



- BADs**
- MIN. MASTER BED
  - MIN. BED
  - MIN. LIVING 1 BED APARTMENT
  - MIN. LIVING 2+ BED APARTMENT
  - P.O.S MIN. AREA
  - DDA PATH
  - WINDOW EXTENT
  - NATURAL VENTILATION BREEZE PATH
  - BADs ACCESSIBLE APARTMENTS

Freadman White

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 ABN: 81 751 505 936 ACN: 147 872 348

CLIENT  
MAB  
Lot G,  
Docklands, VIC, 3008

TITLE  
**LEVEL 05 FLOOR PLAN**

STATUS  
TOWNPLANNING

ISSUE  
REV A  
12/4/2022

SCALE  
**1:100 @ A1**

N

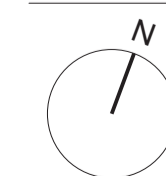
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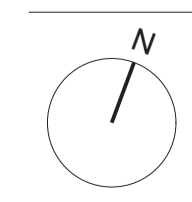


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CLIENT MAB Lot G, Docklands, VIC, 3008	TITLE LEVEL 7-10_TOWER PLAN B	SCALE 1:100 @ A1
Lot G	STATUS TOWNPLANNING	
DWG No 6.1.8	ISSUE REV A 12/4/2022	



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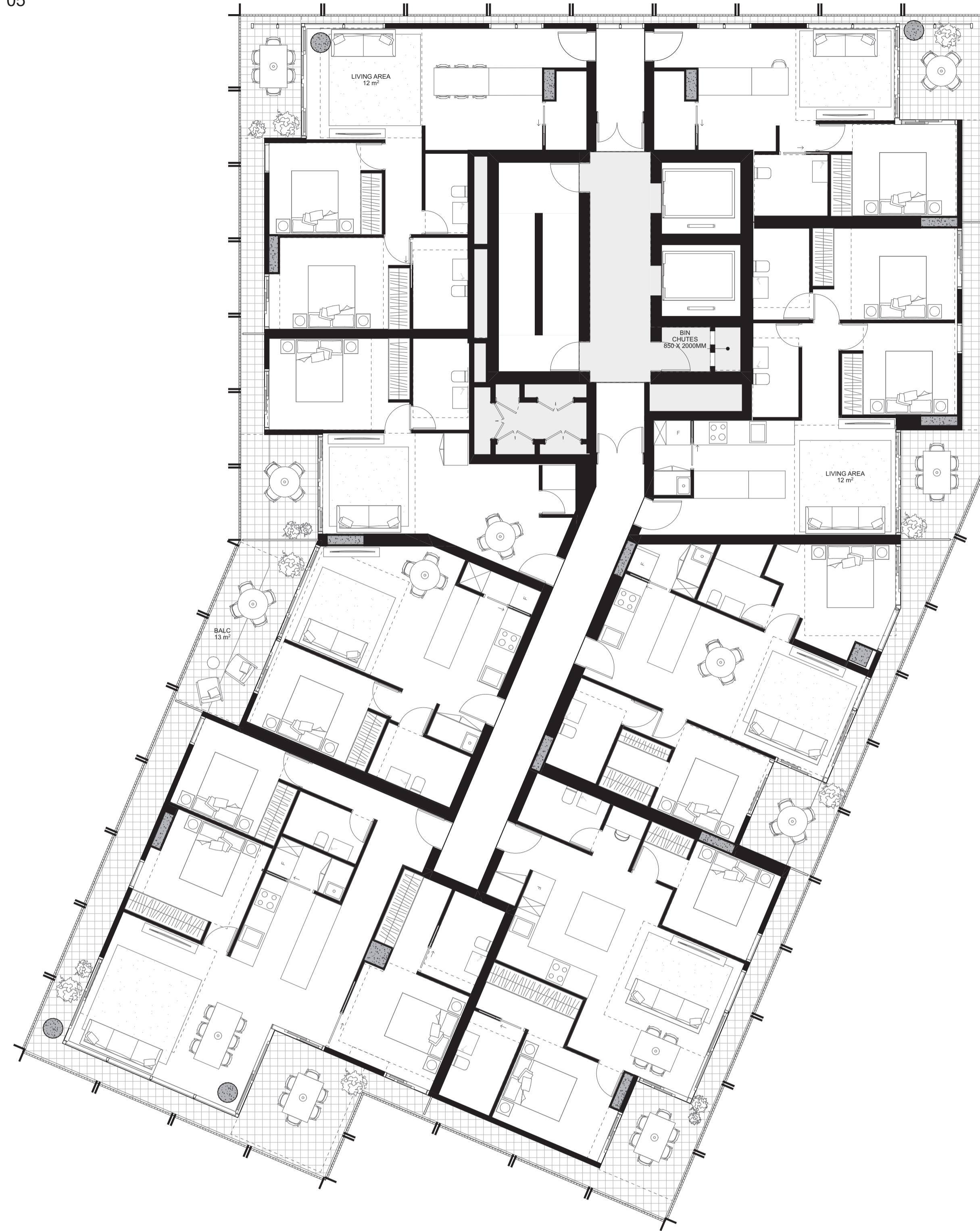
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BADs

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DOCKLANDS DRIVE

153°07' 45.70

45.73

153°07'00"

50 243°07'

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CLIENT  
MAB  
Lot G,  
Docklands, VIC, 3008

TITLE  
LEVEL 11-23\_TOWER PLAN C

SCALE  
1:100 @ A1

GENERAL NOTES

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## DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

<b>Application number:</b>	TPM-2022-3
<b>DELWP Application number:</b>	PA2101471
<b>Applicant / Owner / Architect:</b>	MAB Corporation / Development Victoria / Freadman White Architects
<b>Address:</b>	473-505 Docklands Drive, Docklands (Lot G)
<b>Proposal:</b>	Construction of a multi-storey apartment development
<b>Cost of works:</b>	\$80,000,000
<b>Date received:</b>	18 January 2022
<b>Responsible officer:</b>	Lachlan Orr, Principal Urban Planner

### 1 SUBJECT SITE AND SURROUNDS

The broader site is located on the south side of Docklands Drive, Docklands, within the NewQuay West precinct. The site is a large, vacant redevelopment area located to the north of Victoria Harbour and bound by Wattle Road to the east and Docklands Drive to the north and west. The activity area for this application is known as Lot G and situated at the north-western corner of the precinct.

The site is located within a mixed use precinct surrounded by the harbour and newly created parklands. The Docklands Studios Melbourne are located to the north and low-scale townhouses, mid-rise apartments and Quay Park to the east. Further east is the recently constructed Banksia development. In the wider area, the District Docklands shopping precinct sits further north-east and the Bolte Bridge and Moonee Ponds Creek further west.



Figure 1: Locality map of subject site and surrounds





**Figure 2: Aerial of subject site and surrounds**



**Figure 3: Subject site as viewed from the north-west corner on Docklands Drive**

## **2 BACKGROUND AND HISTORY**

### **2.1 NewQuay West Docklands Development Plan**

The NewQuay West Development Plan 2018 was prepared by MAB Corporation in conjunction with DKO Architecture, Aspect Studios and other specialist consultants. The Development Plan replaced the “Amended MAB NewQuay West Development Plan September 2007 Melbourne Docklands Business Park Precinct” and was endorsed by the Minister for Planning on 12 October 2018.

The Development Plan represents an updated direction for the development of the area following incorporation of the Ron Barassi Senior Park at the western end of the precinct, a more thorough knowledge of the costs associated with the reconstruction of the waterfront promenade and the significant changes to the property market since approval of the 2007 Development Plan. These matters necessitated a review of the



general urban structure and built form approach within the precinct, as now depicted in the Development Plan.

Various parts of the Development Plan area have been constructed, including the Ron Barassi Senior Park, the Mariner apartment building, a section of the linear park (Quay Park) and terraces in the eastern part of the precinct along with associated road networks and infrastructure. There has been one approval issued in the NewQuay West precinct associated with Lot H immediately to the east of the subject site along Docklands Drive. An application for Lot B, at the south-eastern corner of the precinct, was considered by the FMC on 12 July 2022 and is currently before the Minister for determination.

The Development Plan provides an overarching set of concepts, plans and principles that future development applications must be generally compliant with. The proposed development is assessed in accordance with the relevant provision of the Development Plan at Section 7.1 of this report.

The Development Plan also requires the development of a new linear park, designed as an extension of the existing park to the west and running along the south of Lots G and H. The Indicative Staging Plan contained within Development Plan states that *“the entire linear park will be delivered with the first neighbouring development.”*

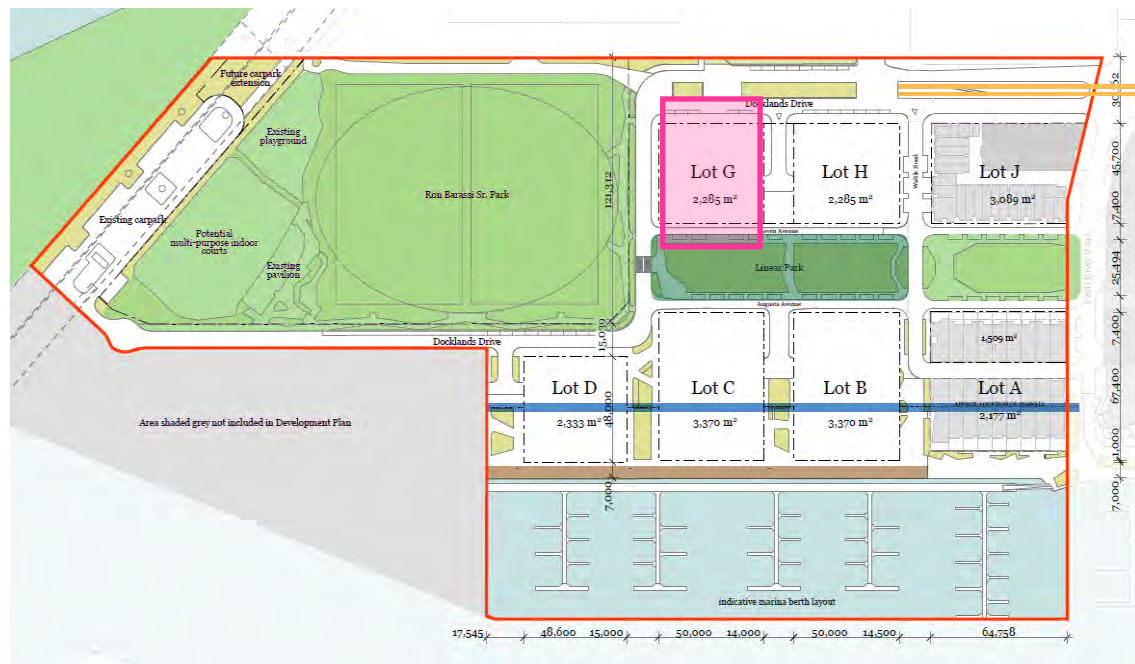


Figure 4: Lot G highlighted within the NewQuay West Development Plan site

## 2.2 Planning application history

The following applications are relevant to the site and surrounds.

Address	Reference	Description	Decision
473-505 Docklands Drive, Docklands (Lot H)	TP-2019-669	Construction of a multi-storey, mixed-use building; a reduction in the bicycle facilities requirements; and associated landscape works in accordance with the endorsed plans.  It is noted a Section 173	Permit issued by Council  23 August 2019



		Agreements condition is imposed on TP-2019-669 which requires the delivery of the Linear Park to the satisfaction of the City of Melbourne in accordance with the proposed staging of the approved Development Plan.	
473-505 Docklands Drive, Docklands (Lot B)	TPM-2022-1	Construction of a multi-storey apartment development and provision of car parking that exceeds the requirements of the Parking Overlay.	Supported subject to conditions at FMC 12 July 2022 Decision from Minister pending

### 3 PROPOSAL

#### 3.1 Documents considered in assessment

The plans which have been considered in this assessment are identified in the following table:

<b>Documents considered in assessment</b>		
<b>Document</b>	<b>Author</b>	<b>Date</b>
Architectural Drawings	Freadman White Architects	December 2021 and April 2022
Urban Context Report	Freadman White Architects	December 2021
Town Planning Report	Hollerich Town Planning Pty Ltd,	April 2022
Landscape Plans	Aspect Studios and Eckersley Garden Architecture	November 2021
Traffic Impact Assessment Report	Traffix Group	April 2022
Wind Assessment	MEL Consultants	March 2022
Waste Management Plan	Traffix Group	April 2022
Sustainability Management Plan	ADP Consulting	December 2021
Acoustic Report	Acoustic Logic	March 2022
Site Environmental Management Plan	Senversa/AECOM	March/May 2019

#### 3.2 Proposal details

The application proposes the use and development of a multi-storey residential apartment building, with key details contained in the following table:



<b>Height</b>	75.57 m
<b>Storeys</b>	24
<b>Basement Levels</b>	1
<b>Tower Setbacks</b>	North: 0 m (for a width of 24.5 m) South: 7.1 m (for a width of 31.1 m) to 15 m East: 0 m (for a width of 18 m) to 9.8 m West: 18.9 m to 25.5 m
<b>Gross Floor Area (GFA)</b>	26,495 m <sup>2</sup>
<b>Development Area</b>	2,285 m <sup>2</sup>
<b>Dwellings</b>	One Bedroom: 75 Two Bedroom: 89 Three Bedroom: 28 Total: 192
<b>Offices</b>	442 m <sup>2</sup> /4 tenancies
<b>Car Parking Spaces</b>	184
<b>Bicycle Parking Spaces</b>	93



Figure 5: Perspective views from north-east (L) and south-west (R)





**Figure 6: Podium perspective views from south-west (L) and south-east (R)**

The application as submitted comprises the following elements:

- A 24 storey residential apartment building composed of a 6 storey podium built to each street frontage and an 18 storey tower with an irregular angled floorplate above.
- A total of 192 apartments are provided in a mix of one, two and three bedroom configurations.
- Four office tenancies are provided at levels 1 to 4 with a combined leasable floor area of 442 square metres.
- Communal amenities provided atop the podium for the use of building residents and their guests, set within a landscaped indoor and outdoor space surrounding the tower footprint. The communal amenities occupy approximately 915 square metres and include a swimming pool, kitchen and meals areas, indoor and outdoor lounge areas and a range of other health and recreational facilities.
- The main entry to the building is provided within the northern frontage to Docklands Drive, leading to a shared lobby and foyer area situated around the north-eastern corner of the building. The lobby area contains a seated lounge area, mail room and convenient access to the stair and lift core servicing the entire building.
- A secondary entry point with a smaller lobby, lounge and mail room is located at the south-western corner of the building, opposite Ron Barassi Senior Park. This access point leads to the secondary lift and stair core which accesses the podium levels only. A connecting corridor is provided to the primary lift and stair core around the communal amenities on level 5.
- Ground floor dwellings are provided with independent pedestrian access from Docklands Drive and the future linear park to the south.
- Car parking is provided primarily through a central car parking area at levels ground to 4, and one basement level. Vehicle access is provided centrally along the eastern frontage to the future service road which is accessed from Docklands Drive and terminates before the future linear park.
- A separate loading bay provided at ground level to accommodate loading and waste collection activities, situated immediately north of the primary vehicle access point from the future service road.
- The external materials and finishes of the building include references to the approved Lot H building to the east. Masonry finishes with varied articulation



patterns are provided around each street wall, with greater levels of glazing to the more active Docklands Drive frontages and more solid residential application to the south and east. A uniform grid 'exoskeleton' expression is provided around the angled tower form. Integrated landscaping is provided throughout the building façades and circulation spaces.

#### 4 STATUTORY CONTROLS

The following policies, controls and provisions of the Melbourne Planning Scheme are relevant to the application:

Policy	
Planning Policy Framework	Clause 11 – Settlement Clause 13 – Environmental Risks and Amenity Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Municipal Strategic Statement	Clause 21.02 – Municipal Profile Clause 21.03 – Vision Clause 21.04 – Settlement Clause 21.06 – Built Environment and Heritage Clause 21.07 – Housing Clause 21.08 – Economic Development Clause 21.09 – Transport Clause 21.10 – Infrastructure Clause 21.16 – Proposed Urban Renewal Areas
Local Planning Policies	Clause 22.18 – Urban Design within the Docklands Zone Clause 22.19 – Energy, Water and Waste Efficiency Clause 22.23 – Stormwater Management

Controls	
Clause 37.05 Docklands Zone Schedule 6 (Business Park Precinct)	<u>Use</u> Pursuant to Clause 37.05-1, 'Dwelling' and 'Office' are Section 1 uses for which <b>no permit is required</b> .  <u>Development</u> Pursuant to Clause 37.05-4, a <b>permit is required</b> to construct a building or construct or carry out works and to demolish or remove a building or works.



	<p><u>Environmental Audits</u></p> <p>Pursuant to Clause 37.05-8, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:</p> <ul style="list-style-type: none"> <li>• A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or proposed use; or</li> <li>• An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or</li> <li>• A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or</li> <li>• An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul>
<p>Clause 43.02 Design and Development Overlay Schedule 12 (Noise Attenuation Area) Schedule 54-A2 (Business Park Precinct)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works unless a schedule to the overlay specifies otherwise.</p> <p>Schedule 12 states that a 'permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses'. As the proposal involves noise sensitive residential uses, a <b>permit is required</b>.</p> <p>Schedule 54 states that a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met. The applicable Table 1 requirement for Area 2 is a maximum building height of 75 metres. There are no applicable Table 2 requirements. As the maximum height of the building is 75.57 metres, a <b>permit is required</b>.</p>
<p>Clause 43.04 Development Plan Overlay Schedule 7 (Business Park Precinct)</p>	<p>Pursuant to Clause 43.04-2, 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>This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.</p>

	<p>A permit granted must:</p> <ul style="list-style-type: none"> <li>• Be generally in accordance with the development plan.</li> <li>• Include any conditions or requirements specified in a schedule to this overlay.</li> </ul> <p>As discussed above, the NewQuay West Development Plan 2018 has been approved and the proposed development <b>must be generally in accordance</b> with this plan.</p>
<p>Clause 45.09 Parking Overlay Schedule 10 (Docklands – Business Park)</p>	<p>Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>As relevant to this proposal, the applicable rates are 1.5 spaces per dwelling and 3 spaces per 100 square metres of gross office floor area. This equates to a maximum of 301 car spaces, broken down to 288 spaces for dwellings and 13 for the offices.</p> <p>The proposal includes a total of 184 car spaces, including 181 resident spaces and 3 office spaces. This provision is well within the maximum rates and therefore, a permit is not required.</p>

<b>Particular Provisions</b>	
<p>Clause 52.06 - Car Parking</p>	<p>The requirements for the provision of on-site car parking are contained in the Parking Overlay as discussed above.</p> <p>The access and car parking arrangement is assessed against the design standards at Clause 52.06-9.</p>
<p>Clause 52.34 - Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>In relation to the proposed development, Clause 52.34 requires the following number of bicycle parking spaces:</p> <ul style="list-style-type: none"> <li>• Resident spaces = 38</li> <li>• Residential visitor spaces = 19</li> <li>• Offices = 0 spaces</li> </ul> <p>The proposal has a statutory requirement of 57 bicycle spaces including at least 19 visitor spaces. A total of 93 spaces are provided including 19 visitor spaces. Therefore, a permit is not required.</p>
<p>Clause 58 Apartment Developments</p>	<p>Pursuant to Clause 58, provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development in the Docklands Zone.</p>



<b>General and Operational Provisions</b>	
Clause 65 - Decision Guidelines	Clause 65.01 (Approval of an application or plan) outlines the matters which must be considered by the Responsible Authority prior to deciding on an application or approval of a plan.
Clause 72.01 - Responsible Authority for this Planning Scheme	<p>The Minister for Planning is the responsible authority for this application as the gross floor area (GFA) of the development exceeds 25,000 m<sup>2</sup>.</p> <p>The Minister for Planning has referred the application to the City of Melbourne as an interested party seeking Council's recommendation on the application, including recommended permit conditions.</p>

## **5 PUBLIC NOTIFICATION**

While public notice is the responsibility of the Minister for Planning as the Responsible Authority, it is noted that the application is exempt from the notice requirements and review rights of the Act.

## **6 REFERRALS**

### **6.1 Internal**

#### **6.1.1 City Design**

The application was referred to City Design whose comments can be summarised as follows:

- There is a positive level of client and design team ambition in the proposed design. City design is in strong support of the overall design direction.
- There are no concerns with the ground level interfaces, in terms of safety and definition of spaces.
- The individual residential entries to the perimeter of the floor plan, and planting buffers to the street are supported.
- The arrangement and purpose of the commercial lobby to the north east corner has been refined and clarified. The space provides access to a separate commercial stair.
- There are no concerns with the divergences of mass in comparison to the development plan building envelope. The proposed height and bulk does not appear to negatively impact on precinct urban design.
- The splayed form appears beneficial in terms of visual breakdown of tower mass from street vantage points, and maintaining adequate tower separation between development sites.
- There is general support for the apartment layouts which appear generous and functional.
- The overall building elevations and public interface elevations demonstrate a high level of façade depth and design quality. Urban design is highly supportive of the design direction of this proposal.

- We support the visual break-down of the bulky podium form through a shift in the grain of the façade grid.
- The podium carpark interface has been addressed in an appropriate and interesting way, which maintains some permeability.
- Further clarification and specification within the material palette is required to ensure the quality of materials is maintained to the construction phase of this project. This should include clarification of the specific finish selected for aluminium surfaces, and the pigmenting and texture of concrete finishes.

#### Officer comment

The proposal is supported by City Design, and the recommendation will include a condition requiring a façade strategy which will ensure the details of materials and finishes is provided as requested.

#### **6.1.2 City Design – Landscape**

The application was referred to City Design – Landscape and their comments can be summarised as follows:

- Support the proposed subject to the following:
  - Provision of more flexible open space on podium

The arrangement of the landscaped areas is mostly broken up into smaller intimate spaces. Though this approach is successful in the eastern side next to the library, we encourage that the area north of the pool be opened up to allow for communal use. This would enable wider range of potential uses to take place in the space as it is the only large outdoor communal space in the development.
  - Shade and plant suitability

Much of the podium landscape will be undercover. With this in mind we recommend that care be taken to select plant species that will do well in this covered environment especially on the eastern side.
  - Missing details

Further details and sections would be appreciated to better show the design of proposed elements such as bench seats and tiered Corten steel retaining walls shown on level 5.
  - Narrow planter beds

Several narrow planter beds are shown at the ground floor, especially at the northern edge which appear to be approximately 300 mm wide. We recommend that these planting beds be widened if possible, and that further information on planter dimensions and soil volumes be provided.
  - Terracotta pots

Several terracotta pots are located in the communal landscaped areas on level 5. We request further detail on the size, style and intended usage of these pots. We also query whether these pots could block circulation paths especially when placed next to doorways and narrow footpaths.



### Officer comment

The proposal is generally supported by City Design – Landscape. A condition for amended landscape plans will form part of the recommendation, addressing the above requirements as they relate to the detailed landscape design and layout.

In relation to the narrow planter beds along the northern edge, it is considered that this arrangement can be accepted as they are located within the glazed frontages of the home-office dwellings where a more active relationship is sought with the street. The landscaping achieved at the corners of the building, in addition to street tree planting, is considered to achieve a suitable landscape response to the northern frontage with Docklands Drive.

### **6.1.3 Traffic Engineering**

The application was referred to Traffic Engineering, their comments can be summarised as follows:

- The Melbourne Planning Scheme has a maximum limitation of 301 spaces, we have no objection to the proposed car parking provision of 184 spaces.
- To ensure that vehicles entering the site do not stop in the lane and obstruct pedestrians / traffic while waiting for the entry doors to open, the doors should be offset at least 5 m from the site boundary. Alternatively, the doors at / near the site boundary could be left open during peak periods.
- A comprehensive Loading Management Plan is required.
- The bicycle parking provision is generally supported provided they are designed in accordance with the Australian Standards and Planning Scheme requirements. However, the provision of visitor bicycle spaces should be contained within the site, bicycle parking on the footpath is not supported as it occupies valuable trafficable space for pedestrians.
- At least 6 motorcycle spaces should be provided on site. It is noted that the Parking Overlay Schedule 10 does not require the provision of motorcycle spaces.
- Sustainable transport options should be further explored such as car share and electric charging spaces.
- A Road Safety Audit should be prepared for the site.

### Officer comment

The recommendation for additional motorcycle parking facilities is noted however, it is not considered warranted in this case given the provision of the amount of spaces required by the planning scheme. Similarly, the requirement for car share facilities within the development is not warranted in this instance as they go beyond the requirements of the planning scheme and the Development Plan, also noting that the maximum car parking rates are not exceeded in this application.

All other matters form part of the conditions in the recommendation or have been addressed on the assessment plans.

### **6.1.4 City Infrastructure**

The application was referred to City Infrastructure, their comments can be summarised as follows:

- The proposed development includes construction of new portions of roads to the east, west and south side of the subject land. Prior to the occupation of

the development, these portions of road must be declared as Public Highways and vested in Council as Roads on plan of subdivision.

- The proposed development includes construction of a new park to the south of the subject land. Prior to the occupation of the development, the portion of land on which the park is to be built must be vested in Council as Reserve on plan of subdivision.
- Objection to the outward opening doors projecting into the road reserve to the east. The doors shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres should include the provision of a minimum of 2.0 metres long pedestrian refuge islands at 7.6 metre spacing.
- The proposed new park (including provision of paths, public lighting, hard and soft landscaping) must be constructed prior to the occupation of the development.
- The footpath adjoining the site along Docklands Drive to the north must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer.
- 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.

#### Officer comment

The above matters and other recommended standard conditions can be addressed through permit conditions.

#### **6.1.5 Waste Services**

The application was referred to Waste Services who advised the following requirements which are to be addressed as part of an amended waste management plan:

- Council has made some further decisions regarding future residential glass collections. Due to the density of the material, glass will be collected in the maximum bin size of 240 L. Accordingly, plans will need to be amended to show sufficient storage for 240 L glass bins, not 1100 L glass bins.
- Glass can be collected as a separate waste stream by a private operator until Council can collect this stream (as nominated in the WMP). However, this collection will be at the development's expense, as outlined in the 2021 Guidelines for Waste Management Plans.

Alternatively, Council can continue to collect glass in the commingled recycling bin (as per current practice) until dedicated glass bins become available. If this is the preferred option over engaging a private operator, it will be necessary to show 2 sets of waste generation rates. The first (interim stage) with a fully commingled recycling service (i.e. no separation of glass and the use of 1100 L commingled recycling bins), and a final stage (with glass separated and the use of 1100 L recycling bins plus 120 L or 240 L glass bins). Only a floor plan showing the final layout (with separate glass bins) is required given that configuration will take up the most floor space.



#### Officer comment

An amended Waste Management Plan is included as a permit condition in the recommendation which will address the outstanding glass waste storage and collection issues.

#### **6.1.6 Land Survey**

The application was referred to Land Survey, their comments can be summarised as follows:

- Confirmation should be obtained from City Infrastructure regarding the land status and requirements for the vesting of roads and reserves.
- The proposed canopies must comply with Council's Road Encroachment Guidelines.
- The Indicative Staging Plan within the Development Plan states that the Linear Park is to be delivered with the First Neighbouring Development. Further clarification should be obtained as to whether the proposal will incorporate the delivery / construction of the linear park.

#### Officer comment

The above matters are largely addressed by the comments made by Council's City Infrastructure team. The delivery of the linear park is discussed in greater detail in the assessment against the Development Plan in Section 7.1 of this report.

#### **6.1.7 Urban Forest and Ecology**

The application was referred to Urban Forest and Ecology, their comments can be summarised as follows:

- Overall, Urban Forest & Ecology has no objection to the application, given improved greening is proposed, subject to conditions being included in any permit issued.
- There are four existing public trees growing in footpath tree plots on Docklands Drive adjacent to the site's northern boundary, which are shown for retention. Additional street tree planting is identified on the Landscape Concept Plan, using the same species, as well as new species which are climate ready and acceptable.
- The use of connected tree plots and structural soils below sealed surfaces such as footpaths to increase soil volume is supported.
- Most impacts to public trees as a result of the development will result from demolition or construction works.
- A tree protection plan must be provided prior to commencement of works, along with other standard tree protection conditions.

#### Officer comment

The recommendation includes a requirement for a tree protection plan and associated protection conditions to ensure the health of the existing street trees during and post construction.

#### **6.1.8 Green Infrastructure and Environmentally Sustainable Design**

The application was referred to Council's Green Infrastructure and Environmentally Sustainable Design team, their comments can be summarised as follows:

- The development commits to a level of sustainability that meets the objectives of Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme.
- Additional evidence is required to demonstrate that the proposal achieves a 5 star Green Star benchmark.

#### Officer comment

A permit condition will be included in the recommendation for the endorsement of an amended Sustainability Management Plan, ensuring a certified 5 star Green Star rating and that these commitments are reflected on any architectural plans.

## **7 ASSESSMENT**

The key issues in the assessment of the application are:

- Whether the proposal is generally in accordance with the approved Development Plan.
- Whether the proposal complies with Clause 22.18 (Urban Design in the Docklands Zone).
- Whether the proposal meets the design objectives of DDO12 and DDO54.
- Traffic and parking.
- Environmentally sustainable design.
- Potentially contaminated land.
- Clause 58 (Apartment Developments).

### **7.1 Development Plan**

The proposed development is considered to be generally in accordance with the Development Plan. The following assessment outlines the compliance achieved by the proposal against the relevant provisions of the Development Plan:

#### **7.1.1 Section 3.4 – Building Access**

The proposal responds to Section 3.4 – Building Access as follows:

- The primary building access point is provided in the nominated primary access location along the northern alignment of the building to Docklands Drive, as shown in red below.
- Vehicle access is proposed on the east side of the building from the future service road, as shown in brown below.
- A secondary access point with a separate stair and lift core through the podium levels is provided on the western side of the building, as shown in orange below.
- Individual dwelling access is proposed along the north, west and south elevations of the building, as noted in pink below.



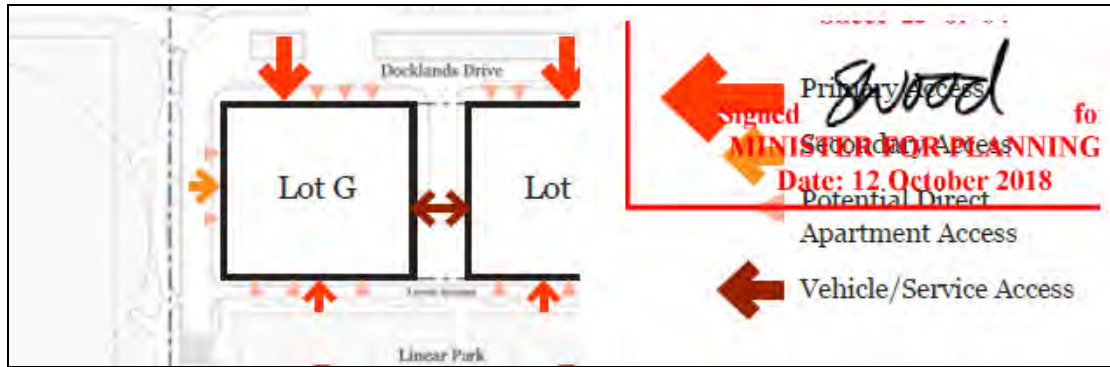


Figure 7: Building Access (Development Plan)

**7.1.2 Section 3.5 – Podium Heights & Setbacks**

The proposal responds to Section 3.5 – Podium Heights & Setbacks as follows:

- The podium is largely constructed to the north, east and west boundaries over five to six levels, which is generally consistent with the Development Plan.
- Varied setbacks of between 1 to 4.5 metres are provided over the ground and first floor levels around individual dwellings and their front courtyards and terraces. While exceeding the zero setback under the Development Plan, these larger setbacks do not undermine the overall presentation of the solid podium form and punctuate the individual dwellings by establishing a human scale at street level.
- The Development Plan indicates a 1.5 metre setback to be provided to the south facing the linear park. The proposal provides varied setbacks of between 1 to 4.5 metres. Similar to the other interfaces, the varied setbacks and partial encroachments into the 1.5 metre setback are considered appropriate when considered in the context of the development as a whole. The individual dwellings are provided with landscaped terraces and legible entry points along the lower levels of this interface, while the terraces and balconies above provide visual interest and passive surveillance of the public realm.

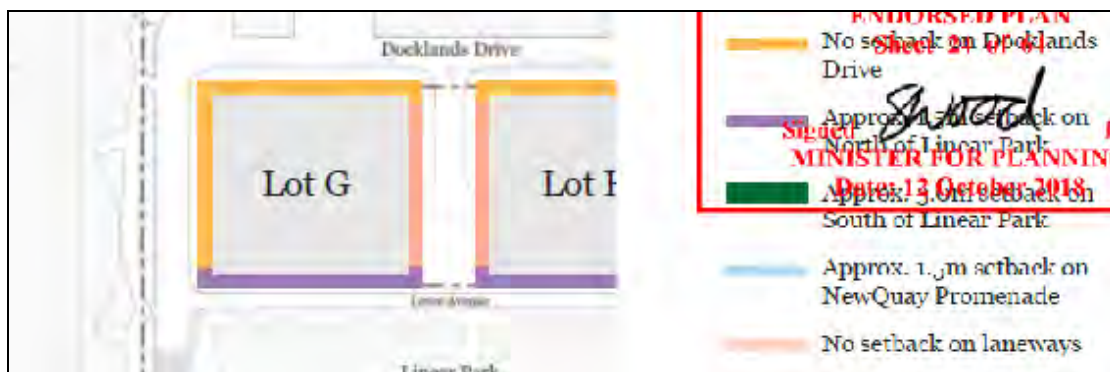


Figure 8: Podium Heights and Setbacks (Development Plan)

**7.1.3 Section 3.6 – Maximum Building Heights**

The proposal responds to Section 3.6 – Maximum Building Heights as follows:

- The Development Plan provides for a maximum podium height of up to 20 metres (4-6 levels) to the linear park and 25 metres (6-8 levels) to Docklands Drive and Ron Barassi Senior Park.
- The podium proposes a height of 21.4 m (6 levels) which is considered generally in accordance with the height sought by the Development Plan. While there is a

slight exceedance of the 20 metre podium height to the linear park, this would enable a legible reading of the podium form and would not unacceptably impact on the amenity of the future public realm or adjoining developments.

- The Development Plan indicates a maximum tower height of 75 metres. The proposed tower is 75.57 m in height, which is considered generally in accordance with the Development Plan. The encroachment of 0.57 metres is considered negligible and would not contribute to a visually dominant building form, or unreasonable additional overshadowing of the public realm.

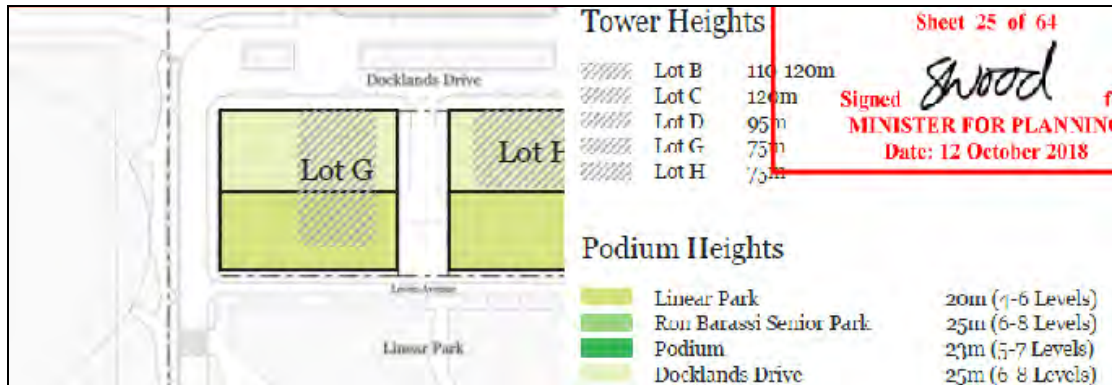


Figure 9: Maximum Building Heights (Development Plan)

#### 7.1.4 Section 3.7 – Tower Design Principles

The proposal responds to Section 3.7 – Tower Design Principles as follows:

- The Development Plan provides two indicative options for tower form, envelope and general siting which are shown below and include provision for up to 50% of the tower to be constructed along the boundary with Docklands Drive. The proposed tower has an angled envelope, which is partially constructed along the northern boundary for a length of 24.5 metres (49%) and eastern boundary for a length of 18 metres (39%).
- While varying the indicative envelopes, the proposed tower is considered to be generally in accordance with the Development Plan and consistent with the relevant principles for Lot G. The angled form of the envelope and the varied setbacks provided achieve a visually interesting and articulated form, which references the approved Lot H building in what would form a pair as they present to the wider context. The tower envelope also achieves improved views of the water and public open spaces as sought by the Development Plan, while avoiding unreasonable overshadowing of existing and future public open spaces as discussed further below.



Figure 10: Tower Design Principles (Development Plan)



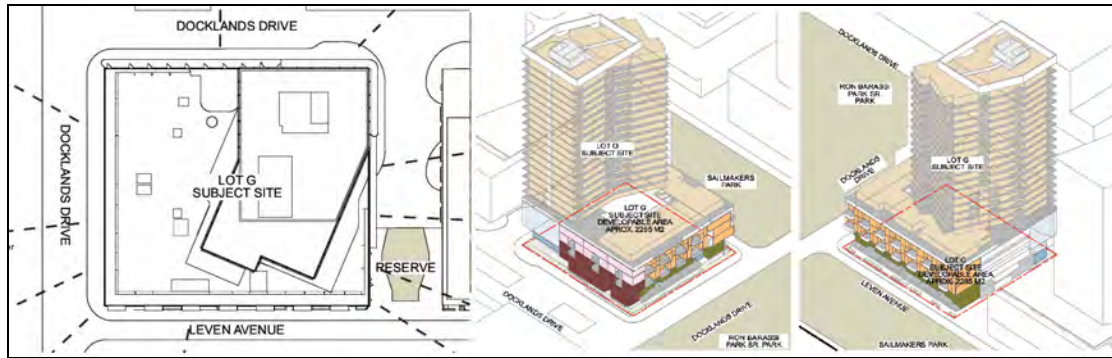


Figure 11: Proposed tower design plan and diagrams (Applicant)

### 7.1.5 Section 3.8 - Wind Design Criteria and Section 3.9 - Wind Mitigation Design

The proposal responds to Section 3.8 - Wind Design Criteria and Section 3.9 - Wind Mitigation Design as follows:

- The Development Plan seeks to achieve walking conditions along Docklands Drive, and walking and stationary conditions within the linear park. The Development Plan refers to additional wind mitigation measures including awnings, airlocks and locations of pedestrian entries.
- A wind report was prepared by MEL Consultants and submitted with the application demonstrating compliance with the required criteria, which includes measures such as awnings and barriers at key locations to mitigate downdrafts. The measures have been appropriately incorporated into the building design so they do not detract from the public realm, and appear as integrated architectural features.

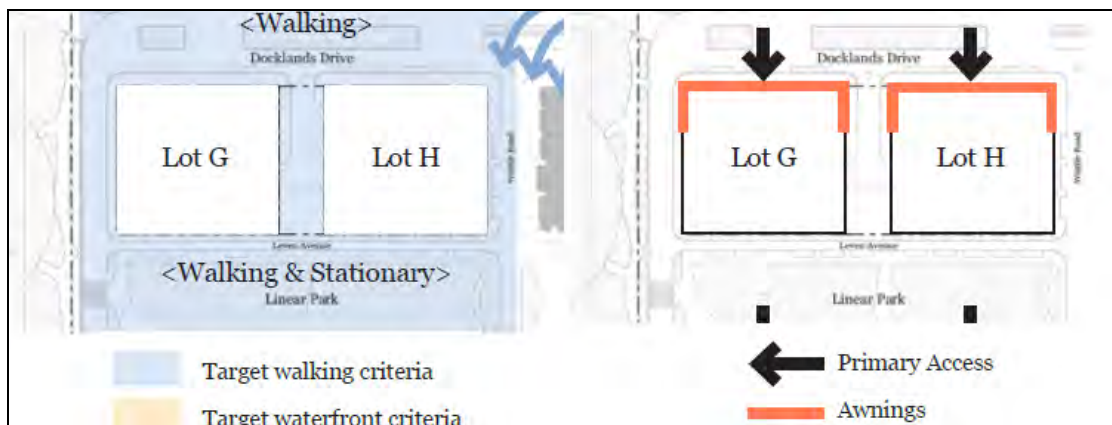


Figure 12: Wind Design Criteria and Wind Mitigation Design (Development Plan)

### 7.1.6 Section 3.10 - Shadowing

The proposal responds to Section 3.10 - Shadowing as follows:

- The overshadowing provisions of the Development Plan seek to manage overshadowing impacts on the two key public open space areas – Ron Barassi Senior Park, and the future linear park.
- The angled tower form results in a varied shadowing outcome than what is anticipated in the Development Plan, which is similar to the outcome reached in the approval of a similar tower alignment in Lot H to the east. The result is an increase in the amount of shadow cast at certain times in the prescribed period,

and a reduction in others. The overall outcome is an increase in the amount of shadow to the linear park at an average of 74 square metres per hour, and a decrease in the amount of shadow to the Ron Barassi Senior Oval by an average of 19 square metres per hour.

- When viewed holistically, with the extent of shadow from the approved Lot H, it is considered that the extent of overshadowing to public open spaces is acceptable and generally in accordance with the Development Plan. As outlined above, the proposal is generally in accordance with the height and setback requirements for the podium and tower elements. The additional shadow is caused by minor variations to the podium height and angled tower envelope. While the total area is increasing, the actual length and location of the shadows would maintain appropriate areas which receive sunlight, particularly during the typical lunch hours. As such it is not considered that the additional shadowing would unreasonably detract from the amenity of the linear park.
- It is also noted that the proposal continues to represent a notable improvement on the original 2007 Development Plan in relation to shadowing of the linear park, which is a key outcome achieved by the current Development Plan.

LOT G OVERSHADOWING TO: RON BARASSI SR. OVAL (FUTURE PARK)			LOT G & H OVERSHADOWING TO: SAILMAKER'S PARK		
TIME	NQW DEV. PLAN SHADOW TO PARK (M <sup>2</sup> )	PROPOSED SHADOW TO FUTURE PARK (M <sup>2</sup> )	TIME	NQW DEV. PLAN SHADOW TO PARK (M <sup>2</sup> )	LOT G & H SHADOW TO SAILMAKER'S PARK (M <sup>2</sup> )
11 AM	562	467	11 AM	451	754
12 PM	0	-	12 PM	1,482	1,375
1 PM	0	-	1 PM	1,725	1,662
2 PM	0	-	2 PM	1,985	2,061
3 PM	0	-	3 PM	2,744	2,905
TOTAL 11AM-3PM	562	467	TOTAL 11AM-3PM	8,387	8,757
AVERAGE PER HOUR	112.4	93.4	AVERAGE PER HOUR	1,677.4	1,751.4

Figure 13: Shadow comparison tables

### 7.1.7 Section 3.11 - Interfaces

The proposal responds to Section 3.11 - Interfaces as follows:

- The linear park interface (purple) is consistent with the Development Plan, with setbacks provided to accommodate articulated landscape zones around individual dwelling entries. The design of fencing and terracing achieves a clear delineation between the public and private realm, while maintaining adequate passive surveillance of the future road and linear park. The dwelling layout and punctuated facades achieve the desired townhouse presentation to this interface.
- The northern and western interfaces (orange) is consistent with the Development Plan design principles for Docklands Drive. Individual facades are provided to the boundary with direct entries to dwellings, with flexible mixed use or office spaces along the northern elevation and elevated residential spaces along the western elevation. Awnings are provided to each interface.
- Services are predominately located along the eastern interface (hatched black) to the future service road, consistent with the Development Plan.

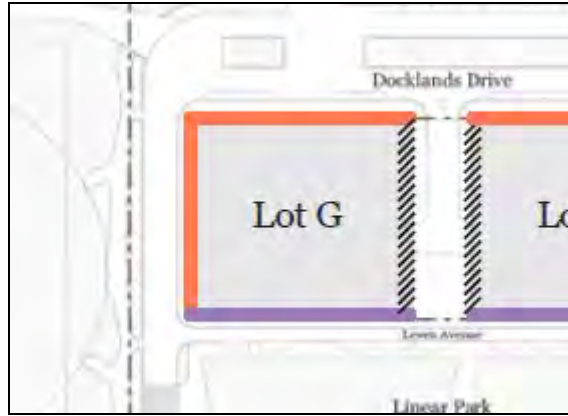


Figure 14: Interfaces (Development Plan)

**7.1.8 Section 4.1 - Vehicle Access and Public Car Parking**

The proposal responds to Section 4.1 – Vehicles Access and Public Car Parking as follows:

- The proposed loading / car parking entry (orange arrow) is located on the eastern side via the future service road, in accordance with the Development Plan. The presentation of the building to north and south is consistent with their respective roles as primary and small streets.

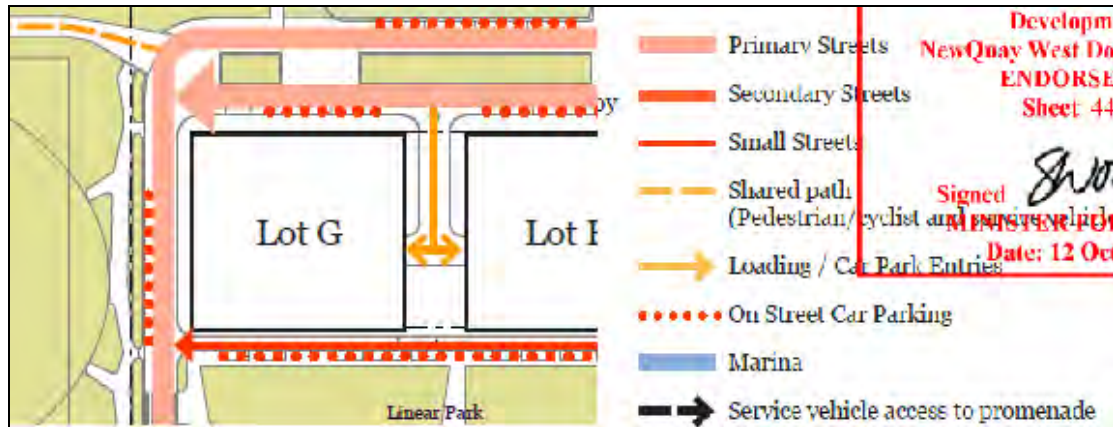


Figure 15: Vehicle Access and Car Parking (Development Plan)

**7.1.9 Section 4.2 - Pedestrian, Bicycle & Public Transport**

The proposal responds to Section 4.2 – Pedestrian, Bicycle & Public Transport as follows:

- The proposal is consistent with the Development Plan from a pedestrian, bicycle and public transport perspective. The identified pedestrian paths around the site will be provided and enhanced by the building’s presentation and functional layout to each side, while the safe and efficient layout toward the eastern service road will provide for the minor pedestrian connection through this space.



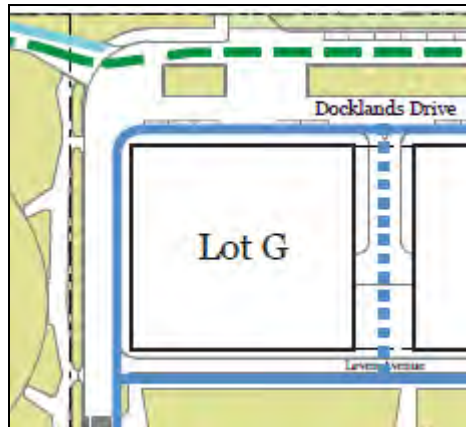


Figure 16: Pedestrian, Bicycle and Public Transport (Development Plan)

### 7.1.10 Section 4.3 – Sections

The proposal responds to Section 4.3 – Sections as follows:

- Section diagrams are provided in the Development Plan that generally provide details of relevant setback, car parking, road and landscape zones. These design principles will be delivered alongside the construction of the proposed development and in accordance with the requirements of other relevant Council departments, primarily City Infrastructure, and associated conditions found in the recommendation.

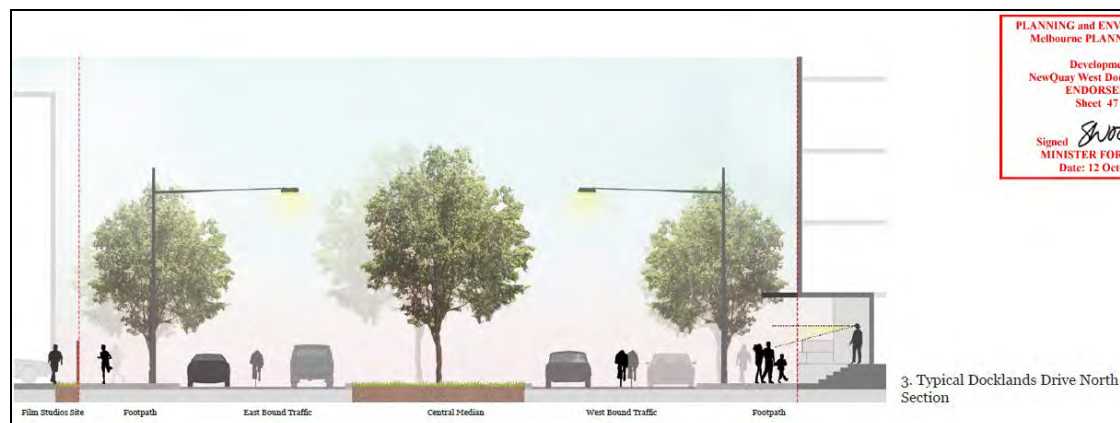


Figure 17: Sections (Development Plan)

### 7.1.11 Section 5 - Landscape Plan

The proposal responds to Section 5 – Landscape Plan as follows:

- The Development Plan provides general guidance for landscaping and materials to be used within the public realm.
- The proposed private and public realm has regard to the requirements stipulated in the Development Plan noting there has been some minor departure with regard to the pick up / drop off location to the east.
- Conditions in the recommendation will address the detailed landscape design and layout, as set out in the above comments from Council’s City Design – Landscape team.



Figure 18: Landscape Plan (Development Plan)

### 7.1.12 Section 6.1 - Indicative Staging Plan

The proposal responds to Section 6.1 – Indicative Stage Plan as follows:

- The development of Lot G is consistent with the staging plan, with the submitted staging plan indicating that it will occur as part of either stage 2 or 3.
- It is noted a planning permit has been issued for Lot H which included the requirements for the delivery of the entire linear park, which the Development Plan states should be delivered with the first building in the precinct. While this is understood to remain the case, with Lot H shown as Stage 1 on the submitted staging plan, a condition will be included within the recommendation to ensure the park is delivered in the event the Lot G building is constructed first.

### 7.1.13 Section 6.2 - Indicative Development Schedule

The proposal responds to Section 6.2 – Indicative Development Schedule Plan as follows:

- The Development Plan lists an indicative development schedule for building height, GFA, approximate number of dwellings and maximum car parking numbers.
- The indicative details for Lot G are a 75 metre building height, a 24,000 m<sup>2</sup> GFA and between 200 to 230 dwellings. There is also a maximum rate of 1.5 cars per dwelling applicable to the entire precinct, which mirrors the rates of the Parking Overlay, Schedule 10.
- The proposal is generally consistent with the above numbers having a 75.57 metre maximum building height, a total of 192 dwellings and a rate of 0.96 cars per dwelling.
- It is acknowledged GFA of 26,495 m<sup>2</sup> exceeds the indicative 24,000 m<sup>2</sup> identified for Lot G. However, the key measurement is the cumulative GFA across the precinct which must not exceed 186,690 m<sup>2</sup> under the Development Plan. This will require the remaining buildings being reduced to remain within the overall maximum GFA for the precinct. The application documents have indicated that the development of Lot D in a later stage will accommodate a slightly smaller building than what is anticipated under the Development Plan to offset the increased GFA through the current proposal.

## 7.2 Clause 22.18 – Urban Design within the Dockland Zone

Clause 22.18 (Urban Design within the Docklands Zone) seeks to achieve design excellence and integration for land within the Docklands Zone, encouraging diversity and complementary design between buildings and public spaces to achieve a unique character and sense of place.

The proposal is assessed against the relevant policy themes of this clause below:

### 7.2.1 Street frontages, pedestrian access and vehicle networks

The proposal provides activated frontages to both the existing and future roads and the central linear park through a high standard of architectural expression, integrated landscaping and a resolved building program. The development emphasises a human scale around the podium with varied articulation but a uniform use of masonry materials, which creates a legible and visually interesting form at a highly visible corner of the precinct. The combination of varied setbacks and integrated landscaping serve to identify residential and communal access points, while also softening the appearance of the built form to the public realm. The integration of the frontages and the provision of splays and canopies around the building edges provides legible transition points around the development, and establishes functional links between the other buildings within the precinct.

The car parking area contained in the podium is appropriately sleeved by active residential uses to minimise the visual impact of car parking structures on the streetscape and new linear park. Vehicle and service access is provided from the future eastern service road in accordance with the Development Plan, ensuring the desired residential and landscaped interfaces can be achieved to Docklands Drive and the future linear park. The design of the access arrangement maintains pedestrian links around the building and will enhance the wider movement network.



Figure 19: Southern frontage presentation to future linear park (Applicant)

### 7.2.2 Response to Melbourne's Central Activities District

The proposal will contribute to the distinct character of the precinct and wider Docklands area. The delivery of integrated residences and landscaping within the private and public realm responds to the vision for the precinct. The articulation of the building includes varied masonry sections of the podium and raised, splayed corners enhancing views to public parks and roads and delivering a legible built form response to the public realm. Landscaping works within the public realm and the building will be ensured through recommended conditions for the endorsement of



landscape plans, subject to modifications and clarification requested by Council's City Design – Landscape team.

### 7.2.3 Focused on the water

The proposal does not have a direct interface with the waterfront however, as part of the New Quay West precinct, it does play a role in its immediate surrounds and backdrop.

The angled form of the tower enables enhanced views towards the water and the broader precinct, as sought by the Development Plan. Access to the waterfront from the broader precinct will be facilitated through the program of the building at street level, establishment of primary and secondary pedestrian pathways around the building as well as the provisions of splays which will contribute to visibility from key roads and public parks.

### 7.2.4 Focused on the public realm

As demonstrated through its compliance with the relevant provisions of the Development Plan as discussed in Section 7.1, the proposal is considered to contribute to an enhanced public realm. Opportunities for social spaces and public activity are included within the development through communal spaces, while suitable interfaces are achieved to larger public spaces in the precinct such as the Ron Barassi Senior Park and the future linear park. This has been achieved through the provision of integrated landscaping and terraces around individual dwelling entries, activation and passive surveillance from dwellings and balconies, as well as opportunities for seating and meeting points around sheltered spaces. As discussed in the assessment against the Development Plan, the proposal is generally in accordance with provisions relating to overshadowing and wind impacts which demonstrates an acceptable outcome for amenity of the public realm.

### 7.2.5 Diverse and integrated

The proposed building is considered to contribute to the diversity and quality of architecture in the precinct and wider area. This has been well achieved by the proposal being designed by a different architect to Lot H in accordance with Section 3.7 of the Development Plan.

The design adopts a fine grain pattern of detailing, arranged in a variety of expressions throughout the podium while using a more uniform approach around the tower above. The alignment of the angled tower enables enhanced views of the water while maintaining vistas within the surrounding area as sought by the Development Plan.



Figure 20: Diversity of façade expression (Applicant)

External materials are predominantly masonry in warm, neutral colour finishes which reinforce the residential nature of the building as well its location at the corner of the precinct with immediate interfaces to public open space areas. The expressed grid detailing achieves visual interest and depth around the angled tower form. Aluminium finishes are included as a secondary material for balustrades, screens and accents.

The podium is broken up into distinct segments around each side of the building through varied detailing, such as the more open glazed treatment of the commercial spaces. The north-eastern corner is provided with a similar expression from the podium up to the tower form which achieves a robust definition of this key juncture. The rooftop services are contained within a continuation of the masonry finishes to achieve a seamless presentation and minimise their presence within the skyline.

### **7.3 Design and Development Overlay**

#### **7.3.1 Schedule 12**

The subject site is affected by Design and Development Overlay Schedule 12 which seeks to ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels.

An acoustic report prepared by Acoustic Logic was submitted with the application having regard to the DDO12, which requires new residential development to include measures that ensure a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the facility. The report makes general recommendations for glazing, roof / ceiling and external walls in order to comply with the requirements of DDO12. The recommendation includes a condition to ensure endorsement and compliance with the submitted acoustic report.

#### **7.3.2 Schedule 54**

Schedule 54 to the Design and Development Overlay states that a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met.

The subject site is in Area 2 within the DDO54, where a 75 metre preferred height limit applies except for entertainment venues and a single tower development. The proposal has a maximum height of 75.57 metres and therefore requires a permit. Any application to exceed this height must demonstrate how the proposal meets the Design Objectives of the overlay, which are:

- To provide for a complementary mix of medium and high rise development within the Precinct.
- To provide continuous public access along the waterfront area adjoining Moonee Ponds Creek and Victoria Harbour.
- To facilitate innovative buildings and structures relating to the Waterfront City precinct for entertainment purposes.
- To ensure the conservation of the general form of Victoria Harbour.

The proposal represents a minor encroachment of 0.57 metres above the preferred maximum height under the overlay, which is not considered to pose any unreasonable visual impact on the area nor undermine the proposal's compliance with the above objectives. The siting and massing of the proposal, as well as its articulation and material expression, ensures it would sit comfortably within the precinct and wider Docklands setting. The additional height would also not give rise

to any unreasonable amenity impacts to the public realm, or to future buildings within the precinct.

## **7.4 Traffic and Parking**

### **7.4.1 Car Parking**

As outlined throughout this report, the requirements for car parking provision for this application are contained within the Parking Overlay (Schedule 10) as well as the Development Plan.

The applicable rates within the Parking Overlay are for 1.5 spaces per dwelling, which equates to 288 spaces for the 192 apartments. There is also a rate of 3 spaces per 100 square metres of office floor area, which equates to 13 spaces for the 442 square metres of office area. This comes to a total maximum of 301 spaces under the overlay.

The development provides a total of 184 spaces broken down into 181 spaces for dwellings and 3 spaces for offices. These rates are well below the maximum rates of the Parking Overlay and accordingly, a permit is not required.

The Development Plan also indicates a maximum rate of 1.5 spaces per dwelling, which the proposal is generally in accordance with. It is also noted that Council's Traffic Engineers have no concern with the proposal on car parking grounds.

### **7.4.2 Bicycle Parking**

The proposal provides bicycle parking spaces in excess of the statutory requirement, and are designed and dimensioned to satisfy the relevant Australian Standard and Planning Scheme requirements. To address the concern raised by Council's Traffic Engineers in relation to the impact of on-street bicycle facilities on the public realm, a condition is recommended to remove visitor bicycle parking from Docklands Drive and accommodate them within the development site.

### **7.4.3 Waste Services**

A revised Waste Management Plan has been submitted to and reviewed by Council's Waste Services team, with outstanding matters limited to the storage and collection arrangements for glass waste. These are considered capable of being addressed through a permit condition for an amended Waste Management Plan.

## **7.5 Environmentally Sustainable Development**

The proposal is considered capable of achieving an appropriate response when assessed against Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme, through the submission of an ESD statement outlining sustainable design measures that will be implemented within the development.

As noted in Section 6.1.8 of this report, Council's ESD Officer has noted that further details are required to ensure the commitments within the Sustainability Management Plan are achievable. The endorsement of an amended ESD Statement is provided for within the recommendation to ensure the commitments are achievable and appropriately evidenced.

## **7.6 Potentially Contaminated Land**

Pursuant to Clause 37.05-8 (Docklands Zone), before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for



which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A Statement of Environmental Audit, issued by Senversa Pty. Ltd. has been submitted with the application.

A standard Environmental Audit condition is requested as a part of the recommendation. It is also recommended via a proposed condition for a Section 173 Legal Agreement to ensure the public parks and future assets are remediated before being vested to Council.

## **7.7 Apartment Developments**

The proposal has been generally designed to comply with Clause 58 – Better Apartment Design Standards including functional layouts, room depths, window locations, storage, natural ventilation, private open space, accessibility and circulation.

Where Clause 58 Standards are not met, an assessment against the objectives and decision guidelines is provided below:

### **7.7.1 Landscaping – Clause 58.03-5**

The proposal does not include the 10% deep soil area and associated deep soil canopy tree planting required by Standard D10.

The Development Plan provides important context in considering the objectives and decision guidelines of this clause. As opposed to a typical site developed in isolation, the site forms part of a precinct with a formalised direction for landscaping to contribute to the urban context of the area and reducing the visual impact of built form. The precinct includes the Ron Barassi Senior Park and the future linear park which go beyond what would be required to comply with Standard D10 for the overall precinct. The delivery of these spaces is provided for in the Development Plan and in light of this, it is considered appropriate to vary the requirements of this standard in relation to deep soil areas and planting.

It is further noted that the proposal includes integrated landscaping throughout the building at ground level and the podium levels, in particular the communal open space areas which feature planter beds and terracotta pots which will enhance the landscape setting of the area. The proposal will provide for the retention of street trees along Docklands Drive, and will also include new street tree plantings around the building using species which are supported by Council's Urban Forest and Ecology team.

When viewed as a whole, the development contributes to an increase in canopy tree cover and enhances the landscape character of the area. A variation is therefore considered acceptable.



Figure 21: Landscape masterplan (Development Plan)

### 7.7.2 Building Entry and Circulation – Clause 58.05-2

Building entrances and circulation spaces are generally constructed to comply with Standard D18, with the exception of one corridor space at level 1 associated with the secondary stair and lift core which is not provided with a source of natural light and ventilation.

A variation is considered appropriate noting that this small corridor (approximately 8 metres in length) serves as the entrance to only one dwelling at the south-western corner of the building, and is not symptomatic of a wider deficiency in the building layout as all other corridors are provided with access to daylight and ventilation as required by the standard.



Figure 22: Secondary level 1 corridor (Applicant)

### 7.7.3 Private Open Space – Clause 58.05-3

The majority of balconies and terraces to each dwelling achieve compliance with the requirements of Standard D19 in relation to their area, minimum dimensions and layout. However, there is one apartment on each level of the tower which falls short of the standard due to its location on the angled 'elbow' of the tower (see below) where the building peels away from the eastern boundary.

While the apartments are provided with over 8 square metres of private open space, the angle of the balcony encroaches into the edge of the area which is provided with the required minimum internal dimension of 2 metres. The minor variation of approximately 0.8 square metres to one area of these balconies is considered acceptable, as it would not unreasonably impact on the function and recreational

capacity for future residents. The balconies are supplemented by their narrower extension along the bedrooms.

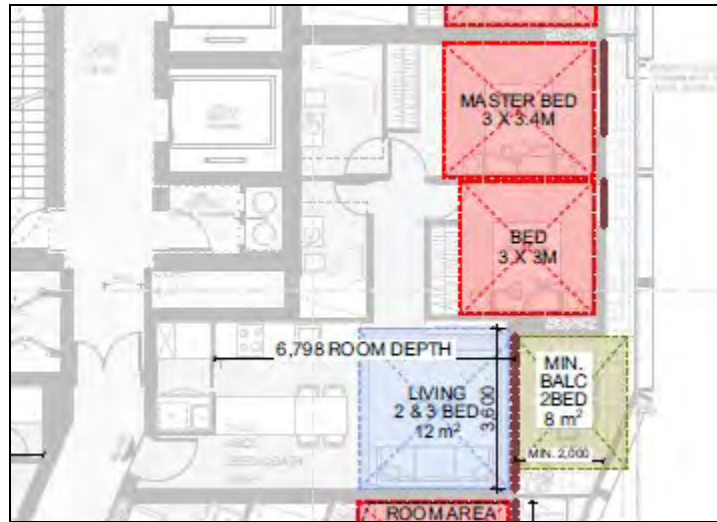


Figure 23: Tower apartment balcony variation (Applicant)

**7.7.4 Storage – Clause 58.05-4**

The plans demonstrate that adequate areas are put aside for storage space within individual apartments, while indicative storage areas are provided at basement level for external residential storage. A condition of permit is recommended to ensure the allocation of external storage spaces accords with Standard D20.

**7.7.5 Functional Layout – Clause 58.07-1**

The proposal provides compliant bedroom and living area dimensions as required by Standard D25 however, similar to the variation for Standard D19, seeks variations in relation to the apartments located on the elbow of the tower. Due to the angled alignment the master bedrooms of one apartment on each level of the tower falls short of the minimum 3.4 metre dimension at its south-eastern corner (see below), at a length of approximately 3.25 metres.

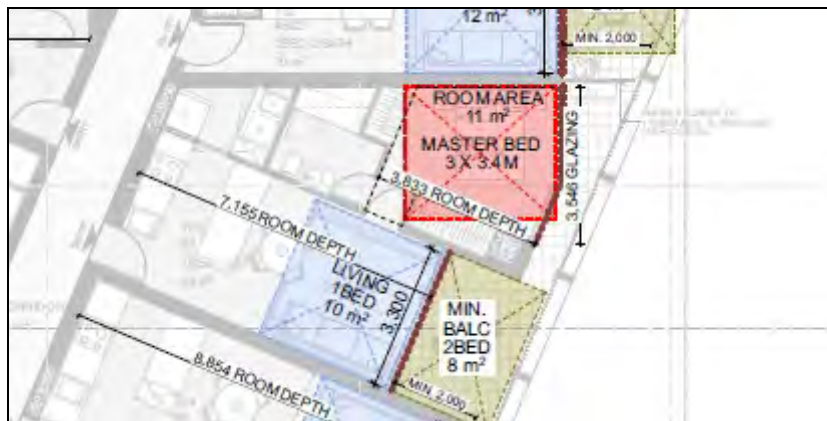


Figure 24: Tower apartment master bedroom variation (Applicant)

A variation is considered acceptable for this minor shortfall, which is not considered to unreasonably impede on the function and amenity of the bedrooms. The layout and dimensions of the bedroom are ample for a bed, storage and circulation space. The apartments are otherwise provided with compliant living areas and private open space.



### 7.7.6 Room Depth – Clause 58.07-2

The depth of single aspect living rooms complies with Standard D26 with the exception of two apartments located in the podium. These living areas have depths exceeding 9 metres from the window between approximately 9.2 to 9.5 metres.

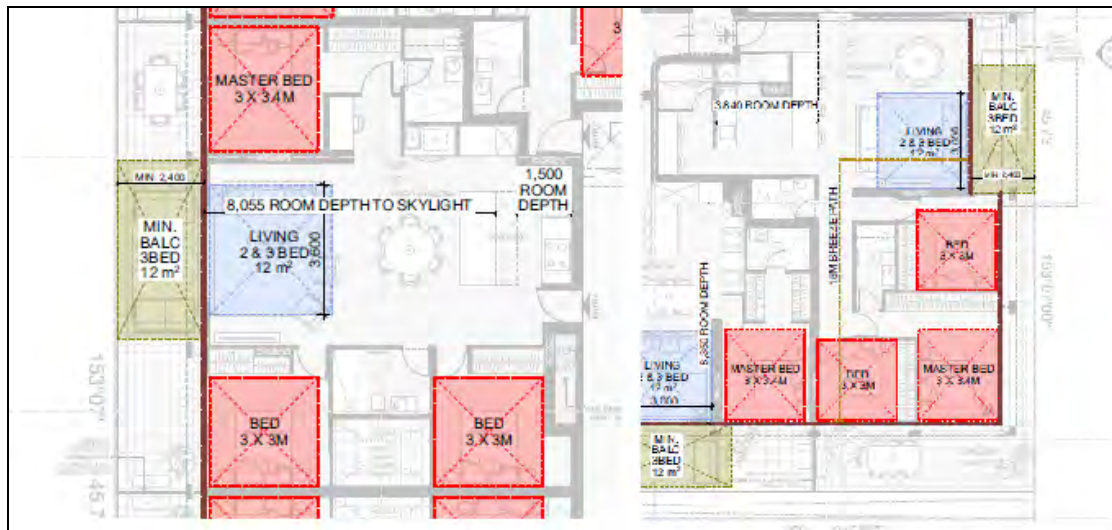


Figure 25: Podium apartment room depth variation (Applicant)

While these living areas exceed the maximum depth under the standard, they form part of an apartment layout which is generous overall with large floor plates and balcony areas which greatly exceed the minimum area required by Standard D19. The living rooms are also provided with skylights or glass brick walls onto the communal open space area to enhance access to daylight in these areas. A variation is therefore considered acceptable.

### 7.8 Conclusion

The proposed development demonstrates compliance with the relevant planning policy framework, the anticipated development set out by the NewQuay Development Plan and will make a positive contribution to the broader Docklands area. It is considered that the proposal should be supported subject to conditions.

## 8 RECOMMENDATION

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

### Amended Plans

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Freadman White Architects, Revision A dated 12 April 2022, but amended to show:
  - a) The allocation of external storage in accordance with Standard D20 of Clause 58.05-4 (Storage).
  - b) Deletion of visitor bicycle parking spaces within the Docklands Drive road reserve, to be relocated within the site in accordance with the requirements of Clause 52.34 (Bicycle Facilities) of the Melbourne Planning Scheme.
  - c) Service doors alongside the footpath of the eastern service road design to open inward or otherwise redesigned so as not to impede on the road.

- d) Crossings wider than 7.6 metres to include the provision of a pedestrian refuge island with a minimum length of 2.0 metres.
- e) All projections over future street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.
- f) Any changes as a result of the Waste Management Plan required by condition 19 of this permit.
- g) Any changes as a result of the Environmentally Sustainable Design Statement required by condition 21 of this permit.
- h) Any changes as a result of the Landscape Plan required by condition 23 of this permit.
- i) Annotations to accord with the Wind Report required by condition 25 of this permit.
- j) Annotations to accord with the Acoustic Report required by condition 26 of this permit.

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

#### **Endorsed Plans**

- 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.

#### **Construction Management Plan and Tree Protection Plan**

- 3. Prior to the commencement of the development, excluding demolition or bulk excavation, a detailed construction management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
  - a) Public safety, amenity and site security.
  - b) Operating hours, noise and vibration controls.
  - c) Air and dust management.
  - d) Stormwater and sediment control.
  - e) Waste and materials reuse.
  - f) Traffic management.
  - g) A Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
    - i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestryvisual.com.au>).
    - ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.

- iii. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
- iv. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
- v. Full specifications of any pruning required to public trees with reference to marked images.
- vi. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

#### **Public tree protection**

4. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.
5. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

#### **Façade Strategy**

6. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
  - c) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
  - d) Information about how the façade will be accessed and maintained and cleaned, including any planting.
  - e) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
  - f) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical



sample board with coding. It should address but not be limited to the following items:

- i. Clarification of the specific finish selected for aluminium surfaces.
- ii. The pigmenting and texture of concrete finishes.

### **Drainage of projections**

7. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

### **Drainage system**

8. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by City of Melbourne – City Infrastructure. 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.

### **Groundwater management**

9. 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.

### **Public realm**

10. The public realm must be designed and constructed in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.

### **Vesting of roads and park**

11. Prior to the occupation of the development, new portions of road associated with the development must be declared as Public Highways and vested in Council as Roads on the plan of subdivision to the satisfaction of the City of Melbourne.
12. Prior to the occupation of the development, the land on which the southern linear park is to be constructed must be vested in Council as a Reserve on the plan of subdivision to the satisfaction of the City of Melbourne.

### **Demolish and construct access**

13. Prior to the commencement of the 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 City of Melbourne – City Infrastructure.

### **Street works required**

14. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne - City Infrastructure.

### **Street levels not to be altered**

15. Existing street levels must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from City of Melbourne – City Infrastructure.

### **New park**

16. The proposed new park (including provision of paths, public lighting, hard and soft landscaping) must be constructed prior to the occupation of the development in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure and Parks and City Greening.

### **Sawn bluestone footpath**

17. The footpath adjoining the site along Docklands Drive to the north must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

### **Public lighting**

18. 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 all streets and parks. 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 the City of Melbourne - City Infrastructure.

### **Waste Management Plan**

19. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be submitted and then approved by the Melbourne City Council – Waste Services. The WMP must be in accordance with the submitted Waste Management Plan prepared by Traffix Group dated April 2022, but amended to:

- a) Show sufficient storage for 240 L glass bins separated from the 1,110 L recycling bins with subsequent updates to the waste generation rates and collection frequencies.

Once approved, the WMP will be endorsed to form part of the permit. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Waste Services.

### **Road Safety Audit**

20. A formal independent Road Safety Audit must be undertaken prior to construction of the development, including assessment of internal layout, access arrangements, loading management arrangements, pedestrian / bicycle access / movements within the site and in the public realm, and assessment of potential conflicts between vehicles / pedestrians / cyclists, to assess the road safety issues affecting all road users. The findings of the Audit should be incorporated

into the design at the developer's expense to the satisfaction of the City of Melbourne – Traffic Engineering.

### **Environmentally Sustainable Design (ESD) Statement**

21. 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 be in accordance with the Sustainability Management Plan prepared by ADP Consulting dated December 2021, but amended to:

- a) Include a commitment to achieving a certified 5 star Green Star rating with the GBCA.
- b) Further evidence to demonstrate the level of commitments are achievable and the amended report must revisit the Green Star pathway.

This ESD report must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

### **Implementation of Environmentally Sustainable Design (ESD)**

22. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

### **Landscape Strategy – On-Site (Lot G)**

23. Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works, an amended landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority. The landscape plan must be generally in accordance with the Landscape Plans prepared by Aspect Studios dated December 2021 and Eckersley Garden Architects dated November 2021, but amended to:

- a) Any amendments required by Condition 1 of this permit.
- b) Maximise the open area within the northern communal terrace to increase opportunities for multi-purpose use.
- c) Locate pots and other planting structures so as to minimise their impact on pedestrian and resident circulation.
- d) Confirm the design of planters on the structure, growing medium type and preparation, depths and volumes.
- e) Show the location and number of all plants, and include schedules of plant names and supply sizes, including species which are shade tolerant where located under shelter on the podium communal area.



- f) Include typical design details for seating, benches, retaining walls, terracotta pots and planter boxes.
- g) Provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion and a Landscape Irrigation Performance Specification.

This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

### **Landscape Strategy – Off-Site**

24. Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the City of Melbourne. This plan must provide further detail and evolution of all off-site open space as necessary. This is to be resolved through a brief from Council's City Design department that builds on the endorsed *NewQuay West Docklands Development Plan 2018* and incorporates Council's Docklands guidelines as relevant. The key sequential design stages must be as follows, each with formal comment and approval from City of Melbourne:

- a) Landscaping to the satisfaction of the City of Melbourne and demonstrates compliance with requirements and staging of the approved Development Plan.
- b) Further design and landscaping measures to ensure the Wattle Road interface and shared zone supports pedestrian activity.
- c) Confirmation of the brief (prepared and provided by City of Melbourne), inputs, outputs and program.
- d) Draft and final Schematic Design.
- e) Draft and final Design Development.
- f) Draft and final Construction Documentation.
- g) Construction, Handover and Maintenance requirements.

This landscape plan must be to the satisfaction of the City of Melbourne and when approved shall form a part of the endorsed plans of this permit.

### **Wind Report**

25. Prior to the commencement of the development (excluding bulk excavation and basement works) wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. An amended report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must be updated to reflect any changes as a result of condition 1 of the permit 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.

### **Acoustic Report**

26. Prior to commencement of the occupation of the dwellings the recommendations contained within the Acoustic Report prepared by Acoustic Logic dated March 2022 must be implemented at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

### **Acoustic testing**

27. Prior to the occupation of the dwellings, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must verify that the maximum noise levels specified are achieved, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Melbourne City Council prior to commencement of the use.

### **Legal agreement for vesting**

28. Before the development starts, excluding preliminary site works, and any clean up works, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The owner of the land must pay all of the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must:

- a) Should this building be the first neighbouring development constructed alongside the Linear Park (Park) as set out within the *NewQuay West Docklands Development Plan 2018*, deliver the construction and completion of the entire Park, and landscaped road reserves abutting Lot G by the Owner, in accordance with plans and specifications approved by the City of Melbourne – City Infrastructure and Parks & City Greening, prior to vesting in Council in accordance with paragraphs (b) and (c).
- b) Provide that vesting of the Park must take place, at the latest, six months after the occupation of the building constructed pursuant to the Permit, or such extended period as agreed with the Council.
- c) Provide that vesting of the Reserve must take place prior to the occupation of the development pursuant to the Permit, or such extended period as agreed with the Council.
- d) Ensure that prior to the time of vesting, the Park and the Reserve have been subject to an Environmental Audit pursuant to Condition 29 of this permit.

### **Environmental Audit**

29. Prior to the commencement of the development, a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.

If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development, an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3,

Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:

- a) State the site is suitable for the use and development allowed by this permit.
- b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Melbourne City Council under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

#### **Features above roof level**

30. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

#### **Development time limit**

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

The Responsible Authority may extend the 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 permit expired.

#### **Permit Notes**

##### **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

##### **Building Works to Accord with Planning Permit**

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

### **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

### **Other Approvals May be Required**

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

### **Civil Design**

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 – City Infrastructure Branch.

### **Urban Forest and Ecology**

- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
  1. Issued to City of Melbourne, ABN: 55 370 219 287.
  2. From a recognised Australian bank.
  3. Unconditional (i.e. no end date)
  4. Executed (i.e. signed and dated with the bank stamp)
- Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.
- Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.