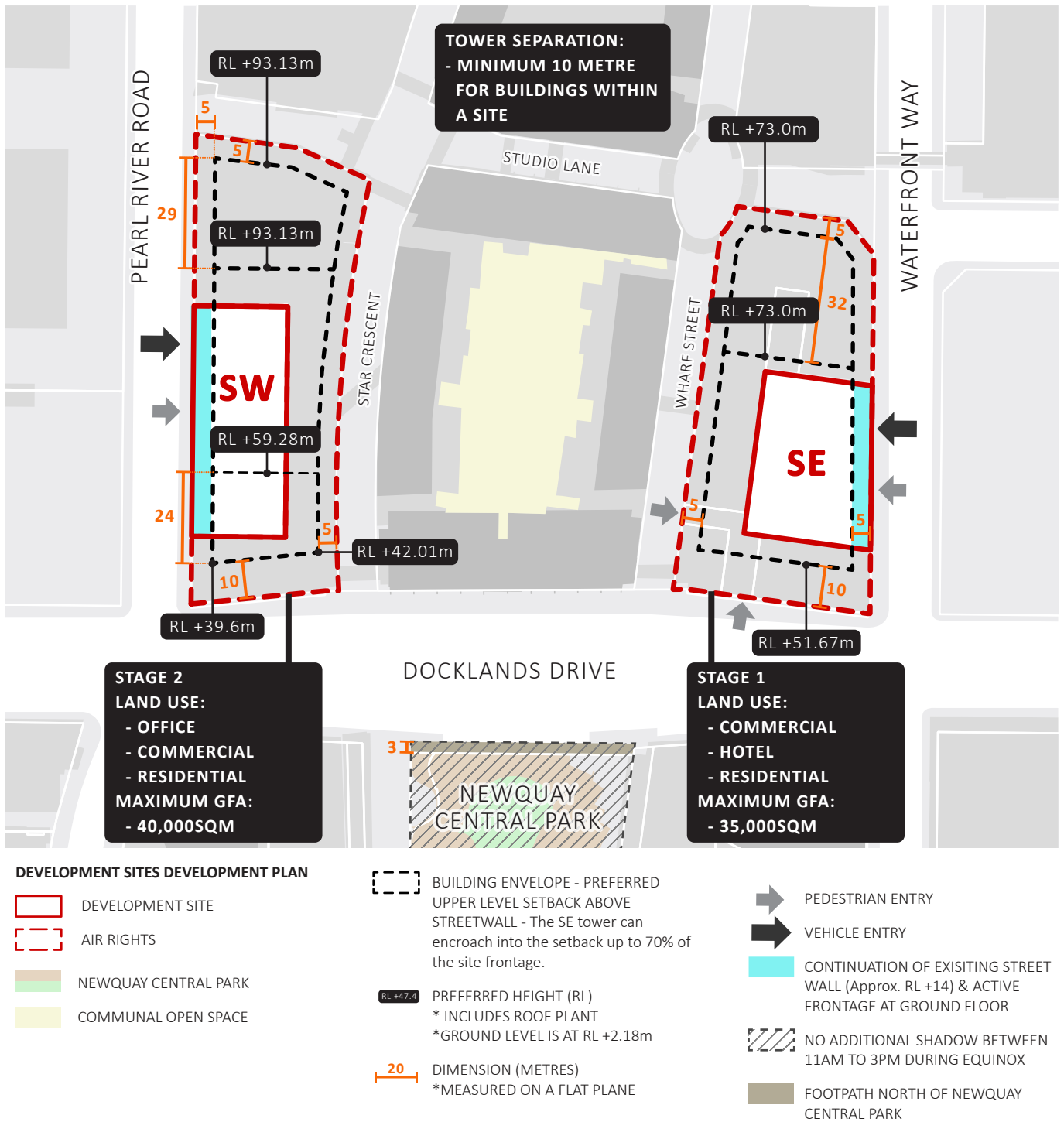
-  BUILDING ENVELOPE
-  COMMUNAL OUTDOOR OPEN SPACE
-  ADDITIONAL OVERSHADOWING ON COMMUNAL OUTDOOR OPEN SPACE CAUSED BY PROPOSED BUILDING ENVELOPES

5.6 The Development Plan

The Development Plan for the SE and SW Development Sites responds to the opportunity to deliver higher density development and will deliver a responsive mix of uses and increased economic activity, improved legibility, increased activation and an enhanced public realm. It will:

- Create visual markers and improve the legibility and identity of DD.
- Provide a variety of new accommodation and office uses to generate activity day and night.
- Establish opportunities for activation and passive surveillance of the public realm along Waterfront Way and Pearl River Road.
- Protect significant views and vistas to and from the Wheel.
- Protect the amenity of the public realm and in particular NewQuay Central Park.

Figure 43. Development Sites Development Plan





Level 2/166 Albert Road
South Melbourne 3205
Victoria
Australia
t: +61 3 9682 8568

www.dlaaust.com
Twitter: @DLA_Australia
Plantastic Blog: [dla - plantastic.blogspot.com.au/](http://dla-plantastic.blogspot.com.au/)

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DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

Application number:	TPM-2018-23
DELWP Application number:	DP1800454
Applicant / Owner / Architect:	SJB Planning / Capital Alliance 6 Pty Ltd / DKO Architecture
Address:	The District Docklands, 420-454 Docklands Drive, DOCKLANDS VIC 3008
Proposal:	Application for Addendum to Waterfront City Outline Development Plan 3-43 Waterfront Way and 28-38 Pearl River Road, Docklands
Cost of works:	N/A
Date received by City of Melbourne:	7 December 2018
Responsible officer:	Markus Tschech, Senior Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The application relates to the *Waterfront City Outline Development Plan 2003* (WFCDP). The extent of the Development Plan area is depicted in Figure 1 below.

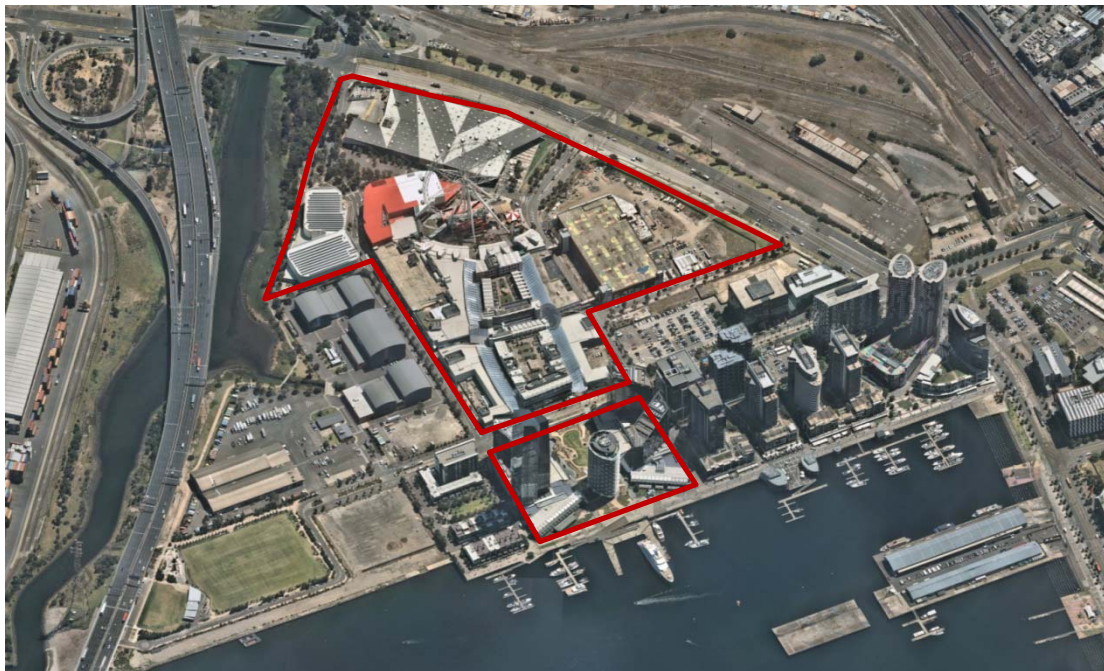


Figure 1 – Nearmap Aerial depicting Waterfront City Outline Development Plan 2003 area

More specifically, the application seeks approval for an Addendum to the WFCDP relating to two allotments (plus air rights) within the recently renamed 'District Docklands' precinct on the northern side of Docklands Drive, between Waterfront Way and Pearl River Road. These two allotments are:

- **28-38 Pearl River Road (the south-west site)**, which is irregular in shape, and due to air rights over the immediately adjacent buildings, has an area of 1,420m² for the first 12 metres above ground level, and 4,993.8m² above the property at 1-19 Pearl River Road.
- **3-43 Waterfront Way (the south-east site)**, which is similar in nature to the south-west site in that it is irregular in shape, with an area of 1,261m² for the first 12 metres above ground level, and 4,392.2m² above the property at 420-430 Docklands Drive.

The extent of both sites is shown in Figures 2 and 3 below:

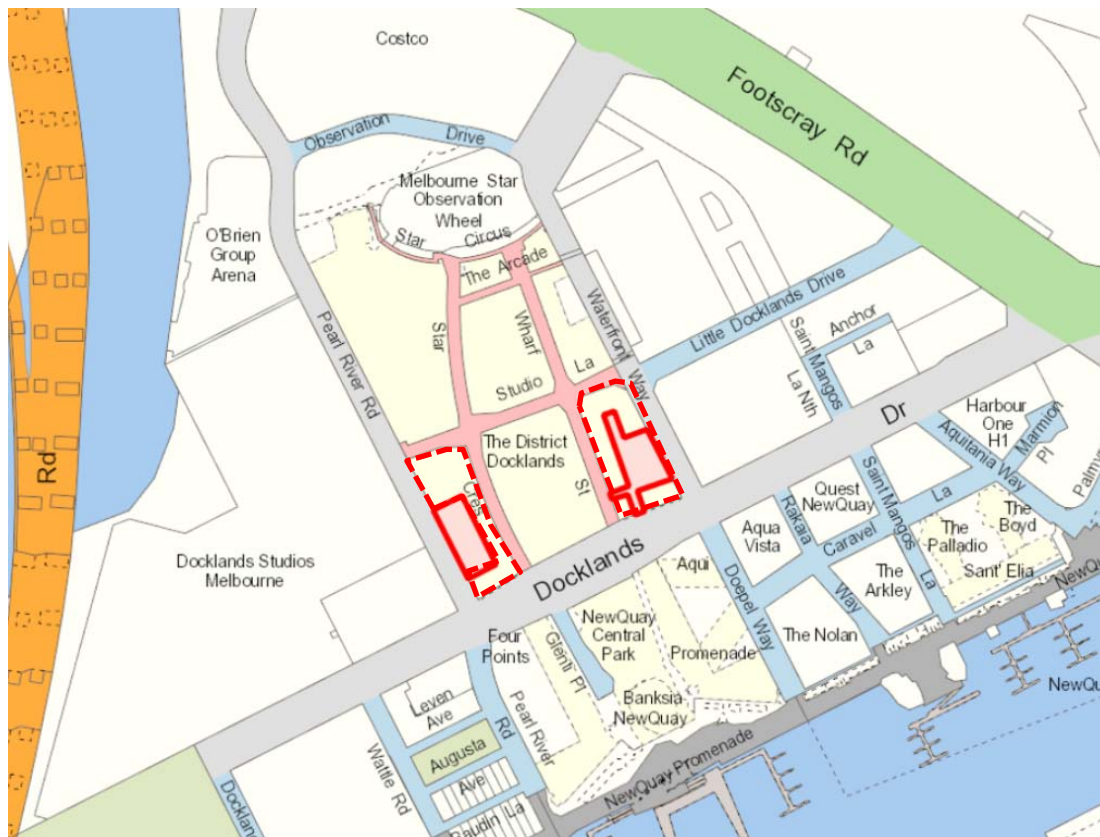


Figure 2 - Site context map with approximate extent of air rights indicated by the dashed lines



Figure 3 - Nearmap aerial photo, with extent of air rights indicated by the dashed lines

Both parcels of land comprising the site have permits for high rise buildings which are discussed in further detail later within this report. Construction of the building approved on the south-east site is well underway, while the south-west site remains vacant.



Figure 4 - View of SW Site from Waterfront Way



Figure 5 - View of SE Site from Waterfront Way

1.2. Surrounds

The subject site forms part of 'The District Docklands', which can be described as a town centre style mixed use precinct comprising retail premises, food and drink premises (including a brewery), offices, residential apartments, entertainment facilities (including a recently completed cinema), and the visually prominent 'Melbourne Star' observation wheel, that has a maximum height of 120 metres.

Importantly, the Melbourne Star is identified as the only 'landmark' structure within the Docklands Urban Renewal Area, in Figure 8 of Clause 21.13 (Urban Renewal Areas).

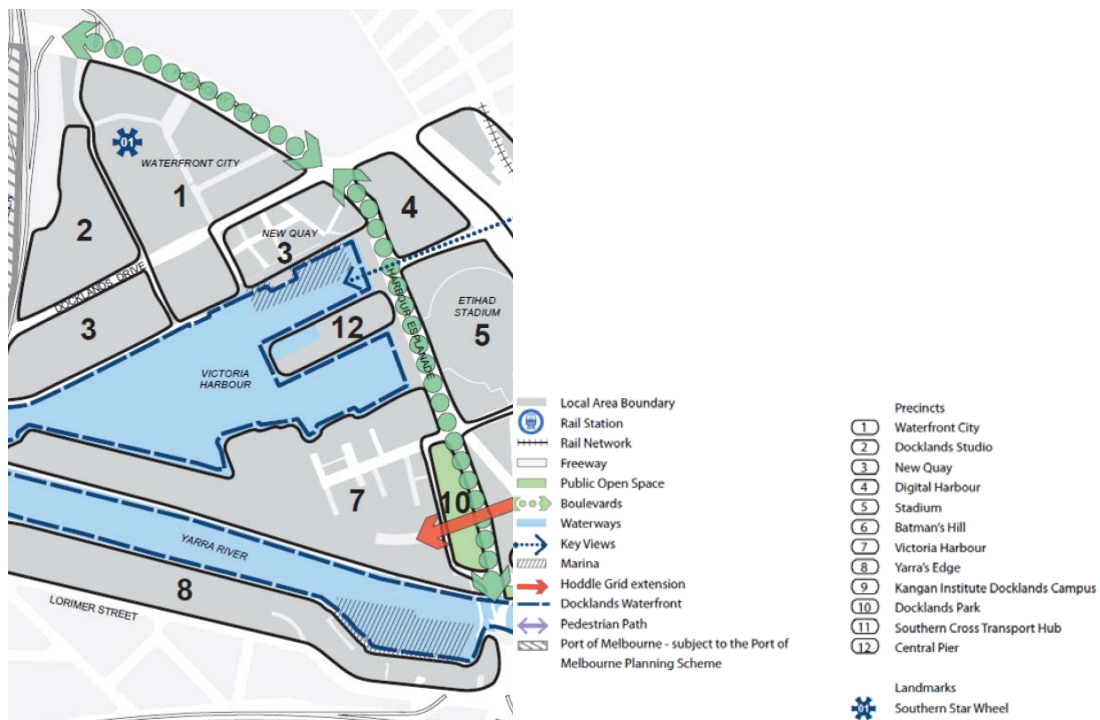


Figure 6 - Extract from 'Figure 8: Docklands' at Clause 21.13 (Urban Renewal Areas)

Other than the Melbourne Star, The District has a low built form character with buildings generally between two and five storeys in height.

In terms of direct abutments, the subject site is located opposite 'NewQuay Central' to the south, which is comprised of a high-rise apartment building, mid-rise commercial buildings and a central area of public open space (NewQuay Central Park). Also to the south of the site, at 6-22 Pearl River Road is a high-rise residential building with a residential hotel component.

Across Waterfront Way to the east is an at-grade commercial carpark. The site benefits from Planning Permit TP-2012-828/A for an eleven storey commercial building.

Across Pearl River Road to the west is Docklands Studios Melbourne, which sits on a 54,620m² parcel of land, as well as vacant land at 458-474 Docklands Drive.

A number of other developments remain in the pre-planning phase, or have gained approval and are yet to commence construction. Of particular note is the future Docklands Primary School on the southern side of Little Docklands Drive, to the west of Footscray Road. The school is expected to open in 2021 and will include a library, music and arts rooms, administration areas and outdoor learning terraces.

2. THE WATERFRONT CITY OUTLINE DEVELOPMENT PLAN

The Waterfront City Outline Development Plan (WFCDP) was approved by the Minister for Planning on 28 November 2003. It remains the relevant Development Plan for this part of Docklands pursuant to Schedule 7 to the Development Plan Overlay (DPO7).

The extent of the WFCDP is depicted in Figure 1 in Section 1 of this report, and was endorsed at a time when this part of Docklands, other than The District (known as Harbour Town at the time) remained undeveloped.

The WFCDP sets out general development principles and specific guidelines on circulation and access, staging, land uses, open space areas and built form. Schematic feasibility studies that are appended to the WFCDP provide guidance on preferred built form outcomes across the entire area. An indicative massing of the WFCDP area that depicts how this part of Docklands could be developed is reproduced below:



Figure 7 - Indicative Massing Diagram from page 35 of the WFCDP

The feasibility study also includes a set of detailed layout, land use and built form plans for the area. This study recommends that the two sites be developed with a mix of uses at ground level, a carpark at first level and ‘shop-top apartments’ above. As illustrated in Figure 8 below, the building height shown for both sites is 25 metres, noting that ‘nominated heights are indicative only’.

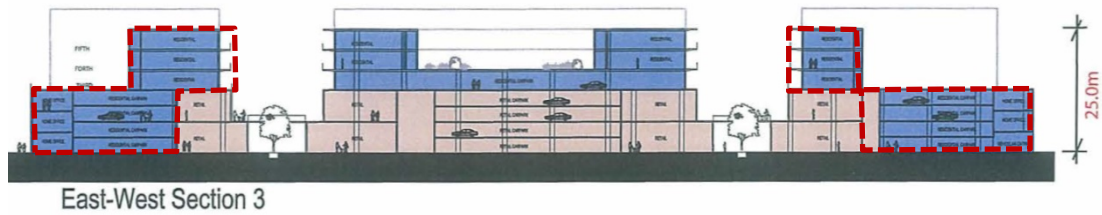


Figure 8 - Extract from 'Schematic Feasibility Sections' Drawing GE SK07, showing recommended building heights

Since the WFCDP was approved in 2003, the affected land has been improved by the Melbourne Star, Costco Docklands and a number of apartment and mixed use towers on the southern side of Docklands Drive.

It is worth noting that the buildings on the southern side of Docklands Drive are substantially larger than that envisaged by the original WFCDP and ‘MAB Docklands Outline Development Plan’, which applies to much of the land on the southern side of Docklands Drive. This has been largely driven by amendments to the Development Plans applying to NewQuay West and NewQuay Central, and the introduction of a new Design and Development Overlay (Schedule 54) in 2008.

3. BACKGROUND AND HISTORY

3.1. Pre-application discussions

Pre-application discussions between the applicant, City of Melbourne officers, Development Victoria and the Department of Environment Land Water and Planning (DELWP) took place on numerous occasions between 30 April and 27 June 2018.

Key issues that arose during pre-application discussions included:

- Building heights and if there is a need for additional tall buildings to form ‘visual markers’ within the Docklands Business Park.
- Relationship to other approvals and existing buildings, including the new school.
- Way finding.
- Overshadowing NewQuay Central Park.
- Vehicle and pedestrian movements.
- Encouraging office floor area.
- Views to and from Melbourne Star.

3.2. Site history

The following planning controls and planning permit history is considered relevant to this application:

Date	Site	Description of Control / Permit description	Outcome / Reference
15 September	Waterfront City	Waterfront City ODP endorsed with	N/A

2003		a 25 metre discretionary height limit	
7 April 2008 (Amendment C92)	Docklands Business Park	DDO54 gazetted with a 45 metre discretionary height limit	N/A
28 June 2013	28-38 Pearl River Road (SW site)	Construction of a 54.9 metre (17 storey) building comprising dwellings and ground floor shops.	Permit TP-2013-242
28 June 2013	3-43 Waterfront Way (SE site)	Construction of a 49.7 metre (16 storey) building comprising dwellings and ground floor shops	Permit TP-2013-243
29 March 2016	3-43 Waterfront Way (SE site)	Combined Permit Application and Development Plan Addendum to allow for the construction of a 109 metre (37 storey) building comprising a residential hotel and dwellings	Ministerial Refusal 2015/35663 (TPM-2015-21)
20 August 2017	3-43 Waterfront Way (SE site)	Buildings and works to construct a mixed use, 58.19 metre (18 storey) building comprising a residential hotel and dwellings. Currently under construction	Ministerial Permit PA17/00219 (TPM-2017-11)

3.2.1. Ministerial Refusal 2015/35663 (TPM-2015-21)

With respect to the refusal of the Addendum proposed in 2016 for a 109 metre tower on the SE site, it is worth noting that it was not supported by Council and refused by the Minister for Planning. This decision was upheld at a subsequent VCAT hearing (*Capital Alliance Investment Group Pty Ltd v Minister for Planning [2016]*).

The Tribunal agreed with submissions made by the Minister for Planning, that there was insufficient strategic justification for a 109 metre tall tower on the SE site, and that it would result in unreasonable levels of overshadowing to NewQuay Central Park and wind impacts to the public realm.

3.2.2. Permit TP-2013-242 & Ministerial Permit PA17/00219

Street elevations of both approved buildings are reproduced on the following page.

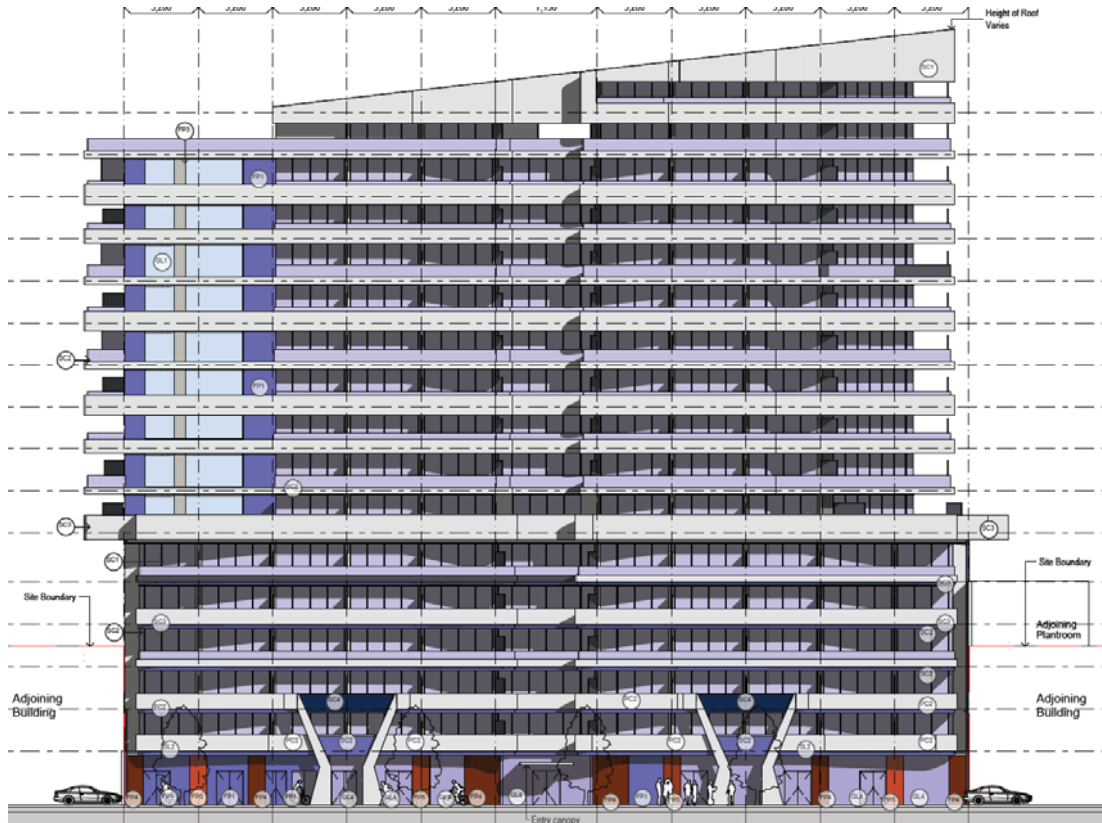


Figure 9 - West Elevation of development approved on SW site under TP-2012-243, from Drawing TP.014

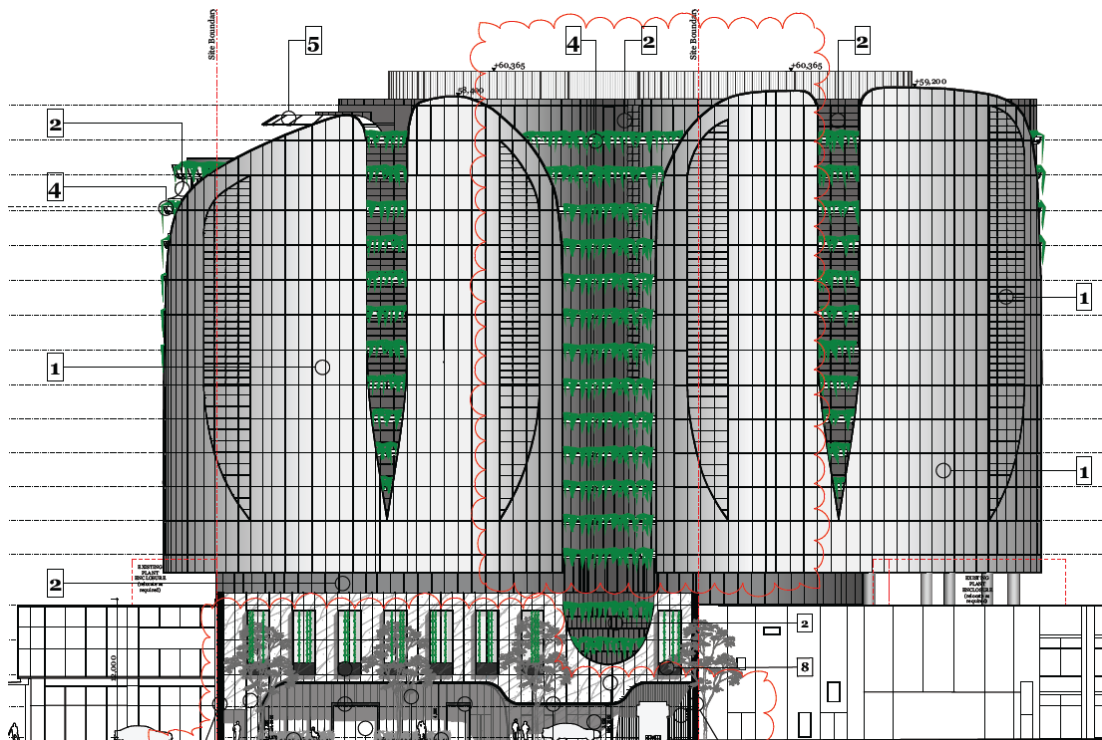


Figure 10 - East Elevation of development approved on SE site under PA17/00219, from Drawing TP300

3.3. Planning Application History

The application was originally lodged with DELWP on 26 November 2018 and was referred to the City of Melbourne on 6 December 2018.

Following on from subsequent meetings and telephone conversations with the applicant, the application was amended on 31 May 2019. Key changes included a reduction in the proposed building envelopes, reduced overshadowing of surrounding public and communal land and greater clarity in setback requirements. More detail regarding these changes is provided in Section 3 of this report.

4. THE PROPOSAL

Capital Alliance Investment Group c/o SJB Planning has submitted an application to DELWP for an addendum to the *Waterfront City Outline Development Plan* (WFCDP) dated 15 September 2003.

The addendum applies specifically to the subject sites as described in Section 2 of this report, and its primary purpose to vary the permitted building envelope as well as the land use mix.

The addendum package includes a set of concept plans for both sites, which indicate the types of buildings which could be constructed in accordance with the amended building envelopes.

The 2003 WFCDP would remain the relevant Plan for the undeveloped areas of this part of Docklands, including stages 3 and 4 on the northern side of Little Docklands Drive.

The relevant documents are those that were amended on 31 May 2019 to address matters raised by DELWP and the City of Melbourne.

The key aspects are outlined on the following pages.

4.1. Building height

As illustrated in the extracts from the WFCDP and proposed addendum, the application seeks to increase the permissible height of the two development sites from 25 metres to 90.95 and 70.82 metres respectively; accounting for a ground level RL of +2.18 metres.

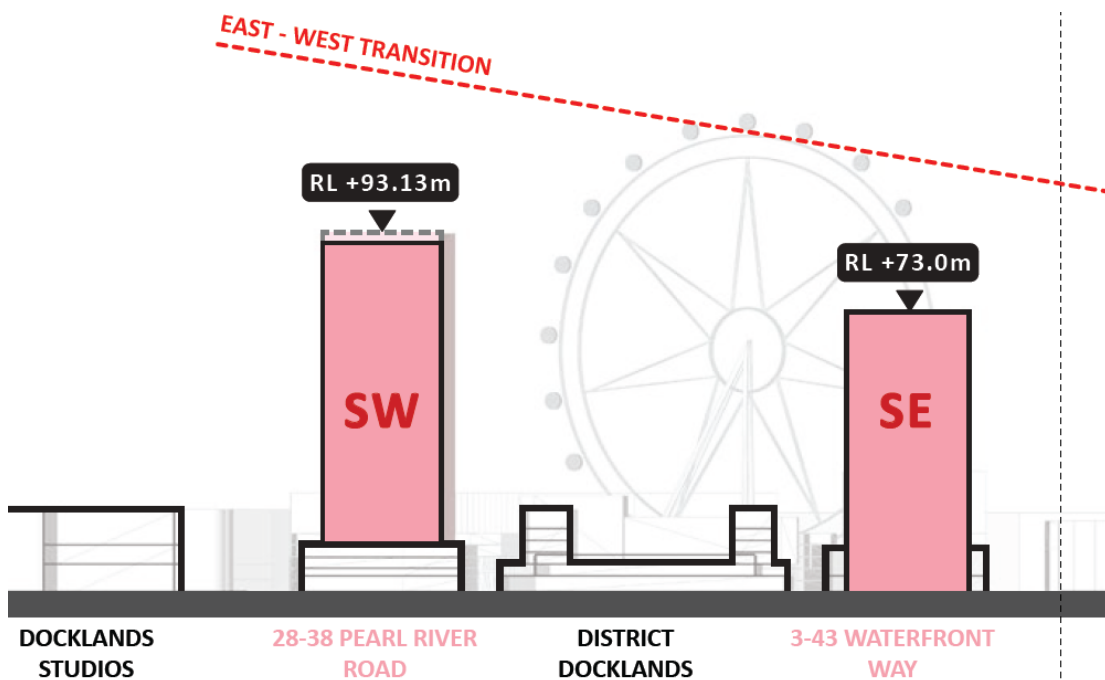


Figure 11 - East-west section depicting proposed maximum building heights

As depicted in the 3D massing perspective below, these maximum heights are not uniform, but would taper down towards Docklands Drive. At their lowest points (along Docklands Drive), these envelopes would suggest built form up to a height of 47.31 metres on the south-east site and 35.24 metres at the south-west site.

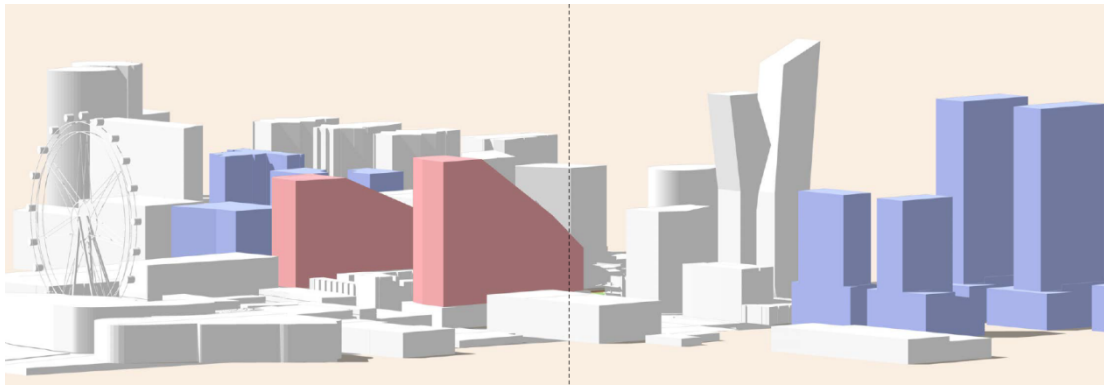


Figure 12 - 3D massing depicting proposed building envelopes, with the south-east site on right, and the south-west site on left

It is pertinent to note that the maximum heights of the abovementioned building envelopes have been reduced from the originally proposed heights of 99.2 and 80.3 metres (refer to Figure 13).

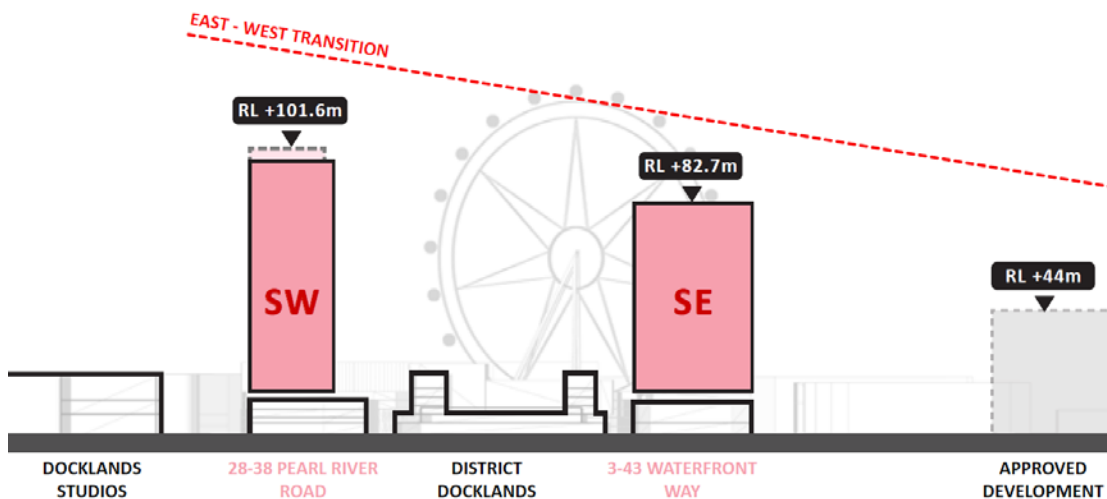


Figure 13 – East-west section depicting originally proposed maximum building heights

4.2. Building setbacks

The proposed building envelopes would also require a variation in the recommended building setbacks of the WFCDP.

The feasibility study which forms part of the WFCDP does not provide any setback dimensions; though a review of both the sections and floor plans indicates a preferred setback in the order of 0-3 metres from the adjacent street frontages and minimal setbacks to arcades within the title boundary. It is noted that these setbacks relate to a nominal 5-6 storey building with a central courtyard.

Owing to the scale of the proposed change, the minimum setbacks of the proposed Development Plan Addendum, as reproduced on the following page, are more detailed.

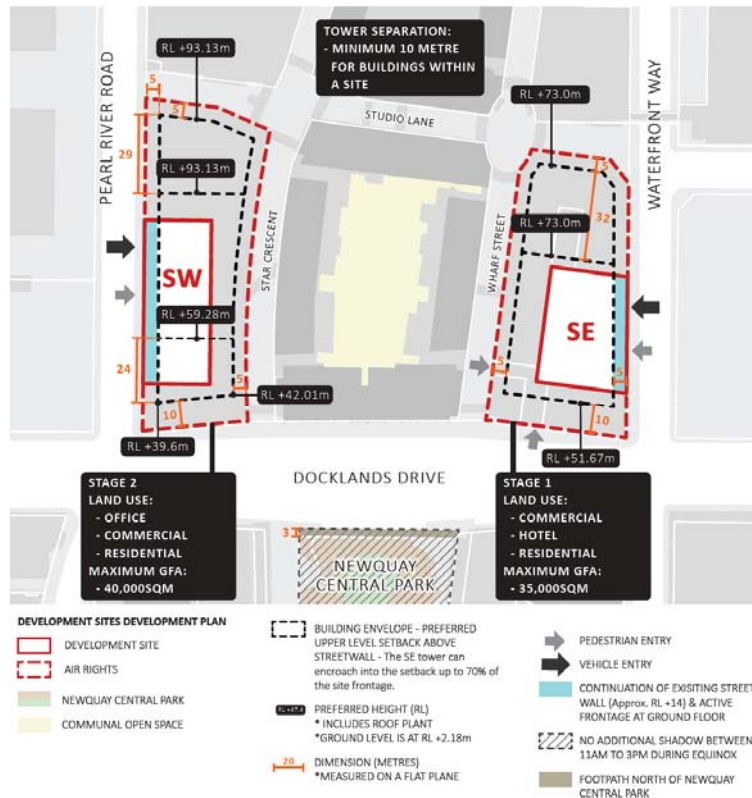


Figure 14 - Extract from proposed Development Plan Addendum

The setbacks proposed in the above Development Plan Addendum can be summarised as follows:

- Street wall heights up to approximately 11.8 metres, to match existing built form.
- A 5 metre setback to Pearl River Road.
- A 5 metre setback to Waterfront Way (which can be reduced to 0 metres along 70 percent of the site frontage).
- 10 metre setbacks to Docklands Drive.
- 5 metre setbacks to all other boundaries.
- A minimum tower separation of 10 metres, should multiple towers be proposed within the same site.

The proposed setbacks have varied substantially from the initial application, which sought to have 0 metre setbacks to all boundaries, unless a varied setback was specifically required to mitigate wind impacts.

4.3. Land use/s

Both sites form part of Stage 1 of the WFCDP, which covers the largest part of the development plan area and within which a range of uses are contemplated. More specifically, the maps at Section 2 of the WFCDP suggest that they be used for residential purposes.

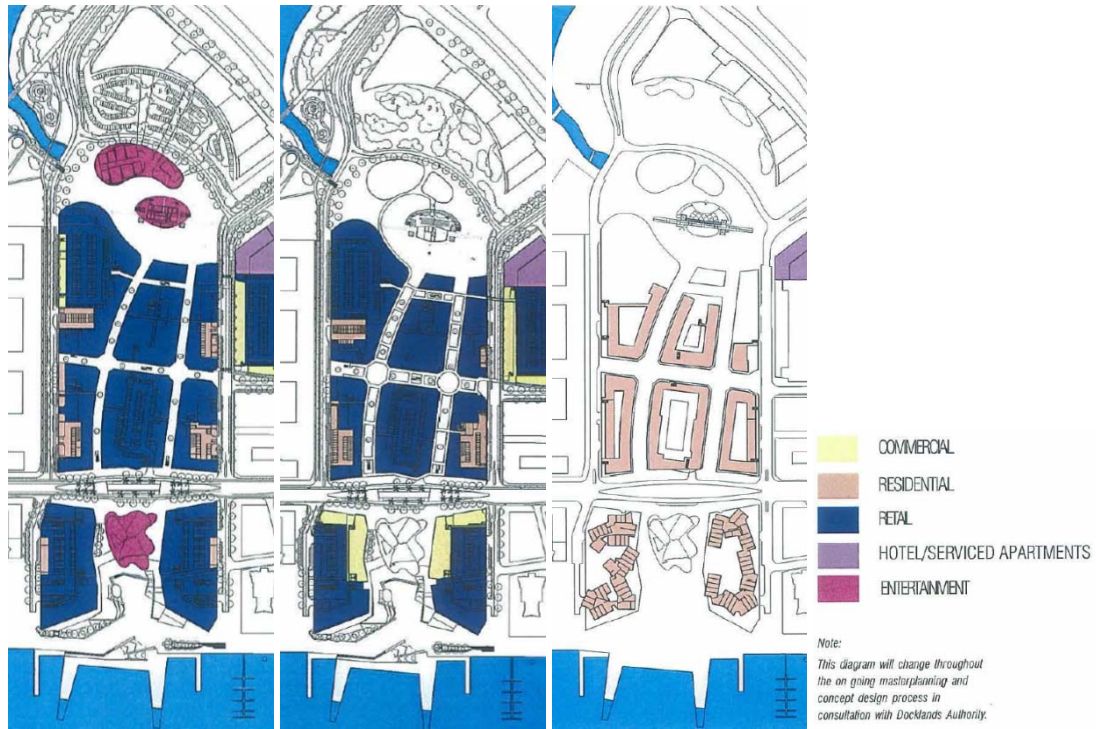


Figure 15 - WFCP extracts of ground, first and ‘typical residential’ levels, depicting the recommended land use mix

The application seeks to increase the mix of uses on the land by allowing for office and accommodation (including residential hotel). Specifically, the SE site would allow for residential hotel / serviced apartments and residential uses, and the SW site would accommodate commercial / office and residential uses. Relevantly, Section 5.1 of the Addendum states that:

‘To embed commercial uses, the development of the SW site will be contingent upon any planning permit issued including a condition that requires commercial floorspace via a S.173 agreement.’

4.4. Gross Floor Area

The proposal would allow for an estimated 75,000m² of Gross Floor Area (GFA).

Although the building envelope would be significantly increased as part of this Addendum, the WFCDP does not set a specific cap on GFA for any of the land it applies to.

A comparative analysis of approved and proposed GFA is provided in the table below.

Site	Gross Floor Area (m ²)		
	WFCDP	Approved	Proposed
South-west	N/A	21,520	40,000
South-east	N/A	25,914	35,000

5. PLANNING SCHEME PROVISIONS

5.1. Current provisions

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 10: Planning Policy Framework</p> <p>Clause 11: Settlement</p> <p>Clause 12: Environment and Landscape Values</p> <p>Clause 15: Built Environment and Heritage</p> <p>Clause 16: Housing</p> <p>Clause 17: Economic Development</p> <p>Clause 18: Transport</p> <p>Clause 19: Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04: Settlement</p> <p>Clause 21.05: Environment and Landscape Values</p> <p>Clause 21.06 Built Environment and Heritage</p> <p>Clause 21.07: Housing</p> <p>Clause 21.08: Economic Development</p> <p>Clause 21.09: Transport</p> <p>Clause 21.10: Infrastructure</p> <p>Clause 21.13-2: Docklands</p>
Local Planning Policies	<p>Clause 22.18: Urban Design within the Docklands Zone</p> <p>Clause 22.19: Energy, Water and Waste Efficiency</p> <p>Clause 22.23: Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls	
Development Plan Overlay - Schedule 7 (DPO7) Business Park Precinct	<p>The purpose of a Development Plan is to identify areas which require the form and conditions of future use and development to be shown before a permit can be granted to use or develop the land.</p> <p>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 following statutory controls will apply to the future development of the land. A permit granted must be generally in accordance with the development plan.</p>
Docklands Zone - Schedule 6 (DZ6) Business Park Precinct	<p>The purpose of DZ6 is:</p> <ul style="list-style-type: none"> ▪ <i>To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.</i> ▪ <i>To provide for a range of active and people orientated uses at the lower levels of buildings that are complementary of residential uses.</i> ▪ <i>To acknowledge the retention of port related activities west of Bolte Bridge.</i>

<p>Design and Development Overlay - Schedule 12 (DDO12) Noise Attenuation Area</p>	<p>Seeks:</p> <ul style="list-style-type: none"> ▪ <i>To ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building.</i> ▪ <i>To ensure that land use and development in the vicinity of the Docklands Major Sports and Recreation Facility is compatible with the operation of a Major Sports and Recreation Facility.</i> <p>A permit is required for buildings and works associated with new, refurbished or converted developments for noise sensitive uses.</p>
<p>Design and Development Overlay - Schedule 54 (DDO54) Business Park Precinct, Area 1</p>	<p>Schedule 54 to the DDO applies specifically to the Business Park Precinct and seeks:</p> <ul style="list-style-type: none"> ▪ <i>To provide for a complementary mix of medium and high rise development within the Precinct.</i> ▪ <i>To provide continuous public access along the waterfront area adjoining Moonee Ponds Creek and Victoria Harbour.</i> ▪ <i>To facilitate innovative buildings and structures relating to the Waterfront City precinct for entertainment purposes.</i> ▪ <i>To ensure the conservation of the general form of Victoria Harbour.</i> <p>DDO54 sets a discretionary maximum building height of 45 metres for land within Area 1, other than buildings and structures that form part of a theme park or are used for entertainment purposes.</p> <p>A permit is required to exceed the maximum building height.</p>
<p>Parking Overlay - Schedule 10 Docklands – Business Park</p>	<p>Sets out maximum car parking rates for various land uses including:</p> <ul style="list-style-type: none"> ▪ 1.5 spaces to each dwelling ▪ 3 spaces to each 100m² of office gross floor area ▪ 0.4 spaces to each room for a residential hotel ▪ 4 spaces to each 100m² of retail gross floor area <p>A permit is required to provide car parking spaces in excess of the maximum number specified.</p>

Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>A permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. A permit may be granted to reduce or waive the bicycle parking requirement.</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for in excess of 60 dwellings must be referred to PTV for comment.</p>

General Provisions	
<p>Clause 72.01 Responsible authority for administering and enforcing a</p>	<p>The Minister for Planning is the Responsible Authority for this matter as the total floor area of the proposal exceeds 25,000 square metres.</p>

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

6. PUBLIC NOTIFICATION

Section 3.0 of Schedule 3 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 the City of Melbourne.

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

7. CONSULTATION

It is noted that Capire, on behalf of Capital Alliance, conducted community consultation on the proposed WFCDP Addendum in late-2018. This consultation included letters sent to 1,580 mailboxes, a notice in the Dockland News, two community information sessions and seven stakeholder engagement sessions.

The report prepared by Capire dated 21 November 2018 states that the public response to the project during the information sessions was largely positive, in particular in relation to the residential hotel component and the mix of uses. Key issues raised by the community included overshadowing and parking availability for visitors and workers.

A summary of stakeholder feedback is provided in the table below:

Docklands Studios	Parking, traffic, overshadowing, noise
Essential Community	Overshadowing, short-term accommodation
Melbourne Star	Preservation of views from the observation deck
Conversion Partners	Mixed-use and street-level integration
MICM Real Estate	Overshadowing, short-term accommodation
Creative Victoria	Parking, traffic, accommodation of creative industries
MAB	Overshadowing and street-level integration

8. REFERRALS

The application was referred to the following areas of the City of Melbourne for comment with responses summarised below:

8.1. Urban Design

The original application was reviewed by Urban Design and various issues were raised with the Development Plan Addendum. In regard to the revised Development Plan Addendum and following further discussions with the applicant and DELWP, the following comments were provided on 4 July 2019:

As an overall, this revision has offered some positives such as a reduction of the SW tower height and increased upper level setbacks of 5m for SW tower. However the SE tower upper level setbacks are still minimal and this tower will also overshadow the New Quay Central Park in June during lunchtime hours. Refer below for further discussion of these issues:

- **Building heights and overshadowing**

The proposed maximum height (SW tower) has been reduced to 91m (previously 99.42m) which has resulted in reduced shadow impacts to the southern footpath of Docklands Drive. However, overshadowing New Quay Central Park remains a concern.

- **Street wall heights and upper level setbacks**

The SW tower now proposes 5m upper level setback distances which is a positive amendment, however, the SE tower describes that upper level setbacks can encroach into the setback up to 70% of the site frontage (translates to ~30m of tower edge at zero setback). As previously mentioned, recommend removing any percentage descriptions of upper level setback distances as these are challenging to assess. A simple minimum upper level setback distance in metres is recommended. There is a former approval (current?) for a similar setback of the SE tower (~2 to zero metres), however, this was associated with a much lower tower form of 55m. As this proposal is for an 80m tower, a 5m upper level setback is to be observed to adequately limit visual bulk and mitigate wind impacts. Also recommend that the Development Plan diagram (p81) is amended to more clearly indicate such intentions, so remove "preferred" and include the upper level setback distances of 5m in the key.

8.2. Engineering Services Group - Traffic

The application was referred to the City of Melbourne's Engineering Services Group (ESG) who provided the following comments on the amended application:

I refer to our preliminary comments of 29 January 2019 and to the traffic report by GTA Consultants of 30 January 2019, regarding a proposed addendum to the Waterfront City Outline Development Plan (ODP) for the following sites:

- 28-38 Pearl River Rd – southwest site (SW).
- 3-43 Waterfront Way – southeast site (SE).

Please note the following traffic comments.

The proposal for the SE site is summarised as follows:

- *Permit has been issued for a 17-storey building, including apartments and hotel.*
- *It is now proposed to construct residential apartments and hotel or serviced apartments (with increased GFA, total 35,000m²).*
- *Approximately 80 car spaces are now proposed (75 spaces proposed in ODP).*
- *As both the proposed land uses and proposed number of car spaces are generally consistent with both the ODP and the approved scheme, we have no objections to the proposed addendum for this site.*

The proposal for the SW site is summarised as follows:

- *Permit has been issued for a 17-storey building, including apartments and retail.*
- *It is now proposed to construct residential apartments and commercial / offices (with increased GFA, total 40,000m²).*
- *Approximately 80 car spaces are now proposed (as per ODP).*

Please note the following traffic comments regarding the proposal for the SW site:

- *While we have no objection to the proposed changes in floor areas and to proposed land uses, this should be achieved without increasing either the car parking provision or, more importantly, the traffic generation.*
- *As the traffic generation rate for commercial / office uses (about 0.6 veh / hr / space) is much greater than the rate for apartments (about 0.15 veh / hr / space), the allocation of spaces to commercial uses would result in a significant increase in traffic generation and is therefore not supported.*
- *If 80 car spaces are allocated to apartments (as per ODP), they would generate 12 veh / hr in peak periods. If they are allocated to offices (as currently proposed), they would generate 48 veh / hr.*
- *Even if SIDRA analysis can demonstrate the traffic signals can currently accommodate the relatively modest projected increase in traffic volume, this is only one of many developments yet to be constructed in the Docklands precinct.*
- *The combined impact of these developments would adversely affect the surrounding road network. As the precinct is already highly congested in peak periods, the increase in traffic generation would exacerbate congestion.*

Ample bicycle and motorcycle parking should be provided both sites, to encourage the use of these sustainable transport modes.

Appropriate on-site loading must be provided, to our satisfaction.

The developer should note that significant changes are proposed to the design / operation of a number of local streets / intersections in the vicinity of these sites, both as part of District Docklands redevelopment and the proposed Docklands Primary School. I suggest the developer contact Cardno (the consultant preparing designs for the new road layouts) prior to submitting the traffic reports for these sites.

Further comments will be provided on the detailed planning applications for both sites.

9. ASSESSMENT

The key issues in the consideration of this Development Plan Addendum are:

- Land use
- Built form, including height and setbacks
- Public realm considerations, including view corridors, overshadowing and wind
- Bicycle facilities and car parking
- Other WFCDP objectives

Each is addressed in turn below.

9.1. Land use

The proposal seeks to vary the recommended uses for the land from predominantly residential, to a mix of retail premises, office, residential hotel and residential.

Relevantly, Schedule 6 to the Docklands Zone, within which the site is located lists office, residential hotel, dwelling and most retail uses (including hotel, tavern / bar and shop) as Section 1 – Permit not required land uses.

The Municipal Strategic Statement (MSS) identifies Docklands as being an Urban Renewal Area. Clause 21.13-2 supports residential development in Docklands that complements its other functions and encourages medium to high residential density. Mixed use development is supported, including office and commercial development.

Clause 21.13-2 also seeks to:

‘Support the ongoing operation and establishment of businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zones of Southbank.’

A notable proportion of recent developments within this part of Docklands has been for residential purposes, with a lower level of office development being realised. This Addendum has the potential to address this shortfall through the mandating of a minimum level of office space provision on the SW site via a Section 173 Agreement.

Given the direction within the Melbourne Planning Scheme there is no objection to this change in land use direction, provided that, at a minimum the taller of the two towers on the SW is used for non-residential purposes, secured via a Section 173 Agreement.

9.2. Built Form

9.2.1. Height

The proposed building envelope would allow for:

- Building(s) up to 90.95 metres in height at the south-west site; and
- Building(s) up to 70.82 metres in height at the south-east site.

The proposed envelopes are tapered, so that at a distance of 10 metres from Docklands Drive, the permitted heights would be 39.85 and 49.51 metres respectively. The maximum heights referred to above could only be achieved at the northern end of the sites, which are between 65 and 86 metres from Docklands Drive.

As set out previously within this report, the WFCDP recommends buildings on this site of up to 25 metres in height. Since the endorsement of the WFCDP in November 2003:

- Design and Development Overlay – Schedule 54 was gazetted on 7 April 2008 and sets a 45 metre discretionary maximum building height for the land.
- Planning Permit No. TP-2013-242 was issued for a 16 storey (54.9 metre) building on the south-west site on 28 June 2013.

- Ministerial Permit No. PA17/00219 was issued for an 18 storey (58.19 metre) building on the south-east site on 20 August 2017. This building is currently under construction, and has been designed to accommodate additional levels, should this addendum to the Development Plan be approved by the Minister.

In light of the above, the additional height sought by the proposal can be summarised in the table below:

Site	Permitted		Approved	Proposed
	WFCDP	DDO54		
South-west	25m	45m	54.9m (TP-2013-242)	90.95m (an additional 36.05m to the approved building)
South-east	25m	45m	58.19m (PA17/00219)	70.82m (an additional 12.63m to the approved building)

It is considered that the additional height above the current approvals provides a greater context for the area than heights recommended in the 2003 WFCDP and 2008 DDO54 for the following reasons.

The surrounding land was mostly undeveloped in 2003 and 2008.

The current approvals have both been issued within the past six years, and were assessed against a more recent site context and policy framework.

The principle guiding policy for built form in Docklands is Clause 22.18 (Urban Design within the Docklands Zone) which promotes design excellence in buildings and encourages diversity and complementary design between buildings and public spaces with the aim of creating a destination with a unique character and sense of place.

The policy differs from Clause 22.01 Urban Design in the Capital City Zone, as it does not encourage a particular model of development, such as the podium and tower format of buildings. Rather, development must exhibit design excellence and innovative design which considers a range of themes relating to street frontages and pedestrian and vehicle networks, responsiveness to the site, waterfront and public realm.

Relevantly, the following design principals of Clause 22.18 note:

- The facades of buildings should be attractive to passing pedestrians, with blank walls strongly discouraged. Interest should be provided by window and door openings into activities, displays, and by rich architectural detailing. Pedestrian entries should be clearly visible from the public domain.*
- Development should create new and interesting vistas from both land and water. Vistas to the water and to the city skyline should be maximised.*
- Landmark buildings and spaces should be encouraged at significant sites, junctions, gateways and key destinations. Maximise opportunities within the site to reinforce view corridors or terminate axes via buildings, structures or landscape treatments. The applicable Design and Development Overlays identify the location of landmark buildings in Docklands.*
- Development should create integration between the Docklands development and adjacent areas, particularly the Central City.*

The following Decision Guideline of DDO54 is also relevant to this assessment:

- *Buildings exceeding 40 metres in height must provide an appropriate built form relationship to the street.*

Noting that the application is for a development plan addendum, rather than specific buildings, the proposed preferred building heights are considered to be consistent with Council's policies based on the following:

- The Development Plan Addendum includes a number of additional Built Form Objectives and Guidelines which would apply to any future development of the sites, including:
 - *Create distinctive visual markers to the north of Docklands Drive and presence of District Docklands as a local focal point and wayfinding markers, which will fit in the existing and emerging skyline without visually dominating.*
 - *Encourage building forms which vary in height and form, which contribute to an attractive and interesting skyline when viewed from a distance.*
 - *Encourage architecturally diverse and unique buildings that serve as local focal points to assist with wayfinding.*
 - *Encourage multiple tower forms and a range of design techniques to minimise visual bulk.*
 - *Ensure new buildings integrate with the existing built form services or screened plant areas to avoid an adverse impact on their functioning.*
 - *Ensure new buildings integrate with co-locating of any services or screen plant to avoid an adverse impact on the public realm.*
- At the proposed heights, any buildings approved in accordance with the development plan addendum would not compete for primacy with other approved and existing buildings within Victoria Harbour. In this regard it is noted that 'Marina Tower' to the south has a height of 140 metres; 'The Quays' has a height of 100 metres, and the New Quay West Amended Development Plan allows for several buildings between 95 and 120 metres in height along the waterfront.

These existing and approved developments are depicted in the graphic prepared by the permit applicant in Figure 16 on the following page.

- Any buildings approved under the Development Plan Addendum would be set back at least 10 metres from Docklands Drive, and be no more than (approximately) 49 metres in height at that interface. As the highest points would be sited at the northern end, the additional height contemplated by the Development Plan Addendum would have limited impact on the visual amenity along Docklands Drive.
- The surrounding area comprises buildings of varying shapes and heights, and any buildings constructed in accordance with the building envelopes have the potential to contribute positively to this varied and interesting skyline.
- Owing to their corner locations, the taller built forms would assist in defining 'The District' and improving the legibility of this precinct.

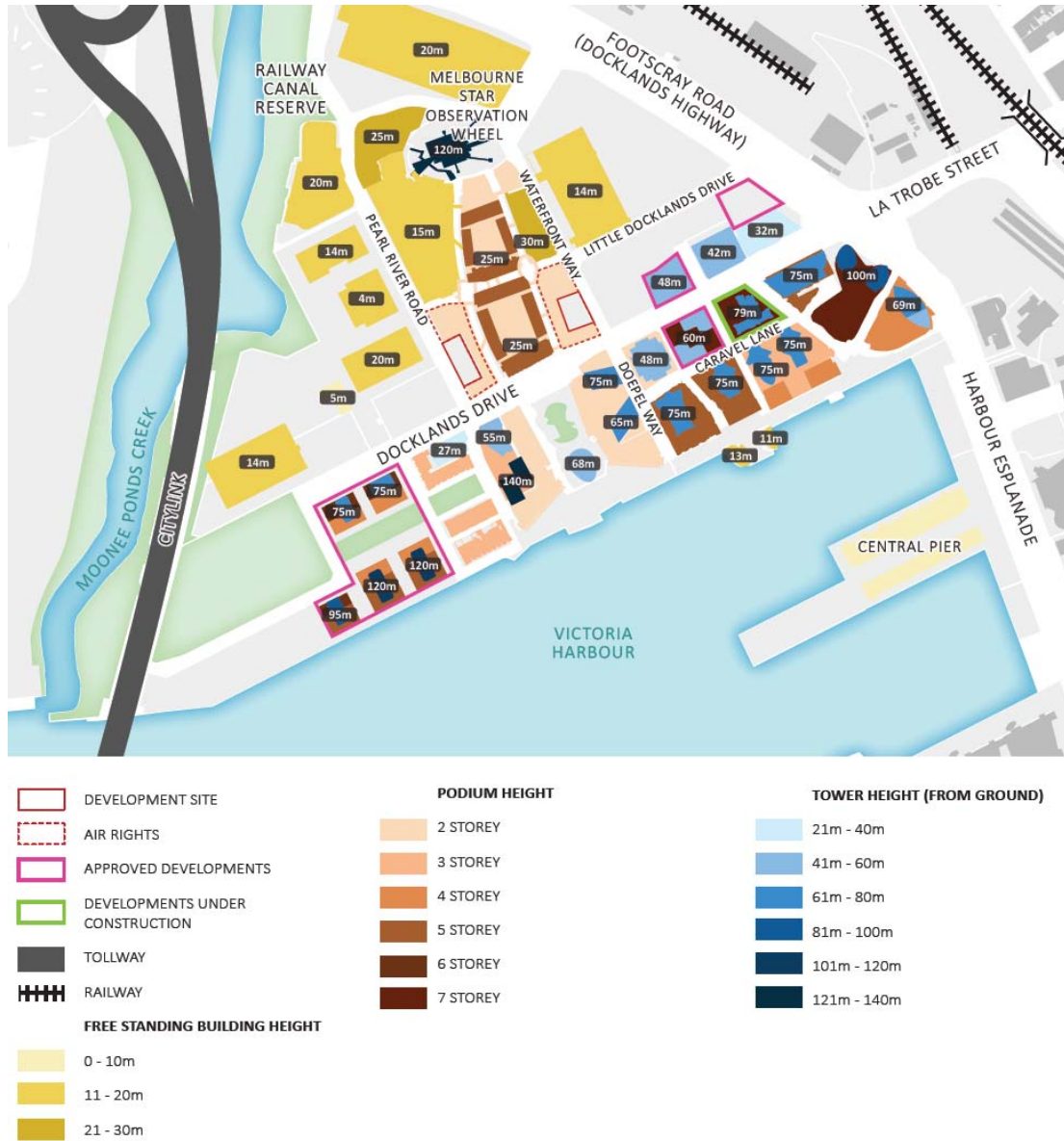


Figure 16 - Emerging Built Form graphic prepared by the permit applicant

Potential amenity impacts resulting from the increased building envelopes, including overshadowing, wind and views from the Melbourne Star are discussed in Section 8.3 of this report.

9.2.2. Setbacks

In general terms, the development plan addendum envelopes would allow for 11.8 metre high street walls, 10m upper level setback to Docklands Drive, 5m upper level setback to all other boundaries and a ten metre tower separation. The proposed building envelope for the south-east site also allows for a 0 metre setback to Waterfront Way for 70 percent of the site frontage.

As noted earlier, these setbacks are generally in excess of those of the WFCDP, which anticipates buildings in the order of 25 metres. Neither DDO54 nor the DZ6 offer specific guidance with respect to building setbacks.

The feasibility study which forms part of the WFCDP does not provide any setback dimensions; though a review of both the sections and floor plans indicates a preferred setback in the order of 0-3 metres from the adjacent street frontages and minimal setbacks to arcades within the title boundary. It is worth noting, however, that these setbacks relate to a nominal 5-6 storey building with a central courtyard.

In lieu of this, the following Decision Guidelines of DZ6, DDO54 and the Design Principles at Clause 22.18 are of greatest relevance.

Docklands Zone – Schedule 6:

- *The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.*
- *Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.*

Design and Development Overlay – Schedule 54:

- *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.*

Development Plan Overlay – Schedule 7:

'In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- *Views of the precinct from the Victoria Harbour water body.*
- *Pedestrian and vehicle movement networks, both internal and external to the site.*
- *Impact of overshadowing on the waterfront promenade and Victoria Harbour water body.*
- *Treatment of the public realm.*

Clause 22.18 (Urban Design within the Docklands Zone):

- *Create “active” streets throughout Docklands with new development incorporating active ground level frontages which enliven and energise public streets and spaces.*
- *Development should generally be constructed to the street boundary to define and enclose streets and other public spaces, creating continuous street frontage whilst allowing variations in individual buildings and uses.*

Taking into consideration the relevant guideline, the proposed setbacks are considered to be generally acceptable based on the following:

- The 11.8 metre tall street walls would allow for a suitable streetscape interface, consistent with both policy and existing built form in this precinct.
- The five metre setbacks above the street wall (and ten metres to Docklands Drive) would provide a sufficient distinction between the street wall and tower.
- A ten metre tower separation would allow for adequate privacy between dwellings and avoid a continuous wall of tall built form.

Notwithstanding the above, although the Development Plan Addendum and supporting potential development outcomes clearly anticipate a two tower development on the SW site; this is not mandated. In order to avoid a single built form maximising the building envelope, the Development Plan Addendum should be updated to clarify that it must be developed with two towers.

In terms of the reduced setback for the south-east site, this is necessary to accommodate the tower that is already under construction. As illustrated in the extract below, the combined apartment building / residential hotel has a curved façade, which at one point is built to the Waterfront Way street frontage. With a setback of up to seven metres, the bulk of the approved development is within five metres of the street.

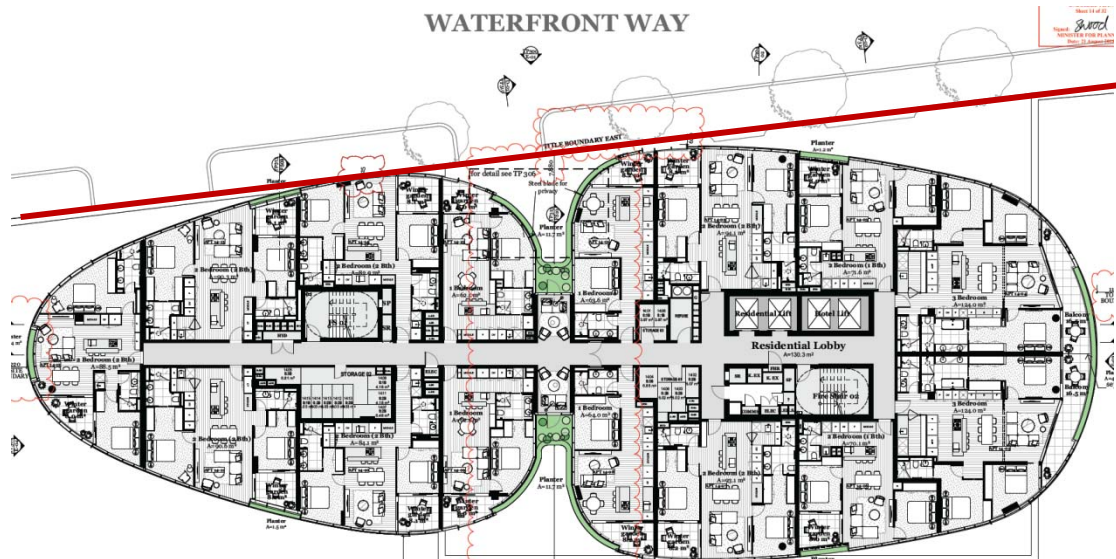


Figure 17 - Extract of the endorsed Level 14 plan, highlighting the street boundary (from Drawing TP211)

The proposed addendum would add an additional 12.63 metres, or 3-4 storeys on top of this building. This additional height has been modelled by the applicant and an extract is reproduced in Figure 18 on the following page.

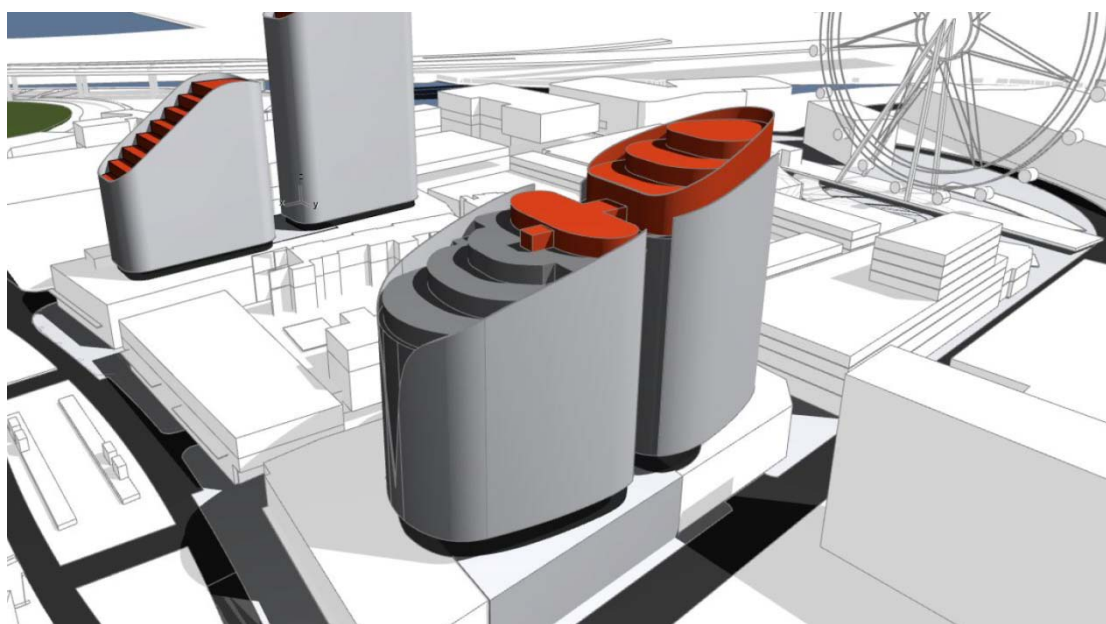


Figure 18 - 3D render of proposed development, showing additional proposed height in red

Given the circumstances, it is unfeasible to mandate a five metre setback to a building that is currently under construction.

The proposed setbacks of the Development Plan Addendum are therefore considered to be acceptable with respect to urban design.

9.3. Public realm

9.3.1. Overshadowing

The need for development to preserve adequate solar access to the public realm and in particular open spaces is identified in relevant policy throughout the Melbourne Planning Scheme, including the applicable Zone and Overlay Decision Guidelines. Council's Local Planning Policy which seeks to limit overshadowing of public spaces (Clause 22.02) does not apply to land within the Docklands Zone.

Given the site context, the two main areas identified as being of critical importance are NewQuay Central Park and the footpath on the southern side of Docklands Drive. Negotiations between Council, DELWP and the applicant resulted in significant reductions in the level of overshadowing of these spaces in the final version of the Development Plan Addendum.

This overshadowing constraint has shaped the proposed building envelopes, which slope from north to south. In order to protect the abovementioned spaces, the Development Plan Addendum includes a control mandating that no part of NewQuay Central Park or the footpath on its northern side receive any additional shadows on the equinox between 11am and 3pm. The submitted overshadowing diagrams, based on the proposed envelopes, demonstrate that this is achievable (refer below).

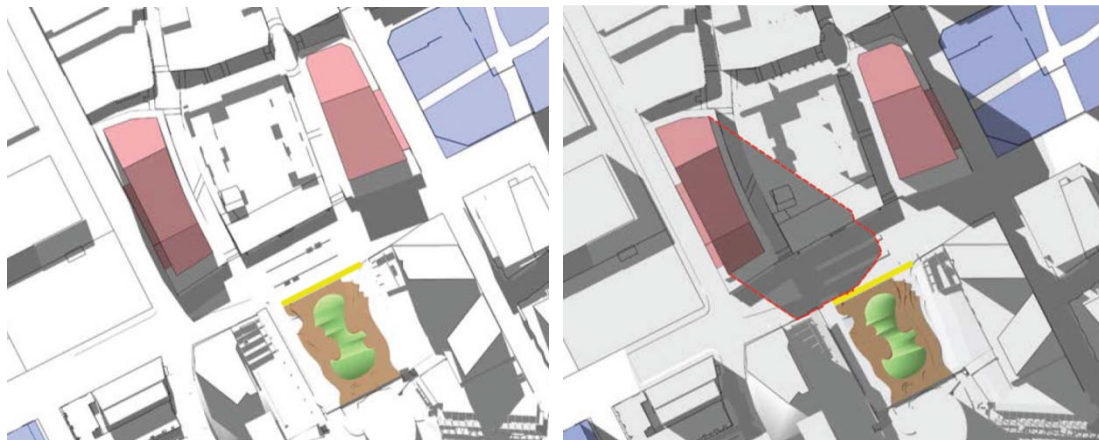


Figure 19 - Equinox shadow diagrams, showing shadows at 1pm (left) and 3pm (right)

In terms of the winter solstice, a letter from the permit applicant dated 31 May 2019 states that:

The Development Plan has been updated to include the following requirement with respect to shadows:

The New Quay Central Park (the green and brown areas in the diagrams) should be protected from additional shadow from:

- *Both the SE and SW Development Sites between 11am and 3pm at the 22 September equinox.*
- *The SW Development Site between 11am and 2pm at the 21 June Solstice.*

- *The SE Development Site is generally in accordance with the Permit Approved Plans between 11am and 2pm at the 21 June Solstice.*

The distinction between the south-east and south-west sites is due to the fact that the approved building currently under construction on the south-east site already contributes to additional overshadowing of NewQuay Central Park on the winter solstice. Given the shape of the proposed building envelope, the proposal would not cast any additional shadow on this park.

Taken together, the proposed overshadowing controls would ensure that:

- NewQuay Central Park and the footpath on its northern side would be free of additional overshadowing between 11am and 3pm for over 6 months of the year.
- Any building on the south-east site would not contribute to any additional overshadowing of NewQuay Central Park on the winter solstice beyond what is already approved.
- NewQuay Central Park will not be subject to additional overshadowing by any buildings on the south-west site between 11am and 2pm throughout the year.

The extent of overshadowing resulting from the proposed SW building envelope was confirmed by Council's GIS team, who created a model of the proposed building envelope and inserted it into Council's 3D model of the City.

Given the above, and to give effect to the permit applicant's submission of 31 May 2019, it is recommended that Council's support of the proposal be subject to the following requirement:

- A label be added to the 'Development Sites Development Plan' drawing stating that the identified hatched area receive no additional shadow between 11am and 2pm on the winter solstice.

9.3.2. Loss of views

Owing to the site's proximity to Victoria Harbour and the Melbourne Star Observation Wheel (The Wheel), the preservation of views to and from both is a relevant consideration.

Relevantly, Clause 22.18 includes the following design principles:

- *Built form and profile should encourage vistas into and out of the site, from the city edge and the water, to strengthen the image of "Victoria's New Waterfront".*
- *Development should create new and interesting vistas from both land and water. Vistas to the water and to the city skyline should be maximised.*
- *Vistas to the water and to the city skyline should be maximised, particularly from key pedestrian spaces. Particular attention should be paid to building form and roof profiles in areas of high visibility.*

The Wheel, from the start of the ride to its peak at a height of 120 metres offers 360 degree vistas towards the horizon and features to the north, west and port area, along with key vistas to Port Phillip Bay to the south and south east to the Central City skyline.

Views of Victoria Harbour, the Central City and Port Phillip Bay from The Wheel were carefully considered by the applicant, who also met with the owners and operators of The Wheel to discuss their proposal.

To demonstrate the impact of the proposal on views from The Wheel, the applicant has superimposed the building envelopes on a photo of Victoria Harbour and Port Phillip Bay taken as the pod reaches the top of The Wheel. This graphic is reproduced below.

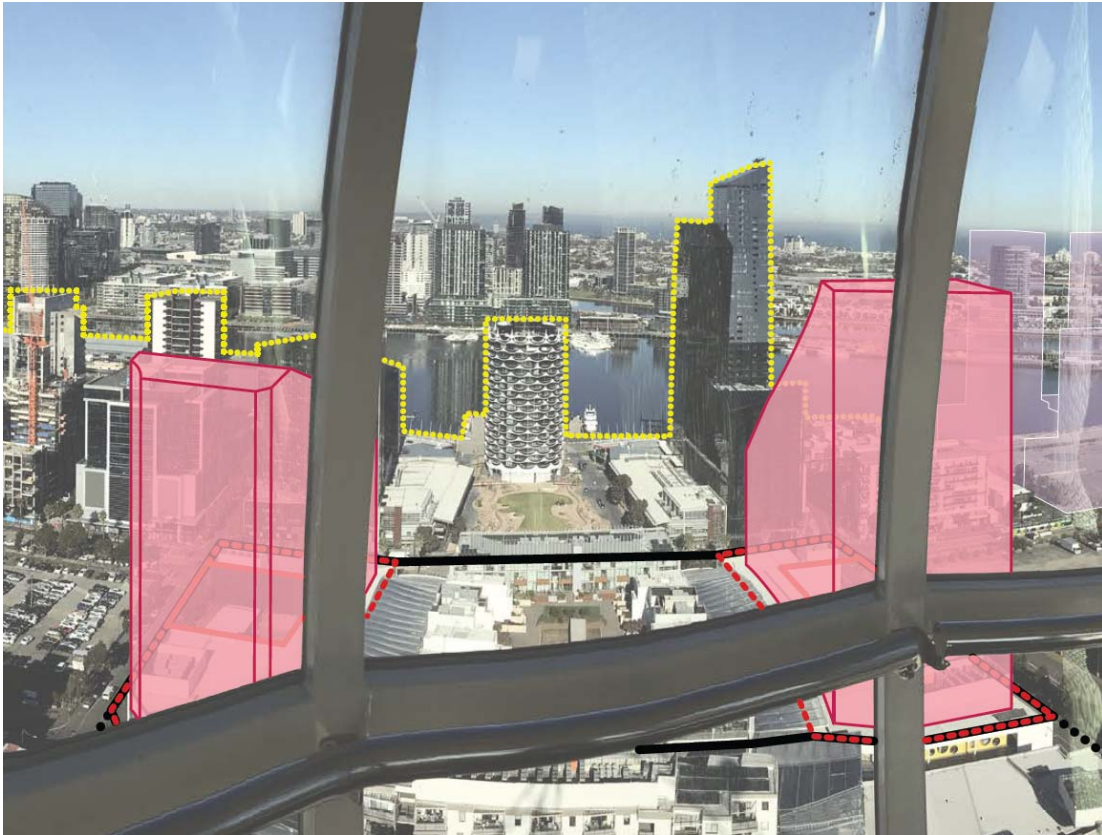


Figure 20 - Proposed building envelopes and indicative massing of NewQuay West from the top of the wheel

Although the proposal would reduce some views from The Wheel, it is nevertheless considered that important views from the Wheel are adequately protected by virtue of:

- The buildings would have no impact on views of the Central City;
- The buildings would maintain views on the horizon towards Port Phillip from the top of the wheel;
- The prime view of Victoria Harbour, that is, either side of 'Banksia NewQuay' would remain uninterrupted; and
- The south-east building would block only a narrow view of Victoria Harbour, which will largely already be blocked by the approved building under construction.

In terms of views from Victoria Harbour, the building envelopes would be most visible from Victoria Harbour Promenade, near the City of Melbourne Library at The Dock. The extent of visibility is depicted in the 3D model at Figure 21 on the following page:

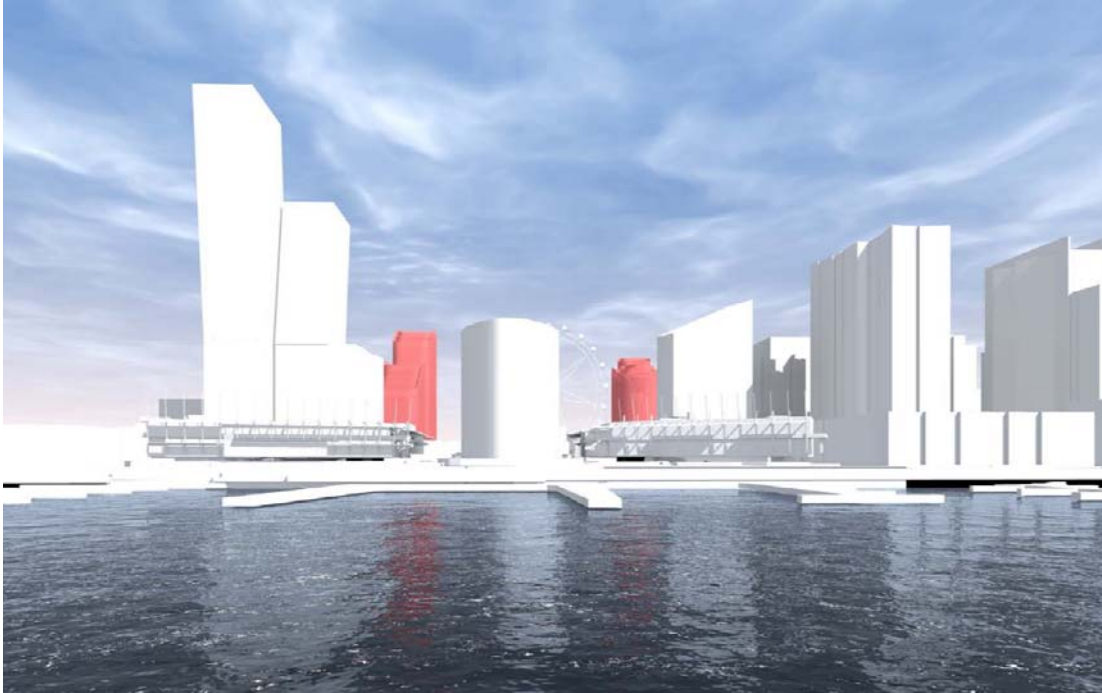


Figure 21 - 3D model depicting proposed building envelopes from Victoria Harbour Promenade

Noting that both sites already have approvals for tall buildings, it is considered that the larger buildings permitted by the Development Plan Addendum would:

- Be in keeping with that of the surrounding area;
- Not unreasonably reduce views from the Melbourne Star Observation Wheel; and
- Maintain views and vistas through this part of Docklands.

For the reasons outlined above, it is considered that the proposal adequately protects important vistas in accordance with relevant policy.

9.3.3. Wind

Wind impacts on the public realm are a further key consideration in deciding whether the additional built form permitted by the Development Plan Addendum is acceptable.

In order to address potential wind impacts, Section 5.3 of the Development Plan Addendum includes recommended comfort criteria for the public realm, as well as private areas within the development. It recommends that:

- Walking criterion be met for transit areas;
- Standing criterion be met for retail store facades and building entries; and
- Sitting criterion be met outdoor seating areas.

The recommended wind controls have been informed by a desktop 'Environmental Wind Considerations' submission prepared by MEL Consultants dated 6 May 2019.

Although the criteria set out in the Development Plan Addendum would likely result in an acceptable wind environment within the public realm, they are considered to be deficient based on the following:

- The criteria are recommended, not mandatory;
- Wind comfort levels are not defined in the Addendum, nor the wind report; and
- There is no specific requirement for the approval of a wind report based on a wind tunnel study.

Given the conclusions of the wind report, it is considered that adverse wind impacts could suitably be addressed by design techniques and interventions.

Support for the Development Plan Addendum is therefore contingent upon the following being incorporated into the final version:

- Wind comfort levels to be consistent with the Definitions at Section 2.1 of Schedule 10 to the Design and Development Overlay.
- Wind criteria to be made mandatory.
- Any future planning permit applications to be accompanied by a wind report based on a wind tunnel study.

9.4. Bicycle facilities and car parking

The proposed Development Plan Addendum does not specifically seek to vary vehicle and bicycle parking requirements which apply to the site; noting that the WFCDP includes only the following broad principles:

- *Provide adequate, convenient and legible parking facilities within a pleasant user-friendly environment.*
- *Allow the precinct peak parking demands to be accommodated within and immediately adjacent to WFC.*
- *Provide a pleasant and safe pedestrian and bicycle environment.*

Council's Traffic Department has expressed concern that the additional floor area and change in use proposed by the Addendum would result in a significant increase in parking provision, which could have a detrimental impact on traffic conditions within the local area.

In response to these concerns, the applicant submitted a traffic report prepared by GTA Consultants dated 30 January 2019 which noted that:

- *Car parking demand rates in inner urban areas such as Docklands for residential and office land uses have generally decreased since 2003, with policy supporting progressively lower rates of car parking provision since that time.*
- *Since the approval of the ODP [WFCDP] the tram route extension along Docklands Drive past the site has been constructed, which gives the site better public transport access than was previously available.*
- *The proposed Development Plan does not seek to significantly increase the provision of on-site car parking when compared with the approved ODP. Specifically, the concept plans in the Development Plan show car parking for both sites within automatic car stacker systems with in the order of approximately 80 spaces per system, consistent with the approved ODP.*

In terms of car parking provision the report concluded that:

'... the overall supply of car parking both within the sites and in the vicinity of the sites is not proposed to notably increase as a result of the proposed Development Plan.'

As set out at Section 8.2 of this Report, Council's Traffic Engineer had no concerns in relation to the proposal provided that the additional yield could be achieved: *'without increasing either the car parking provision or, more importantly, the traffic generation.'*

Given the above, and the Development Plan Addendum's vague statements regarding vehicle and bicycle parking, Council's support for the Development Plan Addendum is therefore contingent upon no net increase in car parking on the site. The following controls should therefore be incorporated into the final version:

- No more than 88 car spaces provided for any development on the south-east site.
- No more than 34 car spaces provided for any development on the south-west site.

In terms of bicycle facilities, the Development Plan Addendum states that bicycle parking will be provided in accordance with the rates stipulated at Clause 52.34 (Bicycle Facilities), which requires the provision of bicycle parking as follows:

Use	Employee / Resident	Visitor / Shopper
Dwelling	1 to each 5 dwellings	1 to each 10 dwellings
Office	1 to each 300m ² of NFA	1 to each 1000m ² of NFA
Retail premises other than specified in this table	1 to each 300m ² of leasable floor area	1 to each 500m ² m of leasable floor area

In addition to the above, Clause 52.34-5 recommends that showers be provided at a rate of one shower for the first five employee bicycle spaces required, plus one to each employee bicycle space thereafter, as well as one change room or direct access to a communal change to each shower.

Council's *Bicycle Plan 2016-2020* seeks to make Melbourne a 'cycling city' by encouraging more people to take up riding or ride more frequently, increase bicycle-friendly facilities, and making it easy to travel by bike. The Plan states that:

'Access to appropriate bicycle parking and end-of-trip facilities, such as change rooms, showers and lockers, play an important role in whether people decide to ride. More than half of respondents said the availability of end-of-trip facilities affected their decision to ride to work in difficult or unpredictable weather conditions. Visible, secure, well-located and easy to access bicycle parking can remind and inspire people of the convenience to ride to many destinations.'

The *Transport Strategy Discussion Paper Bicycles For Everyday Transport* which informs Council's *Transport Strategy 2030*, which will soon be presented for endorsement acknowledges that:

- *A lack of access to showers or lockers in workplaces or not having access to convenient bicycle parking can prevent people riding.*

- *Space underground and in buildings is needed to ensure enough bicycle parking is provided and to free up footpath space for other uses.*

To offset the increased floor area, and encourage cycling as an alternative mode of transport for residents, employees and visitors in this part of Docklands, it is Council's view that the requirements for bicycle facilities at Clause 52.34 are insufficient.

Whilst not formally adopted, Council's *Green our City Strategy Action Plan*, dated 25 September 2019, recommends the following minimum provision of bicycle parking spaces; which for non-residential uses are understood to be consistent with *Green Star* requirements:

Residential:

- One secure bicycle space per dwelling.

Non-retail development (including Office):

- One bicycle parking space for 20% of regular occupants in the case of a new building without onsite car parking. Regular occupants are occupants who occupy the building for 2 hours a day on a daily basis (excludes weekends for buildings which operate on business days only).

Retail development

- One bicycle parking space for 5% of peak visitors in the case of a new building without onsite car parking.

Neither the *Bicycle Plan 2016-2020* nor the *Green our City Strategy Action Plan* identify a need to increase shower or changeroom facilities, and a variation to this component of Clause 52.34 is not necessary.

The Development Plan Addendum should therefore be updated to require bicycle parking provided in accordance with the rates identified above.

10. OFFICER RECOMMENDATION

That DELWP be advised that the City of Melbourne supports the proposal subject to the following conditions:

Built Form

1. The 'Development Sites Development Plan' updated so as to restrict any development on the SW site to two towers with a minimum 10 metre separation, rather than a single building.
2. The 'Development Sites Development Plan' updated to mandate that the taller of the two towers on the SW site must not exceed a height of RL +93.13 metres, including building services and architectural features.
3. The 'Development Sites Development Plan' updated to mandate that the shorter of the two towers on the SW site must not exceed RL +64.025 metres, including building services and architectural features.
4. The legend of the 'Development Sites Development Plan' updated to mandate that the street wall heights must not exceed the height of the existing street walls either side of both sites.

Overshadowing

5. The 'Development Sites Development Plan' updated to state that NewQuay Central Park, as depicted by the hatched area, receives no additional overshadowing between 11am and 2pm at the 21 June Solstice.

Wind

6. Wind comfort levels to be consistent with the Definitions at Section 2.1 of Schedule 10 to the Design and Development Overlay.
7. Wind criteria to be made mandatory.
8. Any future planning permit applications to be accompanied by a wind report based on a wind tunnel study.

Land Use

9. The taller of the two towers on the SW to be restricted to non-residential land use via a Section 173 Agreement on Title.

Parking

10. No more than 88 car spaces provided for any development on the south-east site.
11. No more than 34 car spaces provided for any development on the south-west site.
12. Bicycle parking be provided at the following rates:

Residential:

- One secure bicycle space per dwelling.

Non-retail development (including Office):

- One bicycle parking space for 20% of regular occupants in the case of a new building without onsite car parking. Regular occupants are occupants who occupy the building for 2 hours a day on a daily basis (excludes weekends for buildings which operate on business days only).

Retail development

- One bicycle parking space for 5% of peak visitors in the case of a new building without onsite car parking.