

Report to the Future Melbourne Committee

Agenda item 6.2

**Ministerial Planning Referral: TPM-2020-22
Lot S9, 208 - 226 Harbour Esplanade, Docklands**

2 February 2021

Presenter: Larry Parsons, Practice Leader Land Use and Development**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning permit application seeking approval to construct a multi-storey, mixed-use building at Lot S9, 208 - 226 Harbour Esplanade, Docklands (otherwise known as 30 - 40 Digital Drive, Docklands - refer attachment 2 - Locality Plan).
2. The applicant is SJB Planning, the owner is Digital Harbour Holdings Pty Ltd and the architect is Bates Smart.
3. The site is located in Docklands Zone, Schedule 5 (DZ5, Digital Harbour Precinct), Design and Development Overlay Schedules 12 (DDO12, Noise attenuation area) and 53 (DDO53, Digital Harbour Precinct), Development Plan Overlay (DPO) and Parking Overlay Schedule 13 (PO13).
4. This proposed building includes retail and office space at ground floor level, car parking at upper podium level with additional office space above (refer attachment 3 - Selected Plans). Though a single building, the proposal comprises three distinct tower elements; the southern-most and central of these would each stand to a height of 96.5 metres and the northern-most to a height of 90 metres. The proposal includes 39,699 square metres of net leasable office space, 217 square metres of retail space, 136 car parking spaces and 357 bicycle parking spaces.
5. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has referred the application to Council for comment. Council is not a recommending referral authority and the proposal is exempt from third party notice and appeal rights.

Key issues

6. The key issue for consideration is the impact the proposed building may have upon the general amenity of the adjacent future public open space (Central Green). This open space is the key public asset of this precinct and the building would cast shadows across it until around 12:30pm on 22 September.
7. Though some shadows are anticipated by the Digital Harbour Development Plan (with a preferred maximum height of 75m), the shadows cast by the proposal would exceed these and are considered to have a significant impact upon the general amenity of Central Green. Recommended conditions consequently include a reduction in height of the northern-most element of the tower to 75 metres to ensure the shadows cast by it over Central Green do not extend beyond those anticipated by the Plan.
8. The 2011 Development Plan is currently under review, however until any changes are agreed and finalised, the proposal is required to meet the existing Plan requirements, including the geometry of Digital Drive as a through street.
9. The overarching design and presentation of the building, including the extent of activation of public interfaces, podium facade landscaping and the modulation of the tower element, are considered to be acceptable, as are the proposed car and bicycle parking facilities.
10. The applicant is to be commended for the environmental sustainability of the proposed building, aspiring to achieve a 6 Star Green Star rating.

Recommendation from management

11. 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 the conditions in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 50)
2. Locality Plan (Page 3 of 50)
3. Selected Plans (Page 4 of 50)
4. Delegate Report (Page 25 of 50)

Supporting Attachment

Legal

1. DELWP is the Responsible Authority. The application has been referred to Council for comment only. The Council is not a referral authority.

Finance

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

Conflict of interest

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

Health and Safety

4. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

5. The application is exempt from the notice and review requirements of the *Planning and Environment Act 1987*.

Relation to Council policy

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

Environmental sustainability

7. The Environmentally Sustainable Design (ESD) report submitted with the application confirms the proposed development will achieve the relevant performance measures set out in Clause 22.19 (Energy, Water and Waste Efficiency) and, subject to conditions, Clause 22.23 (Stormwater Management) of the Melbourne Planning Scheme.

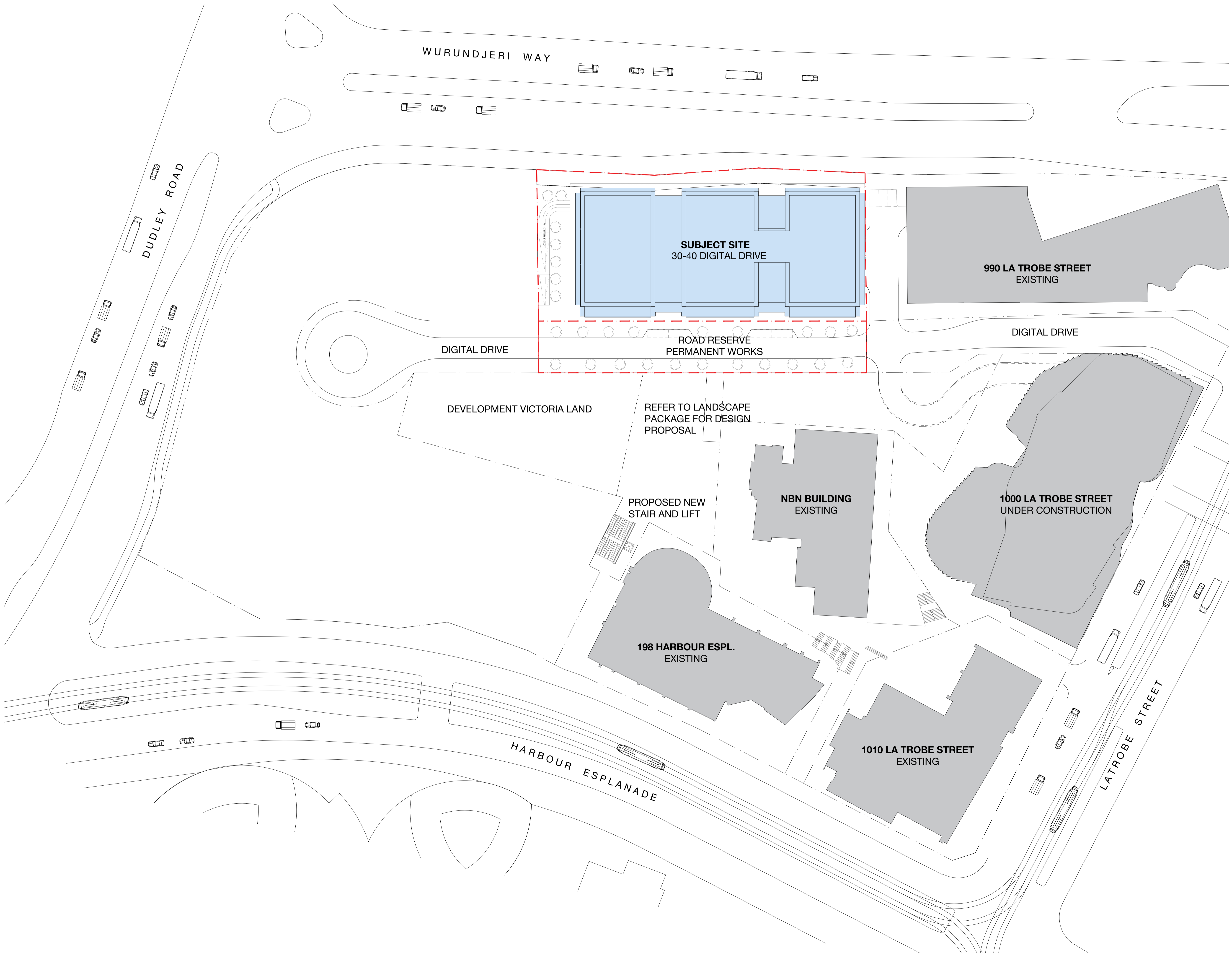
Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
2 February 2021

Lot S9, 208 - 226 Harbour Esplanade, Docklands



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.
All drawings to be read in conjunction with all architectural documents and all other consultants documents.
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.
All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
Site Location Plan

Scale	1:500	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	2/9/2020 10:23 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70..._CAD\Plots\DAITP01.00.dwg	
Drawing No.	TP01.00	[Revision]

TP01.00 **C**

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

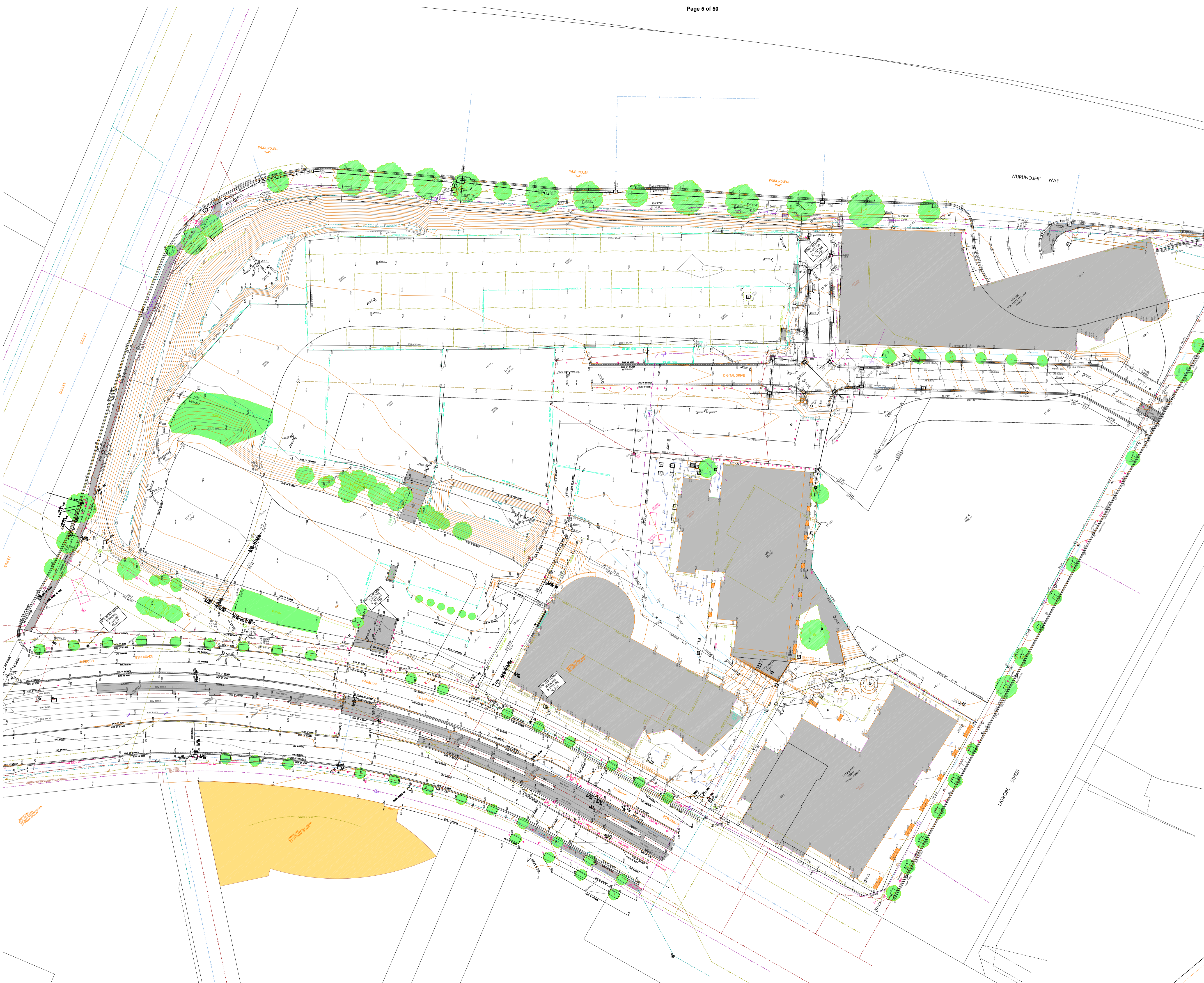


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop-drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

**30-40 Digital Drive, Docklands
Digital Harbour**

Site
Existing Conditions Plan

Scale	1:500	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:10 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP01.10.dwg	
Drawing No.	[Revision]	

TP01.10 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

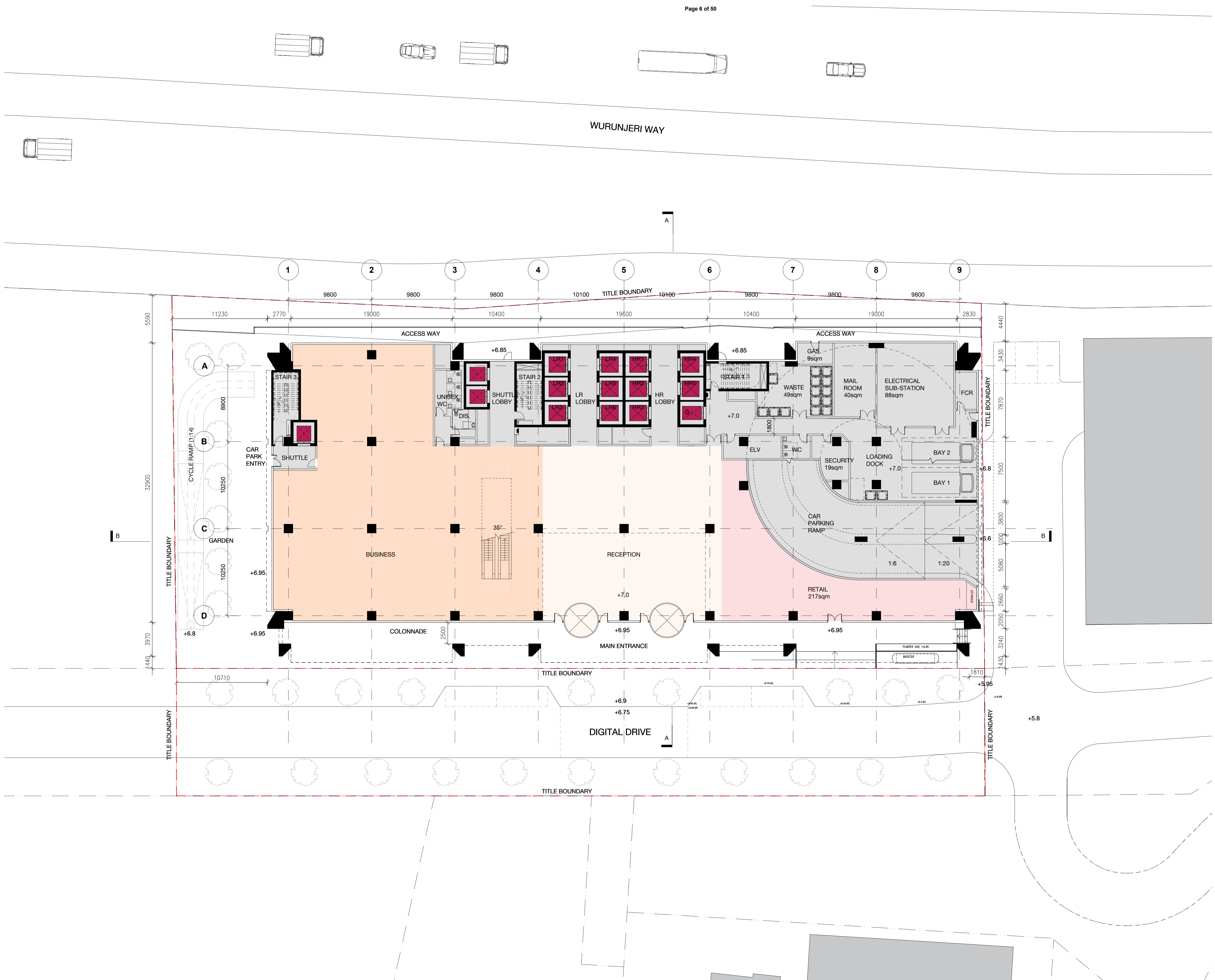


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision	Date	Description	Initial

30-40 Digital Drive, Docklands Digital Harbour

Key Plan
Ground Floor

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	2/9/2020 10:23 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ..._CAD\Plots\DAITP02.00.dwg	
Drawing No.	[Revision]	

TP02.00 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batessmart.com.au
http://www.batessmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batessmart.com.au
http://www.batessmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

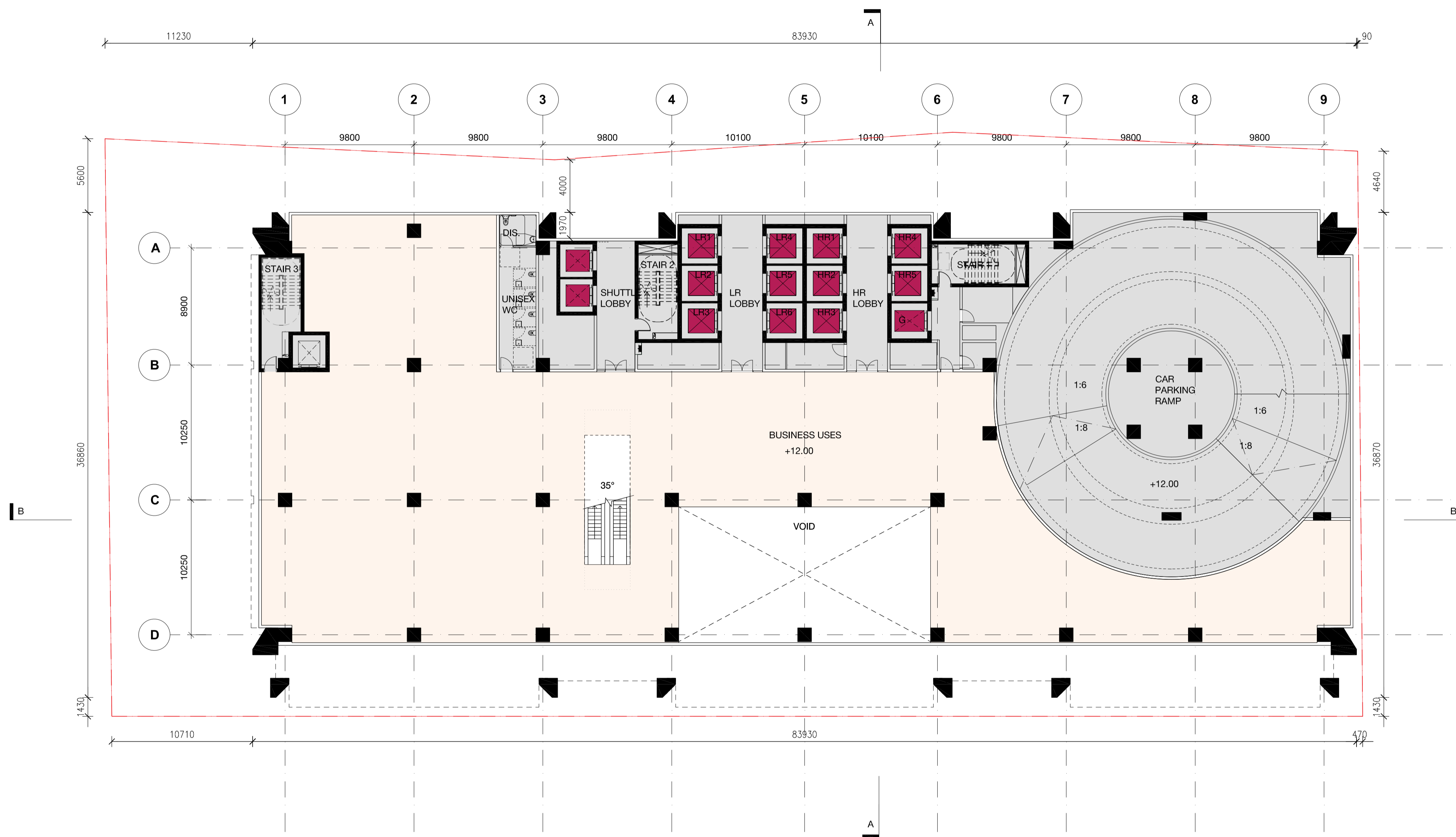


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	28.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
Key Plan Level 01

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:10 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... CAD\Plots\DAITP02.01.dwg	
Drawing No.	[Revision]	

TP02.01 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

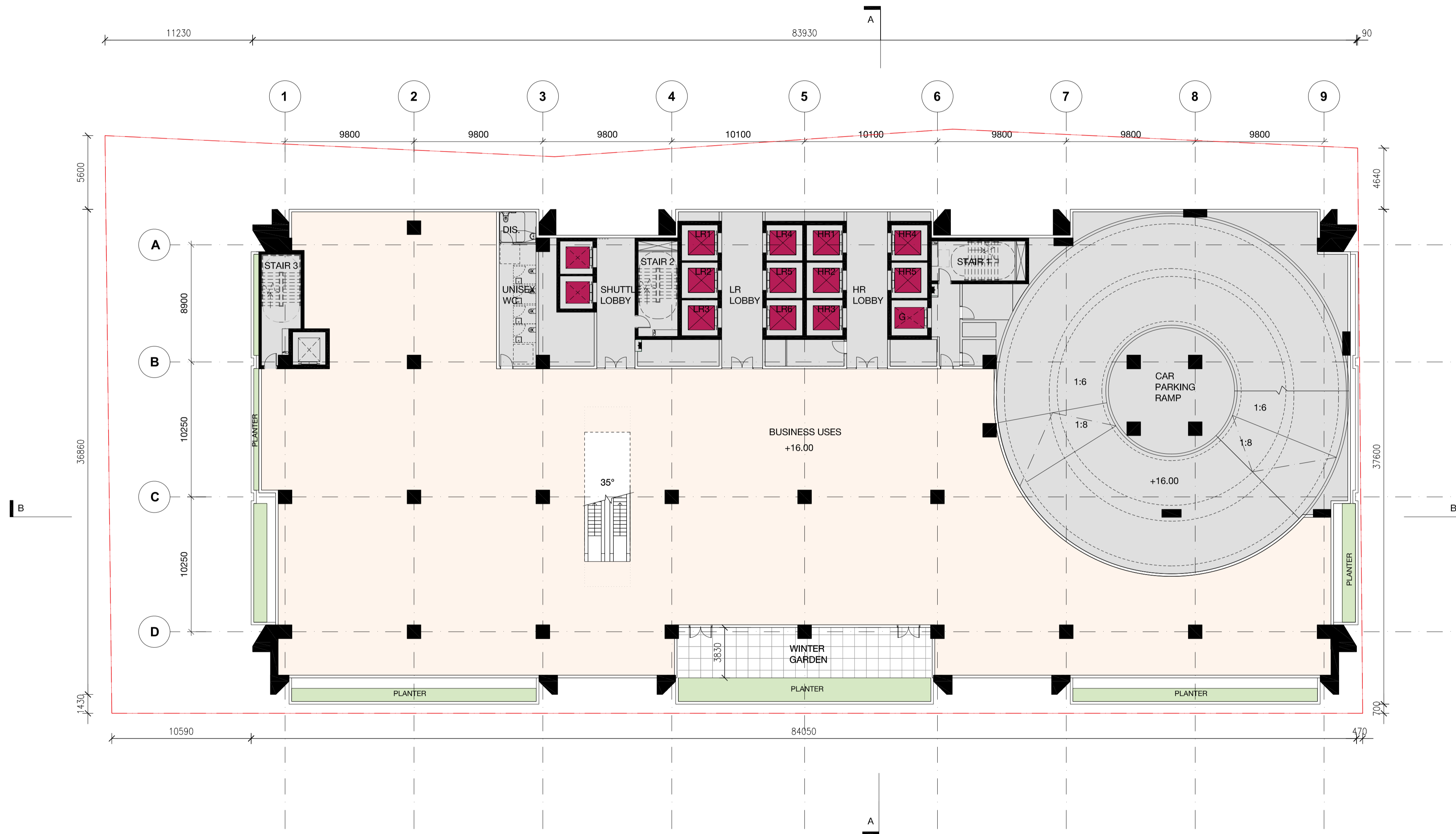
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 02

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:10 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.02.dwg	
Drawing No.	[Revision]	

TP02.02 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

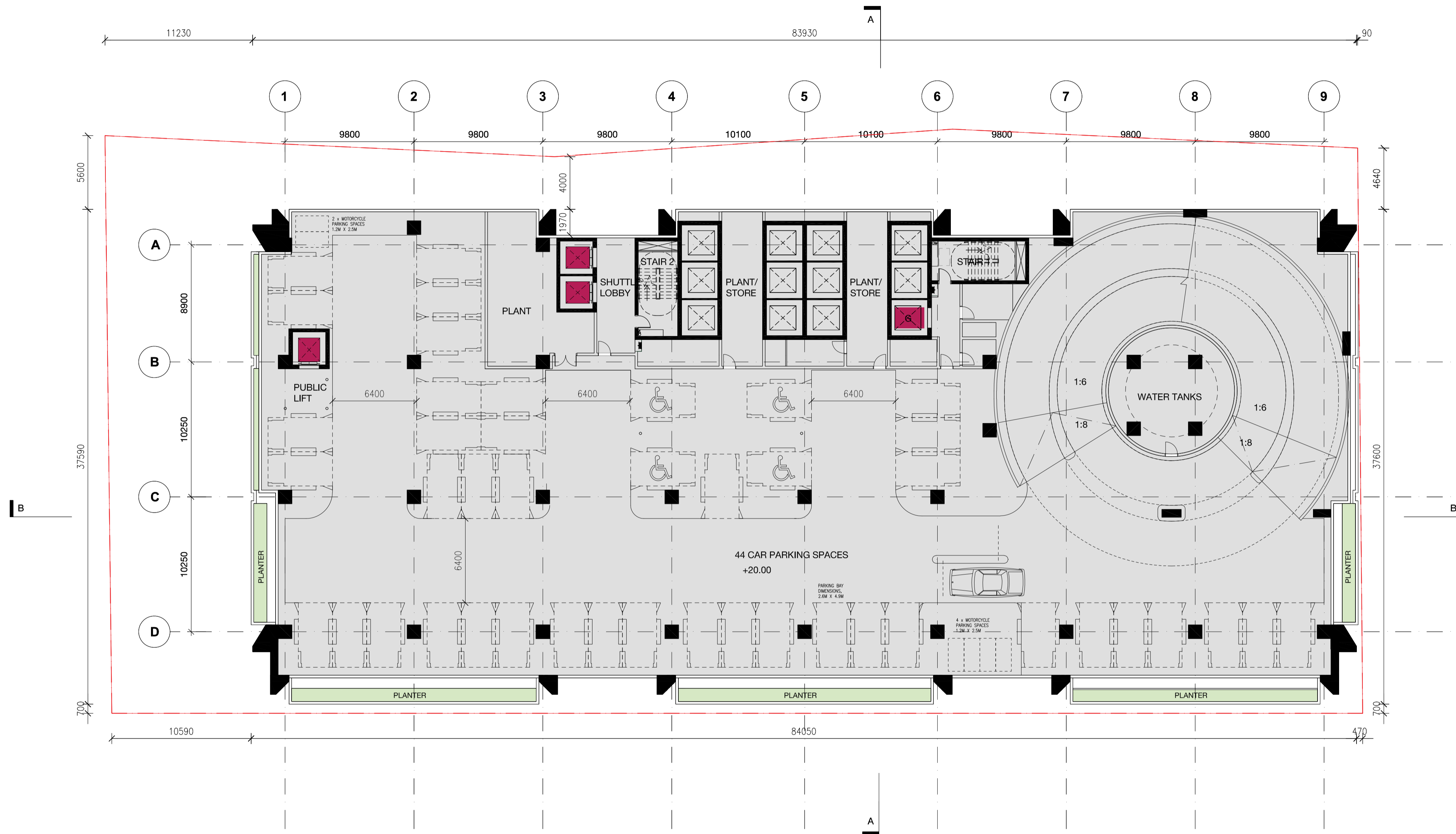
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	26.08.20	TOWN PLANNING	NJ	BS

30-40 Digital Drive, Docklands Digital Harbour
Key Plan
Level 03-04 (Carpark)

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:10 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ..._CAD\Plots\DAITP02.03.dwg	
Drawing No.	[Revision]	

TP02.03 **A**

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

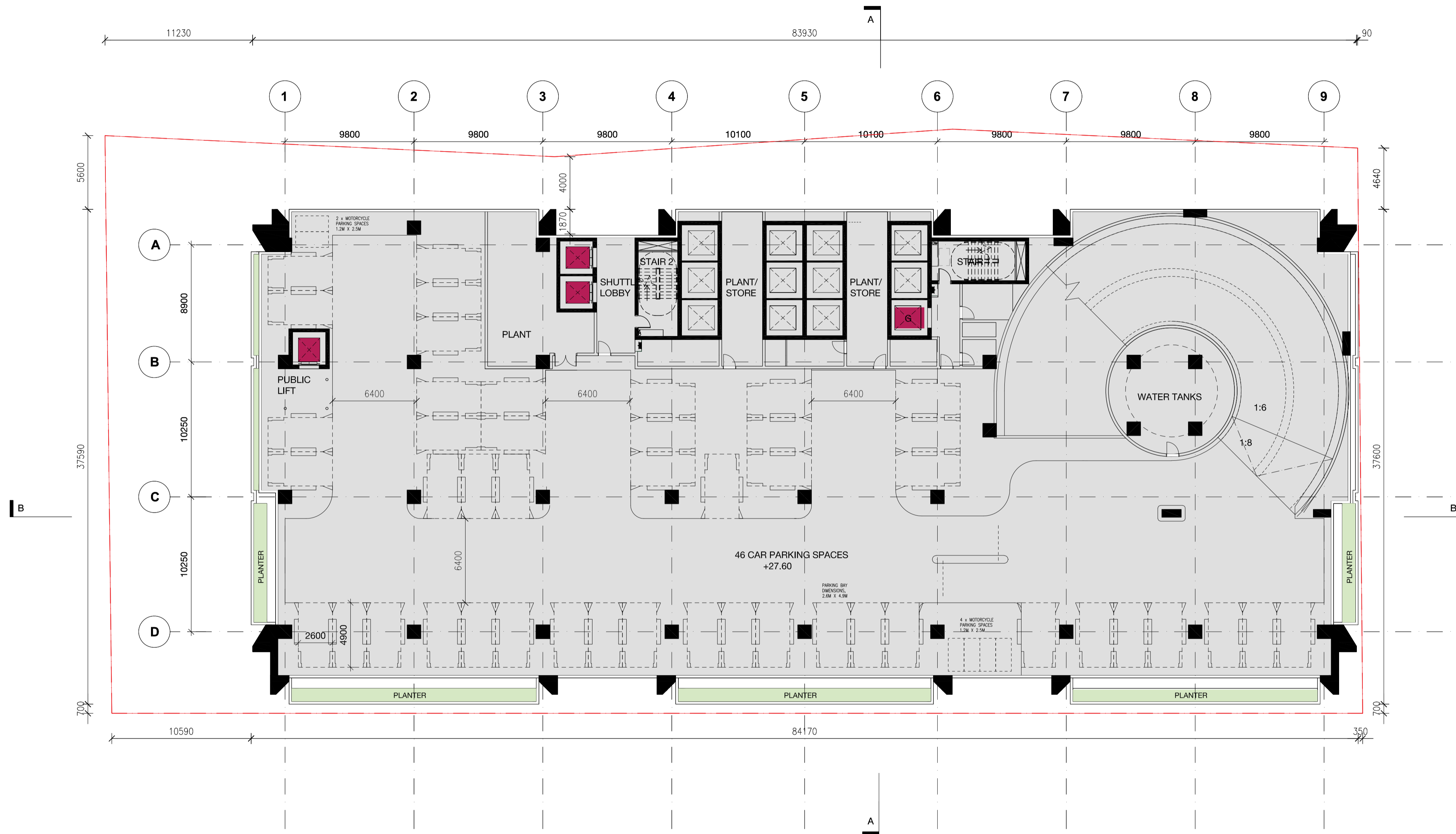
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision	Date	Description	Initial Checked

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 05 (Carpark)

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:10 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ..._CAD\Plots\DAITP02.05.dwg	
Drawing No.	[Revision]	

TP02.05 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email melb@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 06

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.06.dwg	
Drawing No.	[Revision]	

TP02.06 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email melb@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

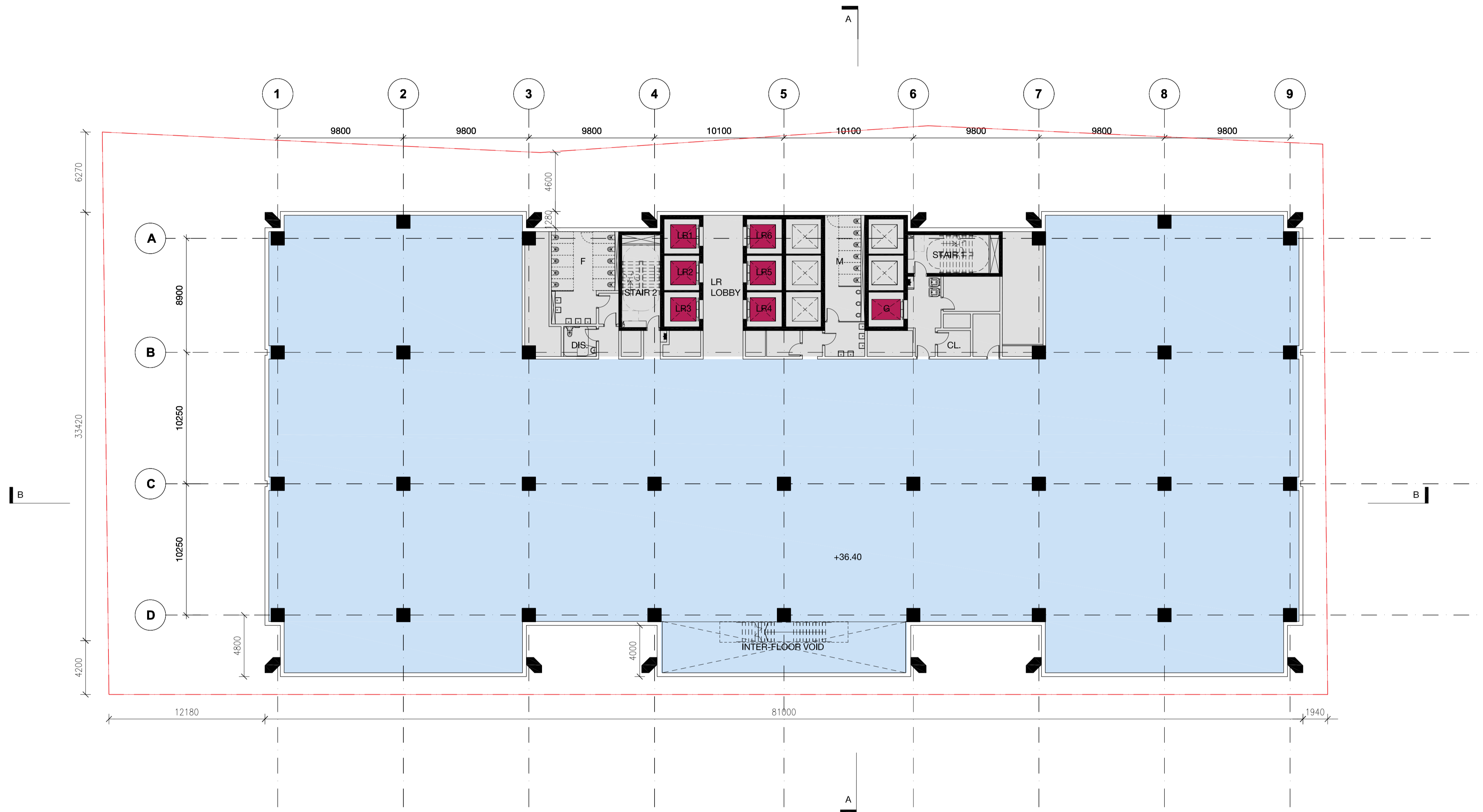
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



B	26.08.20 TOWN PLANNING	NJ	BS
A	28.02.20 TOWN PLANNING	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 07 (Typical Levels 7 - 13)

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.07.dwg	
Drawing No.	[Revision]	

TP02.07 B

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

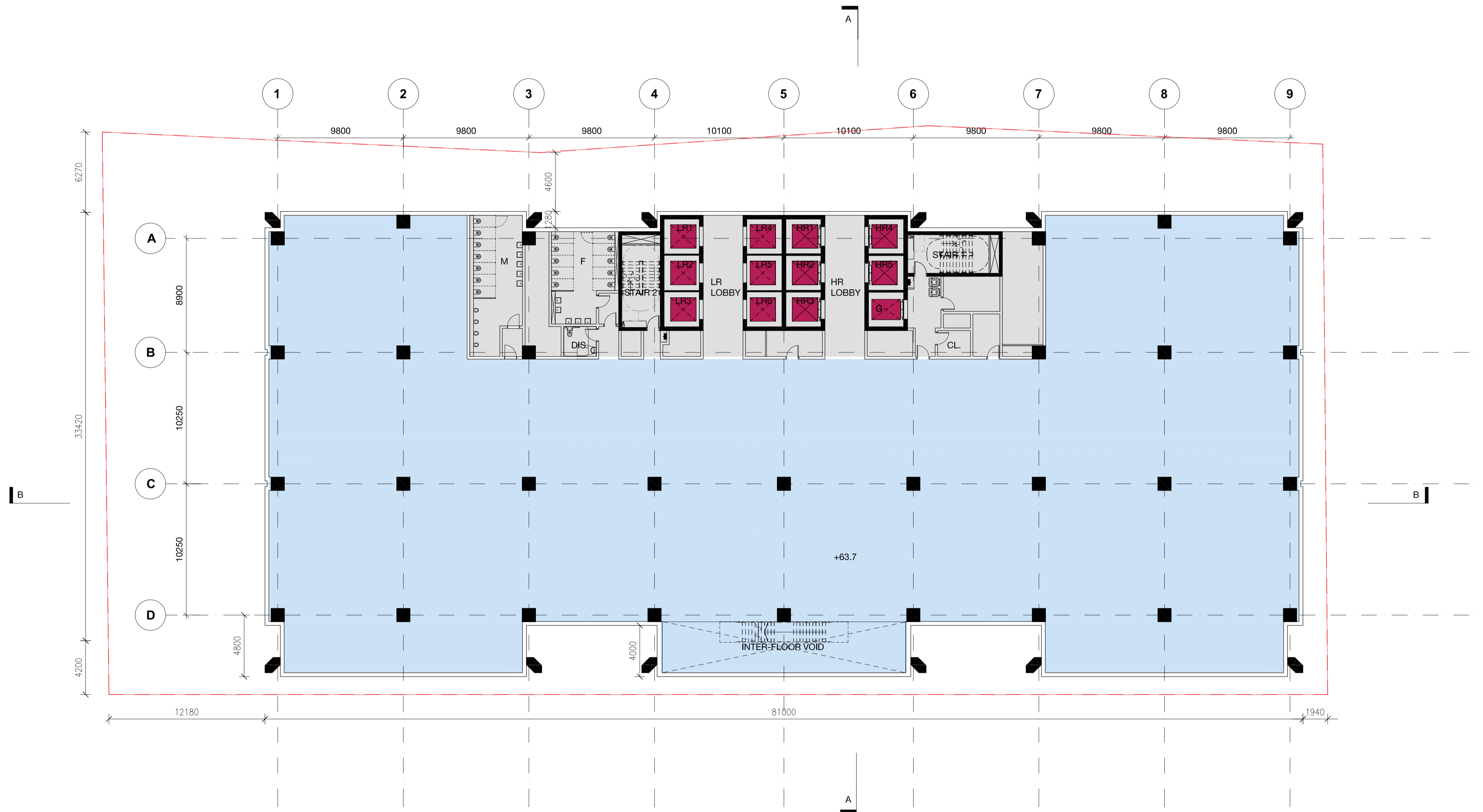
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	26.08.20	TOWN PLANNING	NJ	BS

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 14

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.14.dwg	
Drawing No.	[Revision]	

TP02.14 A

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

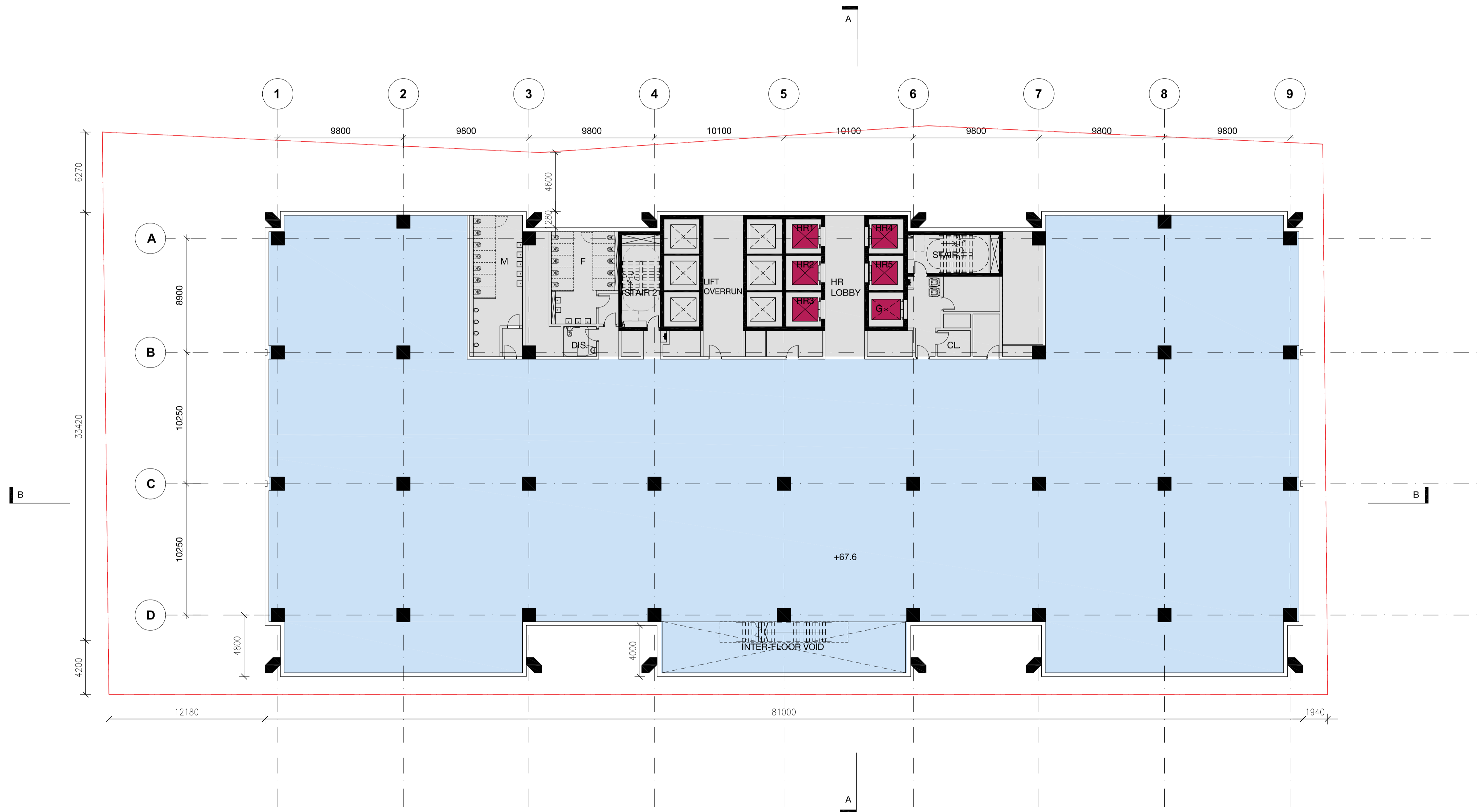
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	26.08.20	TOWN PLANNING	NJ	BS

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 15

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.15.dwg	
Drawing No.	[Revision]	

TP02.15 A

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

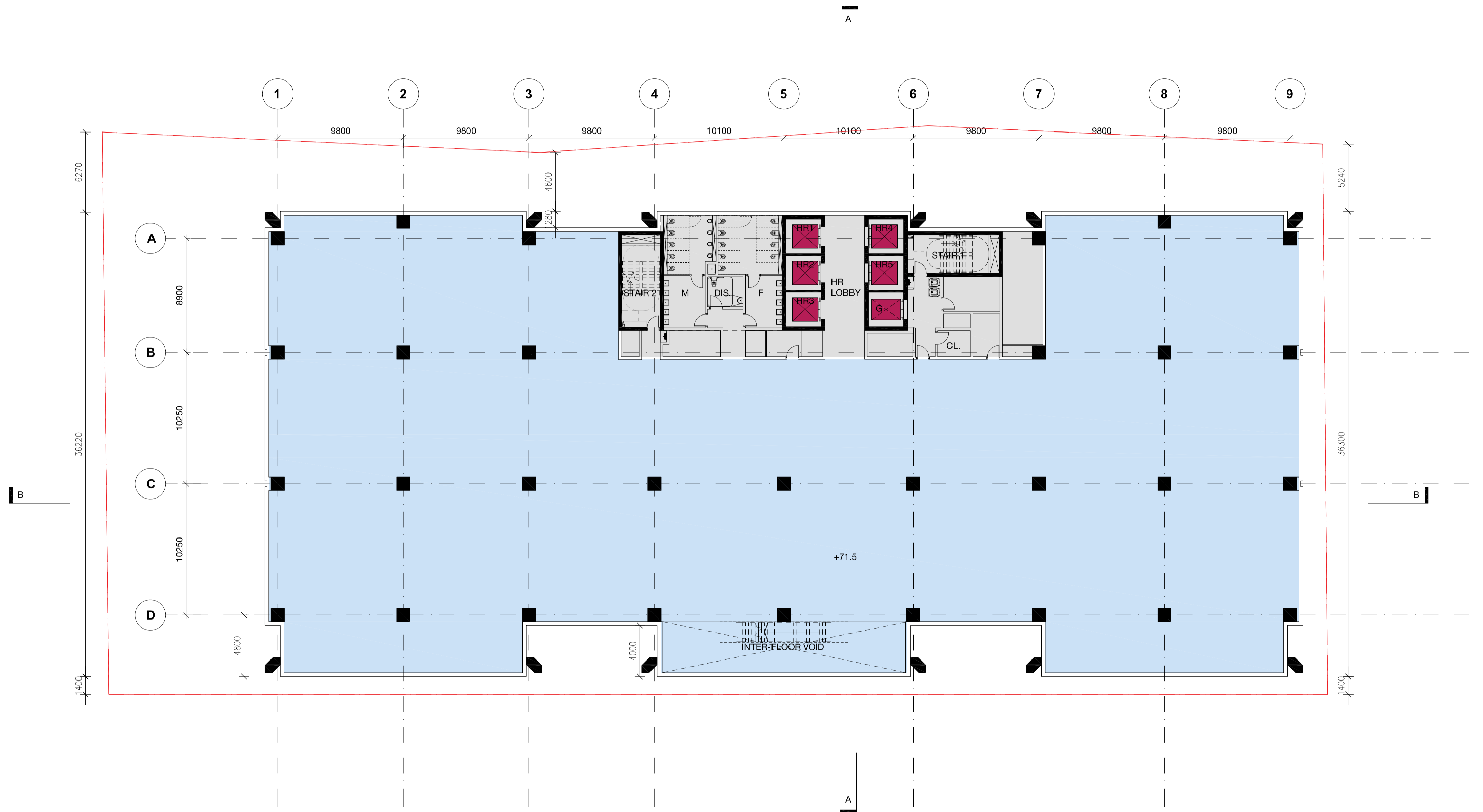
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	26.08.20	TOWN PLANNING	NJ	BS

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Level 16 (Typical Levels 16-21)

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.16.dwg	
Drawing No.	TP02.16	[Revision] A

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email mel@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

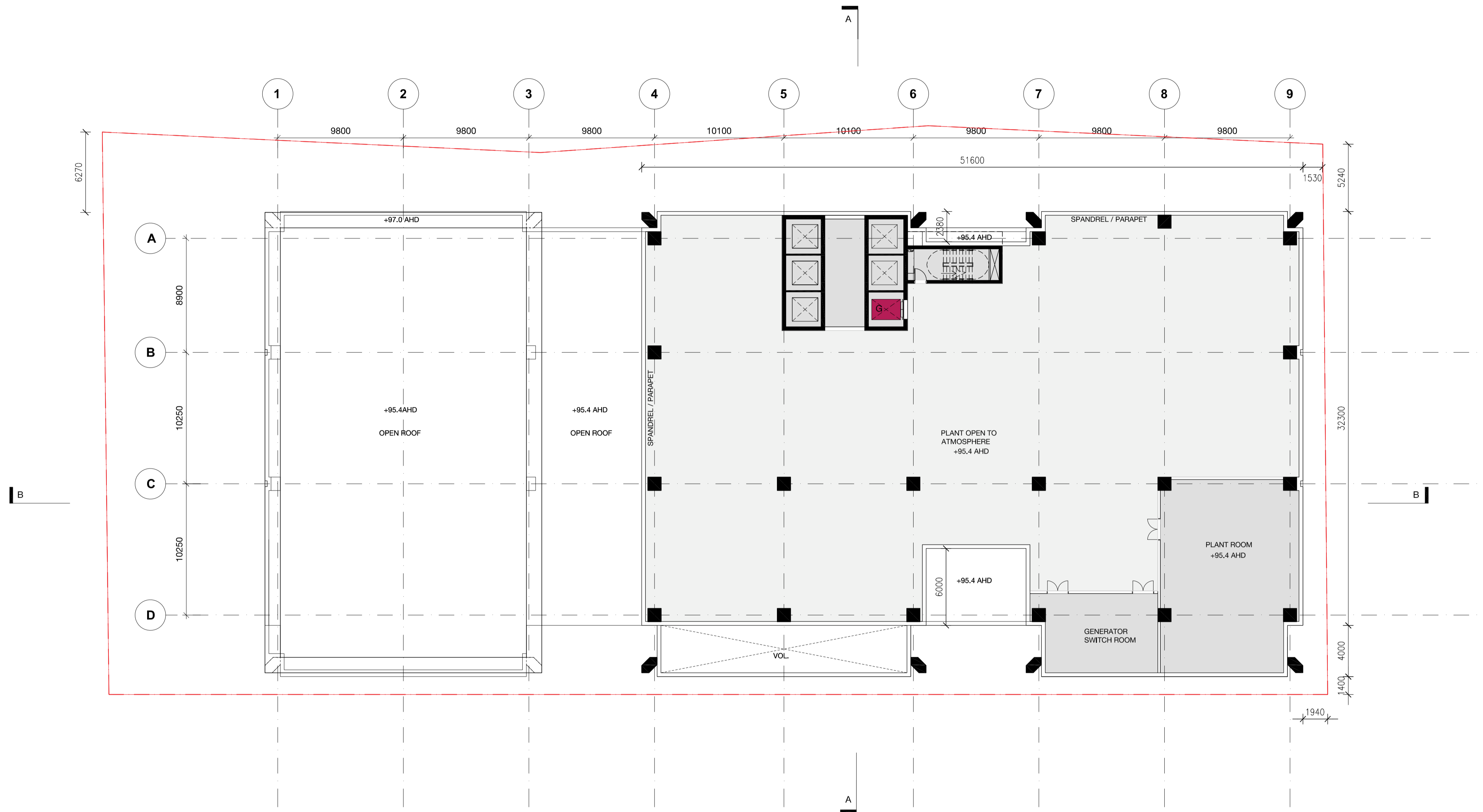
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
Key Plan Level 22 (Plant)

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:18 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... CAD\Plots\DAITP02.22.dwg	
Drawing No.	[Revision]	

TP02.22 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email melb@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

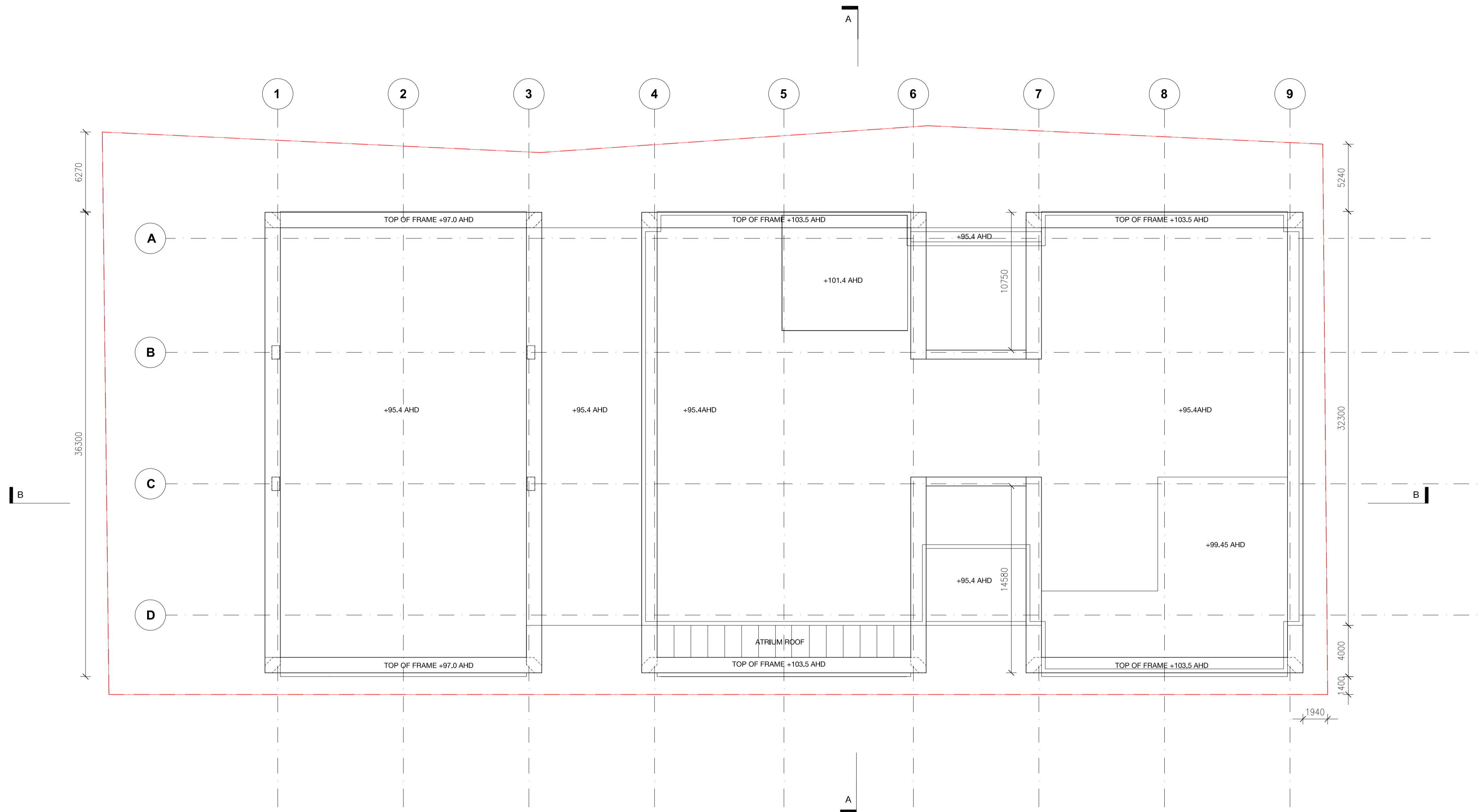
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
 Key Plan
 Roof Level

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.23.dwg	
Drawing No.	[Revision]	

TP02.23 **C**

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email melb@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

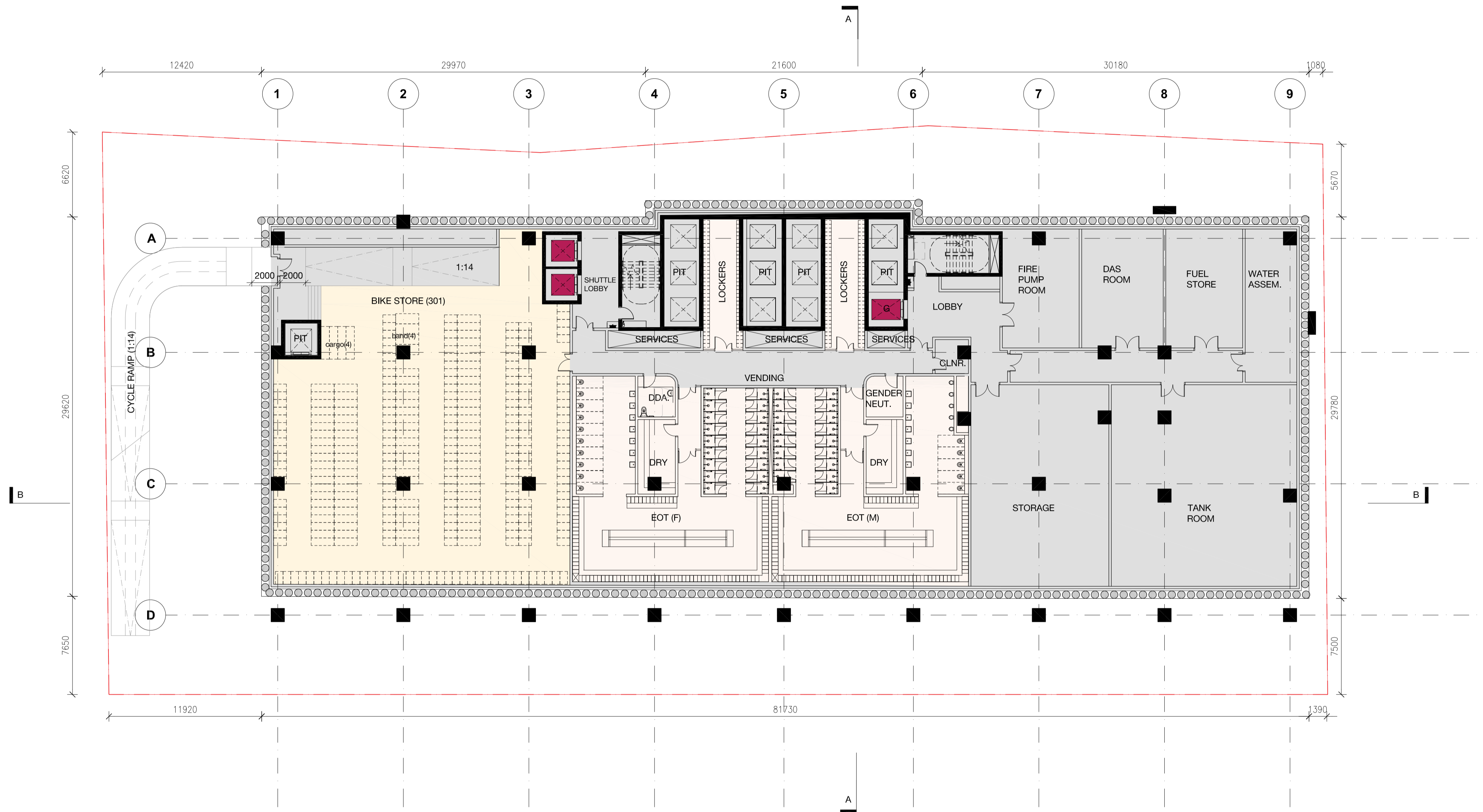
Bates Smart Architects Pty Ltd ABN 68 094 740 986

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour
Key Plan
Basement Level 01

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP02.B01.dwg	
Drawing No.	[Revision]	

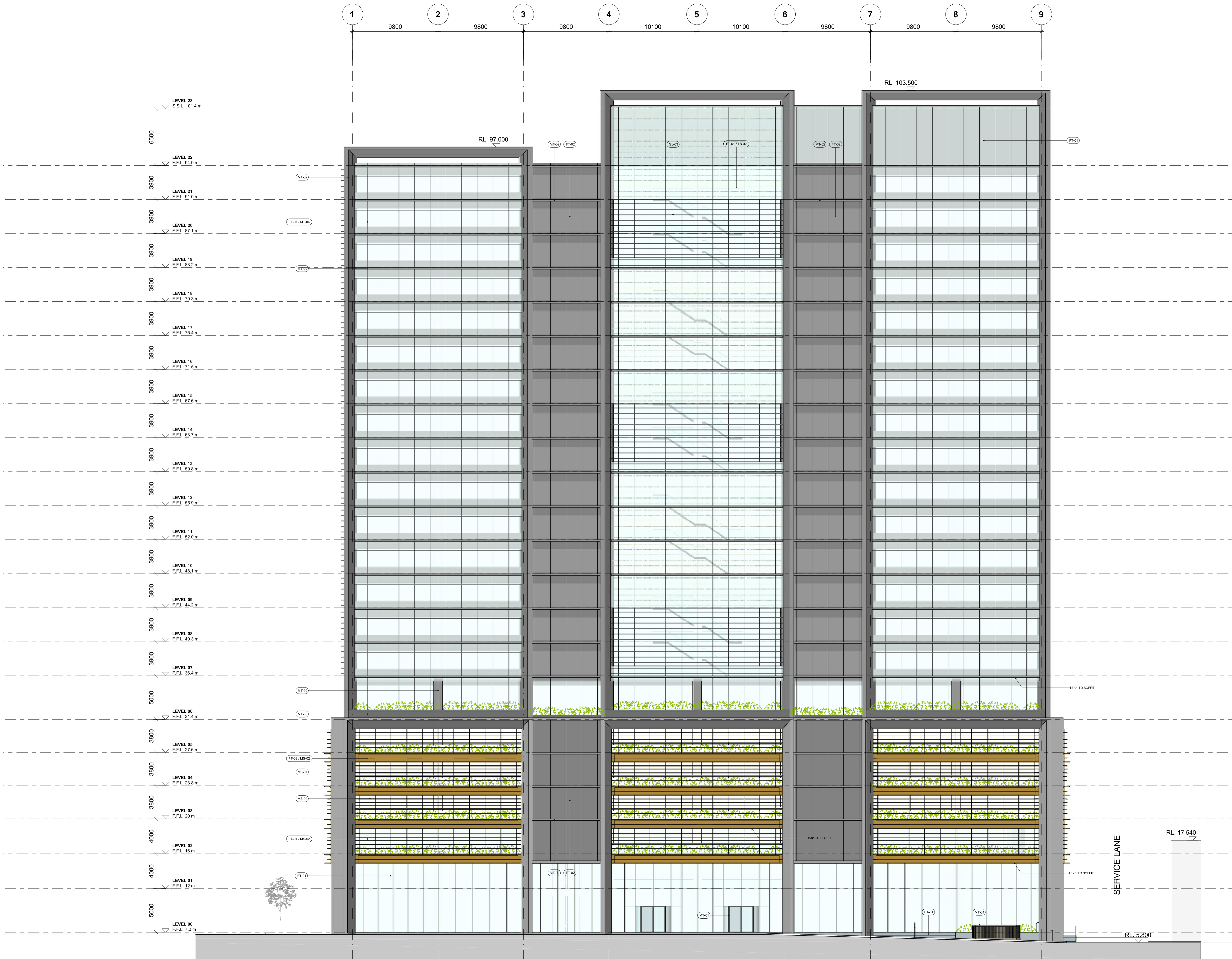
TP02.B01 C

Melbourne 1 Nicholson Street
 Melbourne VIC 3000 Australia
 T 03 8664 6200 F 03 8664 6300
 email melb@batessmart.com.au
 http://www.batessmart.com.au

Sydney 43 Brisbane Street
 Surry Hills NSW 2010 Australia
 T 02 8354 5100 F 02 8354 5199
 email syd@batessmart.com.au
 http://www.batessmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



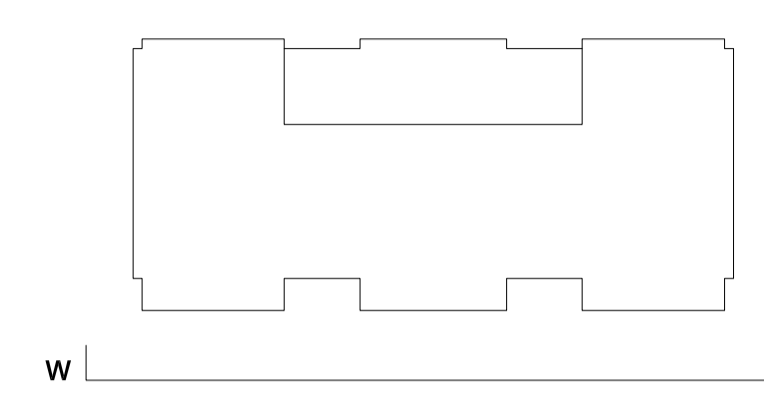


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



- LEGEND**
- FT-01 CURTAIN WALL, CLEAR GLASS (INCLUDES GL-01)
 - FT-02 CURTAIN WALL, TINTED GLASS (INCLUDES GL-02)
 - FT-03 PROPRIETARY MASONRY RAIN SCREEN
 - ST-01 BLUESTONE
 - MS-01 GREY COLOUR MASONRY
 - MS-02 PROPRIETARY MASONRY SHADE AEROFOIL
 - GL-01 CLEAR GLASS, INSULATED GLASS UNIT (IGU)
 - GL-02 TINTED GLASS, INSULATED GLASS UNIT (IGU)
 - GL-03 CLEAR GLASS, LAMINATED GLASS LOUVRE
 - MT-01 BRONZE COLOUR METAL (ANODISED)
 - MT-02 GREY COLOUR METAL (ANODISED)
 - MT-03 DARK GREY COLOUR METAL (ANODISED)
 - MT-04 LIGHT COLOUR METAL BRIS SOLEIL
 - LVR-01 GREY METAL PERFORMANCE LOUVRE
 - LVR-02 BRONZE COLOUR METAL SHADE LOUVRE
 - TB-01 TIMBER-APPEARANCE SOFFIT PANEL
 - TB-02 TIMBER-APPEARANCE PROPRIETARY SHADE AEROFOIL

C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour

External Elevation
West Elevation

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP09.00.dwg	
Drawing No.	TP09.00	[Revision]

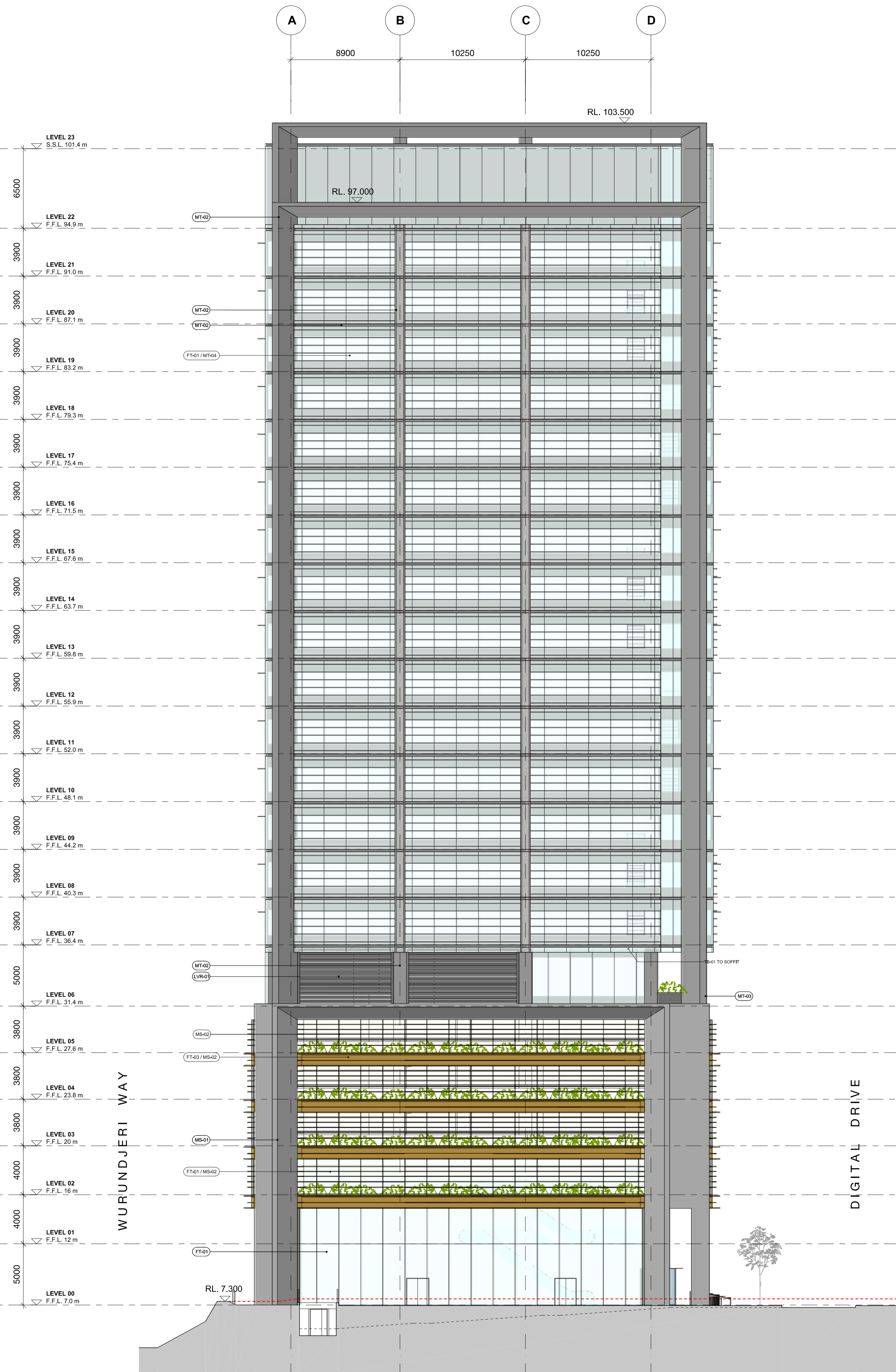
TP09.00 **C**

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



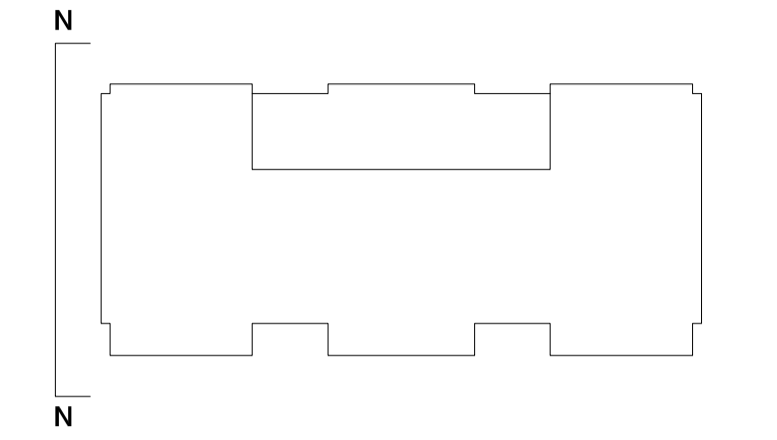


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



- LEGEND**
- FT-01 CURTAIN WALL, CLEAR GLASS (INCLUDES GL-01)
 - FT-02 CURTAIN WALL, TINTED GLASS (INCLUDES GL-02)
 - FT-03 PROPRIETARY MASONRY RAIN SCREEN
 - ST-01 BLUESTONE
 - MS-01 GREY COLOUR MASONRY
 - MS-02 PROPRIETARY MASONRY SHADE AEROFOIL
 - GL-01 CLEAR GLASS, INSULATED GLASS UNIT (IGU)
 - GL-02 TINTED GLASS, INSULATED GLASS UNIT (IGU)
 - GL-03 CLEAR GLASS, LAMINATED GLASS LOUVRE
 - MT-01 BRONZE COLOUR METAL (ANODISED)
 - MT-02 GREY COLOUR METAL (ANODISED)
 - MT-03 DARK GREY COLOUR METAL (ANODISED)
 - MT-04 LIGHT COLOUR METAL BRIS SOLEIL
 - LVR-01 GREY METAL PERFORMANCE LOUVRE
 - LVR-02 BRONZE COLOUR METAL SHADE LOUVRE
 - TB-01 TIMBER-APPEARANCE SOFFIT PANEL
 - TB-02 TIMBER-APPEARANCE PROPRIETARY SHADE AEROFOIL

C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour

External Elevation North Elevation

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... CAD\Plots\DAITP09.01.dwg	
Drawing No.	[Revision]	

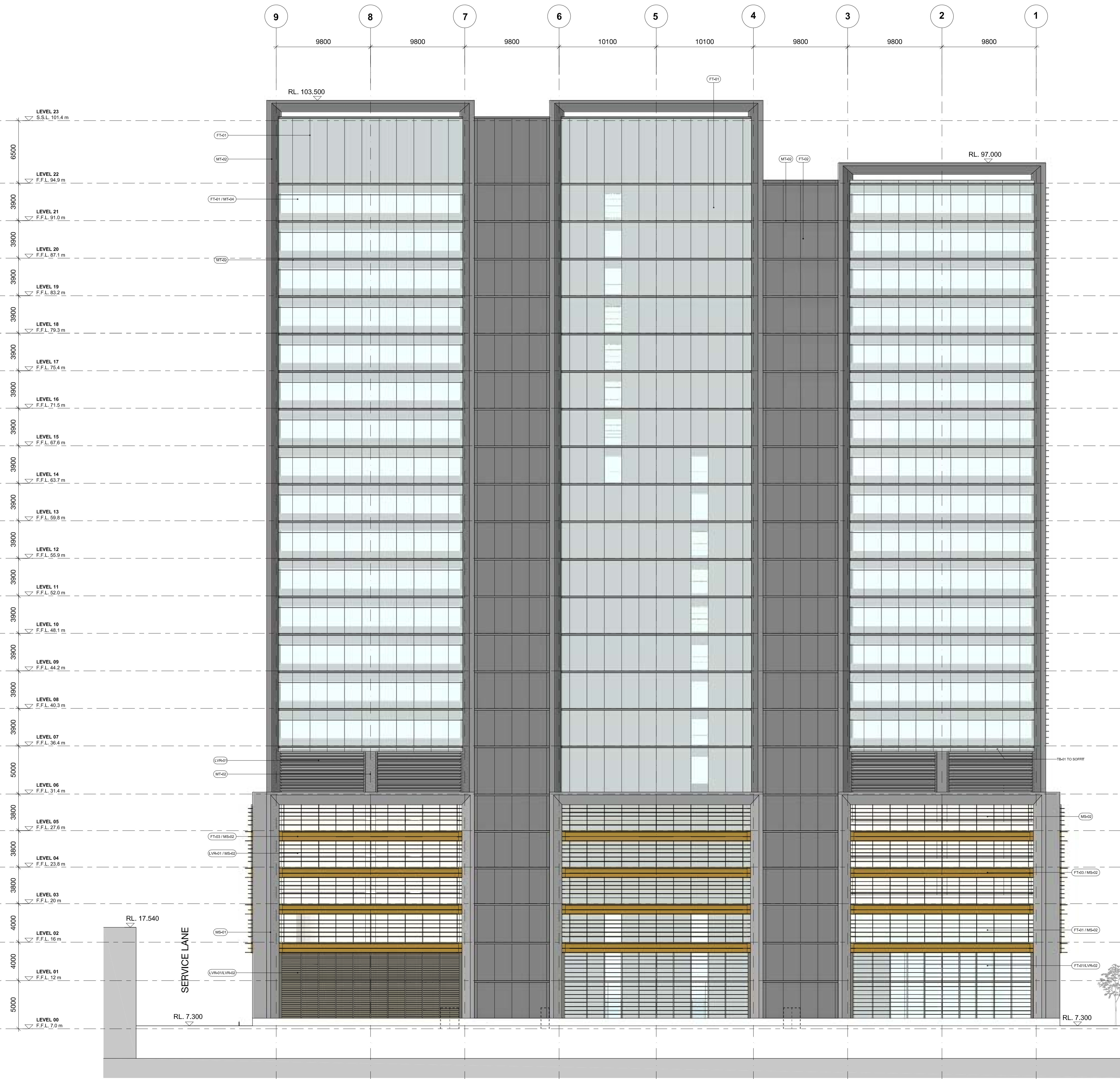
TP09.01 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



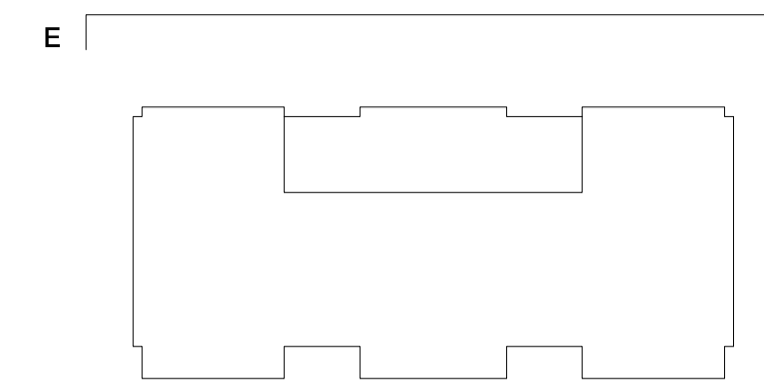


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



- LEGEND**
- FT-01 CURTAIN WALL, CLEAR GLASS (INCLUDES GL-01)
 - FT-02 CURTAIN WALL, TINTED GLASS (INCLUDES GL-02)
 - FT-03 PROPRIETARY MASONRY RAIN SCREEN
 - ST-01 BLUESTONE
 - MS-01 GREY COLOUR MASONRY
 - MS-02 PROPRIETARY MASONRY SHADE AEROFOIL
 - GL-01 CLEAR GLASS, INSULATED GLASS UNIT (IGU)
 - GL-02 TINTED GLASS, INSULATED GLASS UNIT (IGU)
 - GL-03 CLEAR GLASS, LAMINATED GLASS LOUVRE
 - MT-01 BRONZE COLOUR METAL (ANODISED)
 - MT-02 GREY COLOUR METAL (ANODISED)
 - MT-03 DARK GREY COLOUR METAL (ANODISED)
 - MT-04 LIGHT COLOUR METAL BRIS SOLEIL
 - LVR-01 GREY METAL PERFORMANCE LOUVRE
 - LVR-02 BRONZE COLOUR METAL SHADE LOUVRE
 - TB-01 TIMBER-APPEARANCE SOFFIT PANEL
 - TB-02 TIMBER-APPEARANCE PROPRIETARY SHADE AEROFOIL

C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour

External Elevation
East Elevation

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP09.02.dwg	
Drawing No.	[Revision]	

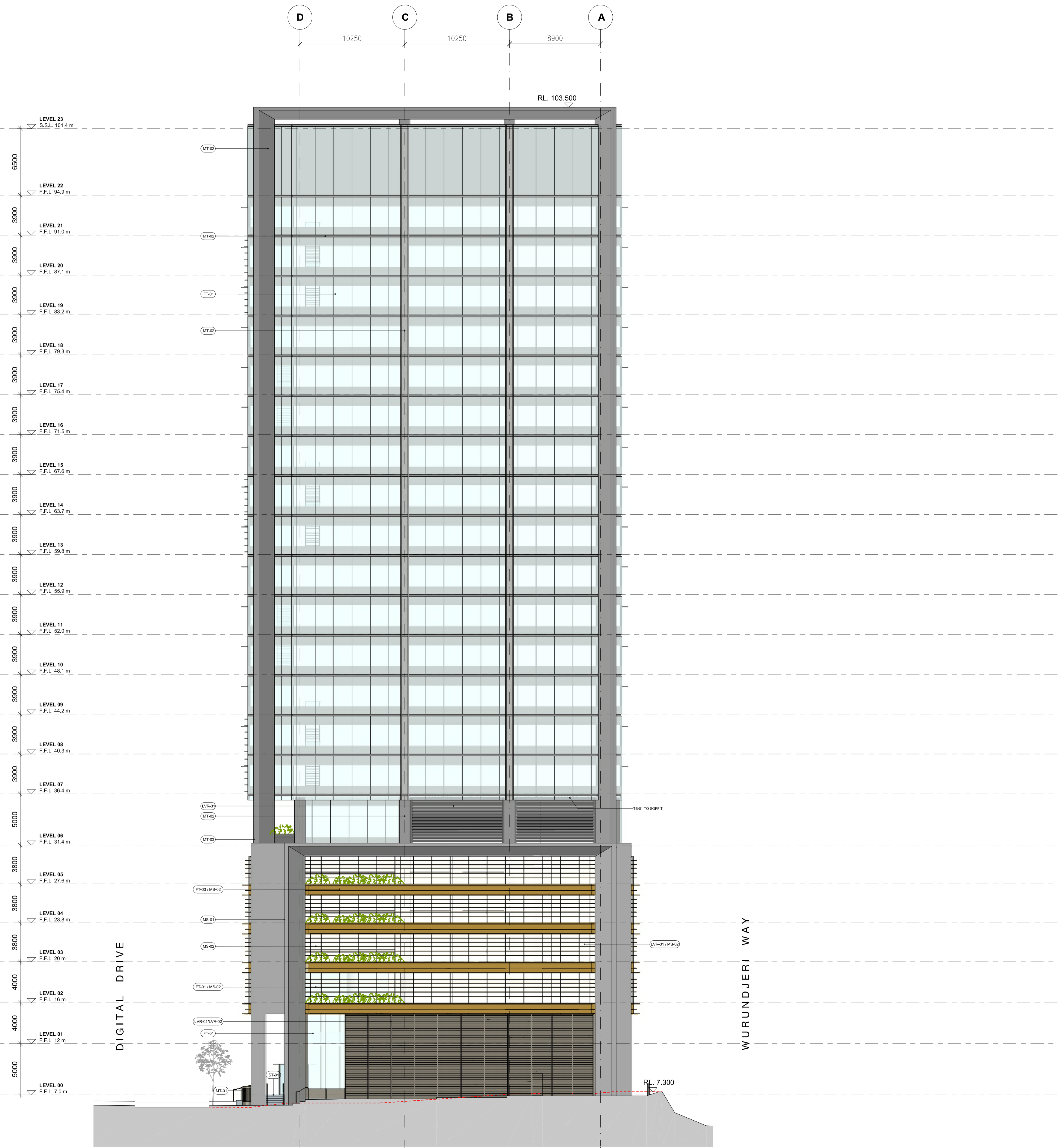
TP09.02 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



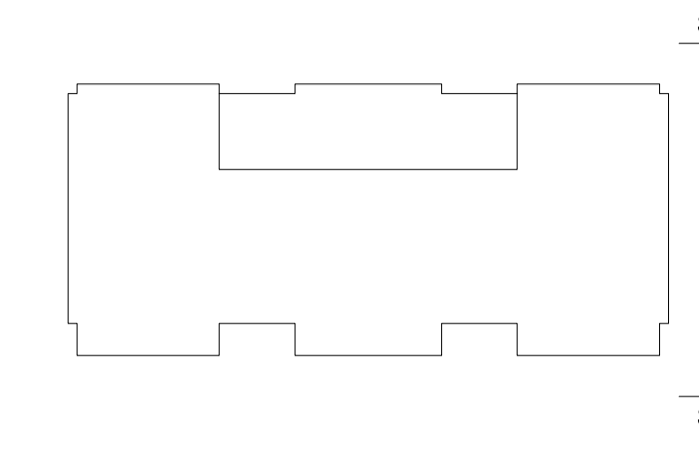


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



- LEGEND**
- FT-01 CURTAIN WALL, CLEAR GLASS (INCLUDES GL-01)
 - FT-02 CURTAIN WALL, TINTED GLASS (INCLUDES GL-02)
 - FT-03 PROPRIETARY MASONRY RAIN SCREEN
 - ST-01 BLUESTONE
 - MS-01 GREY COLOUR MASONRY
 - MS-02 PROPRIETARY MASONRY SHADE AEROFOIL
 - GL-01 CLEAR GLASS, INSULATED GLASS UNIT (IGU)
 - GL-02 TINTED GLASS, INSULATED GLASS UNIT (IGU)
 - GL-03 CLEAR GLASS, LAMINATED GLASS LOUVRE
 - MT-01 BRONZE COLOUR METAL (ANODISED)
 - MT-02 GREY COLOUR METAL (ANODISED)
 - MT-03 DARK GREY COLOUR METAL (ANODISED)
 - MT-04 LIGHT COLOUR METAL BRIS SOLEIL
 - LVR-01 GREY METAL PERFORMANCE LOUVRE
 - LVR-02 BRONZE COLOUR METAL SHADE LOUVRE
 - TB-01 TIMBER-APPEARANCE SOFFIT PANEL
 - TB-02 TIMBER-APPEARANCE PROPRIETARY SHADE AEROFOIL

Revision	Date	Description	Initial	Checked
C	26.08.20	TOWN PLANNING	NJ	BS
B	28.02.20	TOWN PLANNING	PG	BS
A	20.12.19	TOWN PLANNING DRAFT	PG	BS

30-40 Digital Drive, Docklands Digital Harbour

External Elevation
South Elevation

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP09.03.dwg	
Drawing No.	TP09.03	[Revision]

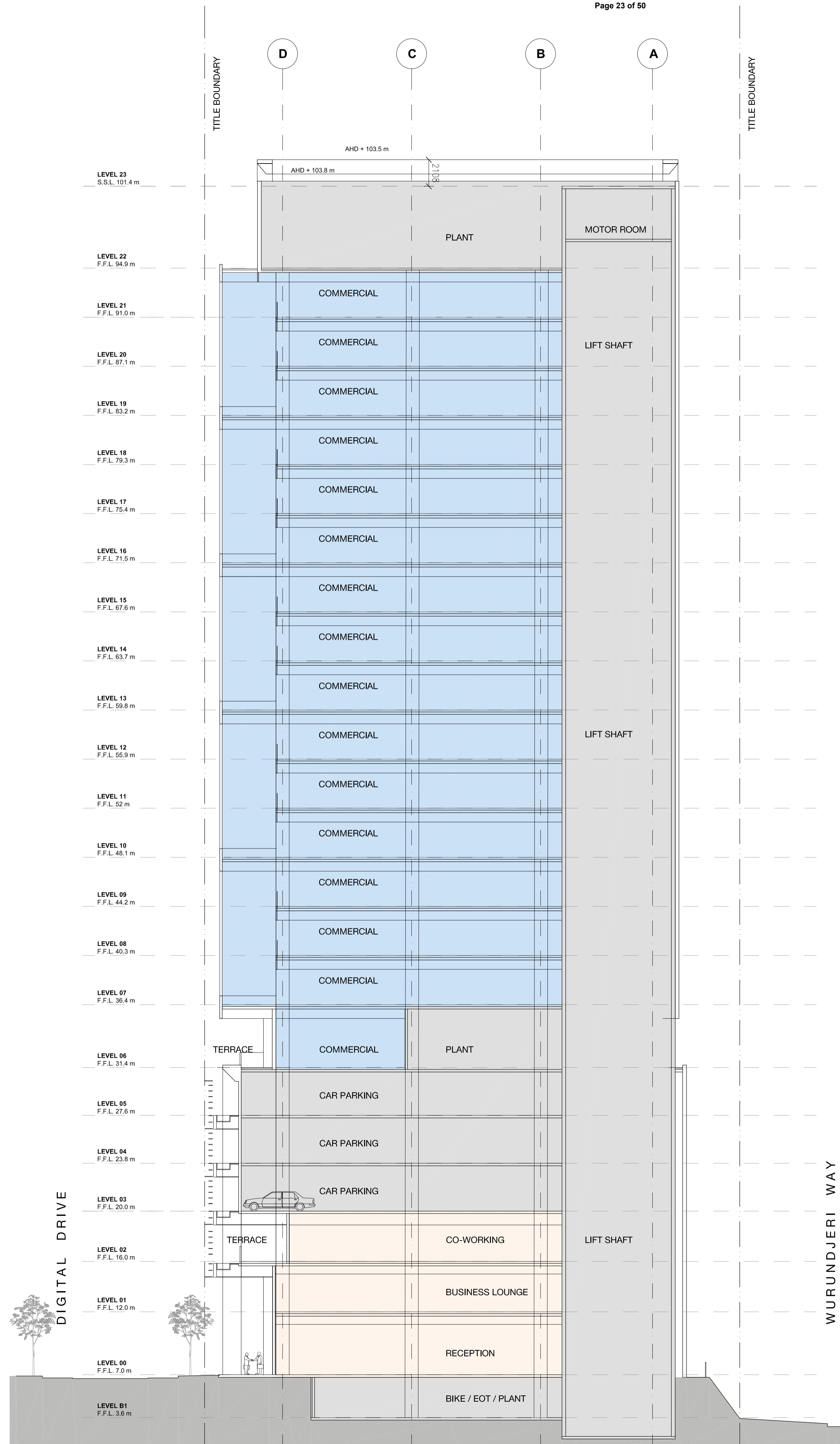
TP09.03 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



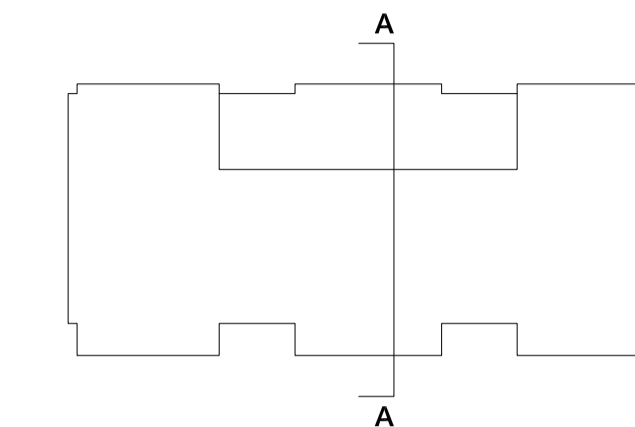


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour



Building Section Section AA

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive\70... ... CAD\Plots\DAITP10.00.dwg	
Drawing No.	[Revision]	

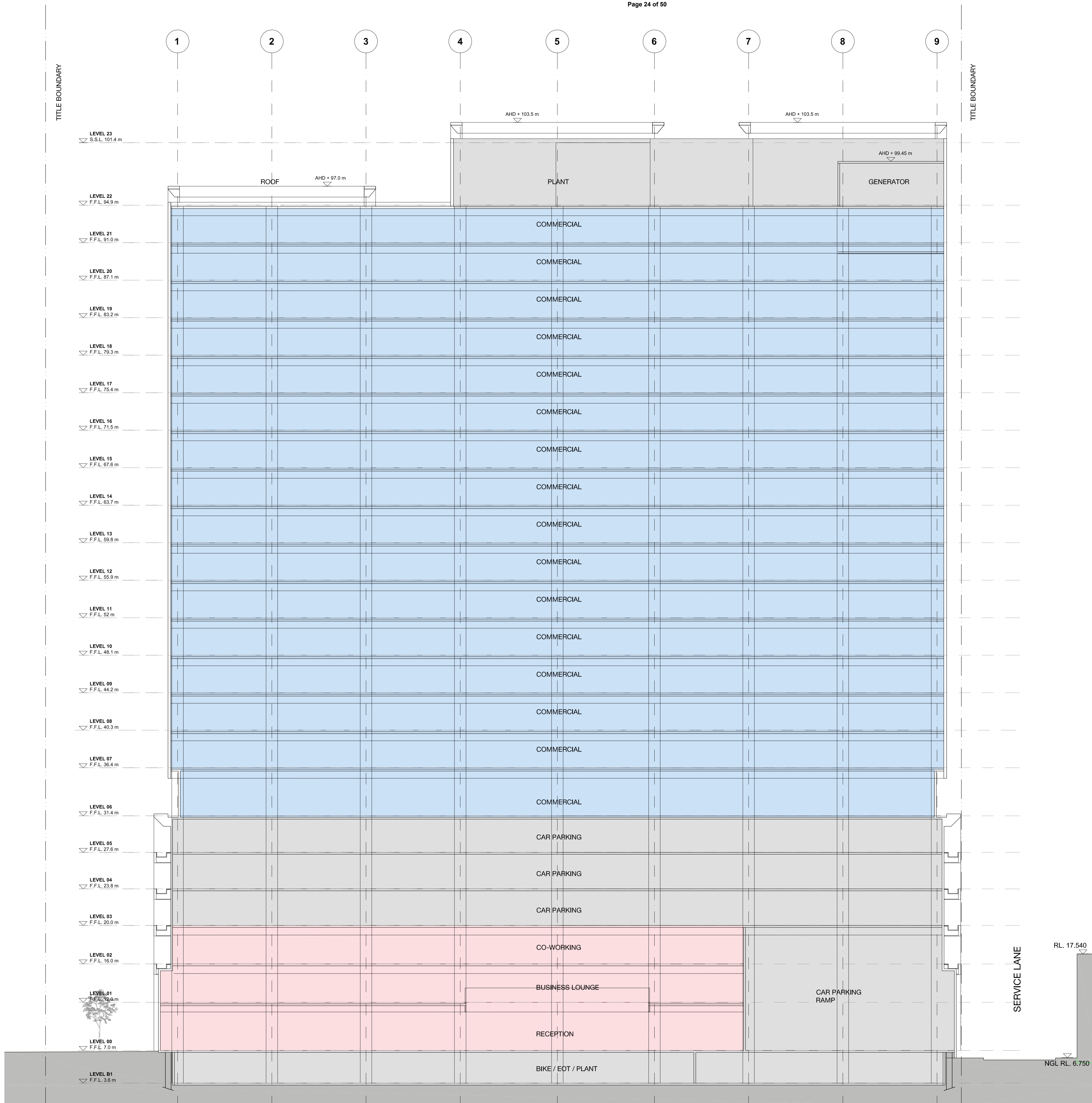
TP10.00 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batessmart.com.au
http://www.batessmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batessmart.com.au
http://www.batessmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986



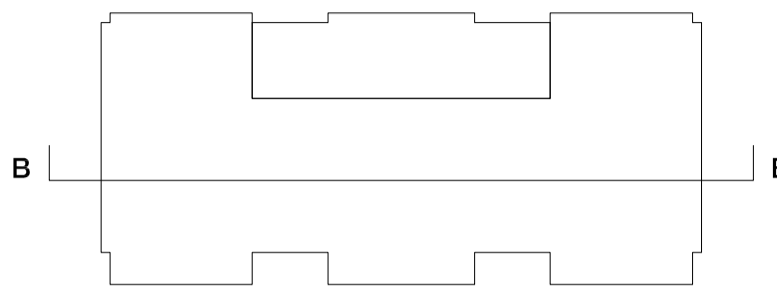


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



C	26.08.20 TOWN PLANNING	NJ	BS
B	28.02.20 TOWN PLANNING	PG	BS
A	20.12.19 TOWN PLANNING DRAFT	PG	BS
Revision Date	Description	Initial	Checked

30-40 Digital Drive, Docklands Digital Harbour



Building Section Section BB

Scale	1:200	@A1
Drawn	NJ	Checked BS
Project No.	M12364.A	
Status	TOWN PLANNING	
Plot Date	26/8/2020 5:11 PM	
Plot File	M:\12300-12399\M12364_a_DigitalHarbour_30-40DigitalDrive70... CAD\Plots\DAITP10.01.dwg	
Drawing No.	[Revision]	

TP10.01 C

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

MINISTERIAL PLANNING REFERRAL

DELEGATE REPORT

Application number:	TPM-2020-22
Applicant:	SJB on behalf of Digital Harbour Holdings Pty. Ltd
Owner:	Digital Harbour Holdings Pty. Ltd
Architect:	Bates Smart
Address:	Lot S9, 208 - 226 Harbour Esplanade, Docklands
Proposal:	Construction of a multi-storey mixed-use building
Cost of works:	\$195,000,000
Date received by City of Melbourne:	16 April 2020 (amended plans received 26 October 2020)
Responsible officer:	Connor Perrott, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

The subject site is located on the western side of Wurundjeri Way south of the intersection with Dudley Street. The site and adjacent land to the west and north-west is currently used as a car park and features a number of shade sails.

Access to the site may be obtained via Digital Drive. This roadway may, in turn, be accessed via La Trobe Street to the south and Harbour Esplanade to the west.

These roadways act as the southern and western boundaries respectively of the Digital Harbour precinct. The southern part of this precinct accommodates a number of multi-storey commercial buildings whilst the northern part, including the subject site, remains largely undeveloped.

The below aerial image shows the current condition of the precinct.



Figure 1: Aerial image of Digital Harbour precinct. Subject site highlighted in red (source: Google maps)

1.2 Surrounds

Though immediately adjacent plots to the west and north-west remain undeveloped, permits have previously been issued to construct multi-storey buildings upon these sites.

Permit 2013/004303 was issued by the Minister for Planning on 29 July 2013. This permit allowed the construction of a mixed-use building at 238 Docklands Drive a short distance to the west. This permit has now expired.

Permit TP-2018-496 was issued by Council on 30 October 2018. This permit allowed the construction of a multi-storey office and residential building at 208-226 Harbour Esplanade a short distance to the south-west of the site. If this development has not commenced by 30 October this year, the permit will expire.

Permit 2013/007431 issued by the Minister for Planning is perhaps of most relevance. This permit allowed the construction of two multi-storey residential buildings upon Lot R5 immediately to the north of the site. Figure 2 below shows this approved building in greater detail.



Figure 2: Approved development immediately to the north of the subject site. Adjacent form on left hand side of image is 'Altus'. The permit allowing this building has now expired. Adjacent forms on right hand side of image representative of forms advocated by the Digital Harbour Development Plan (refer overleaf) and not the forms the subject of this application.

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Planning Officers met with the applicant and representatives from the Department of Environment, Land, Water and Planning (DELWP) on 8 January and 5 February 2020 to discuss the merits of the proposed development (refer PA-2020-7).

At these meetings Officers advised that:

- A minimum separation distance of 10 metres should be provided between the two towers;
- Each of the towers should adopt a different architectural language;
- The extent of above ground car parking provided on site should be minimised;
- The Digital Harbour Development Plan (2011) does not anticipate a shared vehicle/pedestrian space forward of the site as proposed;
- Communal amenities on site (such as the basketball court) should be made available to the general public; and
- Shadow and wind impact assessments should be submitted in support of the planning application.

2.2 Planning application history

No previous permits have been issued for the subject site.

Please refer to sections 1.2 and 2 of this report for details of relevant permits issued for adjacent sites and pre-application discussions.

3 PROPOSAL

The following description of the proposed development is as it appears on the application plans prepared by Bates Smart entitled '30-40 Digital Drive, Docklands, Digital Harbour, Town Planning Submission' received by Council on 26 October 2020. These plans supersede those received on 16 April 2020.

This application seeks permission to construct a multi-storey mixed-use building on site. This building would comprise a six-storey podium accommodating commercial uses at ground floor level and Levels 01 - 02 and car parking at Levels 03 and 05. These levels would together comprise 136 parking spaces, access to which may be obtained via a circular ramp occupying the south-eastern corner of the building.

Planters would adorn the Digital Drive frontage of the podium as well as elements of the north and south elevations. Planting would also be provided at Level 06. This planting would extend across the entirety of the Digital Drive frontage and, together with adjacent terraces, mark the lower level of the three vertical forms which characterise the building. These forms would accommodate office space and each stand to a height of 22 storeys.

Both the southern-most and central forms would also accommodate roof top plant. This plant would be concealed from view behind the glazed curtain wall and grey metal framework marking the Digital Drive frontage of the building. The northern-most form would not accommodate roof top plant and as such not feature the extended metal framework of the southern and central forms. These forms would each stand to a height of 96.5 metres whilst the northern-most form would stand to a height of 90 metres only.

At basement level, the building would feature a 301 space bicycle store and associated end-of-trip facilities. This includes 18 female showers and associated change rooms and 17 male showers and change rooms. These facilities may be accessed via a ramp extending through a landscaped garden and external visitor bicycle parking area immediately to the north of the building.

Table 1 below details the development further.

Building height:	22 storeys (90 - 96.5 metres)
Gross floor area:	64,774 square metres (net leasable floor area 39,699 square metres)
Uses:	Office: 50,394 square metres (including 2,899 square metres co-working space and 2,505 square metres business lounge) Net leasable office: 38,882 square metres Retail (food and drink premise): 217 square metres
Parking:	Cars: 136 (including four accessible spaces) Motorcycles: 18 Bicycles: 301 Visitor bicycles: 56

Table 1: Building details and quantum of uses

Figures 3, 4 and 5 overleaf show the proposed development in greater detail.



Figure 3: The proposed development as viewed from the west across Digital Drive
(source: application plans prepared by Bates Smart)



Figure 4: The proposed development as viewed from the south along Digital Drive
(source: application plans prepared by Bates Smart)



Figure 5: Digital Drive frontage of building
(source: application plans prepared by Bates Smart)

4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply:

<p>Planning Policy Framework:</p>	<p>Clause 11 - Settlement Clause 13 - Environmental Risks and Amenity Clause 15 - Built Environment and Heritage Clause 17 - Economic Development Clause 18 - Transport Clause 19 - Infrastructure</p>
<p>Municipal Strategic Statement:</p>	<p>Clause 21.02 - Municipal Profile Clause 21.03 - Vision Clause 21.04 - Settlement Clause 21.06 - Built Environment and Heritage Clause 21.08 - Economic Development Clause 21.09 - Transport Clause 21.10 - Infrastructure Clause 21.11 - Local areas 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	
Clause 37.05 - Docklands Zone	<p>Clause 1.0 (Table of uses) of Schedule 5 of the Docklands Zone states that a planning permit is not required to operate an office.</p> <p>The proposed food and drink outlet is included within the definition of 'retail premise' in accordance with Clause 73 (Land use terms) of the Melbourne Planning Scheme. This use is not listed in Table 1 of Schedule 5 and as such is considered to be a use for which a permit is required.</p> <p>Clause 37.05-4 (Buildings and works) states that a permit is required to construct a building or construct or carry out works unless the relevant schedule specifies otherwise.</p> <p>Clause 4.0 of Schedule 5 lists the types of building works which do not require a permit. This includes minor works only. As such, a permit is required for the proposed development.</p> <p>In accordance with Clauses 1.0 and 4.0 of Schedule 5, an application to use land and to construct a building/carry out works is exempt from the notice and review provisions of the <i>Planning and Environment act 1987</i>.</p>
Clause 43.02 - Design and Development Overlay	<p>Clause 43.02-2 (Buildings and works) states that a permit is required to construct a building or construct or carry out works. This does not however apply if a relevant schedule specifies otherwise.</p> <p>Schedule 12 (Noise attenuation area) states that a permit is required for building works associated with noise sensitive uses only. The schedule defines these uses as those comprising residential elements and which are nested under the definition of 'accommodation' in the planning scheme.</p> <p>Neither the proposed food and drink outlet or offices are nested under the definition of accommodation and as such are not considered to be noise-sensitive uses.</p> <p>Schedule 53 (Digital Harbour Precinct) also applies. This schedule states the preferred building height here is 75 metres.</p> <p>Clause 2.1 of Schedule 53 states that a permit is not required to construct a building which accords with the provisions of the Digital Harbour Development Plan and which does not exceed the aforementioned building height (75 metres).</p> <p>On the basis the proposed building would stand to a maximum height of 96.5 metres, a permit is required in accordance with the provisions of Schedule 53.</p> <p>In accordance with Clause 2.1 of this schedule, an application to construct a building/carry out works is exempt from the notice/review provisions of the Act.</p>
Clause 43.04 - Development Plan Overlay	<p>Clause 43.04-2 (Requirement before a permit is granted), states that a permit must not be granted to construct a building or carry out works until a development plan has been prepared. Schedule 6 however states that a permit may be granted prior to the preparation of a plan.</p> <p>On the basis the proposed building would stand to a maximum height of 96.5 metres, it does not accord with the preferred heights set out in the existing plan (75 metres).</p>

Clause 45.09 - Parking Overlay	<p>Schedule 9 (Docklands - Comtech Port) of this overlay states that a maximum of two car parking spaces may be provided on site for every 150 square metres of office floor space. In addition to this, a maximum of one on site parking space may be provided on site for every 100 square metres of any other land use type.</p> <p>Given the floor area of the proposed building, a maximum of 529 parking spaces may be provided on site. Of these, 527 would be provided in association with the office component of the development and the remaining two in association with the food and drink component.</p> <p>136 car parking spaces only would be provided on site and this complies with the provisions of PO9.</p>
--------------------------------	---

Particular Provisions	
Clause 52.34 -Bicycle Facilities	<p>This clause specifies, by land use, the number of bicycle parking spaces and associated facilities required on site.</p> <p>In accordance with the provisions of this clause, the following is required:</p> <p>Retail premise (including food and drink):</p> <ul style="list-style-type: none"> ▪ 1 employee space for every 300 square metres of leasable floor area; and ▪ 1 shopper space for every 500 square metres of leasable floor area. <p>Given the building would comprise 217 square metres of leasable retail floor space, 1.15 (or one) space only is required in association with this component of the development.</p> <p>Office:</p> <ul style="list-style-type: none"> ▪ 1 employee space for every 300 square metres of net floor area if this area exceeds 1,000 square metres; and ▪ 1 visitor space for every 1,000 square metres of net floor area if this area exceeds 1,000 square metres. <p>Given the development would comprise 39,699 square metres of net office space, 132 employee and 40 visitor spaces are required on site.</p> <p>In total, 173 bicycle parking spaces are required on site. 301 staff and 56 visitor spaces would be provided and this exceeds the requirements of this clause.</p> <p>Importantly, the number of showers provided on site (35) also exceeds that required by this clause (18).</p>

General Provisions	
Clause 65 - Decision Guidelines	<p>DELWP is the Responsible Authority and must determine if the development generates acceptable outcomes with reference to the decision guidelines of this clause. This includes the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i>.</p>
Clause 66.02 - Use and Development Referrals	<p>As Responsible Authority, DELWP must refer this application as required in accordance with the provisions of this clause.</p> <p>On the basis the building would comprise more than 10,000 square metres of office space, the application must be referred to Transport for Victoria, a determining referral authority.</p>
Clause 66.04 - Referral of Permit	<p>As Responsible Authority, DELWP must refer this application to all relevant determining and recommending referral authorities.</p>

Applications under Local Provisions	In this case, the City of Melbourne is not a referral authority.
Clause 72.01 -Responsible Authority for this Planning Scheme	DELWP is the Responsible Authority on the basis that the Gross Floor Area (GFA) of the building exceeds 25,000 square metres. In this case, the City of Melbourne is not a referral authority.

5 PUBLIC NOTIFICATION

DELWP first notified Council of this application on 16 April 2020. DELWP then referred the amended plans upon which this assessment is based to Council on 26 October 2020.

In accordance with the relevant statutory controls, the application is otherwise exempt from the notice requirements and review rights of the *Planning and Environment Act 1987*.

6 INTERNAL REFERRALS

6.1 Urban Design

The application was referred to Urban Design who provided the following comments (summarised).

- The composition of the building effectively reduces its perceived mass and bulk;
- The varied modules and material expression of the building assists in creating distinction between each of the three towers;
- The Digital Drive frontage of the building will be sufficiently activated at ground level;
- Though both the width and height of the building have been reduced (below that originally proposed), it will still overshadow Central Park to the south-west at both 11.00am and 12 noon on 22 September;
- At certain test locations along Wurundjeri Way and Digital Drive the wind speeds generated by the development fail the pedestrian comfort and safety criteria. Appropriate mitigation measures should be provided accordingly; and
- Given the scale of the upper level office floor plate, questions remain regarding the internal amenity/light penetration of these spaces.

6.2 Traffic

The application was referred to Traffic who provided the following comments (summarised):

- The number of car parking spaces provided on site (136) is acceptable and well below the maximum number permitted;
- Ideally, no less than one car share and one electric vehicle parking space would be provided on site;
- The layout of the car park, including access ways, ramps and transition areas must accord with the requirements of the Melbourne Planning Scheme or Australian Standard (AS) 2890.1:2004;
- Pedestrian sight line triangles measuring 2 x 2.5 metres should be provided at all car park and loading/unloading bay exits;
- A formal independent Road Safety Audit should be carried out prior to the commencement of the development at the land owner's expense. This should take account of all parking facilities and loading/unloading arrangements. The findings of this audit should be incorporated into the detailed design process;
- The number of bicycle parking spaces provided on site (357) is acceptable. This exceeds the minimum statutory requirement;
- The design/layout of all bicycle parking facilities should comply with the relevant Australian Standards (AS) and/or Bicycle Network guidelines;
- The number of motorcycle parking spaces provided on site (18) is acceptable;
- A Loading Management Plan should be required by way of a condition on any permit issued;

- On the basis the access point to on site loading bays is located close to/opposite the entry to the car park of the adjacent building, the advice of the occupants of this building (Melbourne Water) should be sought; and
- The advice of the Department of Transport is required with regard to the impacts of the anticipated volume of traffic generated by the development upon the function of Wurundjeri Way.

6.3 Waste

The application was referred to the Council's Waste Officer who advised that the submitted Waste Management Plan (WMP) was acceptable. The waste Officer advised that conditions should be added to any permit issued requiring all rubbish storage and collection arrangements to be carried out in accordance with the terms of the WMP.

6.4 Civil Design

The application was referred to Civil Design who provided the following comments (summarised):

- Digital Drive must be constructed in accordance with Council's standards. To this end, this roadway should be a 20-metre wide connector road and not a 15-metre wide shared street as shown on the application plans;
- The roadway should comprise two lanes, indented parallel parking on both sides of the street and five metre wide footpaths;
- These measures will ensure that that part of Digital Drive forward of the site matches the remainder of the roadway, as approved in association with neighbouring developments; and
- The written consent of VicRoads is required for any works within the Wurundjeri Way road reserve.

6.5 ESD and Green Infrastructure

The application was referred to the Council's ESD and Green Infrastructure Officer who provided the following comments (summarised).

- The development satisfies the requirements of Clause 22.19 (Energy, waste and water efficiency) of the Melbourne Planning Scheme;
- The proposed building would achieve a six-star Green Star rating. This is the preferred performance standard for new buildings;
- It is recommended that a Green Star Design and As-Built Review be undertaken prior to the first occupation of the development. This review must confirm that the development accords with the provisions/measures set out in the submitted ESD report;
- Though the ESD report states that the photovoltaic (PV) potential of the site will be maximised, no system sizing is specified. To this end, further information is required in this regard;
- The proposed landscape treatment of the site is well-considered and will generate broader public realm benefits. Notwithstanding this, a more diverse planting palette could be employed to enhance biodiversity;
- The building's landscape treatment should be benchmarked against the Council's Green Factor Tool to better understand the potential of the site;
- A condition should be included upon any permit issued requiring the submission of a Landscape Management Plan;
- Preferably no less than 5% of on site car parking spaces would be equipped with electric vehicle charging points;
- A stormwater management report addressing the requirements of Clause 22.23 (Stormwater management (Water Sensitive Urban Design)) and Clause 56.07 (Integrated water management) should be submitted for further consideration. This report should include a response to identified best practice performance objectives

(as set out in the 'Urban Stormwater, Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)'); and

- The site stormwater management system should be designed to provide for cooling, improved local habitat and the provision of attractive and enjoyable spaces.

6.6 Open Space

The application was referred to Council's Open Space Planners who provided the following comments (summarised):

- New publically accessible open spaces must be appropriately named and sign posted to allow for easy identification in the event of an emergency;
- Council must be notified when construction of an open space commences and again when it is ready for use;
- At 11.00am on 20 March shadows would be cast over 90% of Central Green. At the same time on 22 September shadows would extend over the entirety of this space. This extent of overshadowing is excessive and would undermine its enjoyment. This, in turn, contravenes the provisions of Clause 21.06 (as this relates to maximising solar access to public open spaces), the provisions of Clause 22.18 (as this relates to the performance standards entitled 'Responsive to site' and 'Focussed on the public realm'), the decision guidelines of Schedule 53 of the DDO and the provisions of the Digital Harbour Development Plan (as this relates to improving the public realm and open space outcomes);
- The wind speeds generated by the development might also impact upon the general amenity of adjacent open spaces;
- The design and layout of new open spaces must address the requirements of the Council's Open Space Strategy; and
- If the building form were altered (perhaps by way of a raked street wall) and lowered, sunlight to adjacent open spaces would be increased and this, in turn, would assist in satisfying the aforementioned performance standards and decision guidelines.

6.7 Westgate Tunnel Project Team

The application was referred to the Council's Westgate Tunnel Project (WGTP) Team for comment given the proximity of the site to the alignment of the future tunnel.

On the basis the development would not impact upon the tunnel, the WGTP Team offered no objection.

7 ASSESSMENT

The key issues for consideration are:

- The relationship of the proposed building with the provisions of the Digital Harbour Development Plan; and
- The appropriateness of the design and detailing of the building.

7.1 The relationship of the building with the provisions of the Digital Harbour Development Plan

The Digital Harbour Development Plan (2011) shows the site is located in an area where 'commercial' development is preferred. Though the Plan also allows for residential uses on site, these are 'optional' only.

It is considered that the provision of both retail and office space on site reinforces the overarching intent of the Plan as it relates to land use.

Building form

While the proposed development provides for the land uses envisaged by the Plan, it will exceed the preferred height limit.

Figure 6 below shows the preferred height limits for Digital Harbour.

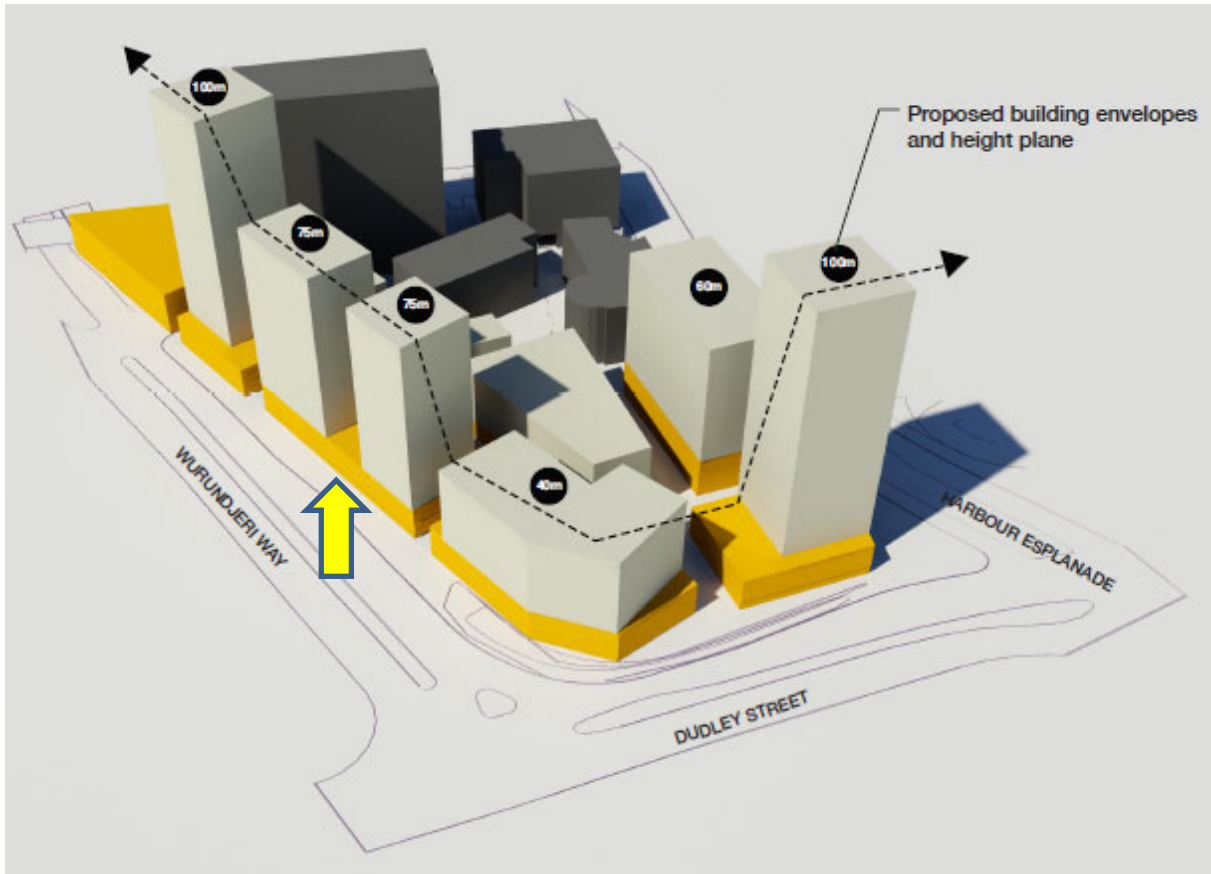


Figure 6: Diagram showing preferred building heights. Subject site marked by yellow arrow (source: Digital Harbour Development Plan (2011), Pg. 41).

The site is subject to a preferred height limit of 75 metres. The tallest of the three primary elements of the proposed building would stand to a height of 96.5 metres while the lowest element would stand to a height of 90 metres.

The approved building immediately to north will stand to a maximum height of 81.9 metres. This is 14.6 metres lower than the tallest element of the proposed building and 8.1 metres lower than the immediately adjacent element.

As such, the proposed building would step down towards the approved adjacent development and, in turn, continue the transition in heights downward from south to north as envisaged by the Digital Harbour Development Plan (refer Figure 6 above).

Though this downward transition would not precisely match that envisaged by the Plan, it nevertheless reinforces the basic objectives of it with regard to building heights. Importantly, the overall height of the approved building immediately to the north is more than twice that envisaged by the Plan (40 metres) and as such the heights of the proposed building (90 and 96.5 metres) provides a more comfortable transition between the proposed and approved forms.

Figure 7 below shows the basic form of the approved adjacent building.

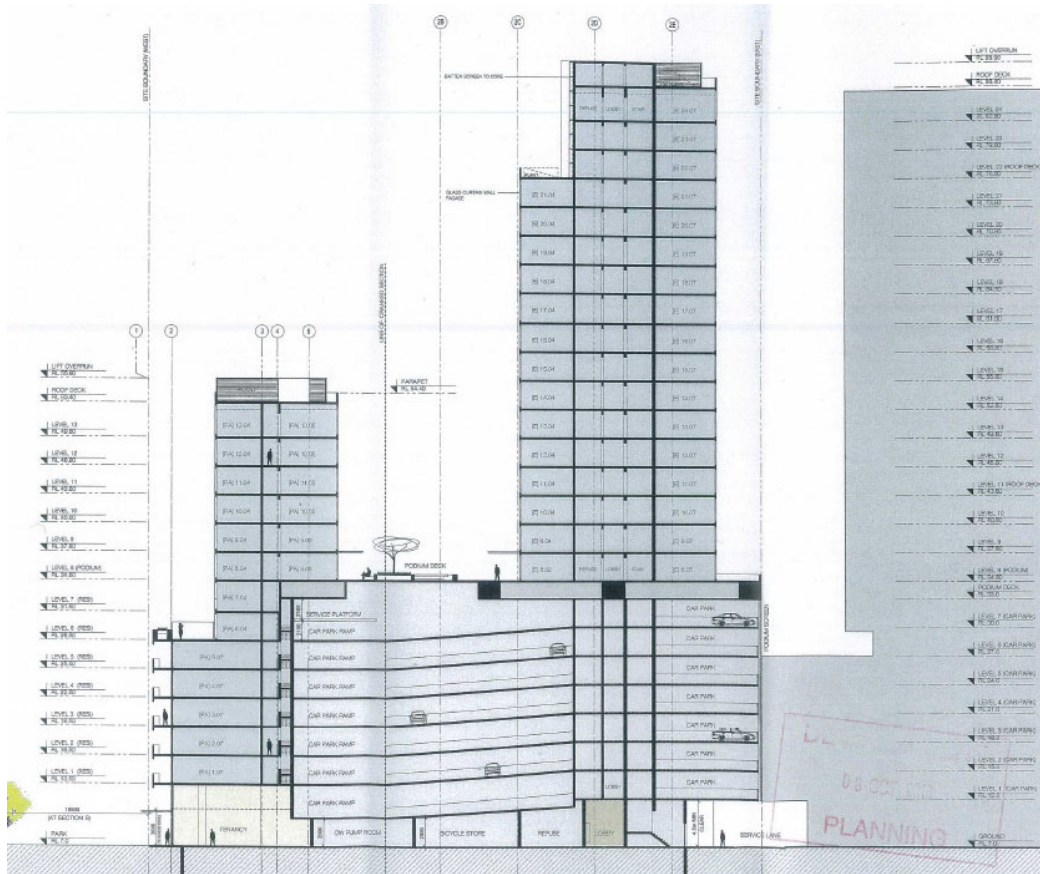


Figure 7; Section of approved development on Lot R5 immediately to north (as per Permit 2013/007431 issued by the Minister). Form shown on right hand side of image is indicative only and not representative of proposed form (source: application plans prepared by SJB)

Notwithstanding this, to determine appropriate building heights, consideration must also be given to the shadows which would be cast across nearby public open spaces. Such a space would be located a short distance to the south-west as shown in Figure 8 below.

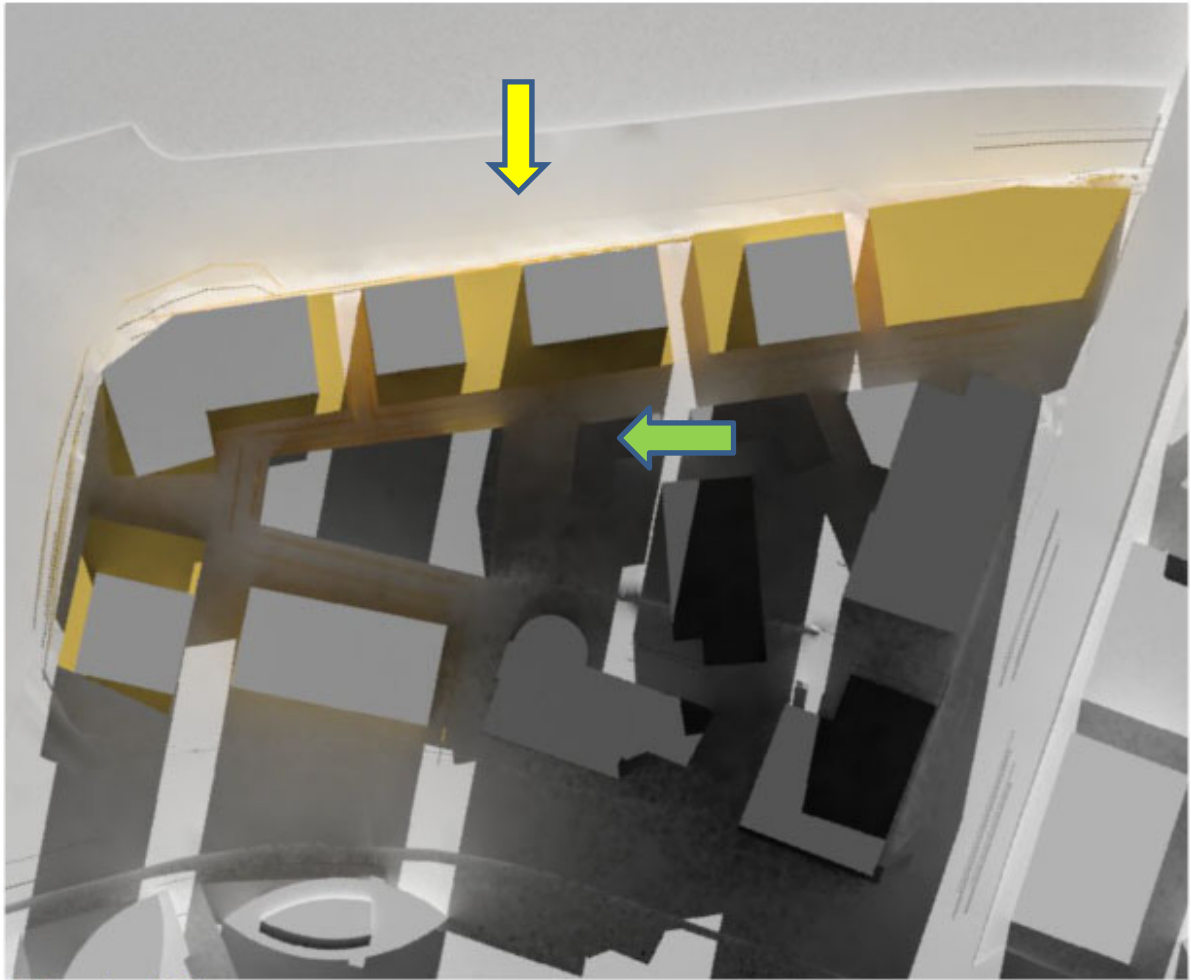


Figure 8: Precinct concept plan showing adjacent public open spaces marked '2 - Innovation Green', '3 - Central Green', '4 - Central Link' and '6 - Garden Link' (source: Digital Harbour Development Plan (2011), Pg. 37)

In accordance with the Clause 3.0 (Decision guidelines) of Schedule 53 of the Design and Development Overlay, *before deciding upon an application, the Responsible Authority must consider ...the orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on the public realm.*

Clause 4.0 (Buildings and works) of Schedule 5 of the Docklands Zone reinforces this. To this end, this clause states that 'before deciding upon an application, the Responsible Authority must consider the public realm, including solar access to existing open spaces.'

The preferred heights set out in the Plan anticipate a degree of overshadowing of nearby open spaces as shown in Figures 9 and 9A below.



21 September 0900hrs

Figure 9: Precinct shadow diagrams. Site marked by yellow arrow. Central Green marked by green arrow. (source: Digital Harbour Development Plan (2011), Pg. 48)

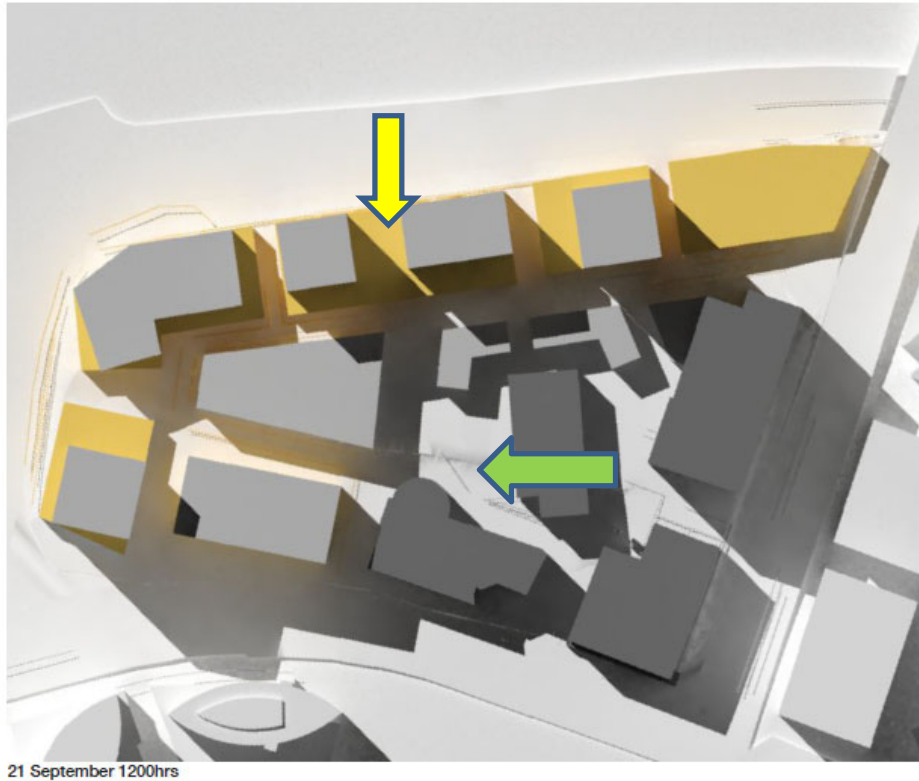


Figure 9A: Precinct shadow diagrams. Site marked by yellow arrow. Central Green marked by green arrow. (source: Digital Harbour Development Plan (2011), Pg. 48)

Forms exceeding preferred identified heights would cast shadows in excess of those anticipated by the Plan. As previously noted, each of the three towers would exceed the preferred height control (75 metres) by as much as 21.5 metres.

Figures 10, 11 and 12 below show the shadows that would be cast by the proposed development over Central Green between 11.00am and 1.00pm on the equinox.

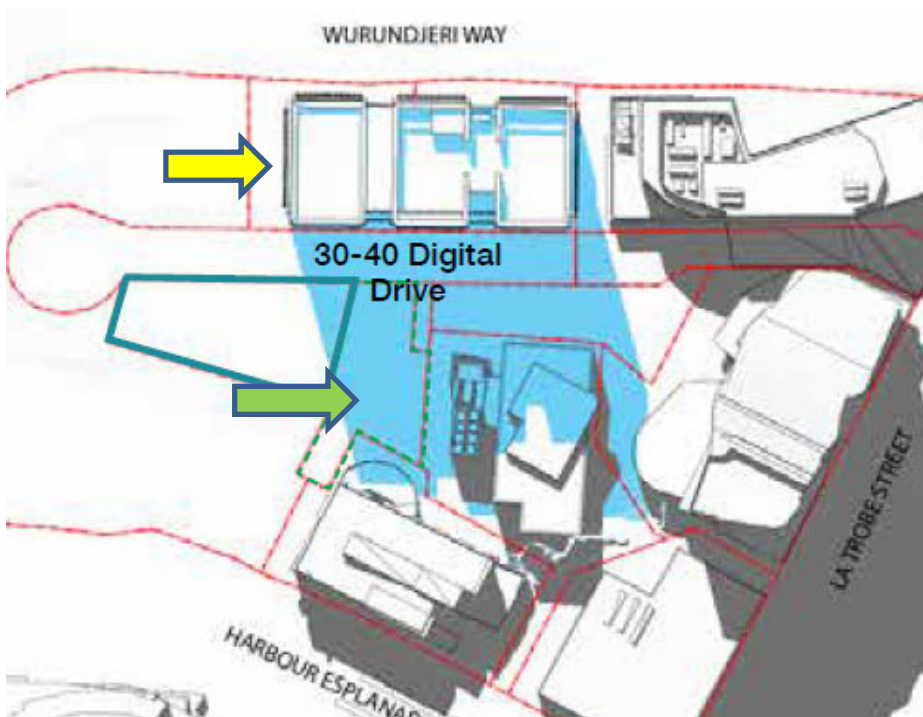


Figure 10: The extent of shadows cast by the proposed building at 11.00am on the equinox. The site is marked by the yellow arrow and Central Green is marked by the green arrow

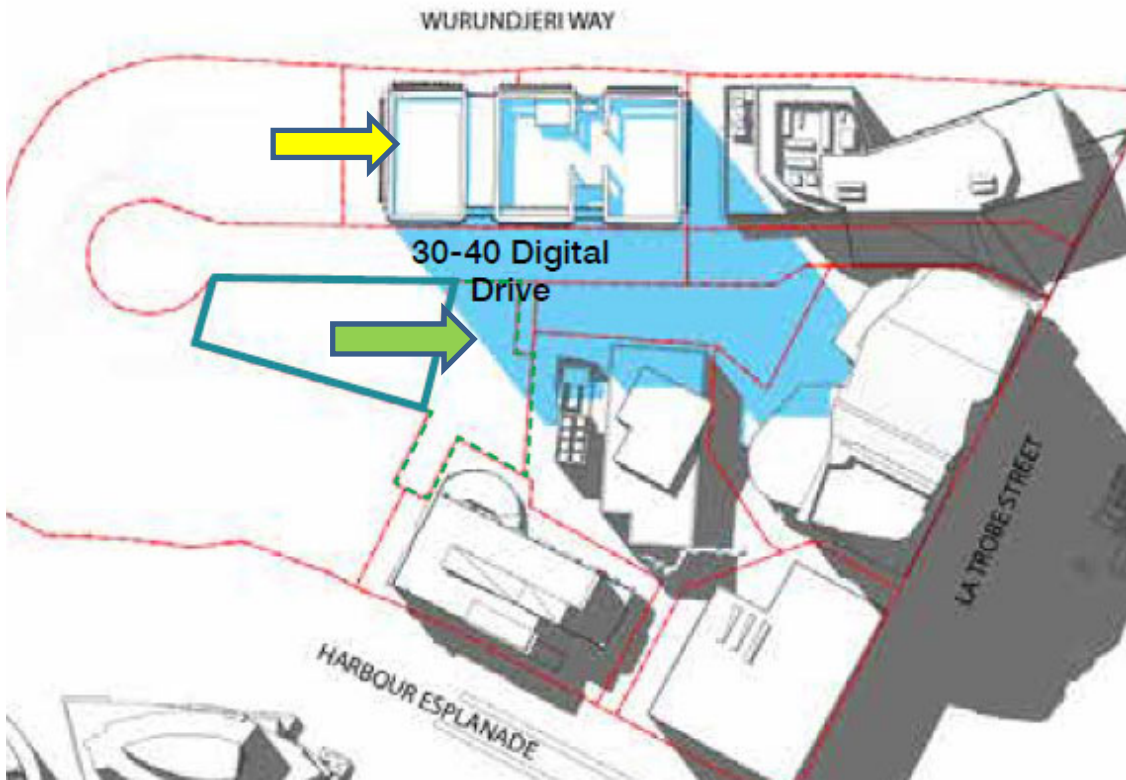


Figure 11: The extent of shadows cast by the proposed building at 12 noon on the equinox. The site is marked by the yellow arrow and Central Green is marked by the green arrow

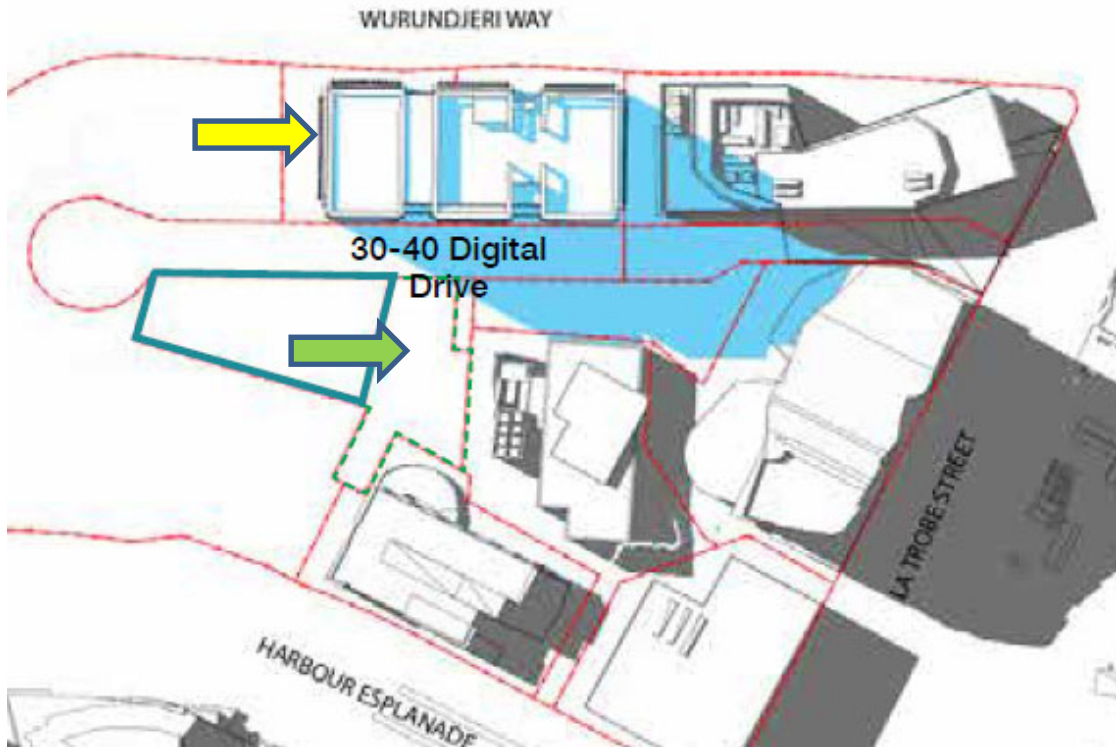


Figure 12: The extent of shadows cast by the proposed building at 1.00pm on the equinox. The site is marked by the yellow arrow and Central Green is marked by the green arrow

This extent of overshadowing not only contravenes the aforementioned provisions of Schedule 53 of the Design and Development Overlay and Schedule 5 of the Docklands

Zone, but also the performance standards of Clause 22.18-5. This clause seeks to ensure that publically accessible spaces are not significantly overshadowed between 11.00am and 3.00pm on the equinox.

As Figure 10 shows, lengthy shadows would be cast over Central Green at 11.00am. At 12 noon these shadows would reduce and at 1.00pm the development would not overshadow this public open space, on 22 September.

Again, the approved Development Plan anticipates a degree of overshadowing of Central Green. This should however be regarded the maximum extent permissible and indeed in accordance with the provisions of Clause 22.18 this is effectively required.

Notwithstanding the otherwise generally appropriate form and presentation of the building (refer discussion below), it is considered that the height of the northern-most tower (the primary offending element) height must be reduced to 75 metres. This, in turn, would ensure the shadows cast by it over Central Green at 11.00am did not exceed those otherwise anticipated by the Plan. This adjacent space is the key public asset of this precinct and as such surrounding forms should not compromise its amenity value.

Though the reduced height of the northern-most tower would interrupt the aforementioned downward transition in building heights envisaged by the Plan (refer Figure 6), this height would not be so dissimilar to that of the approved adjacent building to the north (81.9 metres) that it would appear incongruous. Importantly, it is considered that this relatively minor difference in height would not generally be observed from the public realm, including Central Green.

7.2 The appropriateness of the design and detailing of the building

The objectives of Clause 22.18 (Urban design within the Docklands Zone) include:

- *To create 'active' streets throughout Docklands with new development incorporating active ground level frontages which enliven and energise public streets and spaces;*
- *The facades of buildings should be attractive to passing pedestrians, with blank walls strongly discouraged; and*
- *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.*

It is considered that the modulation and design detailing of the building assists in reducing its perceived scale and bulk. This includes the three distinct forms of the tower and the generous greening of the podium. Importantly, this treatment will complement Central Green opposite; the key public asset of this precinct.

In addition to this, it is considered that the development appropriately responds to the decision guidelines of Schedule 53 of the DDO. This includes the need to ensure public interfaces are sufficiently activated.

Given the extent of active uses along the Digital Drive frontage, including both at ground floor level and immediately above, it is considered that the development will indeed appropriately address adjacent public spaces. Importantly, the applicant has consciously located car parking at the upper floors of the podium so as to allow for the increased activation of the lower levels. Again, this includes not only at ground level, but also the immediate levels above. This measure will assist in enhancing pedestrian experiences as well as allow for the increased passive surveillance of Central Green.

Importantly, due to ground conditions, the provision of basement parking is not mandated in Docklands and the provisions of Amendment C308 (Urban design in the central city and Southbank) do not apply here. This amendment states that car parking must be located at basement level in order to limit its impacts upon the public realm.

Though ideally parking would not be located along the street frontage, given the treatment of the Digital Drive façade, it is considered acceptable in this case. This is on the basis that this

parking would be concealed by active uses at the lower levels and largely concealed from view behind vertical landscaping at upper podium level. This landscaping would not only assist in softening the appearance of the building but also reinforce its relationship with Central Green immediately opposite.

Whilst the rear of the building fronting Wurundjeri Way would be largely inactive at ground level, this is acceptable along this busy vehicular thoroughfare. To this end, the siting of building services here is considered the most appropriate location for these elements. This, in turn, again allows for the activation of more sensitive interfaces, including the Digital Drive frontage and its returns.

Though again largely comprising services, the Wurundjeri Way elevation would nevertheless feature active elements. These will provide for a degree of visual interest when viewed from the east together with the palette of high-quality materials proposed. These materials ensure the Wurundjeri Way elevation will contribute to the public realm, albeit adjacent to a busy vehicular thoroughfare without pedestrian access.

High-quality materials would also be applied to both the north and south elevations. This, together with the provision of additional vertical landscaping at lower levels and active elements at upper levels, ensures the building will present in the round and not just to its most sensitive interface (Digital Drive). This will be vitally important when viewed from the approved residential building to the north. As noted below, together with the generous separation distance to this building, the high-quality treatment of the facing elevation of the development will assist in providing future adjacent residents with a generous and well considered outlook.

Amenity impacts

The proposed building would be setback 27 metres from the northern property boundary behind a landscaped garden/bicycle access point. To this end, the building would not detract from the outlook of the future residents of the approved residential development immediately to the north. In context, such a separation distance is considered generous and, in turn, affords future residents with a degree of visual relief not otherwise expected in a dense, higher scale urban environment such as this.

Importantly, the approved residential building to the north is the only direct sensitive interface. All other interfaces are marked by roadways, across from which currently stand commercial buildings and/or future open spaces. To this end, and given the otherwise acceptable design detailing of the building, it is considered that the development would not impact adversely upon the general amenity of the immediate surrounding area. This is again subject to the aforementioned recommendation to reduce the height of the northern-most tower so as to ensure it does not significantly overshadow Central Green opposite.

Wind mitigation measures are also required and this point is discussed further below.

Wind effects

In accordance with the Clause 3.0 (Decision guidelines) of Schedule 53 of the Design and Development Overlay, *before deciding upon an application the Responsible Authority must consider ...the nature of wind effects caused by any new building and design measures to address these.*

Clause 4.0 (Buildings and works) of Schedule 5 of the Docklands Zone reinforces this, stating that 'before deciding upon an application, the Responsible Authority must consider the wind effects of a proposed development at ground level.'

In addition to this, the Plan states that this precinct is exposed to winds from the west and north and that as such mitigation measures will typically be required. This includes preferred buildings forms (podiums and towers) which separate flow fields and deflect downward winds.

Importantly, the preferred forms set out in the Plan respond to the provisions of the Melbourne Docklands, Wind Mitigation Guidelines (September 2008). These forms, in turn, shield the public open spaces located towards the centre of the precinct.

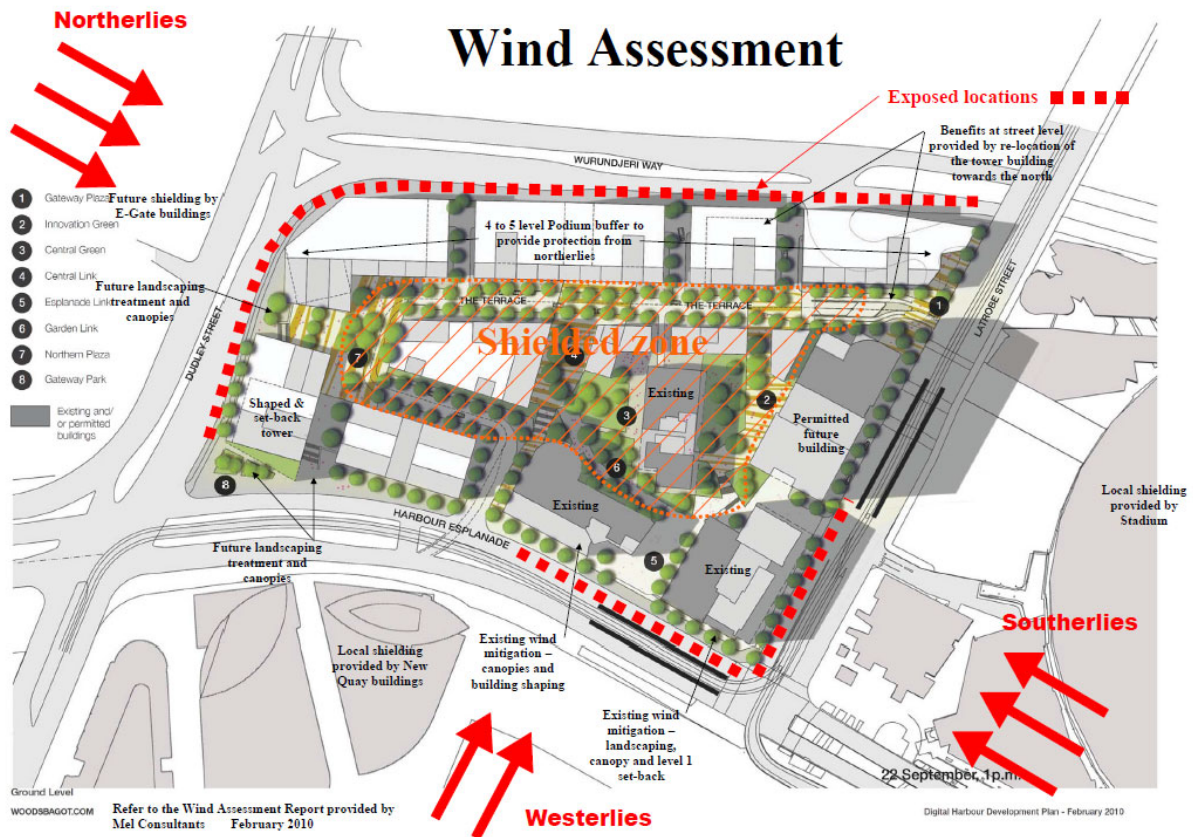


Figure 13: Wind assessment plan of Digital Harbour Development Plan (2011). Pg. 109

On the basis Central Green would be located immediately to the west of the site across Digital Drive, it is vitally important the wind effects generated by the development do not impact upon this space.

The wind report submitted in support of the application concludes that the proposed building would, for the most part, satisfy the walking comfort criterion along surrounding streets. At three test locations however at the rear of the site and along Digital Drive (Test Location Nos. 3, 7 and 11), resultant wind conditions would fail identified safety standards.

To ensure conditions at these locations are safe, porous fencing is recommended. This, in turn, would ensure wind conditions along all surrounding streets and publically accessible open spaces (including Central Green) would satisfy the walking criterion as a minimum. Since this fencing is located in the gaps between buildings at the edge of Wurundjeri Way it does not unduly impact access or public realm design and is acceptable subject to appropriate design details.

Importantly, at Test Location No. 26 within the bounds of Central Green, the standing criterion would also be satisfied. Given its primary function, ideally the sitting criterion would also be achieved here. This cannot however be determined until such time as further testing of the revised form is undertaken.

It is recommended that a condition be included upon any permit issued requiring the implementation of the recommendations set out in the submitted wind impact assessment. In addition to this, a further assessment of wind effects taking into account the recommended reduced height of the northern-most tower should also be undertaken. Again, as a minimum, resultant wind conditions should satisfy the objectives of Schedule 53 of the DDO, Schedule 5 of the Docklands Zone and the provisions of the Plan.

The ESD credentials of the development

Clause 22.19 (Energy, water and waste efficiency) states where a new building measures in excess of 2,000 square metres, the potential must exist to achieve the relevant performance measures set out in Clause 22.19-5.

Clause 22.19-5 states that retail premises measuring up to 2,000 square metres will be assessed against the following performance measures:

- Water efficiency - 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Retail rating tool or equivalent; and
- Waste efficiency - A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's 'Guidelines for Waste Management Plans.'

In addition to this, Clause 22.19-5 states where the gross floor area of a new office building exceeds 5,000 square metres, an assessment against the following performance measures will also be undertaken:

- Energy efficiency - NABERS Office - Energy 5 Stars or equivalent;
- Water efficiency - 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Office rating tool or equivalent;
- Waste efficiency - A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's 'Guidelines for Waste Management Plans'; and
- 5-star rating in accordance with a current version of the Green Star - Office rating tool or equivalent.

The Council's ESD and Green Infrastructure Officer has advised that the proposed development satisfies the requirements of Clause 22.19.

Notwithstanding this, certain concerns remain. These include the absence of electric vehicle charging points on site and the proposed planting palette.

The provision of these measures will add to the sustainability credentials of the development and as such it is recommended that relevant conditions be included upon any permit issued.

In addition to this, and in accordance with the provisions of Clauses 22.23 and 56.07, a stormwater management report should also be submitted prior to the commencement of the development. Ideally, this would include a response to best practice performance objectives (as set out in the 'Urban Stormwater, Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)).

Parking, access, loading and waste

Figure 14 below shows the proposed configuration and presentation of Digital Drive forward of the subject site.



Figure 14: View of Digital Drive showing configuration and presentation of roadway.

This configuration and presentation does not appear to accord with the preferred road layout shown in the 2011 Development Plan (as set out in Figure 15 below). As such, Council's Civil Engineers have requested that this roadway be amended to reflect the configuration of the remainder of Digital Drive (as approved in association with adjacent developments). This effectively requires the provision of a 20-metre wide connector road reserve.

In addition to this, clarification is also sought with regard to the colonnade extending part way over the footpath forward of the site. On the basis this colonnade would effectively provide an increased width footpath, it is considered to be acceptable in principle. This colonnade must however be designed and positioned so as to satisfy the intent of the aforementioned 20-metre wide connector road reserve required by the Plan.

Importantly, a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* is required to ensure the space beneath the colonnade remains publically accessible at all times.

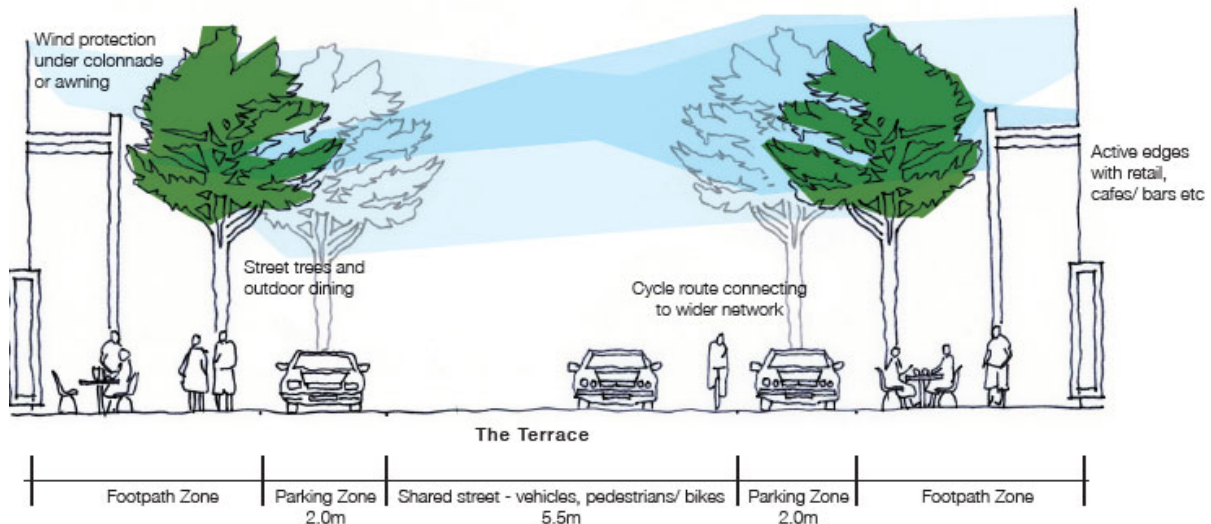


Figure 15: Approved layout of Digital Drive
(source: Digital Harbour Development Plan (2011), Pg. 72)

Some of the submitted plans (such as detailed Landscape Plans), assume changes to the 2011 Development Plan that have not yet been agreed, in particular the redesign of Digital Drive as a dead-end street with a turning circle at its northern end. At this stage, these plans should be removed or revised.

Importantly, the number of car and bicycle parking spaces to be provided on site complies with the relevant statutory requirements. To this end, the number of car spaces provided will be well below the maximum number permitted and the number of bicycle parking spaces will be well above the minimum number preferred.

Whilst it appears the design/layout of all parking facilities complies with the relevant Australian Standards, it is nevertheless recommended that a condition to this effect be included upon any permit issued. This includes aisle widths, headroom clearances, column positions and ramp grades and provides the assurance necessary that the podium car park will function as required.

Though the number of car parking spaces provided is again acceptable, in accordance with the recommendations of the Council's ESD and Green Infrastructure Officer, 5% of these (seven) should feature electric vehicle charging points/infrastructure. This will encourage the use of electric vehicles and, in turn, assist in minimising greenhouse gas emissions.

8 CONCLUSION AND RECOMMENDATION

Though many aspects of the proposed development are acceptable, or indeed commendable, one key element requires alteration in order to ensure compliance with relevant overshadowing standards.

Central Green is the key public asset of this precinct and as such its amenity value must be protected. To this end, significant additional shadows should not be cast over it between the identified times (11.00am and 3.00pm on 22 September).

As proposed the northern-most tower would significantly overshadow Central Green at 11.00am on 22 September and, to an extent, also at 12 noon. This is an unacceptable outcome and as such it is recommended that this tower be reduced in height to 75 metres.

Though at this height the northern tower would still overshadow part of Central Green at 11.00am, this extent of overshadowing is anticipated by the approved 2011 Digital Harbour Development Plan and, in accordance with the terms of Clause 22.18, is therefore not considered to be 'significant.'

The basic presentation of the building is otherwise considered to be appropriate. The applicant is to be commended for consciously locating car parking facilities within the upper levels of the podium in order to increase the extent of activation of the lower levels. This is vitally important opposite Central Green and will assist in providing for its increased passive surveillance.

In accordance with the preceding discussions, it is recommended that Council advise DELWP that it supports the application subject to the following conditions.

RECOMMENDED PERMIT CONDITIONS:

1. Prior to the commencement of the development hereby approved, the applicant shall submit to and have approved in writing by the Responsible Authority, amended plans generally in accordance with the plans prepared by Bates Smart and received by the City of Melbourne on 26 October 2020 but amended to show:
 - a) The northern-most tower and adjacent link reduced to a maximum height of 75 metres;
 - b) The recommendations of the wind impact assessment entitled 'Environmental wind speed measurements on a wind tunnel test of 30 - 40 Digital Drive, Docklands' prepared by Mel Consultants dated July 2020 as well as any further requirements resulting from the amended wind impact assessment required by Condition 6 of this permit deemed necessary/practicable to improve wind conditions across Central Green;
 - c) No less than 5% of car parking spaces equipped with electric vehicle charging points/infrastructure;
 - d) No less than one car share space on site;
 - e) Notations confirming that the layout of the car park, including access ways, ramps and transition areas, accord with the requirements of the Melbourne Planning Scheme or Australian Standard (AS) 2890.1:2004;
 - f) The provision of pedestrian sight triangles measuring 2x2.5 metres at the car park and loading bay exits;
 - g) All columns located between 0.25 and 1.25 metres from the open end and less than or equal to 1.75 metres from the closed end of car parking spaces;
 - h) A minimum headroom clearance of 2.2 metres over all car park access ramps and lanes in accordance with AS 2890.1:2004;
 - i) All headroom clearances over DDA car parking spaces being no less than 2.5 metres;
 - j) The findings of the independent Road Safety Audit required by Condition 15 of this permit.
 - k) The provision of a more diverse planting palette on site, including at ground and terrace levels;
 - l) That part of Digital Drive forming part of the site designed/laid out in accordance with the provisions of the Digital Harbour Development Plan (2011). This includes the provision of a 20-metre wide connector road reserve which may include a footpath colonnade provided continuous public access is suitably designed and secured, and the deletion of the unapproved turning circle to the north of the site.
2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. The noise generated from plant and equipment on site must at all times comply with the requirements of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) SEPP No. N-1 to the satisfaction of the Responsible Authority.

4. All waste storage and collection arrangements must be carried out in accordance with the submitted Waste Management Plan (WMP) prepared by WSP and dated 28 August 2020 (report reference PS117231-20200828-30-40 Digital).
5. The WMP noted in Condition 4 must not be altered or modified without prior written consent of the City of Melbourne, Waste and Recycling.
6. Prior to the commencement of the development hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority, an amended wind impact assessment taking into account the requirements of Condition 1 of this permit. This assessment should also include any recommendations considered necessary/practicable to improve wind conditions across Central Green and should avoid reliance on any trees, screens or other elements sited within the public realm.
7. Any projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved in writing by the City of Melbourne, Infrastructure and Assets.
8. Prior to the commencement of the development hereby approved, details of the site stormwater drainage system incorporating integrated water management design principles, must be submitted to and be approved in writing by the City of Melbourne, Infrastructure and Assets. This system must be constructed and provision made to connect it to the City of Melbourne's stormwater drainage system prior to the first occupation of the development.
9. Prior to the first occupation of the development hereby approved, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings demolished and footpaths, kerbs and channels reconstructed in accordance with plans and specifications first approved in writing by the Responsible Authority, Infrastructure and Assets.
10. That part of Digital Drive to be delivered as part of this permit (including footpaths, public lighting, street trees, pavement markings, signage and street furniture) must be constructed prior to the first occupation of the development, in accordance with plans and specifications first approved by City of Melbourne, Infrastructure and Assets.
11. All existing street lighting temporarily removed or altered to facilitate the development hereby approved shall be reinstated once the need for removal/alteration has been completed/ceased. This existing lighting must not be altered without first obtaining the written consent of the Responsible Authority, Infrastructure and Assets.
12. Prior to the commencement of the development hereby approved, excluding site clean up works and demolition, or as may otherwise be agreed in writing by the City of Melbourne, a lighting plan must be submitted to and be approved by Council. This plan should be generally in accordance with Council's Lighting Strategy and include the provision of public lighting along Digital Drive. All lighting works must be undertaken prior to the first occupation of the development in accordance with the approved plan.
13. Prior to the first occupation of the development hereby approved, a report from the author of the submitted ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the report have been implemented must be submitted to and approved in writing by the Responsible Authority. The report must confirm and provide sufficient evidence that all measures specified in the ESD report have been implemented in accordance with the approved plans. This may include a GBCA Green Star Design & As Built Design Review Rating to confirm compliance with stated Green Star targets.

Following the GBCA's certification of the Green Star Design & As-Built rating, copies of the certificate must be submitted to the Responsible Authority.
14. Prior to commencement of development hereby approved, a Landscape Maintenance Plan (LMP) setting out the maintenance regime of the site beyond the initial fifty-two week period following Practical Completion must be submitted to and be approved in

writing by the Responsible Authority. Except with the prior written consent of the Responsible Authority, the approved landscape treatment of the site must be implemented prior to the occupation of the development and maintained in good order and appearance thereafter.

15. Prior to the commencement of the development hereby approved, a formal independent Road Safety Audit taking into account the requirements of Condition 1(l) shall be carried out, submitted to and be approved in writing by the Responsible Authority. This Audit shall be conducted at the land owner's expense and take account of all parking facilities and loading/unloading arrangements on and adjacent to the site. The findings of the Audit shall be incorporated into the amended plans required by Condition 1 of this permit.
16. Prior to the first occupation of the development hereby approved (excluding demolition and bulk excavation) a Loading Management Plan (LMP) must be submitted to and be approved in writing by the Responsible Authority. This plan must detail how the access/egress of loading vehicles will be managed. The plan must also confirm that a Dock Manager will be employed to oversee the loading/unloading of all goods and materials. In addition to this, the plan must state that the reversing of vehicles into the loading bay will only be undertaken with the assistance of the Dock Manager, whose responsibilities in this regard shall include, as a minimum:
 - Attendance in the loading bay when all deliveries are being received and waste collected;
 - To act as spotter for all vehicles reversing into the loading bay;
 - To act as an informal traffic controller while vehicles reverse into the loading bay;
 - To ensure conflicts do not occur between loading vehicles and other vehicles; and
 - To ensure that the spaces used to manoeuvre vehicles is kept clear of obstructions at all times.
17. Prior to the first occupation of the development hereby approved, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide for unimpeded public access along the footpath beneath the colonnade along the Digital Drive frontage of the site at all times.

The owner of the land must pay the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within three years of the date of this permit.
 - b) The development is not completed within five years of the date of this permit.

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

Notes -

All works shall be undertaken in accordance with the 'Docklands Design and Construction Standards for Infrastructure Works'.

All necessary permits and approvals are to first be obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and all works performed to the satisfaction of the Responsible Road Authority.

The City of Melbourne's Green Factor Tool could be used to benchmark the quality of the green infrastructure of the development.

The City of Melbourne will not alter existing on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of the development. However, new parking restrictions may be introduced in the surrounding streets if considered necessary.

New publically accessible open spaces must be appropriately named and sign posted to allow for easy identification in the event of an emergency.

The applicant must notify the City of Melbourne when construction of a publically accessible open space commences and again when it is ready for use.