

Ministerial Planning Referral: TPM-2016-5/B
685-691 La Trobe Street, Docklands

15 June 2021

Presenter: Larry Parsons, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for an amendment to the existing Planning Permit PA1500055 on the site at 685-691 La Trobe Street, Docklands, to facilitate the development of a two tower Build-to-Rent residential scheme, including a three level podium, activated streetscape and large function space potentially for the AFL.
2. The applicant is GFM Investment Management Ltd c/- Urbis Pty Ltd, the owner is Perpetual Corporate Trust Ltd and the architect is Cox Architecture.
3. The subject site is located on the south side of La Trobe Street between Wurundjeri Way to the east, Harbour Esplanade to the west and the concourse of the Docklands Stadium to the south. The site has a frontage to La Trobe Street of approximately 77 metres and a total site area of approximately 4292m².
4. The site is located within the Docklands Zone Schedule 4 (DZ4) and Design and Development Overlay Schedules 12 and 52 (DDO12 and DDO52), the Development Plan Overlay Schedule 5 (DPO5) and the Parking Overlay Schedule 8 (PO8).
5. The proposal has a total gross floor area of 76,804m², a floor area ratio of 17.9:1, and comprises 676 Build-to-Rent apartments, plus 3382m² of retail and associated uses.

Key issues

6. The key issues for consideration are the extent of the increased floor area, the increase in overall height and changes to the interface between the proposal and the street, adjacent laneway and stadium concourse. It is considered that the built form response including the architectural design, the increased tower setbacks coupled with increased but stepped tower heights, and the improved public realm interface, represent a better outcome than the current permitted scheme.
7. The amended proposal achieves compliance with the DDO12 (Noise Attenuation) and generally with the DDO52 (Stadium Precinct). The increased height of the proposal does result in a minor encroachment of shadowing onto the playing field in winter, however due to the lighting technology now employed by the AFL this will not detrimentally impact the playing surface.
8. The 'Build to Rent' scheme achieves appropriate compliance with Clause 58 (BADs), including 100 per cent compliance in terms of functional layouts (room dimensions), 69.4 per cent of the overall number of apartments being DDA compliant, and generous communal facilities including the landscaped podium rooftop.
9. The amended proposal will offer improved retail opportunities, improved internal amenity for residents and create a large multi-function space, potentially for the AFL. In addition, the proposal seeks to create a more meaningful lobby and entrance space at each level of the podium which better responds to the slope of the land, as well as activation of the interface to the stadium concourse.

Recommendation from management

10. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposed Amendment and issue of a Permit subject to the conditions set out in the delegate report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 61)
2. Locality Plan (Page 3 of 61)
3. Selected Plans (Page 4 of 61)
4. Delegate Report (Page 34 of 61)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally referred the application to Council under Section 55 of the *Planning and Environment Act 1987* (Act).

Finance

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

Conflict of interest

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

Health and Safety

5. Relevant planning considerations such as traffic, waste management, potential amenity impacts and noise attenuation matters that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Relation to Council policy

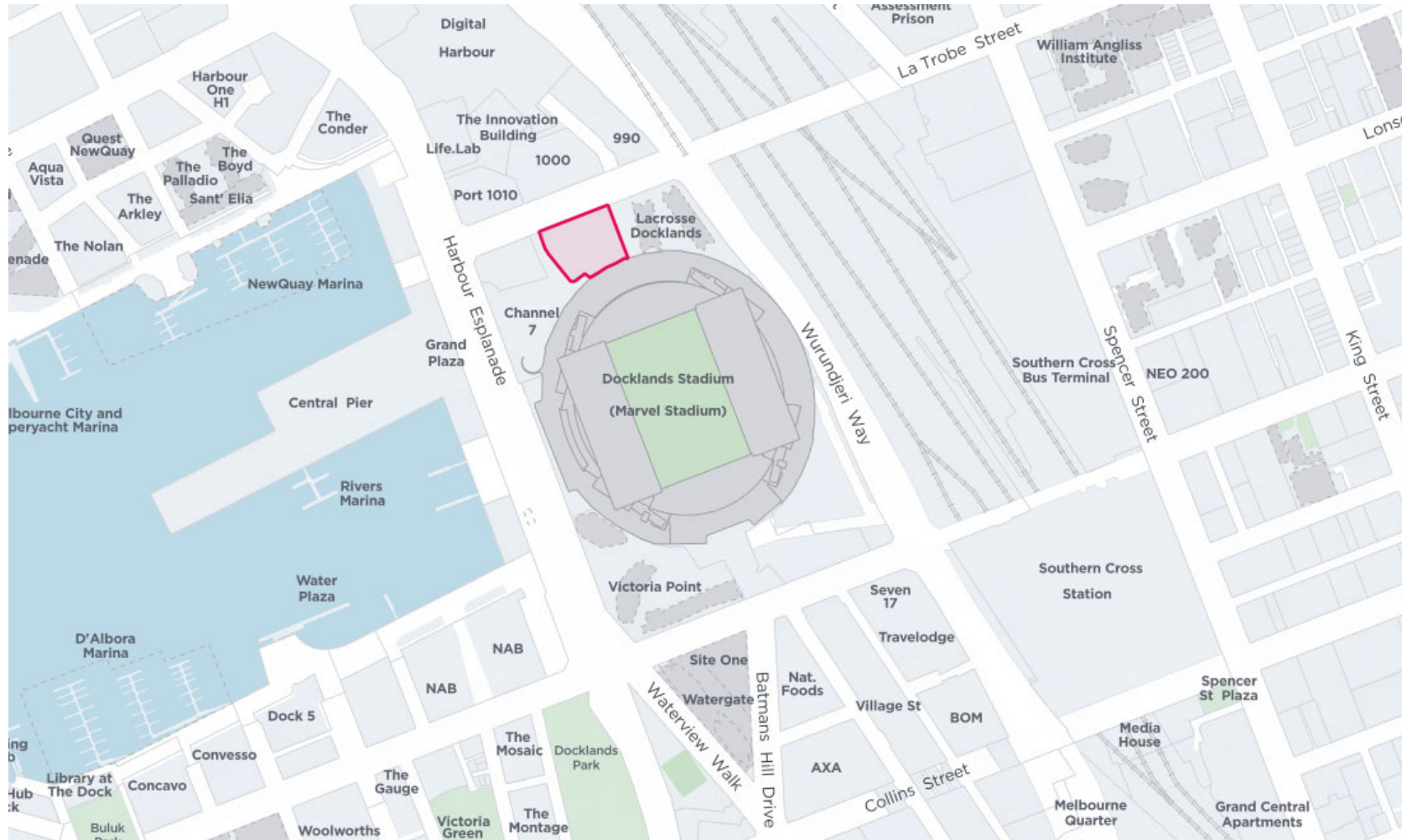
7. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

Environmental sustainability

8. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

685-691 La Trobe Street, Docklands





SHEET No.	SHEET NAME
TP-00-00	COVER SHEET - DRAWING INDEX
TP-10-00	SURVEY PLAN (BY AAM)
TP-11-00	SITE CONTEXT
TP-11-10	SITE PLAN
TP-20-98	FLOOR PLAN - LOWER GROUND
TP-20-99	FLOOR PLAN - UPPER GROUND
TP-21-00	FLOOR PLAN - LEVEL 01
TP-21-01	FLOOR PLAN - MEZZANINE (CONCOURSE)
TP-21-02	FLOOR PLAN - LEVEL 02
TP-21-03	FLOOR PLAN - LEVEL 03 + 20 TYPICAL
TP-21-21	FLOOR PLAN - LEVEL 21 - 22
TP-21-23	FLOOR PLAN - LEVEL 23
TP-21-24	FLOOR PLAN - LEVEL 24
TP-21-25	FLOOR PLAN - LEVEL 25
TP-21-26	FLOOR PLAN - LEVEL 26
TP-21-27	FLOOR PLAN - LEVEL 27
TP-21-28	FLOOR PLAN - LEVEL 28
TP-21-29	FLOOR PLAN - LEVEL 29 & TOWER 2 ROOF
TP-21-30	FLOOR PLAN - LEVEL TOWER 1 ROOF
TP-30-01	NORTH ELEVATION
TP-30-02	EAST ELEVATION
TP-30-03	SOUTH ELEVATION
TP-30-04	WEST ELEVATION
TP-30-05	COURTYARD EAST ELEVATION
TP-30-06	COURTYARD WEST ELEVATION
TP-30-10	NORTH ELEVATION - LOWER LEVELS
TP-30-11	EAST ELEVATION - LOWER LEVELS
TP-30-12	SOUTH ELEVATION - LOWER LEVELS
TP-40-01	SECTION - TOWER 1
TP-40-02	SECTION - TOWER 2
TP-70-00	SHADOW ANALYSIS
TP-70-01	SHADOW ANALYSIS
TP-80-00	MATERIAL SCHEDULE

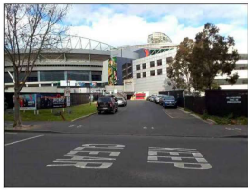


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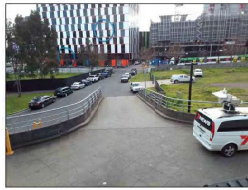


PHOTO 2



PHOTO 3



PHOTO 4

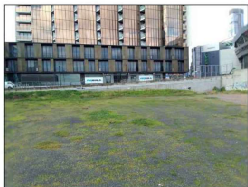


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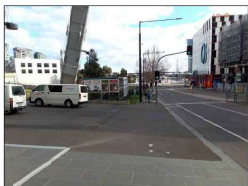


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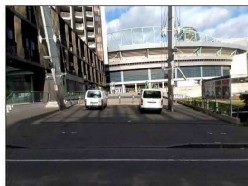


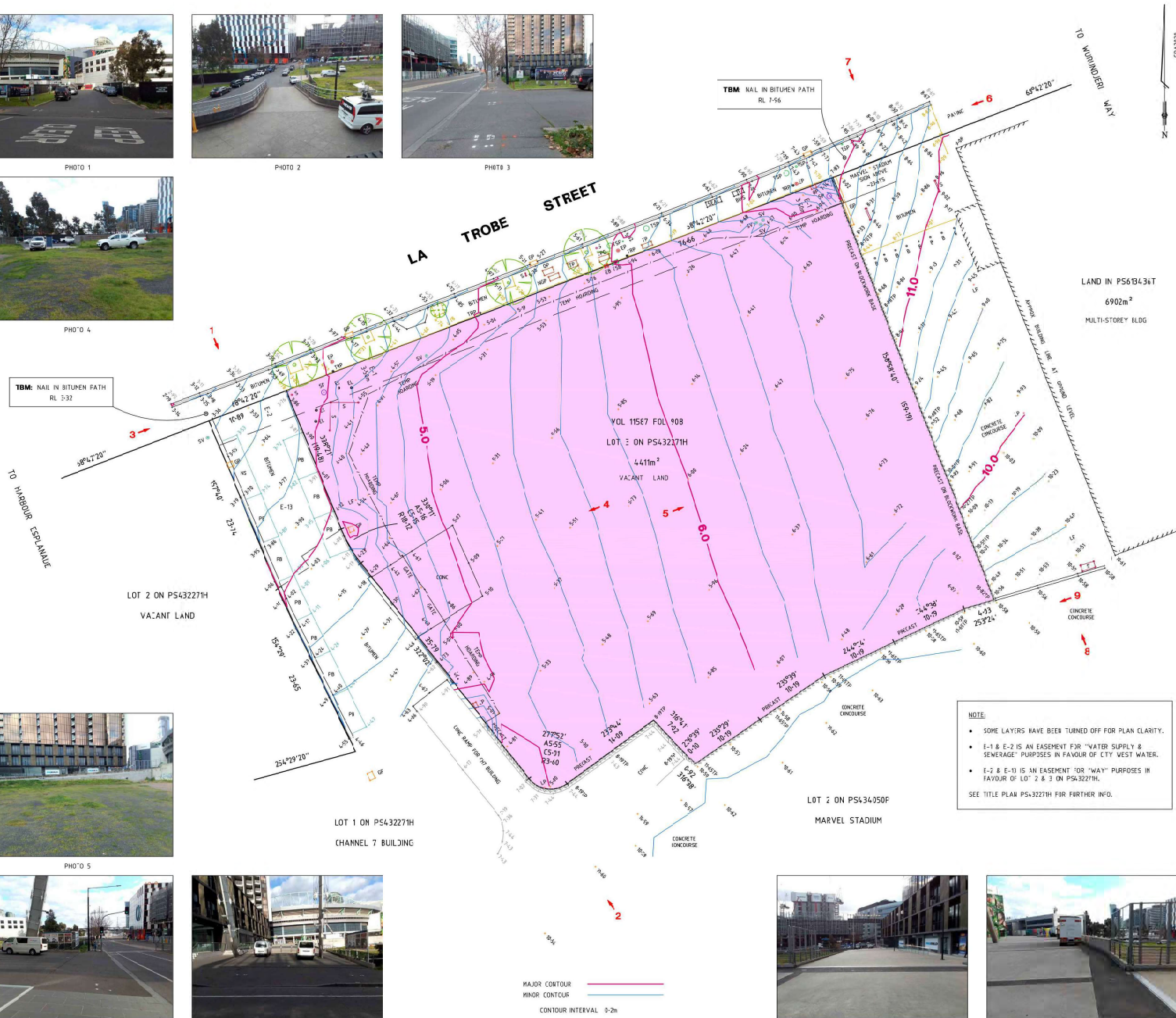
PHOTO 7



PHOTO 8



PHOTO 9



NOTATIONS:

THIS PLAN SHOULD NOT BE SCALED. ALL DIMENSIONS SHOULD BE CONFIRMED BY CONTRACTORS AND OTHER CONSULTANTS PRIOR TO ANY WORKS.

THIS PLAN SHALL BE CONSIDERED PROVISIONAL UNTIL IT HAS BEEN SIGNED AND CHECKED.

CHECKED GJ 26/07/2020

WARNING
THIS PLAN IS A RE-ESTABLISHMENT SURVEY ONLY AND AS SUCH IS NOT REGISTERED BY THE REGISTRAR OF TITLES. SUBSEQUENT REGISTERED OR OTHER SURVEYS IN THIS AREA MAY AFFECT THE BOUNDARY DEFINITION SHOWN ON THE PLAN. ANY DIFFERENCES SO CAUSED TO THE BOUNDARY DEFINITIONS SHOWN ON THIS PLAN ARE BEYOND THE CONTROL OF AAM PTY LTD WHO CAN ACCEPT NO RESPONSIBILITY FOR SUCH DIFFERENCES.

NOTATION:
TITLE BOUNDARY SHOWN BY THICK CONTINUOUS LINES BASED ON TITLE DIMENSIONS. AREAS OF ENCROACHMENT ON TO OR FROM ADJOINING LAND MAY BE SUBJECT TO POSSESSORY RIGHTS AND SHOULD BE CONSIDERED WHEN UNDERTAKING DESIGN WORKS.

LEVELS ARE TO THE AUSTRALIAN HEIGHT DATUM AND WERE DERIVED FROM MELBOURNE NORTH PM 1015 WITH A STATED RL OF 1105.8 WIDE SMES AS AT 15/07/2020.

DATE OF SURVEY: 15/11/2020
SURVEYORS: ZK

LEGEND:

- BOUNDARY
 - EASEMENT
 - BUILDING / HOUSE
 - HOARDING
 - EDGE OF CONCRETE
 - EDGE OF BITUMEN
 - BACK OF KERB
 - INERT OF KERB
 - LIP OF KERB
 - LINE MARKING
 - PRECAST
- TP JENOTES TELETRA PIT
 - TPB JENOTES TPI PIT
 - OP JENOTES OPTUS PIT
 - NGF JENOTES NEXTGEN PIT
 - CP JENOTES COMMS PIT
 - TRP JENOTES TRAMWAYS PDLE
 - EP JENOTES ELECT POLE
 - EB JENOTES ELECT BOX
 - LP JENOTES LIGHT POLE
 - EL JENOTES EXTERNAL LIGHT
 - SC JENOTES SECURITY CAMERA
 - GP JENOTES GRATED PIT
 - SP JENOTES SEWER PIT
 - SV JENOTES STOP VALVE
 - TSP JENOTES TRAFFIC SIGNAL PIT / POLE
 - TSB JENOTES TRAFFIC SIGNAL BOX
 - S JENOTES SIGN
 - B JENOTES BOLLARD
 - PB JENOTES PARKING BAY
 - +2.7TP JENOTES TOP OF PRECAST LEVEL
 - 2.6TS JENOTES APPROX LEVEL TOP OF SIGN (WEST SIDE)
- 3** → PHOTO NUMBER & DIRECTION

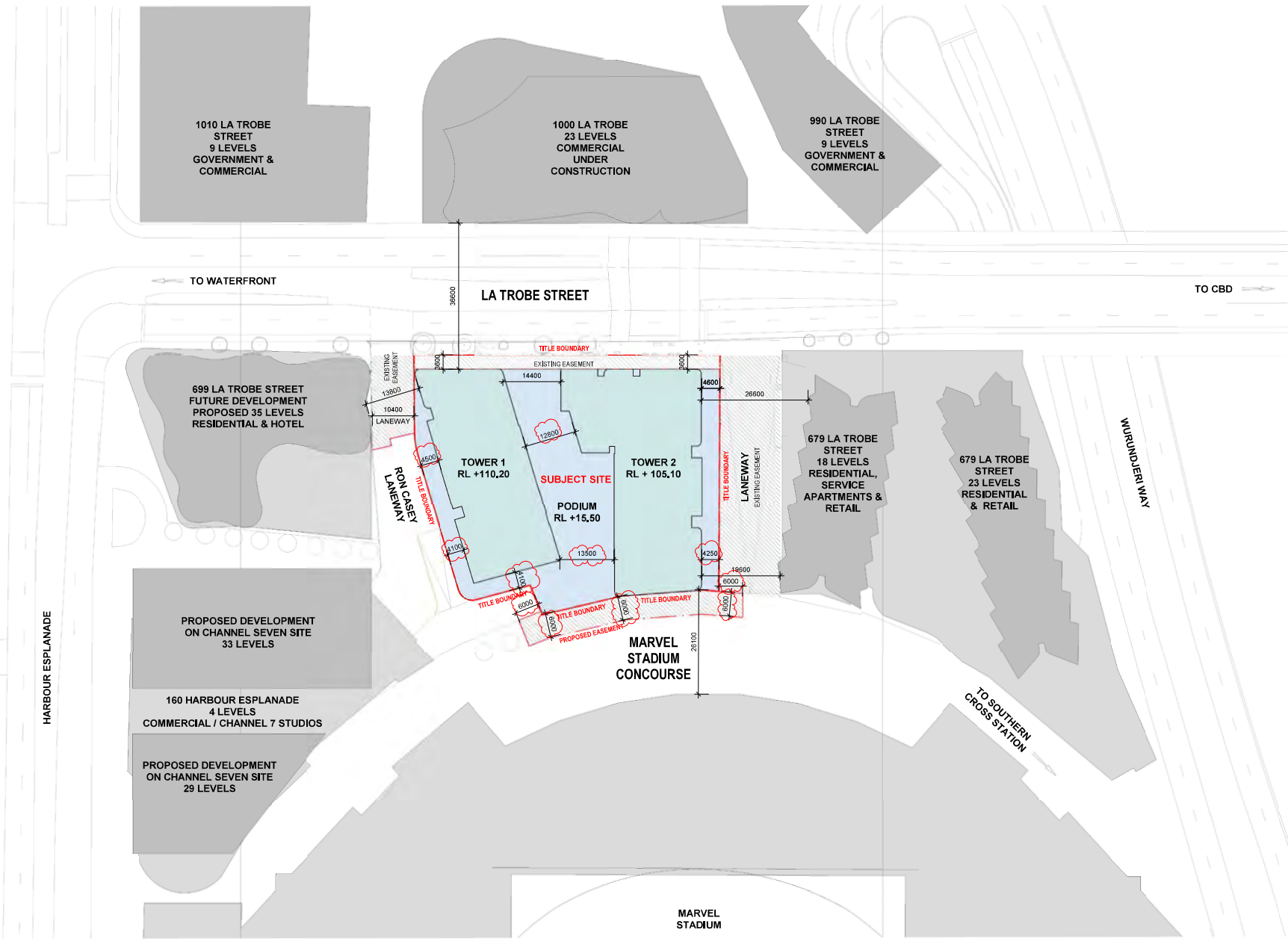
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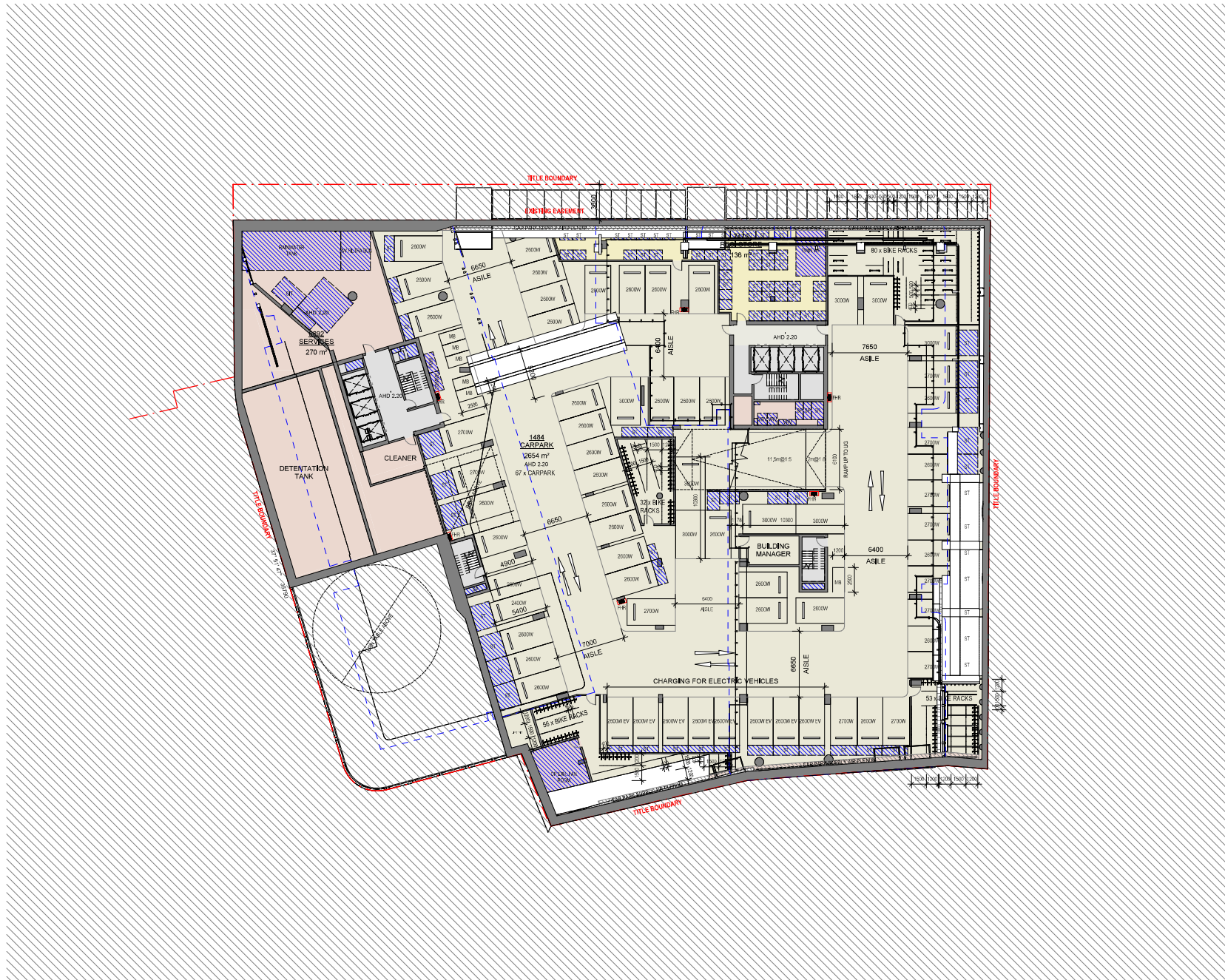
REV	DATE	ORIGINAL	COMMENTS	CKD

AAM
LEVEL 1, 4-10 AMSTERDAM STREET RICHMOND
TEL: (03) 9872 3750
EMAIL: info@aamgroup.com

**RE-ESTABLISHMENT & FEATURE SURVEY
685-691 LA TROBE STREET
DOCKLANDS**

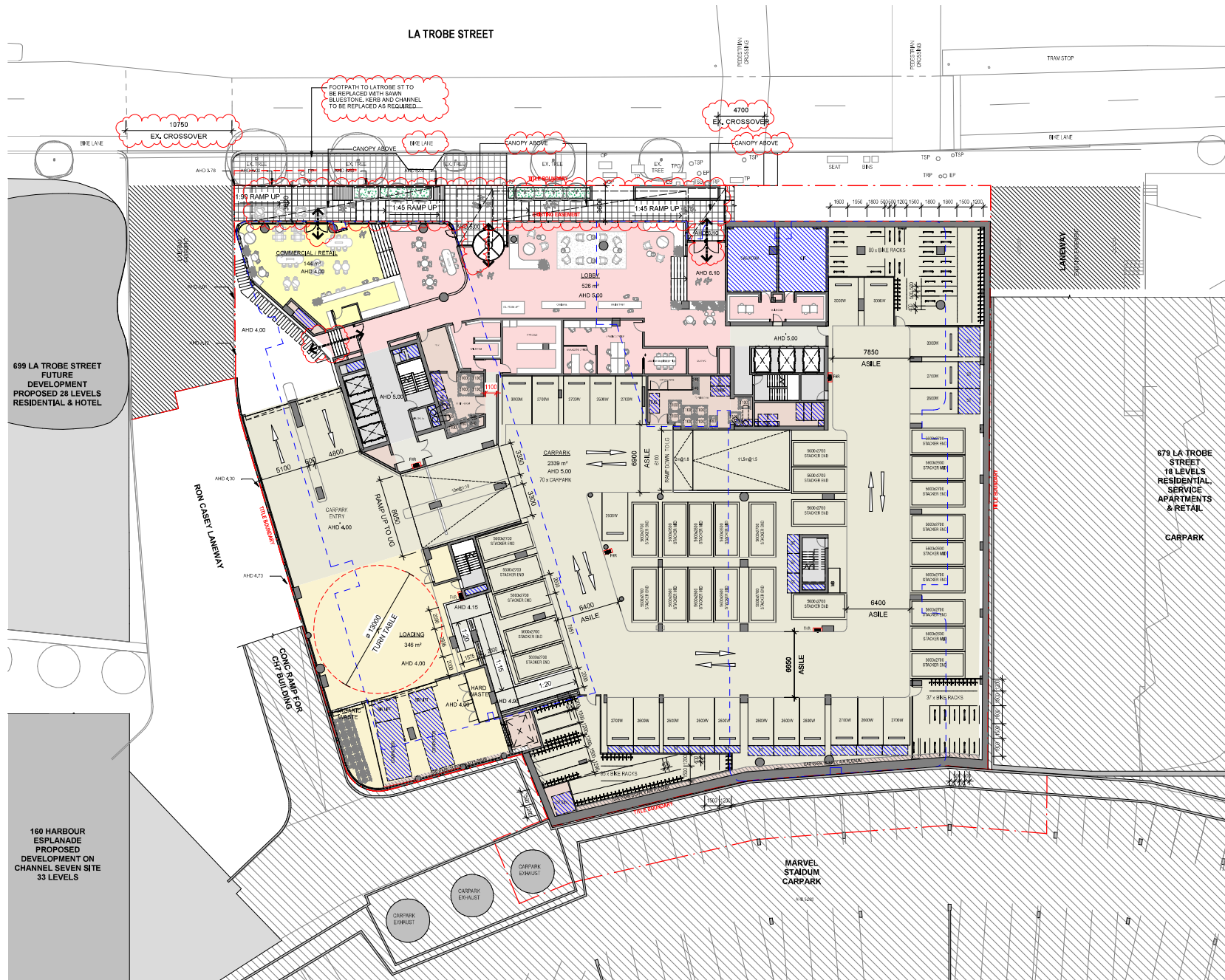
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CHECKED	GJ	PROJECT NUMBER 37807
SCALE	A1 1:250	TITLE REFERENCE 17887 002A 'FEATURE SURVEY'
LEVEL DATUM	AHD	





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 - CORE
 - CORRIDOR
 - RESI STORE
 - SERVICES

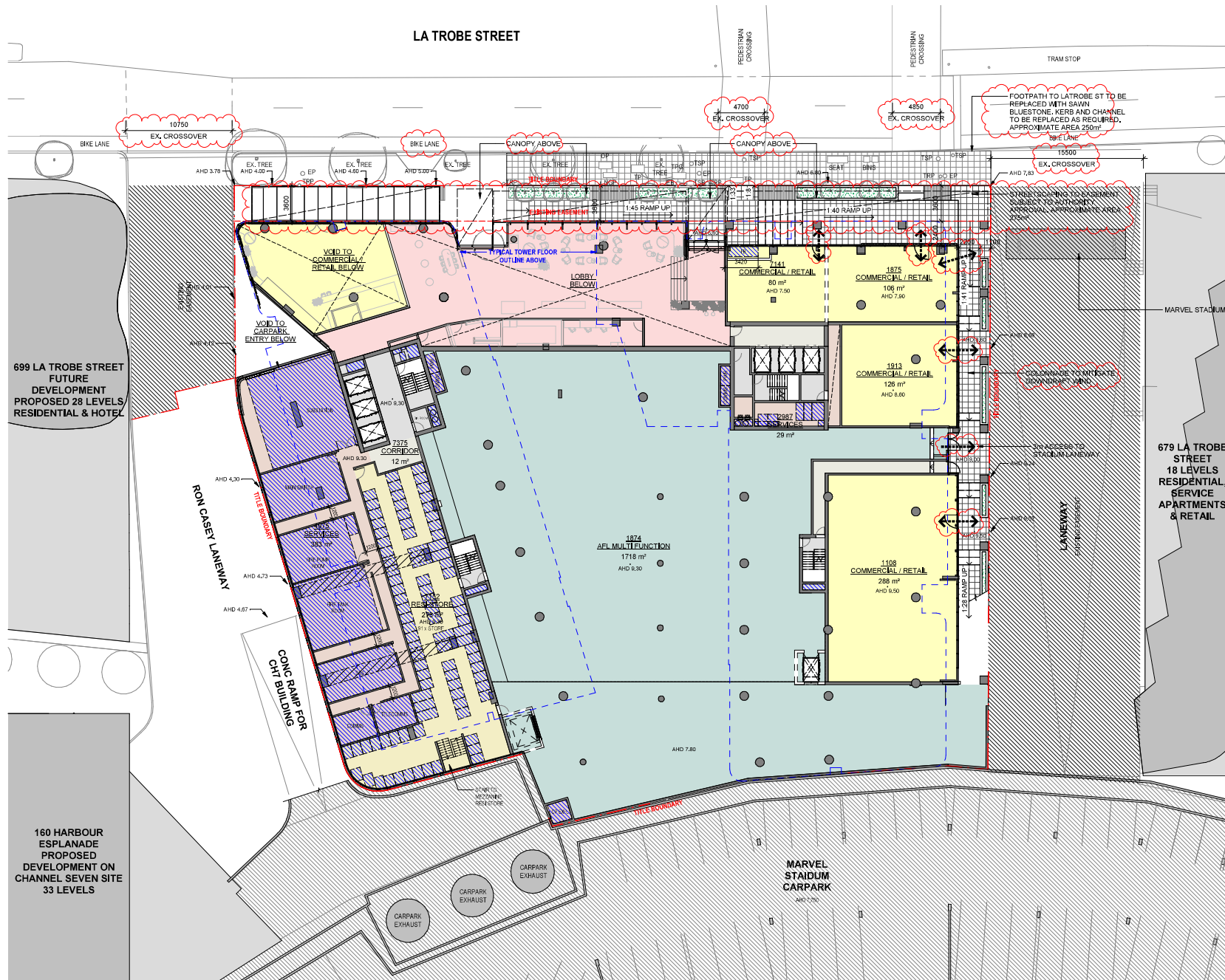




- COLOUR LEGEND
- CARPARK
 - COMMERCIAL / RETAIL
 - CORE
 - CORRIDOR
 - LOADING
 - LOBBY
 - SERVICES

- LEGEND:
- TSP TRAMWAYS POLE
 - TSP TRAFFIC SIGNAL PIT/POLE
 - TSB TRAFFIC SIGNAL BOX
 - TP TELSTRA PIT
 - TRG TRG PIT
 - OP OPTUS PIT
 - NSP NEXGEN PIT
 - EP ELECT POLE
 - EB ELECT BOX

NOTE: WORKS OVEREASEMENT SUBJECT TO AUTHORITY APPROVAL

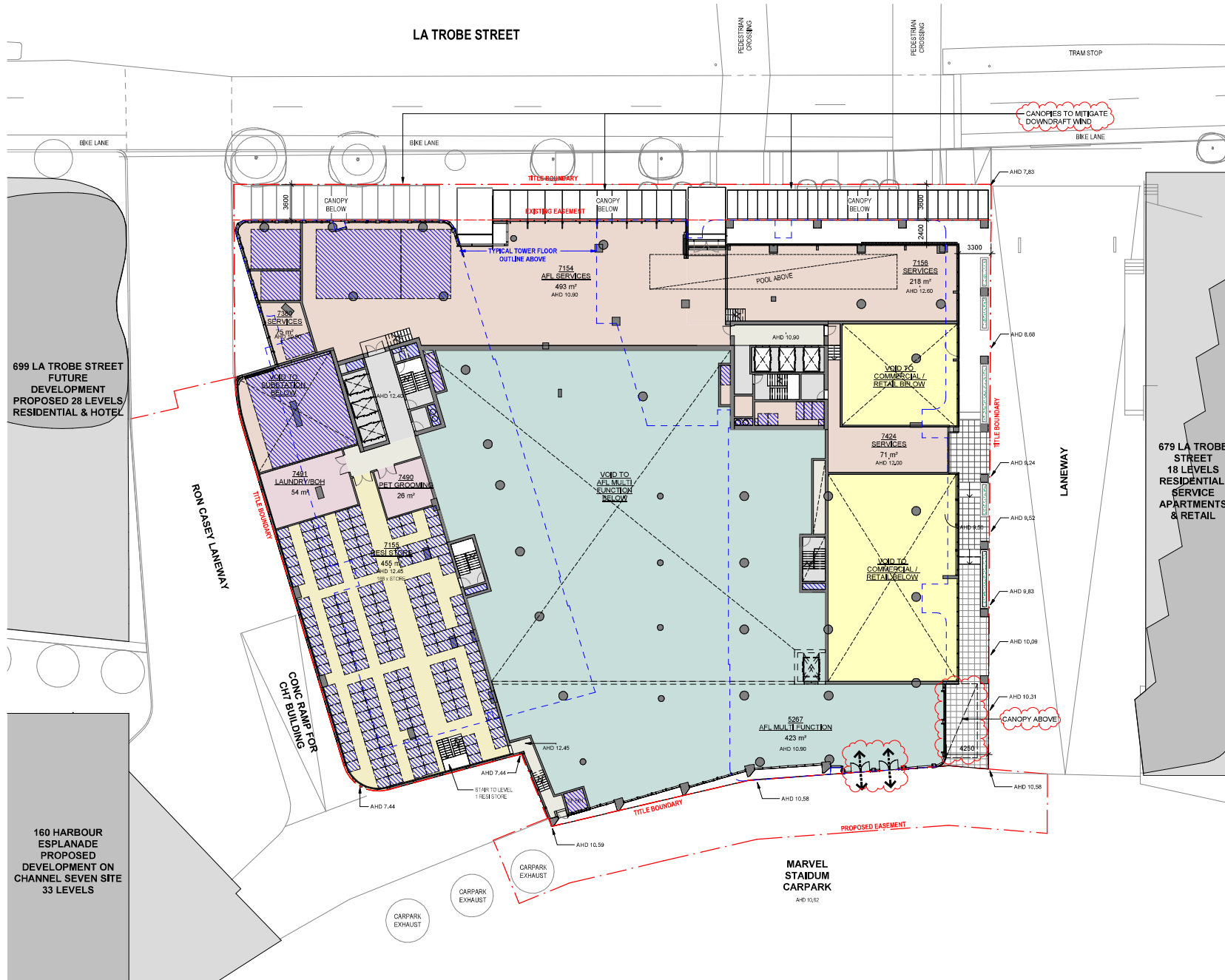


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- AFL MULTI FUNCTION
 - CIRCULATION
 - COMMERCIAL / RETAIL
 - CORE
 - CORRIDOR
 - RESI STORE
 - SERVICES

- LEGEND:
- TRP TRAMWAYS POLE
 - TSP TRAFFIC SIGNAL FIT/POLE
 - TSB TRAFFIC SIGNAL BOX
 - TP TELSTRA PIT
 - TPG TPG PIT
 - OP OPTUS PIT
 - NGP NEXGEN PIT
 - EP ELECT POLE
 - EB ELECT BOX

NOTE: WORKS OVER EASEMENT SUBJECT TO AUTHORITY APPROVAL





699 LA TROBE STREET
FUTURE
DEVELOPMENT
PROPOSED 28 LEVELS
RESIDENTIAL & HOTEL

160 HARBOUR
ESPLANADE
PROPOSED
DEVELOPMENT ON
CHANNEL SEVEN SITE
33 LEVELS

679 LA TROBE
STREET
18 LEVELS
RESIDENTIAL,
SERVICE
APARTMENTS
& RETAIL

- COLOUR LEGEND
- AFL MULTI FUNCTION
 - AFL SERVICES
 - CIRCULATION
 - CORE
 - CORRIDOR
 - LAUNDRY/BOH
 - PET GROOMING
 - RESI STORE
 - SERVICES

- LEGEND:
- TRP TRAMWAYS POLE
 - TSP TRAFFIC SIGNAL PIT/POLE
 - TSS TRAFFIC SIGNAL BOX
 - TP TELSTRA PIT
 - TPG TPG PIT
 - OP OPTUS PIT
 - NGP NEXGEN PIT
 - EP ELECT POLE
 - EB ELECT BOX

NOTE: WORKS OVER EASEMENT SUBJECT TO AUTHORITY APPROVAL



Project: home 685 LA TROBE ST

Drawing Title: FLOOR PLAN - MEZZANINE (CONCOURSE) TP-21-01

Drawing Number: 14
Revision: 26/01/21
Date: 1 : 200 @ A1

Cox Architecture
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LA TROBE STREET



699 LA TROBE STREET
FUTURE
DEVELOPMENT
PROPOSED 28 LEVELS
RESIDENTIAL & HOTEL

PODIUM CASEY LANEWAY

CONIC RAMP FOR
CMT BUILDING

160 HARBOUR
ESPLANADE
PROPOSED
DEVELOPMENT ON
CHANNEL SEVEN SITE
33 LEVELS

679 LA TROBE
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18 LEVELS
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& RETAIL

LANEWAY

- COLOUR LEGEND
- AMENITY
 - CORE
 - CORRIDOR
 - SERVICES
 - TERRACE



LA TROBE STREET



699 LA TROBE STREET
FUTURE
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- COLOUR LEGEND
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 - CORRIDOR
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LA TROBE STREET



LA TROBE STREET



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LA TROBE STREET



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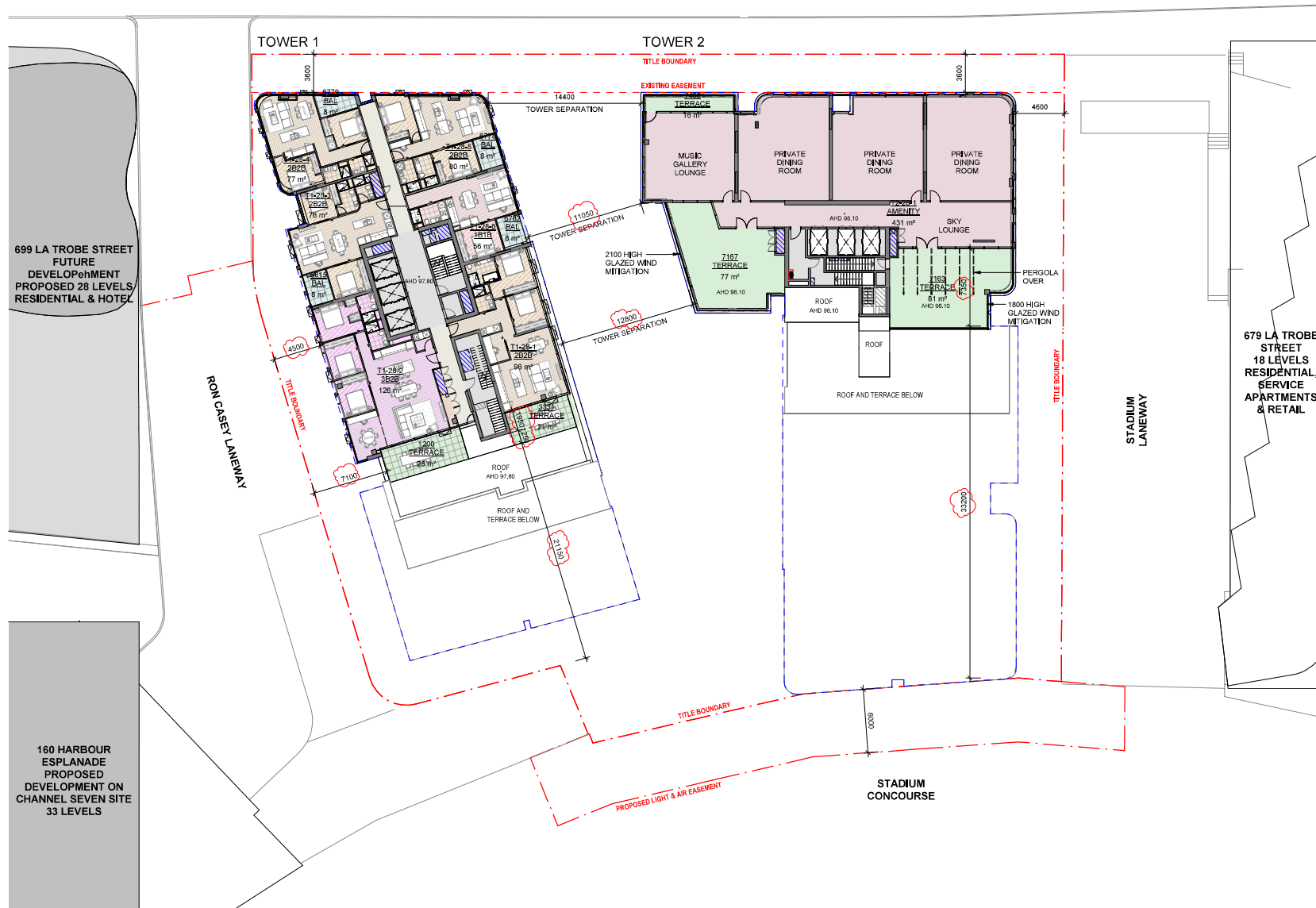
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LA TROBE STREET



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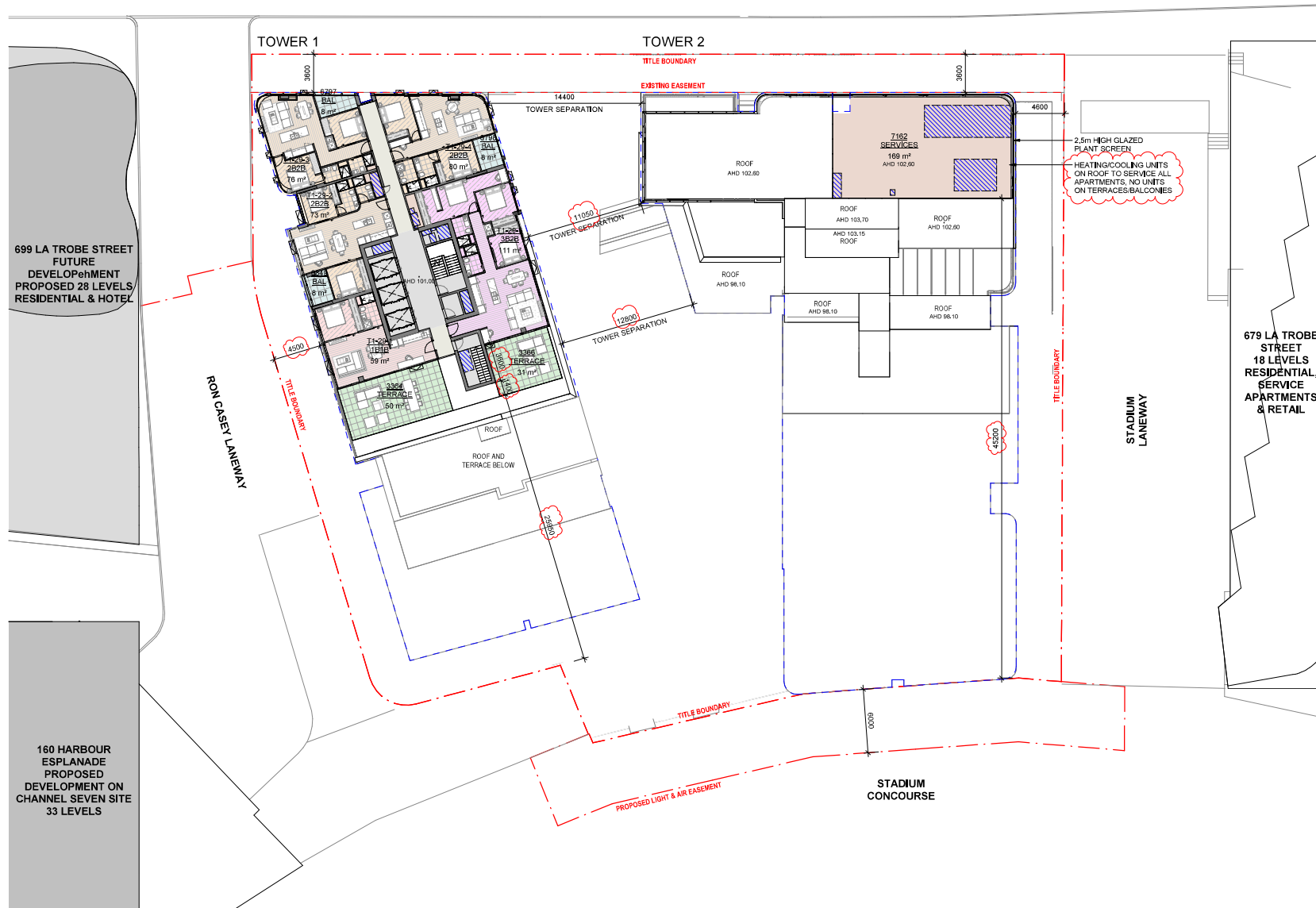
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LA TROBE STREET

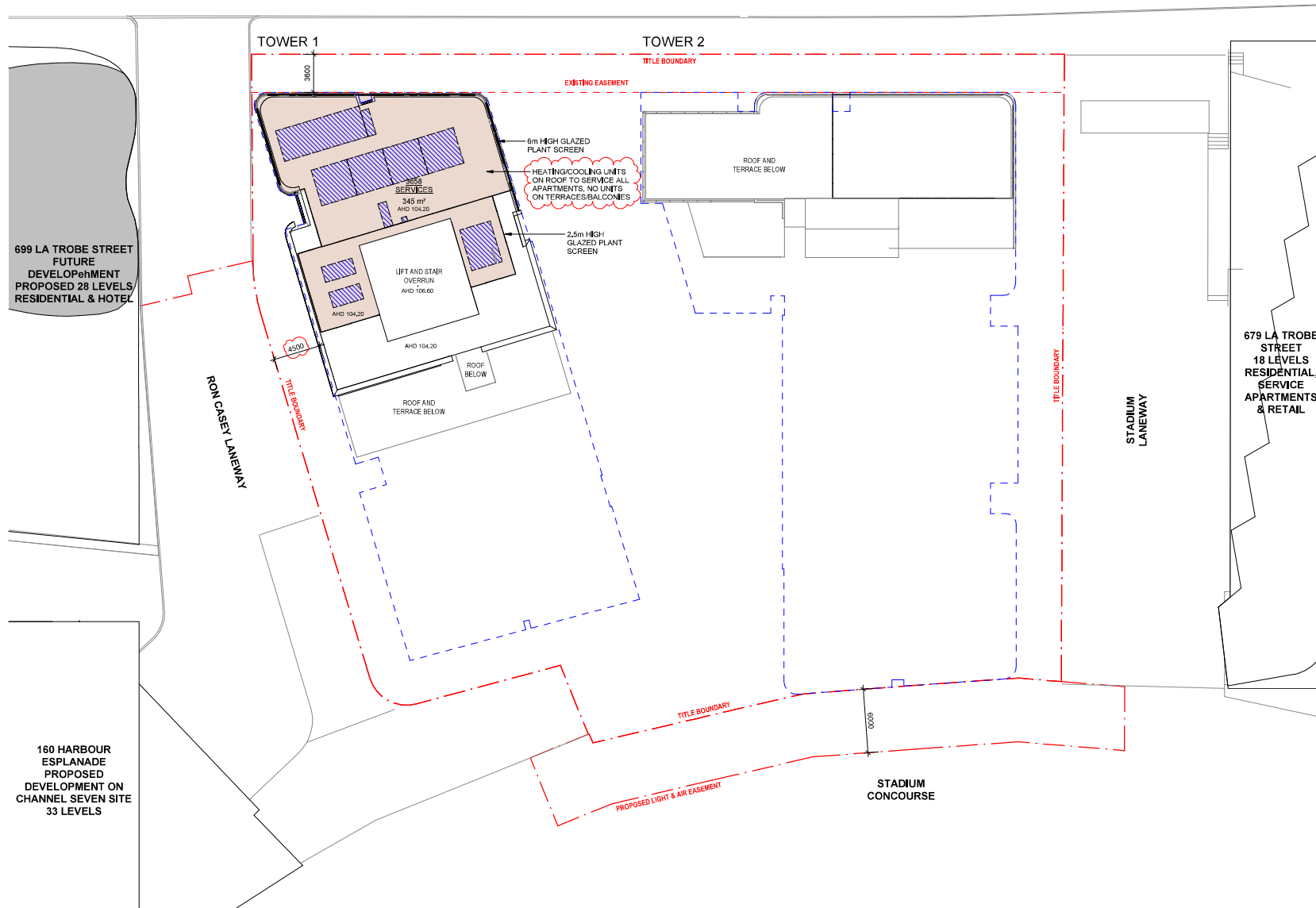


COLOUR LEGEND

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CORE
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SERVICES
TERRACE

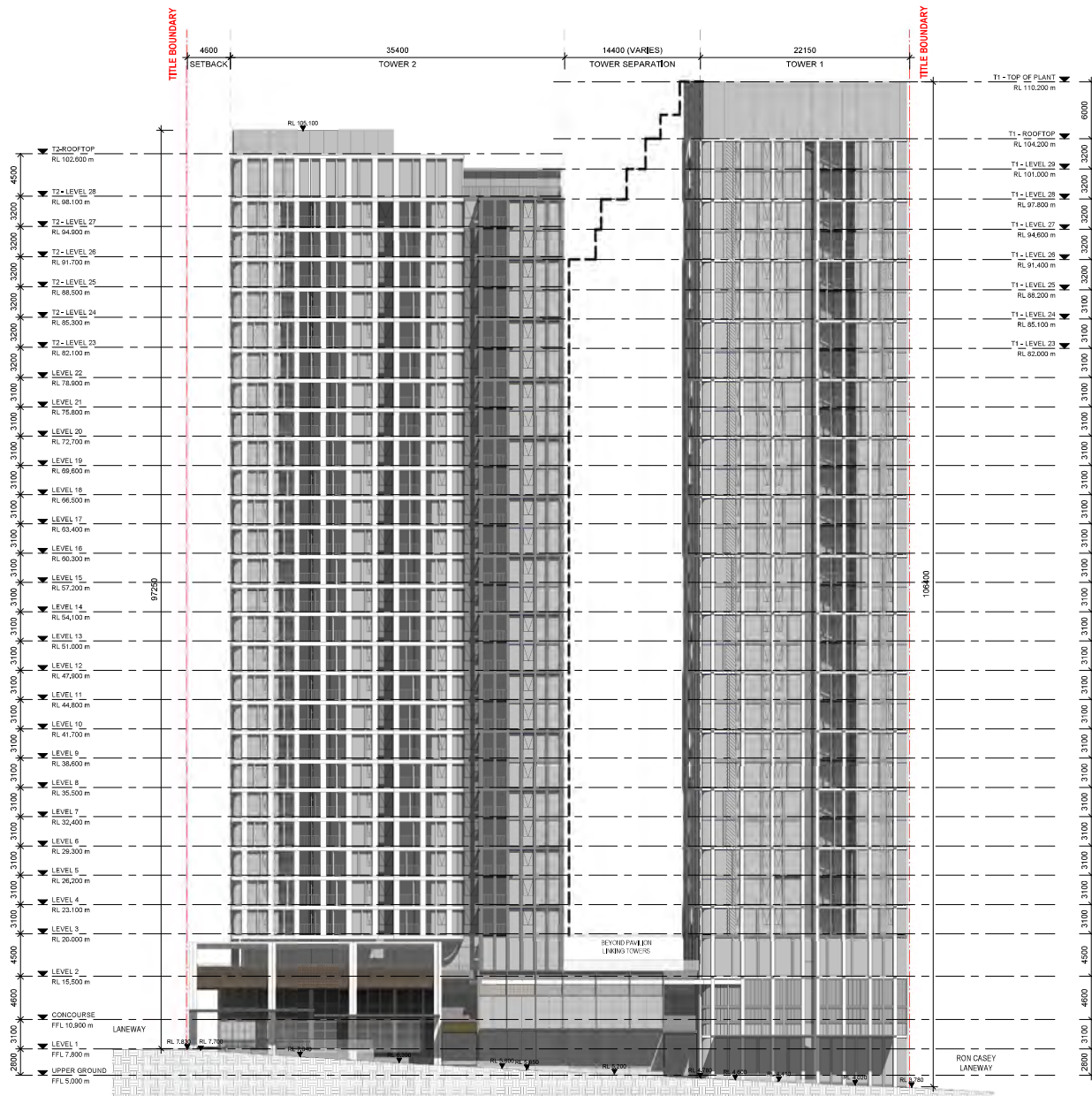


LA TROBE STREET

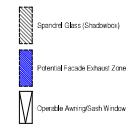
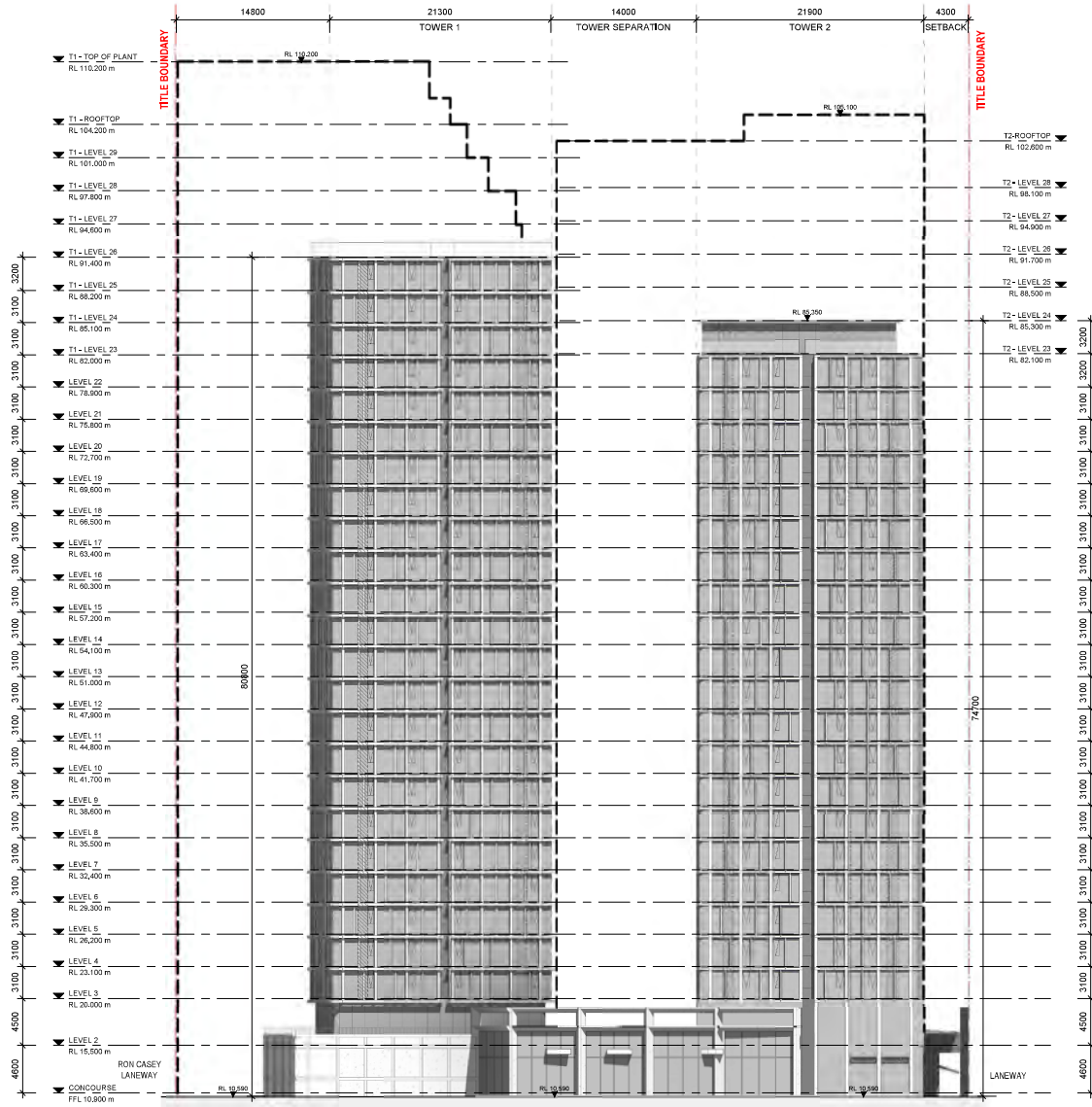


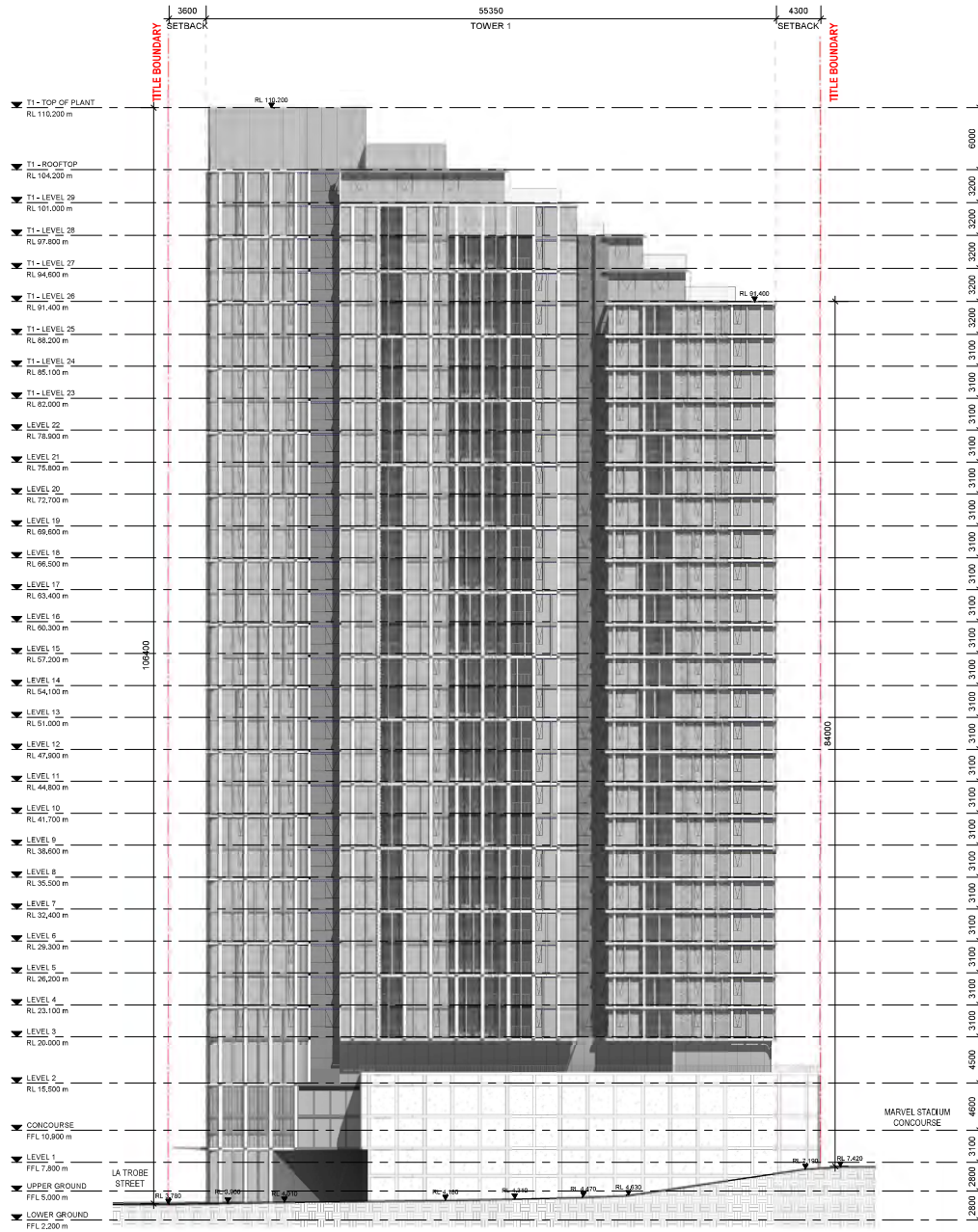
COLOUR LEGEND
 ■ SERVICES



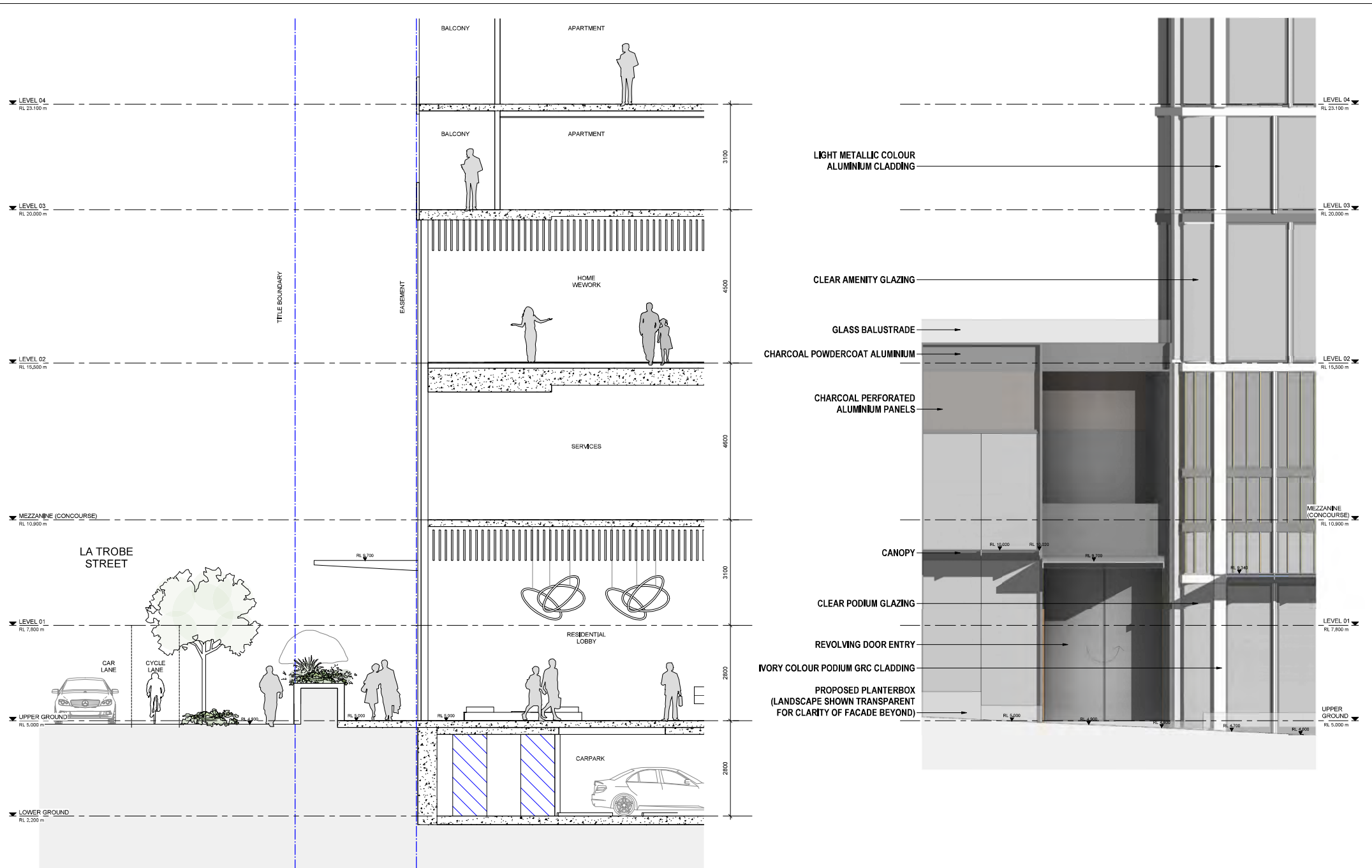


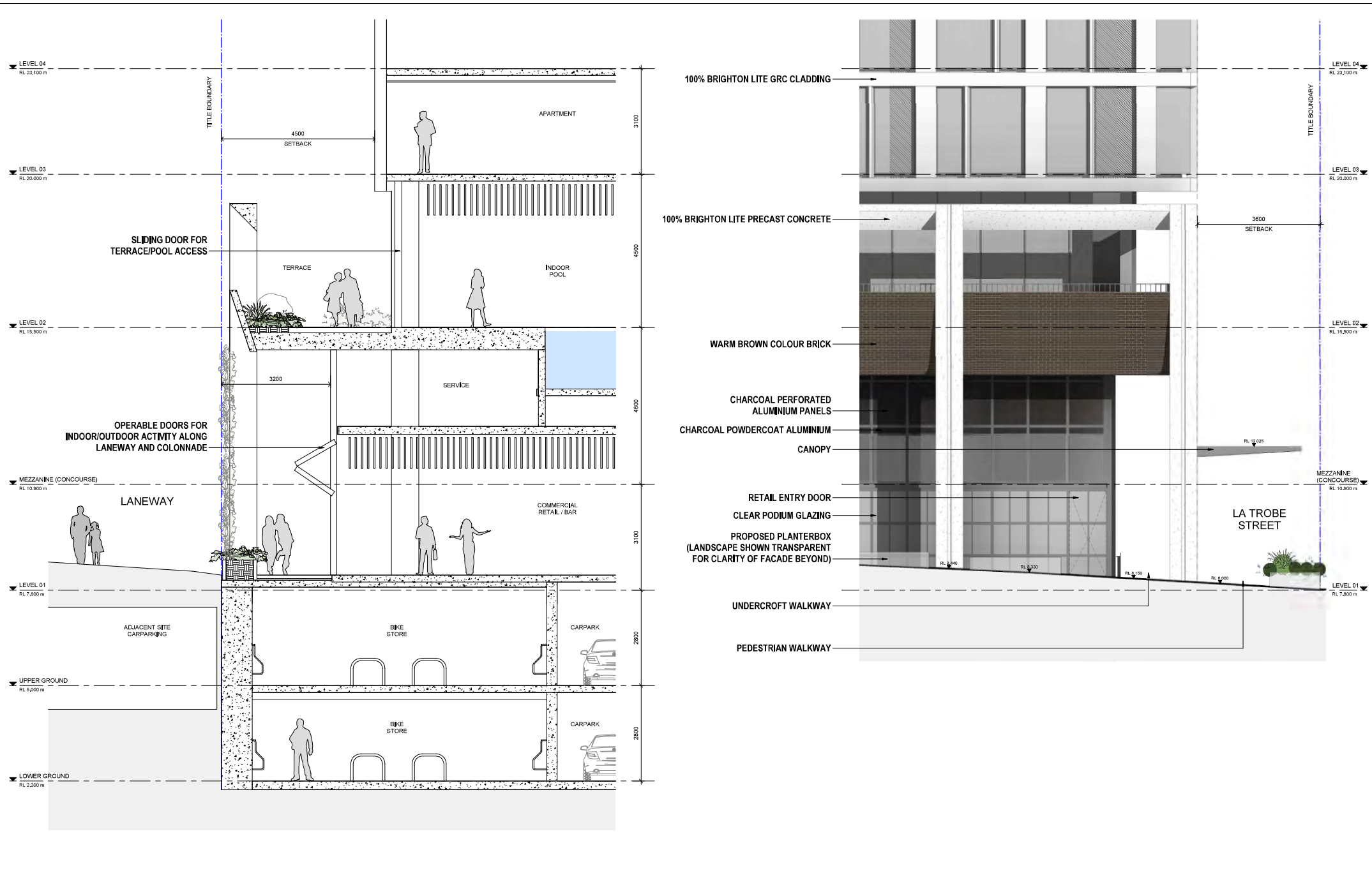
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- Potential Facade Exhaust Zone
- Operable Awning/Slat Window

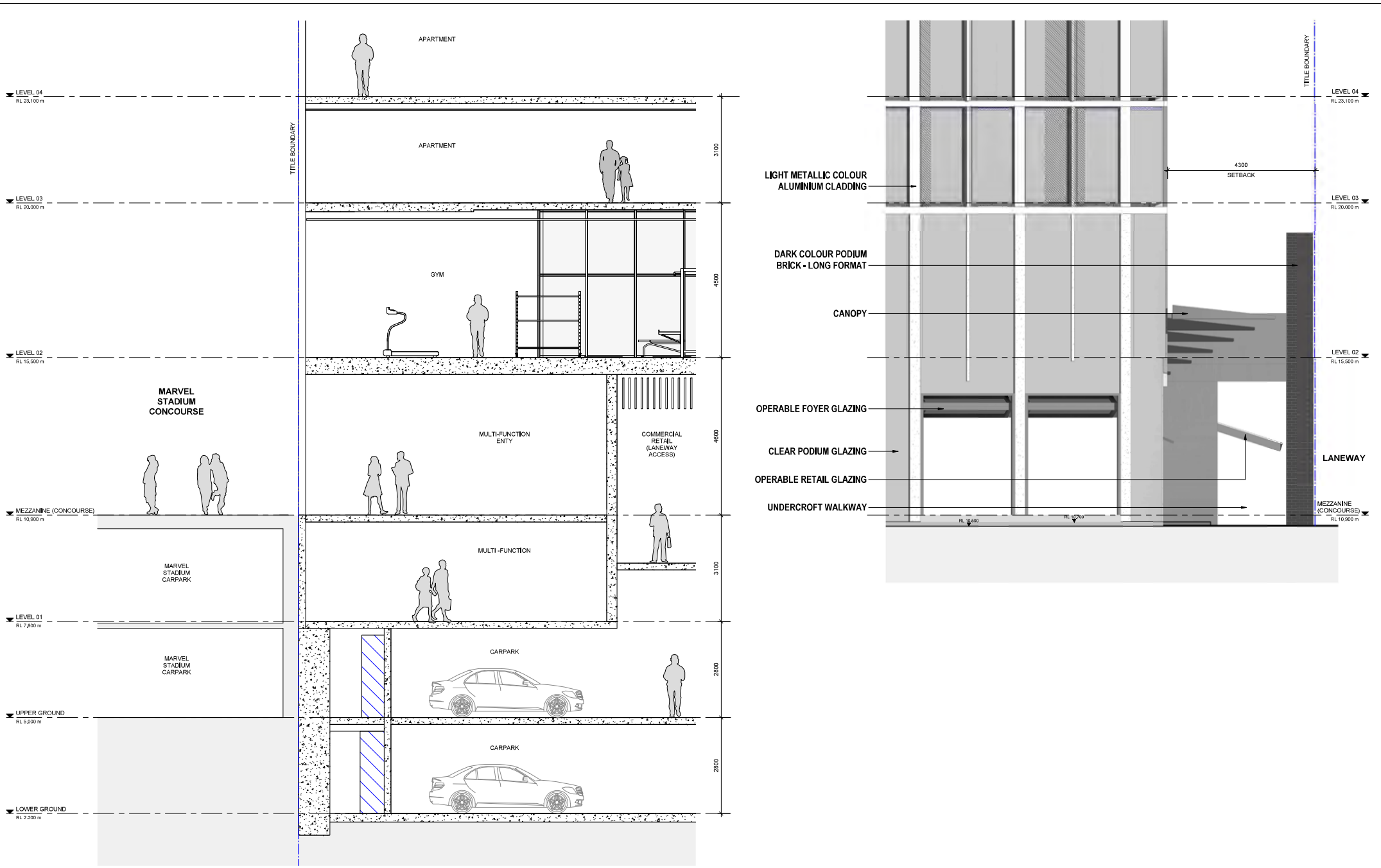


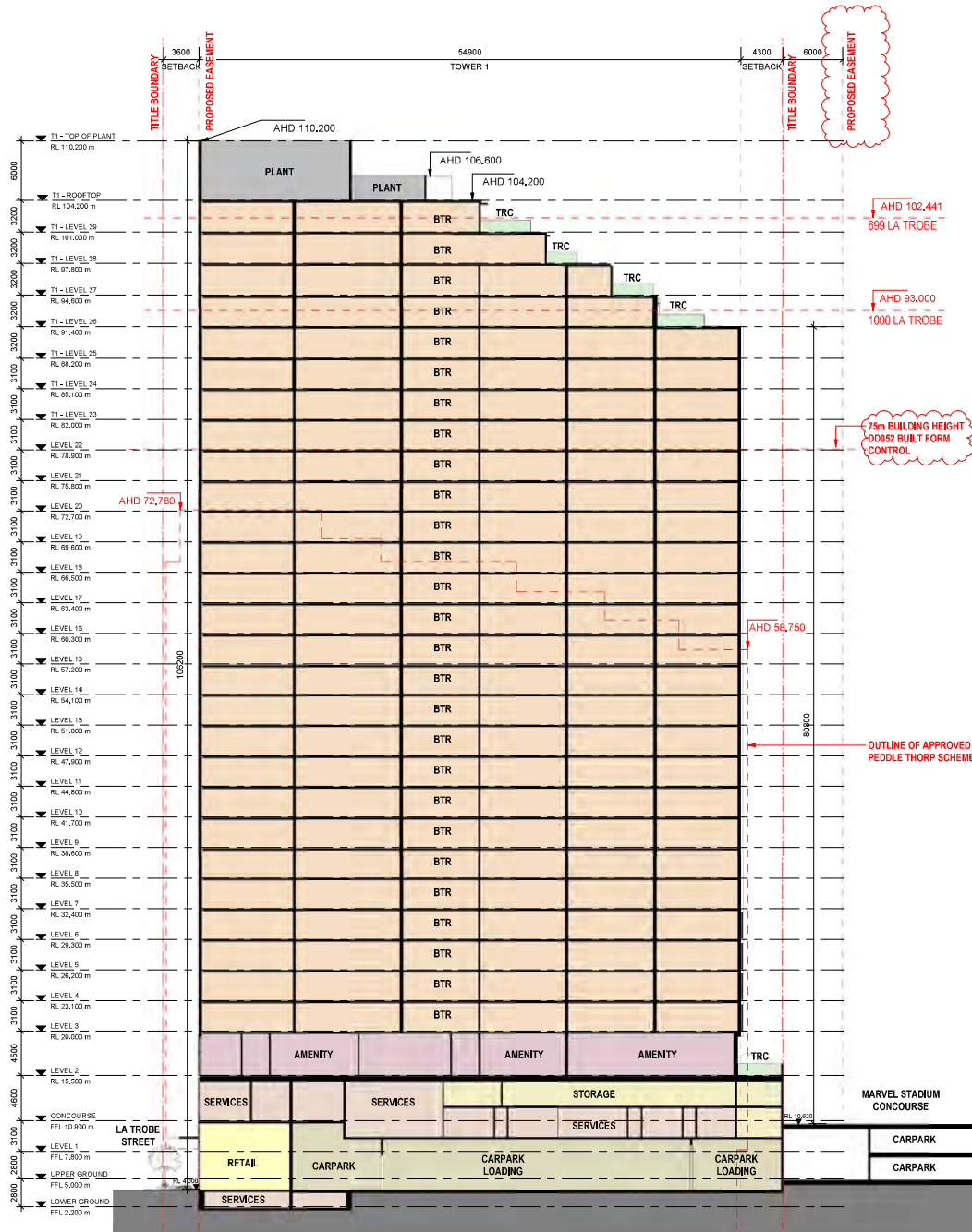


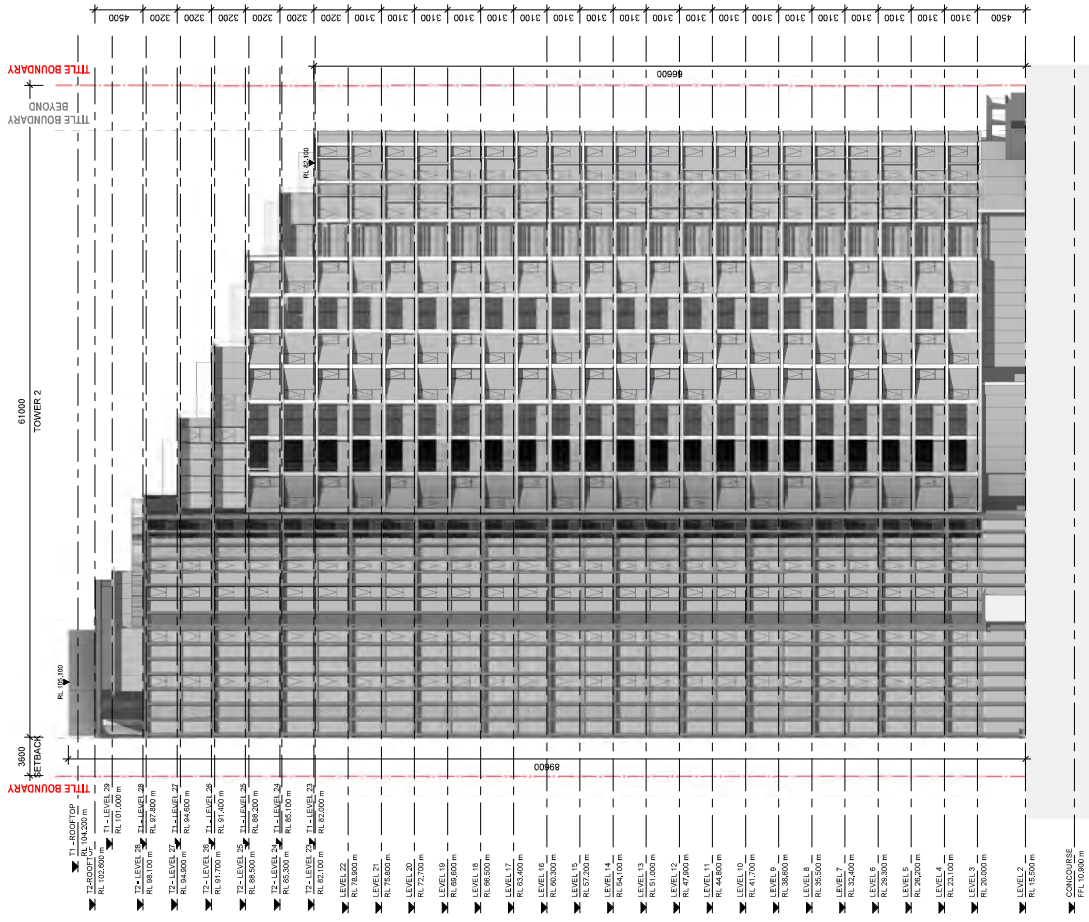
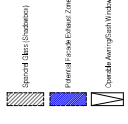
- Spandrel Glass (Roodboxes)
- Internal Facade Exhaust Zone
- Operable Awning/Slab Window

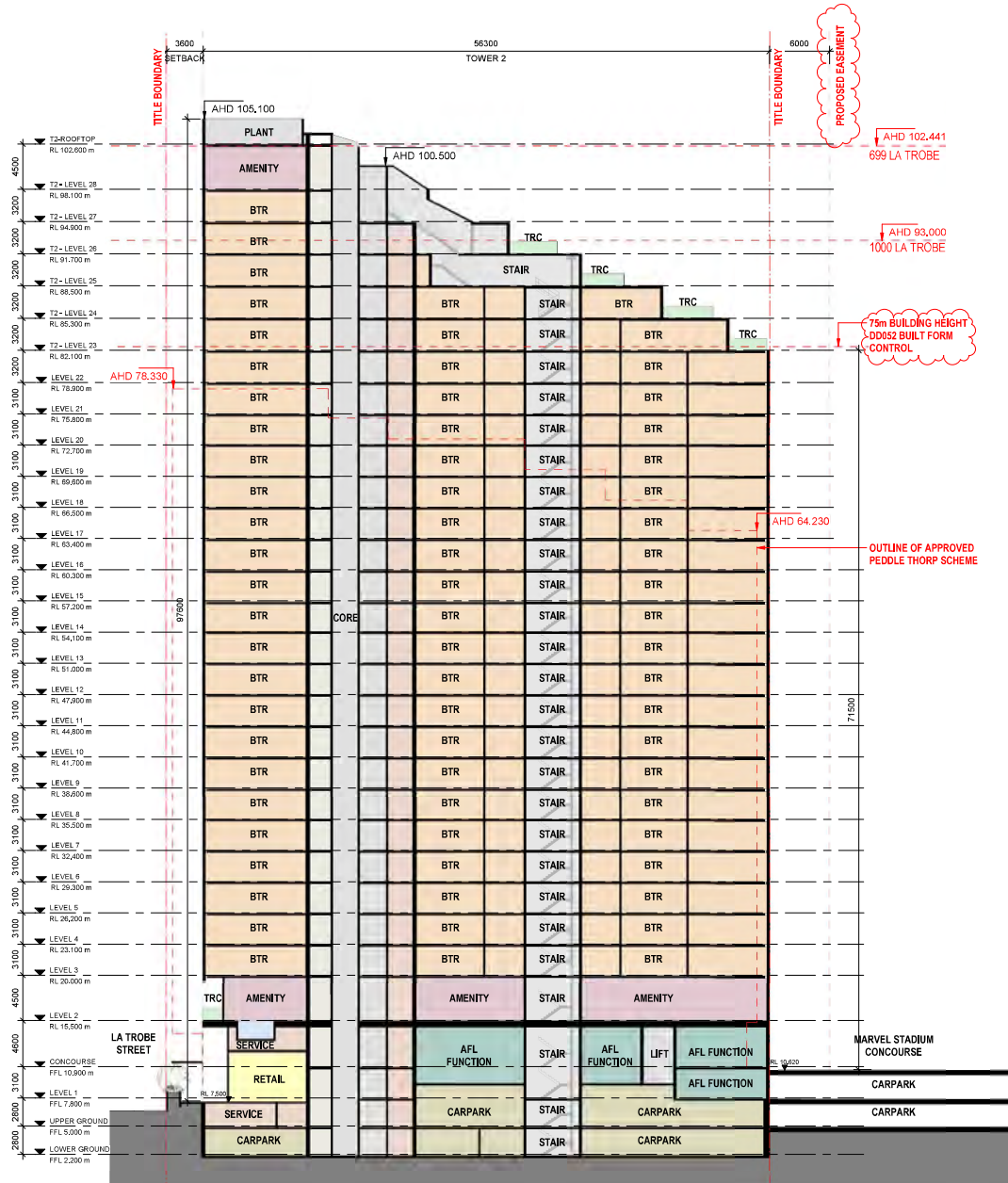












PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2016-5/B
DTPLI Application number:	PA1500055-2
Applicant / Owner / Architect:	Urbis / Perpetual Corporate Trust Limited / Cox Architecture
Address:	685-691 La Trobe Street, DOCKLANDS VIC 3008
Proposal:	Amend the existing Planning Permit PA1500055 for the site to facilitate the development of a two tower Build-to-Rent residential scheme, including a three level podium, including a large function space.
Cost of works:	Cost of works increased by \$40,000,000. Total cost \$230,000,000
Date received by City of Melbourne:	11 December 2020 RFI received 26 February 2021
Responsible officer:	Matthew Metaxas
Report Date:	24 May 2021
(DM# 14601688)	

1. SUBJECT SITE AND SURROUNDS

1.1. The site

An inspection of the site and surrounding area was undertaken on 14 May 2021.

The subject site is located on the south side of La Trobe Street between Wurundjeri Way to the east, Harbour Esplanade to the west and the concourse of the Docklands Stadium to the south. The site slopes downwards from east to west with a frontage to La Trobe Street of approximately 77 metres, and a total site area of approximately 4,292 square metres.



Locality Plan. Source: Council's GIS May 2021

The subject site is vacant. The applicant has declared that there are a number of Agreements and Easements that are noted on title, however none of these encumbrances will be breached as a result of this proposal.

1.2. Surrounds

The surrounds are characterised by a range of approved and completed buildings of varying styles and heights. The Docklands is experiencing significant change with mixed-use high density development.

The immediately adjoining sites are described as follows:

- To the east is a pedestrian walkway which provides access to the Docklands Stadium. Further to the east there is a two tower mixed-use development known as Lacrosse Docklands at 673-683 La Trobe Street.
- To the west is a private service road providing access to the Docklands Stadium and Channel 7 on Harbour Esplanade. Further to the west is a vacant site with approval for a 26-storey mixed-use development at 695-699 La Trobe Street.
- To the south is Docklands Stadium and associated raised pedestrian concourse and car parking under.
- To the north of the subject site, on the opposite side of La Trobe Street, 1000 La Trobe Street is a development currently under construction. The development is approved as a commercial building with a 5-storey podium at approximately 18 metres and an overall height of approximately 90.2 metres.

La Trobe Street has a central tram line, one lane of traffic and one lane dedicated to bicycles on either side of the central tram line. There is a tram stop and pedestrian crossing along the frontage of the subject site.

2. THE PROPOSAL

The proposal seeks to amend the existing approval for the construction of a mixed use building in the Docklands Zone including residential and retail uses and a waiver of the loading requirements.

The revised proposal includes increased boundary setbacks, Tower One and Two will increase from 23 and 21 storeys to 30 and 28 storeys respectively and an increase in the floor area designated for retail uses.

The amended proposal includes the following elements:

- Two (2) residential towers incorporating a Built-to-Rent Scheme across both towers. Tower One is 30 levels in height and Tower Two 28 levels in height.
- A three level podium structure to host various active uses including multi-purpose function rooms, retail, cafes and services.
- The upper and Lower Ground floors, and concourse level, seek to provide car parking, loading areas, a lobby/entrance area, a large function space (potentially for the AFL) and associated services.
- An activated and enhanced La Trobe Street frontage, with servicing and vehicular access points along the western boundary and easement.
- The existing pedestrian walkway to the east of the site, connecting La Trobe Street and the Marvel Stadium, is proposed to provide direct access to retail facilities and an overall improved pedestrian interaction.
- Communal facilities at level 2 will include a 25-metre pool, gym, change facilities, lounge and dining, laundry, working hub, resident lounge, pet centre, treatment rooms, kitchen cinema, rooftop outdoor terrace area and other communal amenities.

Overall, the amended development seeks to provide a total of 76,804m² Ground Floor Area (GFA) including a range of residential apartments, retail, function spaces, pedestrian walkways and car parking.



Render of the amended proposal. Source: Cox Architecture 2021

The application proposes the following uses, with a comparison of the approved and proposed show below:

	Approved	Proposed Amendment
Dwelling	Total number of dwellings: 577 One bedroom dwellings: 240 Two bedroom dwellings: 278 Three bedroom dwellings: 59	Total number of dwellings: 676 Studio: 24 One bedroom dwellings: 233 Two bedroom dwellings: 386 Three bedroom dwellings: 33
Retail / Auditorium	Total: 1103 square metres	Total: 3382 square metres



Floor plate design changes comparison. Source: Cox Architecture 2021

The specific details of the proposal are as follows:

	Approved	Proposed Amendment
Building height	Overall building height of approximately 69 metres for the west tower (Tower 1) and 71 metres for the east tower (Tower 2)	Tower 1: 30 levels, and Tower 2: 28 storeys and an overall height of 100.2 metres (measured from the centre point of La Trobe Street, excluding plant rooms and lift over run).
Podium height	Podium comprising ground, mezzanine and concourse levels	Podium comprising of amenity, car parking, retail and commercial uses at Ground level, mezzanine (concourse) and Level 2.
Tower front, side and rear setbacks	The tower has a curved façade to all boundaries with a minimum 0 metre setback from all boundaries	The towers have a setback on its northern and eastern side between 3.6m and 4.6m, with a setback between 0m and 4.6 to the west. The zero lot setbacks include the corner of Tower 1 at the northwest corner of the site and the southern elevation of tower 2.
Gross floor area (GFA)	62,954 square metres	76,804 square metres
Ground level	Four retail tenancies fronting La Trobe Street, residential entrance and lobby for the west tower (Tower 1), car parking and loading bay accessed via the private service road to the west, bicycle parking, residential storage, waste storage and building services	<i>Now Upper Ground</i> One commercial/retail tenancy located at the north-west corner, a lobby providing access to the two towers, the loading bay, car parking and bicycle parking.

Mezzanine	One retail tenancy at the north-east corner fronting La Trobe Street, residential entrance and lobby for the east tower (Tower 2), three retail premises fronting the pedestrian access to Docklands Stadium, car parking, bicycle parking and residential storage	<i>Now Level 1</i> Five retail tenancies fronting La Trobe Street and the eastern laneway, a lobby fronting La Trobe Street, the building's service areas to its west, as well as outdoor dining options.
Concourse	Two retail tenancy fronting the concourse of the Docklands Stadium, central landscaped courtyard, nine apartments (four one-bedroom, three two-bedroom and two three-bedroom) and gym in the Tower 1, two apartments (one one-bedroom and one two-bedroom) and storage in Tower 2	Two retail tenancies fronting the pedestrian access to Docklands Stadium with a separate at grade access, residential services, residential storage areas and a large void area. A proposed easement is also shown to be located within the Dockland's stadium concourse on the southern side of the podium.
Level 1	Tower 1: Six one-bedroom, six two-bedroom and three three-bedroom Tower 2: Seven one-bedroom and nine two-bedroom	<i>Now Level 2</i> This is communal area, indoor and outdoor. This area includes a pool, gym, multi-purpose rooms, a work hub and an outdoor terrace.
Levels 2-14	Tower 1: Six one-bedroom, six two-bedroom and three three-bedroom Tower 2: Seven one-bedroom and nine two-bedroom	<i>Now Levels 3-23</i> Tower 1: Six one-bedroom, five two-bedroom and one three-bedroom Tower 2: Four one-bedroom and Eleven two-bedroom
Level 15	Tower 1: Five one-bedroom, six two-bedroom and two three-bedroom Tower 2: Seven one-bedroom and nine two-bedroom	<i>Now Level 24</i> Tower 1: One studio, five one-bedroom and seven two-bedroom Tower 2: Four one-bedroom, six two-bedroom and two three-bedroom
Level 16	Tower 1: Four one-bedroom, five two-bedroom and three three-bedroom Tower 2: Seven one-bedroom and nine two-bedroom	<i>Now Level 25</i> Tower 1: One studio, Five one-bedroom, and seven two-bedroom Tower 2: Six one-bedroom and two three-bedroom
Level 17	Tower 1: Three one-bedroom, five two-bedroom and two three-bedroom Tower 2: Six one-bedroom and	<i>Now Level 26</i> Tower 1: One Studio, three one-bedroom, five two-bedroom and one three-

	nine two-bedroom	bedroom Tower 2: Six two-bedroom and one three-bedroom
Level 18	Tower 1: Two one-bedroom, four two-bedroom and two three-bedroom Tower 2: Seven one-bedroom and six two-bedroom	<i>Now Level 27</i> Tower 1: Three one-bedroom, four two-bedroom and one three-bedroom Tower 2: Five two-bedroom and one three-bedroom
Level 19	Tower 1: One one-bedroom, two two-bedroom and two three-bedroom Tower 2: Six one-bedroom and five two-bedroom	<i>Now level 28</i> Tower 1: One one-bedroom, four two-bedroom and one three-bedroom Tower 2: Three private dining rooms, a music lounge and two terraces
Level 20	Tower 1: Second floor of level 19 Tower 2: Four one-bedroom, three two-bedroom and one three-bedroom	<i>Now Level 29</i> Tower 1: One one-bedroom, three two-bedroom and one three-bedroom Tower 2: Roof level, with services.
Level 21	Tower 2: One one-bedroom, one two-bedroom and three three-bedroom	<i>Now level 30</i> Tower 1: Roof level, with services.
Level 22	Tower 2: Second floor of level 22	N/A
Car parking spaces	98 with 54 at ground floor and 44 at mezzanine level	136 (including 89 conventional spaces, 48 mechanical parking spaces)
Motorcycle spaces	Two at ground floor	Six (6)
Bicycle facilities and spaces	374 with 109 at ground floor and 265 at mezzanine level	421 – Including 6 motorcycle spaces
Loading/unloading	Loading area for waste collection accessed via the private service road to the west and an internal loading bay for small vehicles within the car park	Loading area for waste collection accessed via the private service road to the west and an internal loading bay including 13m turntable to enable forward entry and exit.
Vehicle access	Access via the private service road to the west	Access via the private service road to the west



PERMITTED SCHEME

GFA: 62,954m²



PROPOSED BUILD TO RENT SCHEME

GFA: 76,804m²

Podium and tower form changes. Source: Cox Architecture 2021

3. BACKGROUND

3.1. Pre-application discussions

The plans presented at the pre-application meeting showed the increase in tower heights, increase in internal amenity areas and a redesign of the façade. The new concept has come about as a result in a change of ownership.

The key issues raised at the pre-application meeting were:

- Ensuring dwelling layouts achieve good internal amenity.
- Impacts of shadowing on the Docklands Stadium playing field.
- Activating the laneway interfaces.
- Architectural improvements on the previous design.
- Wind analysis to be undertaken due to the site's location.
- Environmentally Sustainable Design outcomes to be explored further, including the use of City of Melbourne's Green Factor Tool.

3.2. Site history

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
Subject Site		
TPM-2016-5/A DELWP Reference PA1500055-1	Proposed to modify the original 22-storey two-tower mixed use development to a four-tower mixed use development.	Withdrawn 21 February 2020
TPM-2016-5 DTPLI Reference PA1500055	Ministerial application for construction of a mixed use building in the Docklands Zone including waiver of loading requirements	Permit 19 February 2017
TPD-2010-10 DELWP Reference 2010/12510	Construction of 15 storey office building, shops and associated works	In a letter dated 7 March 2011 Council recommended support. DELWP Permit issued on 30 March 2011. This permit was not acted on.
Surrounding Sites		
TPD-2007-45/A (DELWP reference 20070622A) 673-683 La Trobe Street	Use of land for the purpose of multiple dwellings and development of a multi-level, mixed use building with associated car parking	Amended Permit 19 April 2010
TPD-2010-9/B (DELWP reference 2010006254B) 695-699 La Trobe Street	Development of the land for a multi-level mixed use building and for multiple dwellings, office and retail premises (other than a gambling premises)	Permit 27 February 2012 The latest amendment to the permit is under assessment.
TPD-2013-3 (DTPLI reference 2013/000861 1000 La Trobe Street	Multi storey commercial office building with associated ground floor office and retail and multi-storey car parking	Permit 7 June 2013

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> • Clause 11.02-1S, Supply of Urban land • Clause 15.01-1R, Urban design - Metropolitan Melbourne • Clause 15.01-2S, Building Design • Clause 16.01-1R, Housing supply - Metropolitan Melbourne • Clause 18.02-2R, Principal Public Transport Network
Municipal Strategic Statement	<ul style="list-style-type: none"> • Clause 21.03, Vision • Clause 21.04, Settlement • Clause 21.06, Built Environment and Heritage • Clause 21.07, Housing • Clause 21.13, Urban Renewal areas
Local Planning Policies	<ul style="list-style-type: none"> • Clause 22.18, Urban Design within the Docklands Zone • Clause 22.19, Energy, Water and Waste Efficiency • Clause 22.23, Stormwater Management (Water Sensitive Urban Design)

Statutory Controls	
Clause 37.05 Docklands Zone, Schedule 4 (Stadium Precinct) (DZ4)	<p>Pursuant to Clause 37.05-1 and 1.0 of DZ4, a planning permit is not required to use the land for a shop (other than Adult Sex bookshop Department store, a Supermarket exceeding 2,500 square metres of GFA and Restricted retail premises) providing it is not at ground floor. As the proposed retail tenancies are located at ground level therefore a permit is required for this use. Decision guidelines are at 2.0 of DZ4.</p> <p>Pursuant to Clause 37.05-1 and 1.0 of DZ4, a planning permit is not required to use the land for Dwelling (must be located to the south of the Major Sports and Recreation Facility). The land is located north of the Major Sports and Recreation Facility therefore a permit is required for this use. Decision guidelines are at 2.0 of DZ4.</p> <p>Pursuant to Clause 37.05-4 and 4.0 of DZ4, a permit is required to construct a building or construct or carry out works. Decision guidelines are at 4.0 of DZ4.</p> <p>Pursuant to 5.0 of DZ4, an application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.</p>

<p>Clause 43.02</p> <p>Design and Development Overlay, Schedule 12 (DDO12) (Noise Attenuation Area)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Requirements, of Schedule 12 states that any 'new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must:</p> <ul style="list-style-type: none"> • Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area. • Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility. • Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.
<p>Clause 43.02</p> <p>Design and Development Overlay, Schedule 52 (DDO52) (Area 1 and 2) (Stadium Precinct)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Requirements, of Schedule 52 states that a 'permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to this schedule are met'.</p> <p>Table 1 specifies a maximum building height of 25 metres except for two towers not exceeding 75 metres for Area 1 (the west side of the subject site).</p> <p>Table 1 specifies a maximum building height of 25 metres except for one tower not exceeding 75 metres for Area 2 (the east side of the subject site).</p> <p>There is only one tower in Area 1 but there are already two towers in Area 2 therefore, a permit is required pursuant to DDO52.</p> <p>The number of towers noted in DDO52 do not limit the number of towers permissible, rather that a permit is required under the Overlay if the numbers have been exceeded in each area.</p>
<p>Clause 43.04</p> <p>Development Plan Overlay, Schedule 5 (DPO5) (Stadium Precinct)</p>	<p>Pursuant to Clause 43.04-1, a permit 'must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority'.</p> <p>In addition, a permit granted must:</p> <ul style="list-style-type: none"> • 'Be generally in accordance with the development plan. • Include any conditions or requirements specified in a schedule to this overlay'

	According to 1.0 of DPO5, a 'permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority'.
Clause 45.09 Parking Overlay, Schedule 8 (PO8) (Docklands – Stadium Precinct)	<p>Pursuant to Clause 52.06-2, 'before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority'.</p> <p>2.0, Permit requirements, of PO8 states that a permit is required to provide car parking spaces in excess of the maximum number specified in the Table.</p> <p>3.0, Number of car spaces required, of PO8 includes the following rates:</p> <ul style="list-style-type: none"> • 1.5 spaces per dwelling • 1 space to each 100 square metres of gross floor area for any use other than dwelling, office or industry. <p>The proposal seeks 98 spaces for 577 dwellings and 1103 square metres of retail. Therefore, no planning permit is required pursuant to PO8 as the car parking rate is does not exceed 1.5 spaces per dwelling 1 space per 100square metres of the other uses.</p>

Particular Provisions	
Clause 52.06 Car parking	<p>Refer to PO8 regarding car parking rates.</p> <p>Clause 52.06-8 provides design standards for car parking.</p>
Clause 52.34 Bicycle facilities	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> • Dwelling (in developments of four or more storeys) is 1 resident space per 5 dwellings and 1 visitor space per 10 dwelling. • Retail premises is 1 to each 300 square metres of leasable floor area for employees and 1 to each 500 square metres of leasable floor area for visitors. <p>Based on the above, the total spaces required are 179 (115 spaces for residents, 58 spaces for the residential visitors, 4 employee spaces and 2 spaces for the retail visitors). The application proposes a total 374 spaces (including 75 spaces for the residential visitors, 4 employee spaces and 2 spaces for the retail visitors). Therefore, no permit is required pursuant to Clause 52.34.</p>
Clause 53.06 Live Music Entertainment Venues	<p>A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.</p>

General Provisions	
Clause 72.01-1 – Minister is responsible authority	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.

5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment.

Pursuant to DZ4, DDO12 and DDO52, this application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

6. REFERRALS

The application was referred to the following internal departments which comments summarised:

- Urban Design
- Engineering/Civil
- Waste
- Land Survey

6.1. Urban Design

The amended design response has sought to provide a greater emphasis on the building breakup of two towers and the three story podium. The topographical challenges of the site have been better managed by providing a direct, additional through block link between towers and, of note, there have been extensive improvements to the podium, ground floor treatments, public realm interfaces and the architectural expression of towers.

The amended scheme is supported, and the following comments provided:

- The revised building arrangement comprising of two tower forms with adequate building separation.
- The approach to providing façade diversity assists in breaking up the building mass. Given the diverse use of materiality, the revised building motif which allows the two buildings to read as multiple forms which highlight the 'building of buildings' gesture will result in a better outcome than the original scheme.
- The amended design outcome provides for more generous residential amenity, including: A gym, private dining, sky-lounge, landscaped gardens, and pool.
- The combination of larger and narrower tenancies on the laneway interface should ensure diversity of tenants and use. This will also ensure the laneway can remain activated throughout the day.
- There is the potential to integrate single-height weather protection/canopies rather than 'commercially scaled' heights to pedestrian interfaces. Single-height entries may provide a more intimate setting, an increased sense of a human-scaled environment.

In addition, the recommendations sought additional information, which could (where relevant) be dealt with via permit conditions if the application was supported.

6.2. Engineering

The following civil design comments were provided in relation to the plans dated 26 January 2021:

- The works shall be undertaken in accordance with the current *Docklands Design and Construction Standards or Infrastructure Works*.
- The existing three joint poles (Tram/Public Lighting) and tram pole currently located along the property boundary on La Trobe Street will create a hazard for pedestrian and visibly disabled people and shall be relocated 750mm behind the back of kerb.
- The comments also include standard permit conditions relating to drainage, street access and levels, footpaths and street lighting

In relation to the amended plans dated 26 January 2021, additional comments can be resolved by permit conditions.

6.3. Waste

The following waste comments were provided in relation to the Waste Management Plan (WMP) prepared by Leigh Design and dated 8 February 2021:

- ESG advised that Council does not collect commercial waste.
- The comments also referenced the size and frequency of the compactor collection, residential waste entitlement volume, recycling compactor and requested scaled drawings of a typical floor plan showing the two sets of chutes, bin storage, loading bay and swept paths.

In relation to the amended plans dated 26 January 2021, any outstanding waste issues could be addressed via a permit condition for an amended WMP.

6.4. Land Survey

The original plans were referred to Council's Land Survey team who provided the following comments on 26 March 2021:

- Level 1 shown entrances into the abutting site (concourse of Docklands Stadium) for which it does not benefit from a legal right of access. Entrance must be deleted or easement for light and air which is to be created should also include passageway/access rights.

The comments provided (where relevant) can be addressed via permit conditions if the application is supported.

7. ASSESSMENT

The key issues in the consideration of this application are:

- Amended Proposal
- Built Form
- Setbacks
- Shadowing

- Better Apartments Design Standards
- Environmentally Sustainable Design and Wastewater Management
- Noise Attenuation and Live Music Entertainment Venues
- Preamble and Conditions

Amended Proposal

It is considered that the amended proposal is consistent with the scale of development occurring within its immediate context and will contribute to the residential options within the Docklands. The amended proposal responds well to the site, boarder surrounds and its strategic context. Importantly the design of the amended proposal seeks to:

- Improve pedestrian amenity and increased connectivity with La Trobe Street, the adjacent laneway and the Docklands Stadium Concourse.
- Respond to the site constraints and boundary setback requirements, and provides better passive surveillance and continuous street activation between La Trobe Street and the concourse.
- Offer improved retail opportunities, improve internal amenity for residents and create a large multi-function spaces for the AFL.
- Create a more meaningful lobby and entrance space at each level of the podium better responding to the slope of the land.
- Provide greater communal space with resident amenities including work hubs, residents' lounges, dining and kitchen facilities as well as a pet centre, 25m pool and gym facilities.
- The increased overall height of the proposal has enabled additional internal amenity to be provided to the apartments as well as providing for increased tower setbacks.
- Provide a better overall built form and façade treatment, and improve the quality of the building and design when compared with the existing permitted design.

A key change to the proposal includes all apartments as 'Built-to-Rent' apartments, which seek to provide opportunities for alternative housing models within the City of Melbourne, and will provide an alternate offering within the Docklands precinct.



View of proposed development from La Trobe Street. Source: Cox Architecture 2021

Built Form

DDO52 sets broad parameters for built form in the northern portion of the Stadium Precinct (Area 1 & 2).

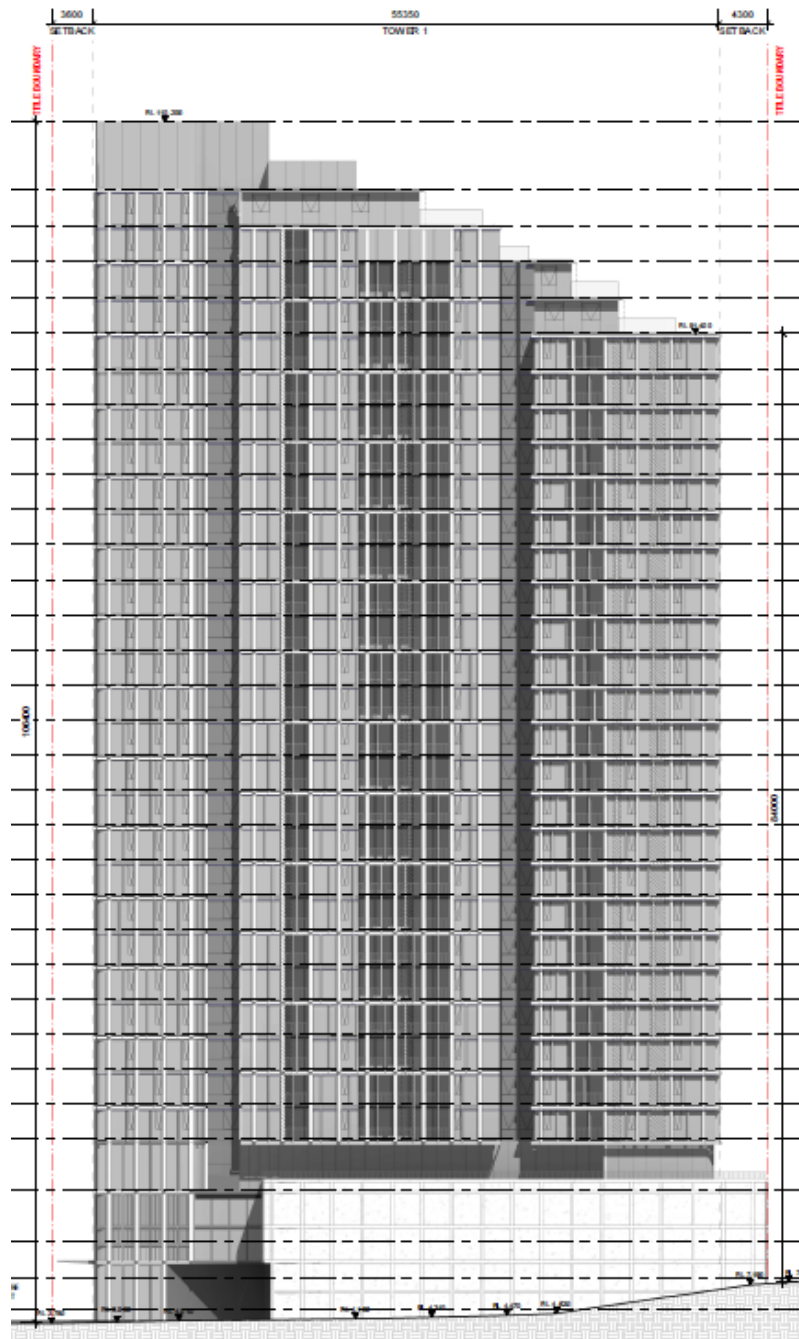
Area 1 (western half of the site) anticipated at least two towers with a maximum height of 75m above a podium of 25m while Area 2 (eastern half of the site) anticipated one tower with a maximum height of 75m above a podium of 25m.

These parameters are both discretionary under DDO52, and apply once the allocated number of towers has been developed. As such, the main determinants for height are the objectives of the DDO which are as follows:

- *“To ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour water body are recognised.*
- *To prevent any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow that is already cast by the existing facility roof when fully open.”*

When considered against the Decision Guidelines, the proposal is in keeping with the objectives of the DDO, as the built form at the overall height of 100.2 metres (excluding roof plant) sits reasonably within other approvals above the discretionary

height limit of 75m for towers The two (2) towers achieve a discernible separation, and step back at the top levels in order to address the objectives of DDO52 and minimise any potential impacts. The stepped back built form (reducing height to the south) appropriately recesses the top levels of the towers seeking to minimise additional overshadowing on the playing surface and limit impacts on views across to Victoria harbour. As such, it is considered that the proposal has responded to decision guidelines insofar as seeking to limit any impact on vistas or the ability to maintain and grow the playing surface given the grow-light technology already in place. The shadowing impacts is discussed further later in this report.



West elevation showing the step down towards south. Source Cox Architecture 2021

In terms of pedestrian scale, the proposal seeks to improve on the interface with the Docklands Stadium, La Trobe Street and the concourse facilities with an improved

podium design which positively seeks to improve the activity of the space, and improve overall accessibility. In addition, the landscaped terrace area assists in greening of the proposal. Ultimately the building will form the final development (of unused land) of the surrounding street scape of the area immediately abutting the Docklands' Stadium concourse, and the interfaces with the laneway and concourse are considered to be critical elements of the design response. It is to be noted that the ground level parking from the west lane is a private interface (with a carriage way easement) and with the site being located in the Docklands, the seriously entertained design policy, being amendment C308, is not directly applicable.

With regard to the impacts of wind, when considered against the Decision Guidelines of DDO52, it is recommended that the existing permit condition No.5 requiring a wind test, including plans updated to reflect any recommended design measures, remain on permit.



Podium view from the Stadium concourse. Source: Cox Architecture 2021



Perspective of proposal from La Trobe Street. Source: Cox Architecture 2021

Shadowing

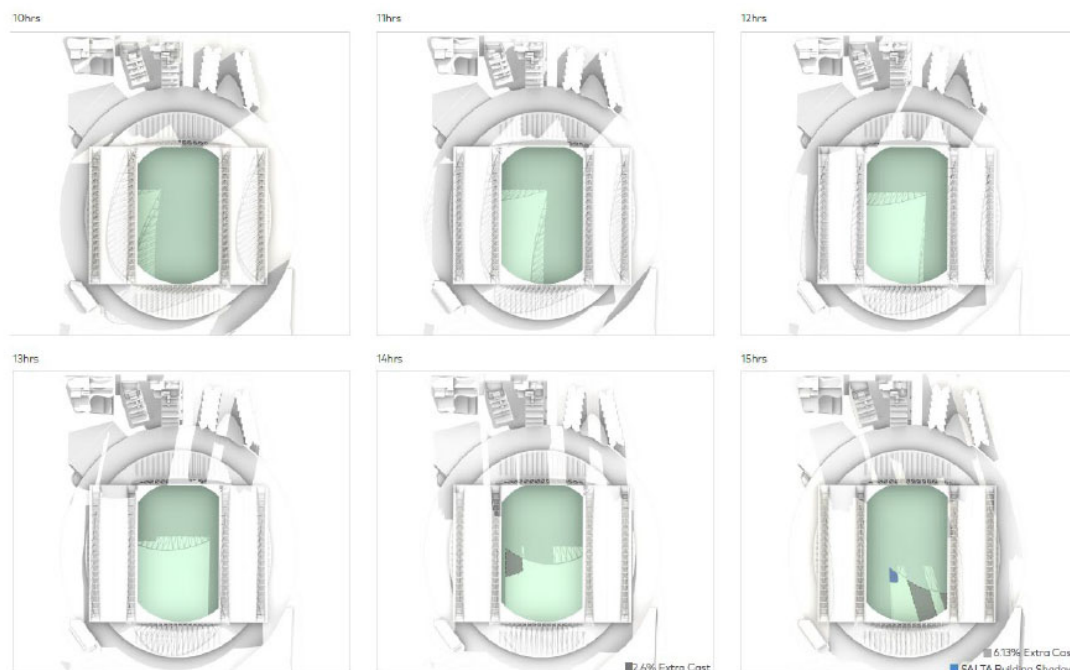
DDO52 also requires consideration of the impact of overshadowing on the playing field of the Stadium, to ensure that the playing field is not detrimentally overshadowed by the surrounding development which seeks to ensure that the grass quality can be maintained by means of natural light. Since the Stadium was originally developed, grow lamps are now used as the primary mechanism in which to cultivate the playing surface without natural sunlight, therefore the requirement for natural light is no longer as critical as previously. Notwithstanding this, the overshadowing of the playing surface cannot result in an instance where the overshadowing from surrounding developments no longer affords the stadium sufficient daylight to rely on natural light rather than the artificial lighting systems currently employed for the playing field which should remain an option for the Stadium operator.

The Shadow Study Analysis (see below) demonstrates the potential overshadowing projected to the stadium's playing surface by the revised scheme. The Shadow Study indicates there is no overshadowing on to the playing surface to midday, while at 1pm the overshadowing of the proposal remains within the stadium's own overshadowing from the trusses of the stadium roof overshadowing the field. However, from 2pm onwards the shadowing of the proposal does impact on the Stadium field.

The additional overshadowing presented in the revised scheme at the Winter Solstice (21 June) are as follows:

- At 2pm of the winter solstice 2.57% additional overshadowing.
- At 3pm of the winter solstice 6.13% additional overshadowing.

The increased shadowing from the revised design scheme is limited and is not considered to negatively impact the Docklands Stadium playing surface due to the artificial lighting systems employed by the stadium.



Source: UDR page 72

Source: Urban Design Response. Cox Architecture 2021

There is no additional overshadowing from the proposed development at the Equinox on the 22 September.

Setbacks

The Design and Development Overlay, Schedule 52 (DDO52) doesn't specify setbacks control for towers, however the proposal has increased the setbacks from the podium seeking to achieve a better scale when viewed from the street and provide spacing of the building bulk to avoid the creation of a wall effect. There remain two sections of the proposed development that continue to have a zero lot setback, being the north-west corner of Tower 1 and the southern edge of Tower 2. These constraint points are considered acceptable when viewed in context of the overall proposal, increased setbacks across the amended design response and general compliance with the objectives of DDO52. In addition to the generally increased setbacks, the towers retain a minimum separation of 11 metres. Overall, the setbacks that would be provided by the amended design are considered to be a better outcome than the currently permitted development for the site.

SETBACK ZONE	PERMITTED SCHEME	BUILT TO RENT SCHEME
North	0mm	3600mm
South - West Tower	0mm	4300mm
South - East Tower	0mm	6000mm*
North East	0mm	4600mm
South East	0mm	4300mm
North West	0mm	0mm
South West	0mm	4300mm
Tower Separation (LaTrobe St)	16,000mm	14,400mm

Source: Cox Architecture

* Setback to proposed Easement

Setback comparison. Source: Urbis Planning Report 2021

Better Apartments Design Standards

The change in built form has also enabled the revised proposal to achieve a high level of BADS (Better Apartment Design Standards) compliance when compared with the approved scheme with a focus on well-designed living amenity. Clause 58 (BADS) was not in place when the original scheme was approved, therefore the revised scheme seeks to deliver improved internal spaces and amenity for the future residents as a result of the amended proposal now being required to be assessed against the requirements of Clause 58 (BADS).

In response to some relevant standards of Clause 58, it is noted that the percentage of apartments which are compliant with these elements of BADS in the proposed scheme are:

- 100% are compliant with the standard D24 'Functional layouts'
- 100% are compliant with the standard D25 'Room depth'
- 100% are compliant with the standard D20 'Internal storage'
- 34.3% are compliant with the minimum standard of D27 'Cross ventilation' – this does not meet the standard of 40%
- 76% are compliant with the standard D19 'Private open space'
- 69.4% of the overall number of apartments are DDA compliant, greater than the 50% target outlined in D17.

The following is a summary of the key aspects relating to amenity:

- Consistent with Standard D5 (Integration with the street objective), the proposed entrance is easily accessible from La Trobe Street, which is the

main road and pedestrian access with a tram stop and pedestrian crossing located directly in front of the site as well as clearly identified entrances for residents, employees and visitors.

- In accordance with Standards D12 (Parking location objectives), secure car parking and bicycle facilities will be provided in the lower and upper ground floors of the development. Convenient access is provided via lifts and internal safety amenity in accordance with Standard D9 (Safety objective).
- The large majority of apartments have access to a private balcony pursuant to Standard D19 (Private Open Space objective). There are a limited number of smaller one-bedroom and studio apartments in the western tower (Tower 1) as well as the lower level south facing apartments that do not have a private balcony. In compensation, all residential apartments are provided with a large communal terrace on the podium rooftop terrace and Tower 2 at Level 28.
- Each apartment incorporates a functional layout, with each bedroom and living area meeting the minimum dimensions of Standard D24 (Functional layout objective).
- All habitable rooms within each apartment are provided with direct daylight access, consistent with the requirements of Standard D25 (Room depth objective).

It is considered that the amended proposal demonstrates an appropriate level of compliance with Clause 58, and provides a good level of internal amenity for the future occupants of the development.



Amended floor plate comparison. Source: Cox Architecture 2021

Environmentally Sustainable Design and Wastewater Management

Clause 22.19, Energy, Water and Waste, includes policy objectives at Clause 22.19-2 and policy requirements at Clause 22.19-3. In addition, Clause 22.19-4 requires all applications to include a Waste Management Plan (WMP) and an Environmentally Sustainable Design (ESD) Statement. In terms of the ESD Statement, Clause 22.19-4 states that:

- ‘Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.’

The relevant Performance Measures are:

- For accommodation over 5000 square metres gross floor area - 1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent plus a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.
- For retail premises up to 2000 square metres gross floor area – 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.

The amended proposal is supported by a Sustainable Management Plan (SMP) and a Green Star Design & As Built Score Card, prepared by Stantec Australia Pty Ltd. The report outlines the sustainable design objectives to be incorporated into the revised scheme, through initiatives relating to energy efficiency, water efficiency, waste management and best practice sustainable design.

Having regard to Councils local policy at Clause 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management), the revised scheme has been assessed to achieve a benchmark equivalent to a 5 Star Green Star Rating in accordance with the GBCA Green Star – Design and As-Built V1.2.

If the application was supported, an amended ESD Statement and WSUD should be required via permit conditions to confirm compliance with the performance measures relevant for accommodation at Clause 22.19-5 and Clause 22.23 and form part of the permit.

Noise Attenuation and Live Music Entertainment Venues

At this stage the AFL is proposed to be a long-term tenant for the multi-function space within the podium, and the details on the use of the multi-function space continue to be refined in line with commercial parameters and the implications of those uses arising in the future. Live and/or amplified music is expected periodically in line with the function of the space. The Stadium itself often holds live performances and as such, acoustic attenuation will be built into every apartment, as per the requirements of DDO12.

As detailed within the Acoustic Report, all apartments will have appropriate acoustic attenuation from noise from both the multifunction space and the stadium. The submitted Acoustic Report states that the Stadium itself is considered an open-air live music venue, due to small number of concerts held with the roof open. As such, the apartments need to be acoustically attenuated to a high level to protect from this noise. The Acoustic Report notes that:

A variation to SEPP N-2 has been specifically developed for the Melbourne Docklands Area. The variation stipulates that the noise control limits in SEPP N-2 do not apply to outdoor venues within the Melbourne Docklands Area. Instead, noise controls are to be incorporated into the building fabric of any new or refurbished residential development.

As such, it is considered the specific nature of the acoustic attenuation (as detailed on pages 19 and 20 of the Acoustic Report) will also protect residents from any live music (if it is to occur) within the function space on the lower levels.

Whilst the multi-function space is proposed with the possibility of live music, there is a potential for this to change in the future. The application documentation has noted that should the use for the multifunction space differ in the future this space could potentially be best utilised as a traditional retail, office or additional amenity space which may require additional or separate approvals based on any future changes.

The mixed-use proposal will be a complementary use to the Docklands Stadium whilst seeking to reinvigorate the overall Stadium precinct and its concourse.

Preamble and Conditions

The preamble of the existing permit is required to be amended to remove reference to 'a waiver of loading bay requirements'. This is required as the provision that necessitated the need for a waiver to be permitted is no longer in the Melbourne Planning Scheme or part of the Victoria Planning Provisions.

In addition, and as a consequence in a change of Particular Provisions since the original approval, this proposal has now also considered the following Clause of the Melbourne Planning Scheme including: Clause 53.06, Live Music Entertainment Venues and Clause 58.01, Urban Context Report and Design Response. As a result of the changes, additional conditions will be added to the recommended conditions submitted to the minister.

The conditions of the existing permit have been updated, where appropriate, to reflect the changes made to the proposal.

8. OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposed Amendment and issue of a Permit subject to the following:

- Remove reference to 'a waiver of loading bay requirements' from the Permit Preamble.
 - Amended Conditions as shown below:
1. Prior to the commencement of the development, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the amended plans dated January 2021 but amended to show:
 - a) Any changes as required by conditions 9 and 10 relating to the creation of, or amended to, any easement.
 - b) Any changes to internal layout as required by the amended Daylight Assessment Report required by condition 4
 - c) Any changes as required by the amended Wind Tunnel Test required by condition 5
 - d) Any changes as required by the amended Environmentally Sustainable Design (ESD) Statement required by condition 6
 - e) Any changes as required by the amended Waste Management Plan (WMP) required by condition 8
 - f) Modifications to perimeter canopies to provide improved weather protection around the building where possible.

- g) Deletion of projections into adjoining properties / titles with the exception of La Trobe Street.
- h) Landscape plan generally in accordance with the *Landscape Design Report* prepared by Urbis and dated 14 April 2016
- i) *Deleted*
- j) *Deleted*
- k) *The use of alternative materiality / façade treatment on the western elevation ground level adjacent to the car park entry to provide for added texture and depth.*

These amended plans must be to the satisfaction of the Responsible Authority when approved shall be the endorsed plans of this permit.

- 2. The development as shown on the endorsed plans must not be altered or modified without the prior consent of the Responsible Authority.
- 3. *Deleted*
- 4. *Deleted.*
- 5. Prior to the commencement of the development wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building confirming compliance with agreed comfort levels, **generally in accordance with the standards of DDO10**. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.
- 6. Prior to the commencement of the development an amended Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5 for accommodation and retail of the Melbourne Planning Scheme.

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.
- 7. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
- 8. Prior to the commencement of the development an amended Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
- 9. *Prior to the commencement of the development including demolition, the owner must lodge with the Responsible Authority, an application for certification pursuant to Section 23 of the Subdivision Act 1988 for the*

Creation of a Light and Air Easement over the Land to the South of the subject site known to title as Lot 2 on PS434050P. When certified by the Responsible Authority and a Statement of Compliance has issued, the plan must lodge at the Land Victoria for registration and evidence of registration must be provided to the Responsible Authority as compliance of this condition.

10. *Prior to the commencement of the development (including demolition), the permit holder must either obtain the necessary permission from the relevant parties/authorities to construct over the Sewer Easement E-1 and provide evidence of this to the Responsible Authority.*
11. *Prior to occupation, the North South Access Way along the Eastern Boundary must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the retail tenancies. Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.*
12. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority in conjunction with the City of Melbourne prior to the commencement of the development, excluding demolition. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures. When approved, the schedule will be endorsed and will then form part of the permit. All finishes and surfaces of all external buildings and works, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
13. *Prior to commencement of development, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The scheme must incorporate water sensitive urban design features to the satisfaction of the Responsible Authority. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development.*
14. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
15. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority.
16. Prior to the commencement of the development including any demolition, bulk excavation, construction or carrying out of works, a Tree Protection Management Plan (TPMP) must be prepared by a suitably qualified and experienced Arborist generally in accordance with AS 4970-2009. The TPMP must include recommendations to ensure the viability of the Council or Exceptional trees adjacent to the site before, during and after construction to the satisfaction of the City of Melbourne – Urban Forest and Ecology. This report must be to the satisfaction of the Responsible Authority and when approved will form part of the permit.

The TPMP will be accompanied by a bond or bank guarantee totalling the combined tree amenity and ecological value of the subject trees. This will be held against the approved TPMP for the duration of the works. Council may withhold part or the entire bond or bank guarantee should damage be sustained to any Council tree as a direct result of development activities.

17. *The noise attenuation measures to comply with the requirements of DDO12 and Clause 53.06 of the Melbourne Planning Scheme as specified in the acoustic report prepared by Marshall Day and dated 27 January 2021 must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwellings.*
18. Prior to the commencement of the development, a Water Sensitive Urban Design (WSUD) Response shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The WSUD Response must address, as appropriate, the requirements set out in Clause 22.23-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
- The performance outcomes specified in the WSUD Response for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.
19. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Construction and Demolition Management Plan must be submitted to and be approved by the City of Melbourne. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
- a) public safety, amenity and site security
 - b) operating hours, noise and vibration control
 - c) air and dust management
 - d) stormwater and sediment control
 - e) waste and materials reuse
 - f) traffic management
20. If applicable, prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works on the land, the owner of the land must enter into an agreement with **Melbourne City Council** pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:
- a) The windows/openings on the boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows/openings.
- The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.
21. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
22. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
23. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel

reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.

24. *Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in LaTrobe Street. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by City of Melbourne - Infrastructure and Assets.*
25. The footpath adjoining the site along La Trobe Street must be reconstructed in sawn bluestone together with associated works including the renewal or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
26. Existing street levels in La Trobe Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Services.
27. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
28. *Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne - Infrastructure and Assets.*
29. *All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on LaTrobe Street footpath outside the proposed building to plans and specifications first approved by City of Melbourne - Infrastructure and Assets.*
30. *The existing three joint poles (Tram/Public Lighting) and tram pole currently located along the property boundary on LaTrobe Street shall be relocated 750mm behind the back of kerb in accordance with plans and specifications first consented by City of Melbourne - Infrastructure and Assets and to the requirements of Yarra Trams.*
31. *All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.*
32. *All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne - Infrastructure and Assets.*
33. The waste storage and collection arrangements must not be altered or modified without the prior consent of the City of Melbourne — Engineering Services.
34. The area set aside for car parking and accessways, as shown on the endorsed plans, must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the City of Melbourne -

Engineering Services and such works must be completed prior to the commencement of the use or development allowed by this permit.

35. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
36. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority.

The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
37. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
38. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.
39. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
40. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit

The Responsible Authority may extend the date upon which the permit expires. A request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

Notes:

N1. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

N3. This development is not eligible for Council's resident permit scheme and that Council will not amend the existing on street parking restrictions to accommodate future parking demands of this development.

N3. City of Melbourne - Engineering Services will not be installing bike hoops on the footpath to cater for bicycle storage demands of this development.

N4. All projections beyond the title boundary with the exception of La Trobe Street require separate planning approval and the permission of adjoining owners.