

Planning Assessment Officer Report

PA2503517 – 695-699
Latrobe Street, Docklands



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details		
Application No:	PA2503517		
Received:	31 January 2025		
Applicant:	Salta Properties (Docklands) Pty Ltd c/- Urbis		
Planning Scheme:	Melbourne		
Land Address:	695-699 Latrobe Street, Docklands		
Proposal:	Use and development of a multi-storey residential building.		
Development Value:	\$ 257 million		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because it proposes a gross floor area exceeding 25,000sqm.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.05-2	Docklands Zone, Schedule 2	Use of land north of the Major Sports and Recreation Facility for a dwelling
	Clause 37.05-4		Construct a building or construct or carry out works
Overlays:	Clause 43.02-2	Design and Development Overlay Schedule 12 and 52	Construct a building or construct or carry out works
	Clause 44.04-2	Land Subject to Inundation Overlay, Schedule 3	Construct a building or construct or carry out works
Cultural Heritage:	The site is not in an area of Aboriginal Cultural Heritage Sensitivity.		
Referral Authorities:	Development Victoria (S55 Determining) Head, Transport for Victoria (S55 Determining) Melbourne Water (S55 Determining)		
Advice sought:	Melbourne City Council (Informal)		
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in June 2025. At the time, one objection was received.</p> <p>The application has since been amended under Section 57a of the Planning and Environment Act 1987 resulting in the deletion of the sole permit trigger (removal, variation and creation of easements) which was not exempt from notice and review. Further details are set out in the report.</p>		
Delegates List:	Approval to determine under delegation received on 19 March 2026 .		



Planning Permit History

1. A planning permit (Ref. 2010006254B) was issued on 27 February 2012 for development of the land for a multi-level mixed use building comprising multiple dwellings, offices and retail premises.
2. The permit was amended on 13 September 2015, 26 October 2016 and 2 October 2019. Plans were not endorsed and the **planning permit has since expired**. Renders of plans approved in 2016 and 2019 are shown below:



Above: Render of scheme approved in 2016.



Above: Render of scheme approved in 2019.



Application Process

3. The key milestones in the application process were as follows:

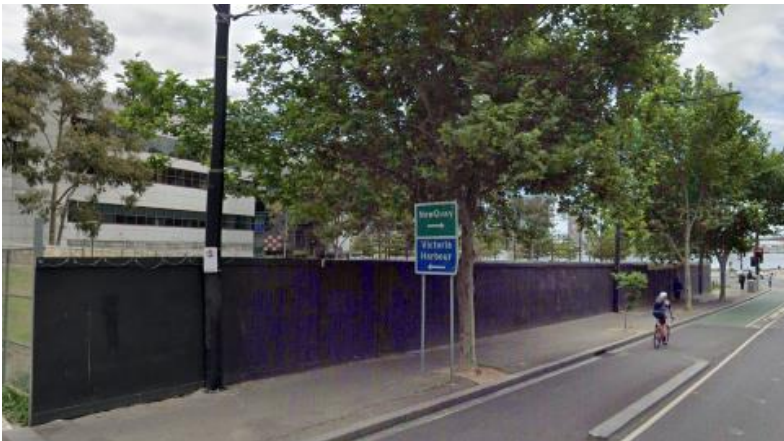
Milestone	Date
Application lodgement	31 January 2025
Further information requested	25 January 2025
Further information received	27 June 2025
Public notice given	30 July 2025 – 15 August 2025
Application amended on formally under s57A of the Act	<p>8 December 2025</p> <p>In summary, the formally substituted plans and application documentation included the following changes:</p> <ul style="list-style-type: none">• Deletion of the proposal to remove, vary and create easements and to vary a restrictive covenant, removing the permit requirement under Clause 52.02.• The building altered to be setback from easements located along the western boundary and to reduce overshadowing to Harbour Esplanade.• Consequential internal and external changes associated with the increased western setback.
Further information requested	14 January 2026
Further information received	<p>9 February 2026</p> <p>As part of this further information response, the application was formally amended to no longer incorporate the adjoining lot in the subject site 160 Harbour Esplanade, Docklands (Lot 1 on Plan of Subdivision 432271H).</p>
Decision Plans	Architectural Plans, prepared by FK Architects, various revisions, dated 27 November 2025 and the BADS Apartment Layout Plans, dated 3 December 2025.
Other Assessment Documents	<ul style="list-style-type: none">• Urban Context Report, prepared by FK Architects, dated December 2025.• Environmental Wind Condition Report, prepared by MEL Consultants, dated 3 December 2025.• Landscape and public realm plan prepared Oculus, dated August 2024• Sustainability Management Plan, prepared by ARUP, dated August 2024• Waste Management Plan, prepared by WSP, dated May 2025• Acoustic Report, prepared by Acoustic Logic, dated August 2024.• Section 57a Cover Letter, prepared by Urbis, dated 8 December 2025.• RFI response letter, prepared by Urbis, dated 23 January 2026.• Legal Advice, prepared by Colins Biggers & Paisley, dated 9 February 2026.• LSIO Overlay Plan, prepared by FK Architects, dated 20 January 2026.• Traffic Engineering Assessment, prepared by MCG Consult, dated 12 October 2023.• Arborist Report, prepared by Galbraith and Associates, dated 24 October 2023.• Stormwater Management Report, prepared by MCG Consult, 13 October 2023.• Tower Separation Study, FK Architects, dated 19 May 2205.• Future Adaptability Study, FK Architects, dated 31 July 2025.

Subject Site and Surrounds

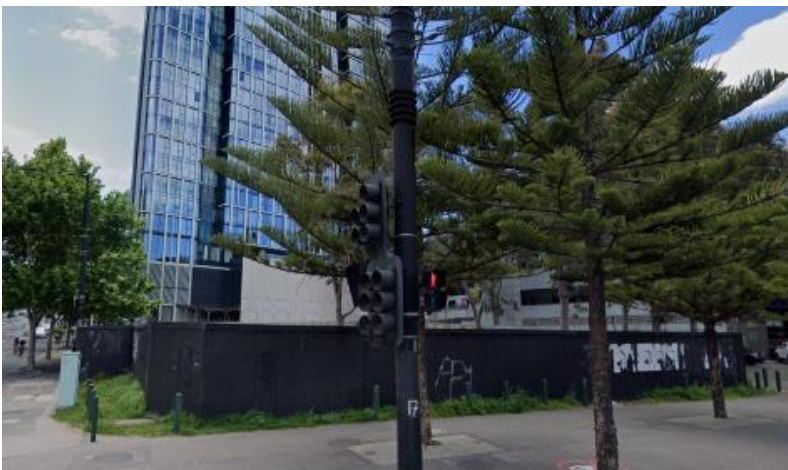


Site Description

4. The subject site is 2692sqm in area and is of an irregular shape, located on the corner of Latrobe Street and Harbour Esplanade in Docklands.
5. The site is formally described as:
 - Lot 2 on Plan of Subdivision 432271H, Certificate of Title Volume 10494 Folio 619.
6. The site is burdened by 8 easements, a restrictive covenant and 4 agreements. The covenant and agreements on title are listed below and are discussed in detail in the assessment section of this report:
 - Agreement Section 162 Building Act 1993 W944159H
 - Agreement Section 24(2) Docklands Authority Act 1991 AH197569E
 - Agreement Section 173 Planning and Environment Act 1987 AG594741P
 - Agreement Section 173 Planning and Environment Act 1987 AD030407C.
 - Restrictive Covenant AD304197L
7. The site is currently vacant, except for boundary hoarding.
8. Street view images are shown below:



Above: Street view image of the site taken from Latrobe Street.



Above: Street view image of the site taken from Harbour Esplanade

Site Surrounds

9. The site is in the Stadium Precinct of Docklands which contains Marvel Stadium (or Docklands Stadium). The site is a termination point to Latrobe Street and is located within an important gateway to the CBD. The site's positioned within the Stadium Precinct and in relation to surrounding precincts is shown below:



Above: Site location within broader Docklands precincts and the CBD (Source: Urban Context Report, prepared by FK Architects).

10. The area is characterised by a number of medium to high density developments with residential and commercial uses.
11. Development surrounding the site can be described as follows:
- To the **north** of the site, across Latrobe Street are existing commercial office buildings at 1010 Latrobe Street, Docklands and 100 Latrobe Street, Docklands. These buildings range in height from 37 to 92 metres.
 - To the **south** of the site is the existing Channel 7 building at 150 to 170 Harbour Esplanade, Docklands. According to council records, the building was vacated in May 2020. The Channel 7 building and the land at 140 Harbour Esplanade form part of the land subject to Amendment C438 'Harbour Esplanade Precinct – 140-160 Harbour Esplanade, Docklands', Amendment C438 was gazetted in 2024 and facilitates the Stadium Precinct via an Incorporated Document and the application of a Special Controls Overlay. Further details are discussed in the assessment section of this report.
 - Further south-east, is Docklands Stadium, also known as 'Marvel Stadium'. Further south beyond the stadium, is Victoria Point which comprises three commercial buildings.
 - To the **east** of the site are two mixed use towers ranging in height from 28 to 29 storeys at 685-691 Latrobe Street, Docklands. Further south are two mixed use towers at 673-683 Latrobe Street, Docklands.
 - To the **west** of the site across Harbour Esplanade is the Capital City Trail and the Central Pier, Docklands.



Proposal Summary

12. The proposal is for the use and development of a 38-storey building proposed to contain 554 residential dwellings. Details of the proposal are summarised as follows:

- Construction of a 130m / 38 storey building, with a total GFA of 53,628sqm.
- The building is designed in a podium and tower format.
- The podium is proposed to be constructed using a mix of red brick and various concrete finishes, with aluminium and glazing employed in the tower form.
- The building is proposed to contain 554 residential dwellings with the following typologies:

Dwelling type	Proposed
Studio	138
1 Bed	231
2 Bed	169
3 Bed	16

- The building is proposed to contain 1248sqm of external communal areas for residents and 2197sqm of internal communal/ancillary facilities, including the following:
 - Ground floor business lounge;
 - Level 1 coworking space.
 - Level 7 kids area/cinema, gym, pool, spa, sauna and lounge.
 - Level 37 lounge, co-working area, pet owners' area and private dining room;
 - Level 7 and 37 external terraces.
- The frontage of the building to Harbour Esplanade is proposed to be landscaped with hard paving and planting and bicycle parking facilities.
- Vehicle access is proposed via the rear access lane (Ron Casey Lane)
- A total of 96 car parking spaces and 435 bicycle parking spaces are proposed.

13. The proposal incorporates a voluntary 10% affordable housing contribution for the component of the development above 75 metre in height, equating to approximately 26 dwellings.

14. Renders of the proposed development are shown below:



Above: Harbour Esplanade elevation render of the proposed podium (left) and a Latrobe St render of the proposed podium (right).



Above: West elevation render of the proposed development.



Municipal Planning Strategy

15. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement – Docklands
02.03-3	Amenity, Safety, Noise
02.04	Strategic Directions

Planning Policy Framework

16. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01	Victoria
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of urban land
11.03-6L-03	Docklands
Clause 13	Environmental Risks and Amenity
13.03	Floodplains
13.04	Soil degradation
13.05	Noise
13.06	Air Quality
13.07	Amenity, Human Health, Safety
Clause 15	Built Environment and Heritage
15.01	Built environment
15.01-1S	Urban Design
15.01-1R	Urban Design – Metropolitan Melbourne
15.01-2S	Building Design
15.01-2L-01	Energy and Resource Efficiency
15.01-5S	Neighbourhood Character
15.02	Sustainable Development
Clause 16	Housing
16.01	Residential Development
16.01-1S	Housing Supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-2S	Housing affordability
Clause 17	Economic Development



17.01	Employment
17.02	Commercial
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-1L	Land use and transport planning
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.02	Movement Networks
18.02-1S	Walking
18.02-2S	Cycling
18.02-3R	Principal Public Transport Network
Clause 19	Infrastructure
19.02	Community Infrastructure
19.03	Development Infrastructure
19.03-I	Stormwater management (Water sensitive urban design)

Zoning and Overlays

Docklands Zone, Schedule 4 (DZ4 Stadium Precinct)

17. The purpose of the Docklands Zone, Schedule 4 is:

- *To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.*
- *To encourage integrated and compatible land use and development within the area surrounding the stadium facility.*
- *To ensure that the Major Sports and Recreation Facility includes the opportunity to cater for a wide range of sporting events, as well as a range of entertainment and leisure activities.*

18. Pursuant to Clause 37.05-1 and 1.0 of the DZ4, a planning permit is required to use the land for dwellings as the land is located north of the Major Sports and Recreation Facility.

19. Pursuant to Clause 37.05-4 and 4.0 of the DZ4, a planning permit is required to construct a building or construct or carry out works.

Design and Development Overlay, Schedule 12 (Noise Attenuation Areas) and 52 (Area 1 – Stadium Precinct)

20. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to this overlay specifically states that a permit is required.

21. Clause 2.0 of DDO12 states that any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- *Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area.*

- *Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility.*
- *Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.*

22. The Design Objectives of DDO12 'Noise Attenuation Area' are:

- *To ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building.*
- *To ensure that land use and development in the vicinity of the Docklands Major Sports and Recreation Facility is compatible with the operation of a Major Sports and Recreation Facility.*

Development Plan Overlay, Schedule 52 (Stadium Precinct)

23. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

24. Clause 2.0 of DDO52 states that a permit is not required to construct a building or construct or carry out works if the requirements of Table to the schedule are met. Table 1 specifies a maximum building height of 25 metres except for two towers not exceeding 75 metres for Area 1. The maximum building height is more than 75 metres in height and accordingly a permit is required.

25. The Design Objectives of DDO52 'Stadium Precinct' are:

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

Land Subject to Inundation Overlay, Schedule 3

26. The purpose of the LSIO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

27. Pursuant to Clause 44.04-2, a permit is required to construct a building or construct or carry out works. No exemptions are applicable under Clause 3.0 of the Schedule 3 to the LSIO.

28. Clause 1.0 of the LSIO sets out the following objectives to be achieved:

- *To identify land in areas that may be inundated by the combined effects of the 1% Annual Exceedance Probability (AEP) flood event incorporating an 18.5% increase in rainfall intensity due to climate change by the year 2100.*
- *To minimise the impact of new development on flood extent, depth and the flow velocity to the detriment of surrounding properties.*
- *To ensure new development appropriately responds to the identified flood hazard and local drainage characteristics.*
- *To ensure development simultaneously achieves safe access and egress, good urban design and equitable access.*

Parking Overlay, Schedule 8 (Docklands – Stadium Precinct)

29. The purpose of the Parking Overlay is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

30. Clause 1.0 of the Schedule 8 seeks to identify appropriate car parking rates for various uses within the Stadium precinct of Docklands.

31. A planning permit is not required under the PO8 because the proposal does not seek to provide more than the maximum car parking rate for dwellings specified at Clause 3.0 of the schedule (not more than 1.5 per dwelling). Further details and an assessment of the proposal against the car parking design standards of Clause 4.0 of the PO8 are set out in the assessment section of this report.

Particular and General Provisions

Clause 52.06 – Car Parking

32. Clause 52.06 sets out the requirements for the number of car parking spaces to be provided in association with new use and development along with statutory provision for their design.

33. The applicable car parking rates for this application are set out in Schedule 8 to the Parking Overlay (set out above) and therefore the quantum of car parking spaces set out in Clause 52.06-5 are not applicable.

34. The relevant design standards associated with car parking set out at Clause 52.06-9 are applicable and discussed in the assessment section of this report.

Clause 52.34 (Bicycle Parking)

35. 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 have been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

36. The proposal exceeds the required number of bicycle parking spaces required under Clause 52.34 and accordingly a permit is not required under this provision.

Clause 53.18 – Stormwater Management in Urban Development

37. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater treatment and reuse.



Clause 58 (Better Apartment Design Guidelines)

38. Clause 58 applies to the residential apartments proposed as part of this application. A detailed assessment of the proposed development against Clause 58 is contained at Appendix A of this report and is also discussed in the assessment section.

Planning Scheme Amendment/s

39. **Amendment VC277** was gazetted in December 2025. It introduced location-based, map driven parking rates (using the Public Transport Accessibility Level) and minimum and maximum car parking rates in areas with better public transport accessibility. The site is in Category 4 where maximum rates of 2 car parking spaces per dwelling are applicable. It is noted this rate is more than the maximum rate allowed under the applicable Parking Overlay, Schedule 8, to which the proposal already complies.
40. **Amendment VC265** was gazetted on 4 February 2026 and introduced a series of updates and corrections to the VPPs to ensure they are current and accurate. The changes are largely administrative and do not materially affect this application.



Referrals

41. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Development Victoria	22 January 2026 – no objection subject to conditions
Section 55 Referral – Determining	Head, Transport for Victoria	1 April 2025– no objection subject to conditions
Section 55 Referral – Determining	Melbourne Water	6 February 2026 – no objection subject to conditions
Informal	Melbourne City Council	7 October 2025 & 16 January 2026– no objection subject to conditions

Referrals and other agency responses

42. **Development Victoria** provided a response on 22 January 2026 confirming no objection to the proposal, subject to a condition requiring access to the bicycle store be provided from within the subject site. This condition is recommended to be included on the planning permit.
43. The **Head, Transport for Victoria** provided a response on 1 April 2025 confirming no objection to the grant of a permit, subject to conditions. The conditions are recommended to be included on the planning permit.
44. **Melbourne Water** provided a response on 6 February 2026 confirming no objection to the grant of a permit, subject to conditions. The conditions are recommended to be included on the planning permit.
45. The **Melbourne City Council (the council)** resolved to support the application, subject to conditions, at their Future Melbourne Committee Meeting on held on 7 October 2025.
46. The application was then amended in December 2025 and included some changes in response to the council's recommended conditions. On 16 January 2026, the council provided a response to the Section 57a amended application. Council confirmed they maintain their original position as set out in the FMC report dated 7 October 2025.
47. Some but not all the council's conditions are recommended to be included on the planning permit. The council's conditions are discussed in the assessment section and at **Appendix B** of this report.

Notice

48. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 2 and 4 of DZ4 (Clause 37.05);
 - Clause 3 of DDO12 (Clause 43.02);
 - Clause 2.2 of DDO52 (Clause 43.02); and
 - Clause 44.04-6 of the LSIO (Clause 44.04).
49. It is noted that before the application was amended under Section 57(A) of the Act in December 2025, the application also included a proposal to vary, remove and create easements and to vary a restrictive covenant under Clause 52.02 (Easements, Restrictions and Reserves). Pursuant to Clause 52.02, the application was not exempt from the notice, decision requirements and review rights of the Act and public notice was accordingly given by the permit applicant (at the direction of the Minister for Planning) between 30 July 2025 and 15 August 2025.



50. Three submissions were received, of which one was an objection. The matters raised in the objection related to the proposed variation to easements and the restrictive covenant, as the benefitting lot to the restrictive covenant and several of the easements.
51. Given the amended application no longer includes a proposal which requires a permit under 52.02 (as easements are not proposed to be varied or created and the restrictive covenant is not proposed to be varied), the application is now exempt from the notice, decision requirements and review rights of the Act, as described above.
52. DTP Officers contacted the objector party on 16 March 2026 to inform them of the Section 57(a) Amendments and the subsequent changes to their decision and review rights.



Strategic Direction and Land Use

54. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
55. Clause 11.03-6I-03 (Docklands) encourages medium to high density residential development and seeks to support residential development that complements other functions of Docklands, such as commercial, tourism and retail uses. The proposal seeks to deliver a residential development that will compliment both the other established functions of the precinct and broader Docklands area.
56. The proposal to provide residential accommodation at increased densities is strongly supported by state and local planning policy. Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs. It encourages higher density housing development on sites that are well connected in relation to jobs, services and public transport. The proposal to provide a high yield of residential accommodation is entirely appropriate given the site's proximity to the CBD, transport and services and will help to ensure this well-located area of urban land does not remain underutilised.
57. The proposed use of the land for dwellings is a Section 2 use (permit required) under the DZ4, as the development is not located to the south of the Major Sports and Recreation Facility (Marvel Stadium). Having regard to the DZ4, the proposed land use is acceptable because:
- The proposed land use is consistent with the purpose of the DZ4, which seeks to 'provide for a range of commercial, residential, educational, technology, business and leisure uses within a mixed-use environment'. The proposed residential use will complement the wide variety of already established commercial, educational, tourism, recreational and business uses within the stadium precinct, and precincts beyond within the Docklands area.
 - The application is supported by an acoustic report and wind report which demonstrates that the proposed residential use will not negatively be affected by and nor will the development prejudice other nearby uses (e.g. leisure and recreation use at Marvel Stadium) and the development will not cause unsafe wind conditions within the public realm and publicly accessible areas.
 - The subject site is well located in terms of its accessibility to public transport, services, shops and leisure facilities. The proposed use will be adequately serviced by physical infrastructure and community services.
58. Clause 11.03-6L-03 (Docklands) seeks to encourage innovative, viable development built to the highest design and environmental standards. The proposed development has been designed with appropriate regard for its prominent landmark location and also with creativity in response to its constraints. For the reasons outlined in this report, the design is considered to be of an appropriately high quality and will positively contribute to character of Docklands, whilst also strengthening the relationship between Docklands and the Hoddle Grid.

Buildings and Works

Height & Massing

59. The DZ4 does not prescribe maximum or preferred building height requirements. Under the DDO52, Area 1 anticipates buildings heights of 25 metres except for two towers not exceeding 75 metres. Any building height in Area 1 which exceeds 75m, requires planning permission under the DDO52 and accordingly is required to be assessed against the relevant decision guidelines.
60. As described elsewhere in this report, the building is proposed in a podium and tower format, with the tower designed in an L-shape, creating two distinct massing forms which also vary in height from 95.07m to 130.76m (36 to 38 storeys).
61. The building height and the way the tower is designed to step down in height to the south is responsive to the site's existing and future context. Specifically, and as referred to in the site surrounds section of this report, Amendment

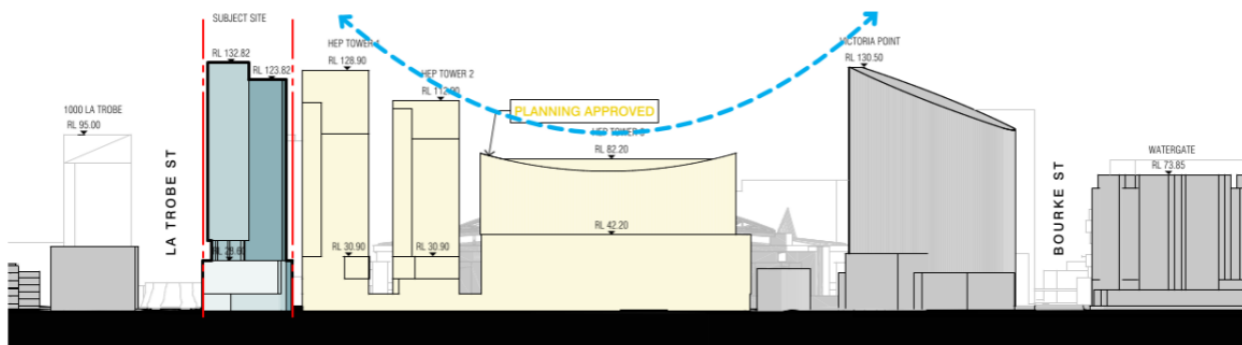


C438 was gazetted in 2024 introducing an Incorporated Document for the adjacent ‘Harbour Esplanade Precinct’ (HEP). The amendment facilitates the redevelopment of the western edge of the Stadium Precinct via an Incorporated Document and the application of a Special Controls Overlay. Plans in accordance with the Inc Doc have not yet been endorsed. A render of the approved scheme is shown below:



Above: Render of adjacent approved buildings under Amendment C438.

62. The proposed building will sit comfortably in the skyline amongst the adjacent approved ‘HEP’ Towers and is of a similar height to the Victoria Point Tower further south of Marvel Stadium. This is demonstrated below:



Above: Contextual massing diagram showing adjacent approval (source: FKA Urban Context Report).

63. The proposed building height is also not at odds with the height of development approvals elsewhere in the Docklands area, including within the Digital Harbour Precinct to the north of the site (Ministerial permit references PA200811 & P2503523). Existing and approved building heights undulate within the area in response to site conditions and constraints and the proposed development will contribute positively to this built form character.

64. Several key design features are incorporated in the proposal which will assist in ensuring the proposed height and massing does not cause negative visual bulk impacts. This includes, but is not limited to, the variation in height, the L-shape tower form, the tower setbacks and above podium under-croft, and the application of differing high-quality materials to different faces of the tower. The incorporation of such features, which are expanded on elsewhere,

65. The proposal has been considered against the decision guidelines of the DDO52 and is acceptable as described below:

DDO52 Decision Guidelines	Comments
The prevention of any overshadowing of the playing surface of the major sports and	The submitted shadow analysis demonstrates overshadowing cast by the proposed development will be limited to a 6.7% at 3pm on the June



recreation facility greater than the shadow which is already cast by the existing facility roof when fully open.

Solstice and results in no additional overshadowing when considering the approved building envelopes of the adjoining HEP development under Amendment C438. The shadows cast over Marvel Stadium are acceptable. This matter is further discussed in the amenity assessment section of this report.

The orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on the public realm.

The submitted shadow analysis demonstrates that the western footpath (the capital city trail) will be clear of overshadowing by 11:45am on the September Equinox. Additionally, the analysis shows that the extent of shadows cast will generally align with the extent cast by the adjacent HEP envelope approved under Amendment C438. However, the development's shadows are slenderer and faster moving.

The shadows cast over the public realm are acceptable. This matter is further discussed in the amenity assessment section of this report.

The need to ensure appropriate separation of buildings, particularly tower elements, to provide spacing of building bulk and to avoid the creation of a wall effect.

Due to the L shape of the tower, the development is proposed to be setback from the approved tower envelope of the adjoining HEP development by between 28.5m, to 10.8m and at a minimum of 8.7m. The supporting urban context report and views analysis has assisted in demonstrating that the proposed setback is acceptable for the purposes of providing adequate separation between buildings. It is considered that the development will not result in the creation of a wall effect and the design will suitably mitigate visual bulk impacts.

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

The podium and ground floor is designed with staggered red brick and concrete, providing a solid and well-articulated base to the building incorporating glazing, seating edges and landscaping at the street interfaces. The building is design to appropriately engage with the streetscape and will make a positive contribution to the area, on this landmark corner site.

The need to preserve significant vistas.

The views analysis material submitted with the application demonstrates that the proposal will not negatively impact any significant vistas to or from the CBD and within the Docklands area more broadly.

The nature of wind effects caused by any new building, and design measures to address these.

The submitted wind tunnel testing undertaken by MEL Consultants, demonstrates that the proposed development will achieve safe wind conditions within the public realm. Notably, all ground level locations satisfy the walking comfort criteria as a minimum and all building entrances satisfy the standing criteria. Due to the buildings currently under construction in the Digital Drive precinct, the required wind mitigation measures proposed have been reduced in the plans amended in January 2026, due to the changed built form conditions in the broader precinct.

Wind impacts are further discussed in the amenity assessment section of this report.

Setbacks

66. The DZ4 and the DDO52 do not prescribe any specific setbacks requirements.

67. Setbacks at the ground/podium level are proposed boundary to boundary where possible but the site is heavily constrained by easements and restrictions to which setbacks are incorporated in response. Positively, this has resulted in the need for a greater setback to the Harbour Esplanade frontage which in turn the proposal incorporates a publicly accessible landscaped area, with bicycle parking.



68. Above, the podium various setbacks are incorporated, including to adjoining development. As described above in this report, a key positive feature of the tower massing, is its irregular L-shape design/layout. The L-shape layout enables a varied setbacks of between 3m to 18m to the southern boundary and 8.7m to 28m setback to approved building envelope approved under Amendment C438 to the south.
69. The setbacks are sufficient to ensure sufficient building separation and to avoid the creation of a wall effect. Additionally, where the building would be within 9 metres of the adjacent approved building envelope, the development is designed to minimise future equitable development issues with regards to overlooking.
70. A similar positive outcome is achieved to the northern, western and eastern interface due to the irregular shape of the tower and the varied setbacks provided. This will assist in ensuring the tower sits comfortably in proportion to the podium.

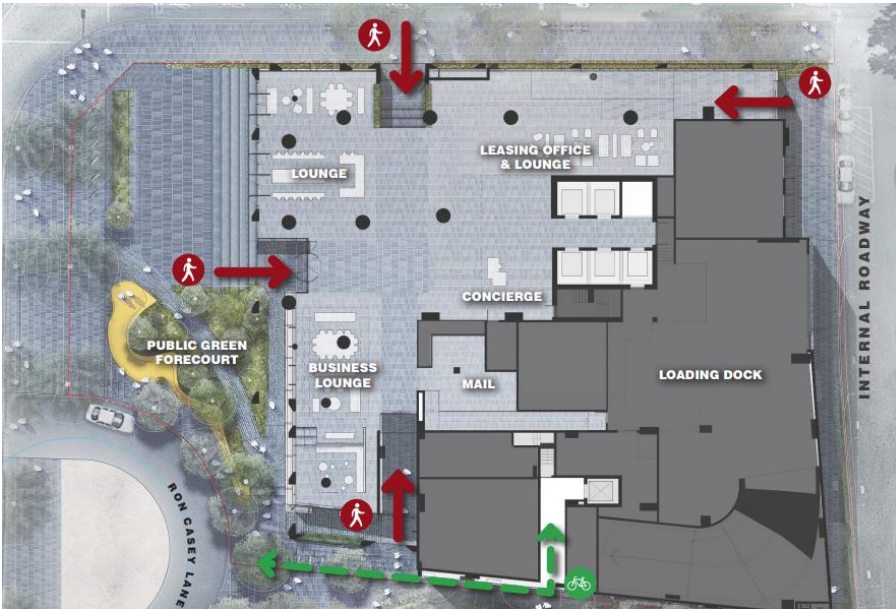
Design Detail

71. Urban design strategies within Clause 11.03-6L-03 (Docklands) seek to 'ensure attractive and interesting building facades including with windows and doors openings onto activities, displays or rich architectural detailing and avoiding blank walls'. The policy also seeks to 'encourage contemporary architectural character reflecting the varied land uses and providing activity and interest particularly at street level'.
72. The podium and tower are designed to appear in 'counterpoint' with each other. The podium is proposed to be constructed of staggered bricks/brick tiles and concrete with colonnaded masonry elements. The podium will appear solid, warm and textured and will appear as a strong base for the slender tower form above. The proposed materials are responsive to the context of both Docklands and the Hoddle Grid and will appear visual interesting and inviting.
73. Further, blank walls are avoided, and activation and passive surveillance will be achieved by the high amount of glazing at key interfaces, publicly accessible landscaped areas and future opportunities for more active uses at the ground level.
74. The tower is design to appear as 'floating' over the solid masonry podium. It is slender in its irregular form. It is proposed to incorporate a lighter colour and material palette, with glazing, light coloured metal fids, and GRC concrete panels to provide texture. The design of the tower is contemporary, appropriate for the proposed land use and will complement the design of podium.
75. The design and façade strategy overall considered the site's context and constraints and will mark this landmark corner in a positive manner.

Ground Plane, Public Realm and Landscaping

Ground Level Activation

76. The ground floor is proposed to contain ancillary communal residential facilities that are intended to provide passive activation to each street interface. Specifically, the ground floor will contain a leasing office, a lounge and coworking area/business lounge. Multiple entries are also proposed, one to each elevation. This is shown below:



Above: Proposed ground floor and entries (source: Urban Context Report, FKA).

77. The ancillary uses along with the entries and the façade design are elements of the proposal that help to ensure the development provides a suitable level of activation and engagement with the street, despite the lack of non-residential uses.
78. Over the course of the application, the permit applicant has been encouraged to consider incorporating an active non-residential use at the ground floor level (e.g. a food and drink premises or retail). To address this, the applicant had provided a 'Future Adaptability Plan' demonstrating how the ground floor could be adapted to accommodate separate commercial tenancies. This is shown below:



Above: Future Adaptability Plan submitted for discussion purposes in October 2025.

79. Notwithstanding the above plan was based on the previous set of plans, it is considered that the ground floor could be altered to contain a separate tenancy where the proposed lounge area is located, at minimum. The future adaptability of the ground floor is an important element of the scheme, to ensure that should economic conditions change and the demand arise, the site could be further activated by a commercial use which would further compliment the mixed-use nature of the Stadium Precinct.



Public realm & Landscaping

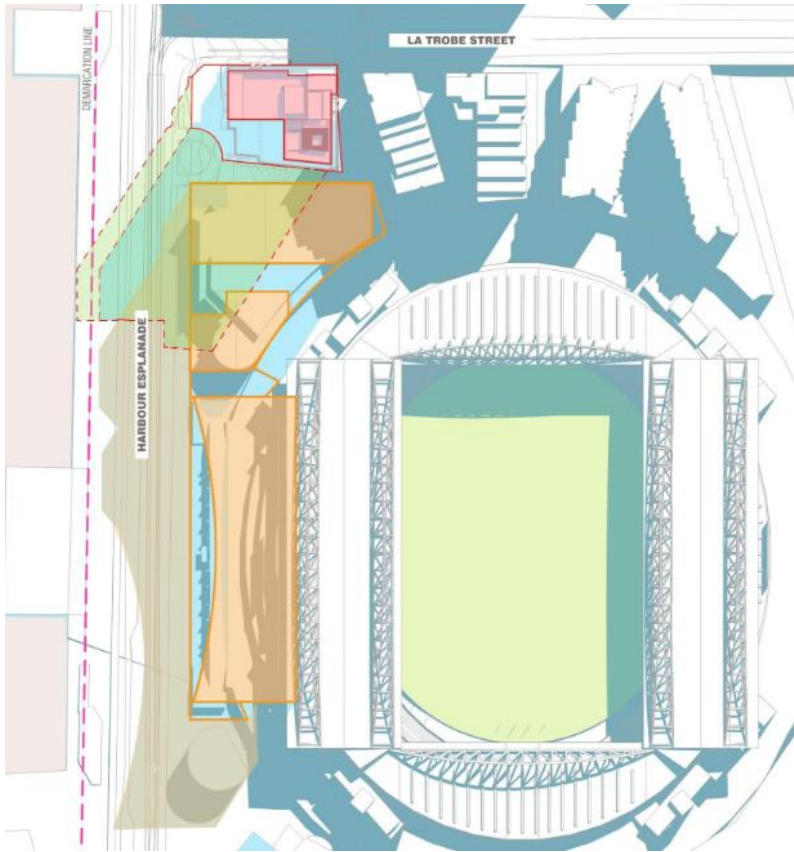
80. A publicly accessible forecourt is proposed in the Harbour Esplanade frontage of the site. This area is largely proposed as response to both easements and restrictions on title as well as in response to flooding risk. Notwithstanding this, the space will contribute positively to the site and area, with the incorporation of planting, informal seating and bicycle parking. The landscaping scheme is not yet fully resolved and further details are recommended to be secured by condition.
81. The forecourt space also provides an opportunity for public art and the permit applicant has proposed to allocate a budget of 0.5% to the Integrated Urban Art in the façade or within the site. DTP understand this is secured within the development agreement with Development Victoria. In any case, the proposal to dedicate budget and meaningful public opportunities at this landmark site is welcomed.
82. The forecourt will extend the public realm and is proposed to be always publicly accessible. A requirement for a Section 173 Agreement securing public accessibility through the forecourt as well as to indemnify council with regard to the space, is recommended to be secured by condition.
83. The proposal also incorporates canopies to the Latrobe Street frontage and to the forecourt facing Harbour Esplanade for weather protection. The canopies are integrated into the façade design and are supported subject to the recommended permit conditions which require the canopies to comply with the council's Road Encroachment Operational Guidelines (as recommended by the council).

Amenity

Overshadowing

Public realm

84. Clause 11.03-6L-03 (Docklands) includes a policy guideline which seeks to ensure 'public spaces are generally free of significant overshadowing between 11am and 3pm at the Equinox (22 September / 20 March)'. Additionally, as described above in this report, DDO52 requires consideration of 'the orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on the public realm'.
85. It is noted Clause 15.01-1L-03 (Sunlight to public Spaces) does not apply to land within the Docklands Zone nor does Planning Scheme Amendment C415 (Sunlight to Parks).
86. The western footpath across Harbour Esplanade, adjacent to the central pier, is an area of public realm which should be protected from significant overshadowing. It is noted the proposal was amended under Section 57a of the Act to in part to reduce overshadowing to the western footpath.
87. The amended shadow analysis demonstrates that the proposal will not cast new shadows over the western footpath from 11:45am onwards on the September Equinox. The improvement made at 11:45am is shown below:



Above: 11:45am shadows (light green former proposal and darker green current proposal, with the pink line indicating the eastern edge of the western footpath).

Given the area will be shadow free from 11:45am onwards, it is considered that the extent of overshadowing is not 'significant' and is acceptable having regard to Clause 11.03-6L-03 (Docklands).

88. Additionally, the shadow analysis demonstrates that the proposal will not cast shadows which extend further west into the public realm compared with that generally to be cast by the building envelopes approved under Amendment C438 adjacent to the site. Therefore, the proposal will not result in unreasonable 'cumulative effect' on the amenity of the area, by way of overshadowing.

The Docklands Stadium (Marvel Stadium)

89. The DDO52 seeks the prevention of any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow which is already cast by the existing facility roof when fully open.
90. Since stadium was constructed and since DDO52 was introduced, the stadium is used and managed differently. Notably, alternative methods are used to cultivate the playing surface (i.e. glow lamps) and natural sunlight is no longer relied on. It is understood that the roof is generally kept closed for events. Accordingly, the requirement to avoid overshadowing is less important.
91. The submitted shadow analysis demonstrates the proposal will cast new shadows over the playing surface at 3pm on the June Solstice. The additional shadow equates to approx. 6.7% of the playing surface. However, the proposal will not cast any additional shadows when compared with adjacent approved building envelopes approved under Amendment C438. Given this, the proposal is acceptable in terms of its overshadowing impact to Docklands (Marvel Stadium).



Wind

92. An updated wind report, prepared by MEL Consultants, including an updated wind tunnel study, was submitted with the Section 57a amendment to the application in December 2025. The report demonstrates the following:
- Since the previous assessment was undertaken, the wind conditions in the area have improved due to the buildings currently under construction in the Digital Harbour Precinct (approved under PA200811). Accordingly, the extent of wind mitigation measures has been reduced from the original submission.
 - All ground level test locations satisfy the walk comfort criterion as a minimum.
 - All building entrances satisfy the standing comfort criterion.
 - The upper-level terraces and balconies achieve walking comfort criterion, with the exception of the Level 7 terrace. Mitigation measures are proposed through balustrade heights and a solid screen to ensure the walking comfort criterion is achieved.
93. The proposal satisfies the DDO52 and Clause 58 requirements with regard to wind impacts and the recommended mitigation measures are recommended to be secured by condition.

Noise

94. The DDO12 seeks to ensure new residential developments (or other sensitive uses) constructed in the vicinity of the Docklands Major Sports and Recreation Facility (Marvel Stadium) include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building. The DDO12 requires new development that will accommodate a sensitive use (residential):
- Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area.
 - Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility.
 - Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.'
95. The application is supported by an Acoustic Report which provides an assessment of the surrounding noise sources including that caused by Marvel Stadium and the existing surrounding plant equipment and proposed plant equipment. The report demonstrates that noise targets and requirements of Clause 58.04 and DDO12 can be achieved through the proposed design, including the use of double glazing, specific external wall construction requirements and acoustic treatments to ventilation openings. Subject to the implementation of these measures, it is considered that future occupants will be protected from noise impacts and the ongoing operation of the Marvel Stadium will remain unaffected.
96. The acoustic report is recommended to be secured by condition, with updates further secured to ensure the acoustic report and mitigation measures are consistent with the plans amended under Section 57a of the Act.

Glare

97. The application is not supported by an assessment reflected sunlight glare. Given the extent of glazing proposed throughout the development, a glare assessment, demonstrating a maximum of 15% reflectivity is achieved, is recommended to be secured via a condition of the permit.

Internal Amenity

98. The detailed assessment of the proposal against the objectives and standards of Clause 58 is contained at **Appendix A** of this report.



99. The proposed residential dwellings are generally acceptable in size and layout, will have good outlook and will achieve appropriate levels of daylight. However, as detailed at **Appendix A**, some variations to the Clause 58 internal amenity Standards are proposed. These are discussed below:

Standard D20 – Private Open Space

100. Below 40m above ground, 18 apartments are not proposed to be provided with a balcony and therefore do not comply with the requirements of Standard D20. Except for 6 studio apartments, the dwellings proposed without a balcony are instead proposed to contain additional internal area generally equivalent to what would be required for a balcony. An example layout is shown below:



Above: Type A04 layout, with dining area as additional internal space.

Given this, it is considered the amenity of the dwelling will not be compromised.

101. Additionally, all dwellings will have access to 2197sqm of internal communal areas and 1248sqm of external communal opens space. This is an acceptable outcome.
102. The B03 apartment is proposed to contain 6.277sqm of POS where 8sqm is required. The variation is supported as the open space achieves the minimum dimensions required and additional internal area of 2sqm is achieved internally within the dwelling.
103. The following apartment types are shown to contain shown to contain a compliant total clear area of POS yet the dimensions shown are equate to less than the clear area noted:
- Type A02
 - Type A03
 - Type A10 and Type A10(M)
 - Type A14
 - Type B01
 - Type B06
 - Type B07
 - Type C01
 - Type S08
104. A condition is recommended to be included on the permit requiring the width and depth dimensions to be corrected to reflect the minimum clearance area shown on the plans.

Standard D26 – Functional Layout

105. The following apartment types are proposed to contain a living room which does not meet the required internal dimensions:
- Type A18 (5)



- Type B01 (28)
 - Type B03 (25)
 - Type B04 (26)
 - Type B06 (13)
 - Type B08 (5)
 - Type C01 (10)
106. Most of the above apartment types do not meet the minimum required dimensions of 3.3m or 3.6m due to the position of structural walls which marginally encroach into the living spaces. The extent of encroachment is minor and the layout plans demonstrate that most of the apartments will still achieve a functional layout or have been provided with additional internal area elsewhere in the dwelling.
107. Apartment Type B04 is a two-bedroom apartment with a living space that is encroached on by the kitchen bench. In this instance, the layout is not considered appropriate because it also encroached on by circulation space to a bedroom. The living space is constrained and should be redesigned to comply. This is recommended to be secured by condition.
108. Additionally, the Type A20 apartments (5 in total) contain a bedroom which does not meet the minimum required dimensions for a main bedroom, due to encroachment of a structural wall. The non-compliance is acceptable because the bedroom is still demonstrated to be functional and contains additional space, outside of the minimum required clear area.
109. Standard D27 – Natural Ventilation
110. A total of 31% of the proposed apartments are proposed to be cross ventilated in accordance with the standard, falling 9% short of the 40% requirement.
111. The 9% non-compliance is acceptable because the majority of apartments contain multiple sources of ventilation in living rooms and bedrooms, despite not always being cross ventilated in accordance with the standard. Therefore, it is considered that the dwellings will still be appropriately ventilated.

Sustainability

Environmentally Sustainable Design (ESD)

112. Clause 15.01-2L-01 (Energy and resource efficiency) seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases. Clause 15.01-2L-01 and 19.03-3L of the Planning Scheme aims to minimise greenhouse gas emissions, maximise energy efficiency, promote water sensitive urban design, and mitigate the effect of development on waterways.
113. The application is supported by a Sustainability Management Plan, prepared by ARUP. The SMP demonstrates a commitment to the following ESD initiatives:
- Registered and certified as a 5 Star Green Star Building.
 - A 7-star average NatHERS rating.
 - All electric, including a 62kW solar array system on the rooftop.
 - Incorporation of water efficient fixtures and fittings as well as a 40kl capacity rainwater tank, with potable water reduction.
 - A 20% reduction in upfront carbon by the completion of the project.
 - Use of light coloured and reflective finished for hardscape areas across the roof as well as incorporation of vegetation to mitigate the urban heat island effect, achieving the 75% site coverage requirement.
 - Electric charging for 5% of all car spaces.
114. The proposed development commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Energy and resource efficiency). Notwithstanding this, conditions are recommended to be included on the permit to



ensure these commitments are further secured, as recommended by the council's ESD officers. The council's recommended conditions are generally supported and recommended for inclusion on the planning permit.

Water Sensitive Urban Design

- 115. Clause 15.01-2L-01 (Energy and resource efficiency) and Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure new developments achieve the best practice water quality performance objectives set out in the Urban stormwater management guidance (Environment Protection Authority - Publication 1739.1, 2021)
- 116. The application is supported by a Stormwater Management Plan, prepared by MCG Consult, which sets out the proposed response to the above-mentioned policy and guidelines, incorporating the following initiatives:
 - The proposal includes the installation of a rainwater harvesting system which will include rainwater harvesting from roofed areas to a 20kl tank for toilet flushing and another 20kl tank for irrigation.
 - A gross pollutant trap to capture and remove solid pollutants.
- 117. The SMP demonstrates through MUSIC modelling that the proposal meets and exceeds the Best Practice pollutant load reduction targets.
- 118. A construction management plan is recommended to be secured via condition which will require details including but not limited to the management of stormwater runoff on waterways.
- 119. The proposal is considered to be acceptable having regard to Clause 53.18 (Stormwater Management in Urban Development).

Car and Bicycle Parking, Loading, and Other Services

Car Parking

120. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Dwellings	Maximum 1.5 car spaces to each dwelling	Not more than 831 spaces (based on 554 dwellings)	A total of 96 spaces are proposed at a rate of 0.17 spaces per dwelling.

121. The proposed number of car parking spaces complies with the maximum car parking requirements of the Parking Overlay, Schedule 8. Accordingly, and as noted previously, the proposal therefore does not trigger a planning permit under Clause 52.06 and the Parking Overlay.

Access, Circulation and Design Standards for Car Parking

- 122. Vehicle access is proposed via the rear access lane, known as Ron Casey Lane. This lane forms part of the adjacent lot (Lot 1 on Subdivision 432271H) and is burdened by a 'way' easement that benefits the subject site (Lot 2) as well as Lot 3 to the east. Accordingly, the subject site has a right of access via the private lane. Refer to the 'other matters' section of this assessment for further detail.
- 123. Clause 4 of the PO8 sets out specific design standards which for car parking to which the proposal has been assessed against below:

PO8 Design Standards	Assessment
Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling	Car parking spaces are proposed at level 1 and above within the podium and are screened from street views.



and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1- 1993.

The car parking dimensions are generally 2.4m by 5.4m adjacent to a 6.99m to 7.1m wide accessway. The spaces are compliant with AS 2890.1- 1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

The car parking areas are screened from street views and relevant facades to the stadium link and Ron Casey Lane are well articulated. This is demonstrated below in the proposed southern elevation which shows the car parking areas screened with metal cladding and articulated by the brick framing detail to the façade:



Above: Southern façade facing the Stadium Link/Channel 7 building.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Vehicular access is proposed via Ron Casey Lane to the rear of the site. This lane already provides vehicular access to the adjacent mixed-use building to the east and to the stadium. The proposal will not negatively impact pedestrian movements in the area and the is designed to activate the Latrobe Street frontage and the corner between the Latrobe St and Ron Casey Lane. It is noted a Road Safety Audit is recommended to be secured by condition which will assist in addressing any further safety and design requirements that should be integrated into the proposal.

Open lot car parks are discouraged on all principle frontage

Not applicable.

- 124. The car parking design has also been assessed against other design standards not captured above, set out at Clause 52.06-9. The proposal is designed in accordance with the applicable standards. However, some further details are recommended to be secured by condition to be included on the plans. This includes some dimensions within the vehicle ramps between levels,
- 125. It is noted the council's traffic engineers have reviewed the proposed arrangements and are supportive subject to conditions relating largely to a Road Safety Audit, the loading bay design and waste collection areas.

Bicycle Facilities

126. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling	Resident	1 space / 5 dwellings	110	364
	Visitor	1 space / 10 dwellings	55	71
Total				435



127. The proposed incorporates bicycle parking well in excess the requirements under Clause 52.34-1. This is a welcomed element of the scheme.
128. The proposed plans show 12 bicycle parking spaces located along the Latrobe Street footpath which council do not support. Council's recommended condition for these spaces to be relocated onto the site is supported but is recommended to altered to 'unless otherwise agreed with Melbourne City Council' to provide flexibility.
129. The plans display the proposed access to the residential bike store via the adjoining land to the south. Development Victoria have requested a condition requiring the bicycle access be provided within the subject site. There appears to be ample room to re-route the resident bicycle access to safe and convenient location.

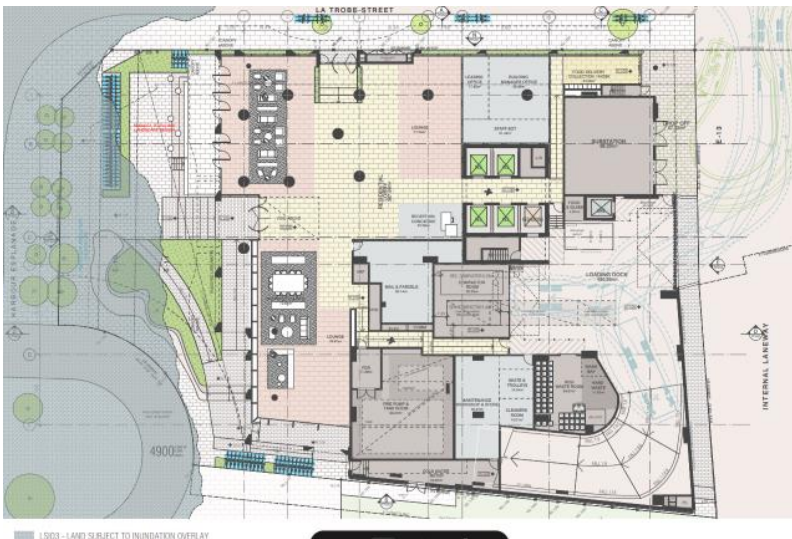
Loading / Unloading & Waste

130. Clause 65.01 requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
131. A dedicated loading bay is proposed to be provided on the ground level accessed via the rear lane/accessway. This will also be used to accommodate council waste collection services. The council support the proposed loading and waste arrangements, subject to a series of changes and additional detail recommended to be secured by conditions. The conditions recommended by the council are supported.
132. The proposed loading and waste arrangements are therefore acceptable, subject to the recommended conditions.

Environmental Risks

Flood Mitigation

133. The western portion of the subject site is affected by the Land Subject to Inundation Overlay. The extent is shown in the plan below, demonstrating that the bulk of the built form is positioned outside of the LSIO:




Above: LSIO Overlay Plan, prepared by FK Architects.

134. The application was referred to Melbourne Water as the relevant floodplain manager. Melbourne Water do not object to the grant of a permit subject to conditions. The conditions require details relating to floor levels, the design of electrical and mechanical components of lift and require the submission of a flood risk management plan and a S173 Agreement. Subject to the conditions, it is considered that the development can suitably mitigate flooding risks.

Contaminated Land

135. Clause 37.05-8 (Docklands Zone) sets out the following requirement:



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*
- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

136. The above is recommended to be secured via conditions prior to commencement of the works.

Other Matters

Public Benefits

137. The Melbourne Planning Scheme does not require the provision of a public benefit to compensate for floor area uplift in the Docklands area.
138. Notwithstanding this, the permit applicant proposes to provide a 10% affordable housing contribution relevant to the component of the building above 75m in height. This voluntary contribution could equate to approximately 26 dwellings / a 4.6% contribution overall.
139. This is a welcomed and positive offering that will further enable the proposed development to make a meaningful contribution to the supply of well-located affordable housing in the City of Melbourne.
140. The affordable housing contribution is recommended to be secured by condition via a Section 173 Agreement.

Easements and Restrictions on title

141. As described elsewhere in the site description section of this report, there are several restrictions, agreements and, easements on the subject title.

Restrictive Covenant - AD304197L

142. Pursuant to Section 61(4) of the Act, a responsible authority must not issue a planning permit that authorises a breach of a registered restrictive covenant. The subject site is burdened by Restrictive Covenant (AD304197L) to the benefit of the adjoining site (Lot 1 / The Channel 7 building site) and most relevantly prohibits the following:
- *"(d) erect or allow to be erected any signage on all or any part of the western boundary of the Burdened Land or on the western boundary of any building on the Burdened Land".*
 - *"(e) erect or allow to be erected any building, structure or signage on that part of the Burdened Land designated as a Light and Air Easement on Plan of Subdivision 432271H and being the land marked E-3, E-4, E-5, E-10, E-11 and E-12 on Plan of Subdivision 432271H".*
143. The context for why a restrictive covenant was imposed is an important factor in determining whether a proposal constitutes a breach. In this case, it is understood that the purpose of the above restrictions was to encumber the restriction area to protect and allow for appropriate light and air into the entrance section of the adjacent Channel 7 building, the section of the building to the west extending to Harbour Esplanade and particularly the upper levels which contained the former Channel 7 boardroom.



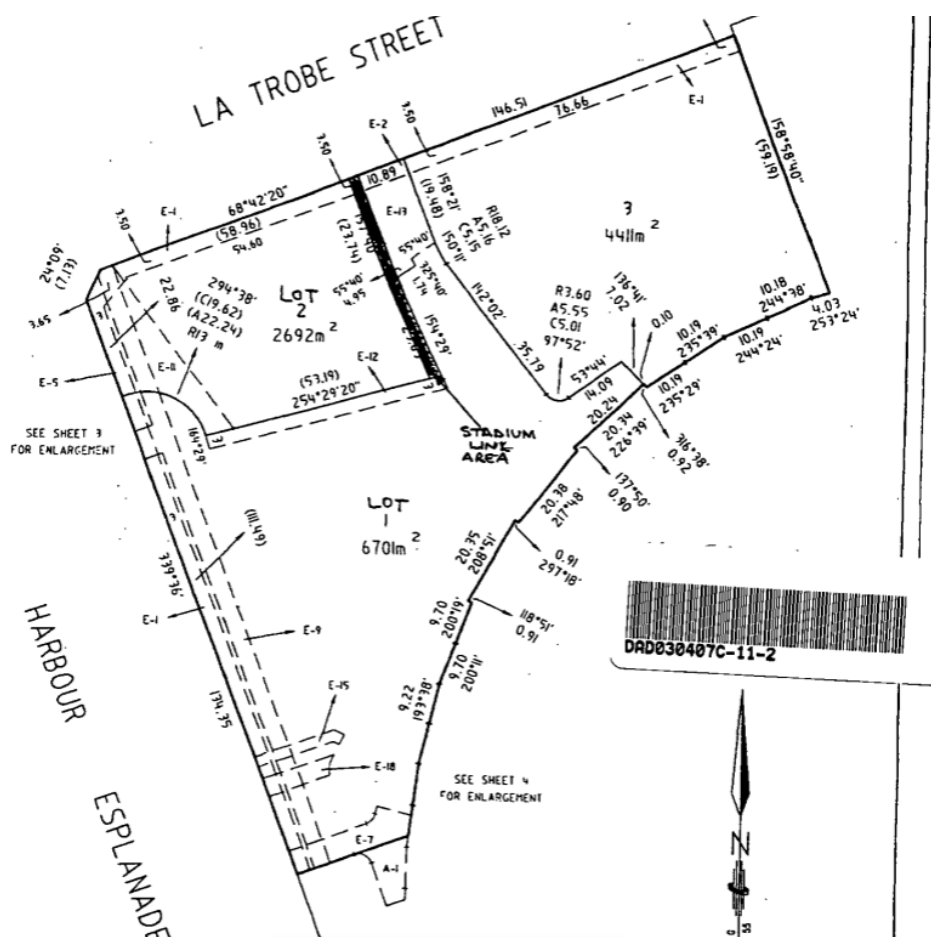
144. Within the restriction area, the application seeks to construct largely hard landscaping works include paving, steps, bicycle racks, retaining walls and planting. It is considered the grant of a permit for the proposal amended under Section 57a in December 2025 will not authorise a breach of the Restrictive Covenant (AD304197L) for the following reasons:

- The proposal does not include signage on any part of the western boundary or land.
- The hard landscaping proposed works are minor in nature and will not affect the rights of the benefitted property in terms of blocking light, sunlight, air or views.
- The elements do not clearly fall within the Oxford Dictionary definition of a building, structure or signage.
- The permit applicant has provided legal advice which contends that the elements in the restriction area are minor, non-complex and low lying and that it cannot be inferred that these elements interfere or interrupt access of light and air to the benefitted Channel 7 Building. The advice also notes there are no Tribunal of Supreme Court cases which assist with further defining the term 'structure'. Therefore, the advice concludes the purpose and context of the covenant is not offended.

Section 173 Agreements

145. There are four Agreements registered on the title. The agreements are listed and discussed below:

- **Agreement Section 24(2) Docklands Authority Act 1991 – AH197569E:** The agreement requires the owner of the land to act in accordance with tis development agreement with Development Victoria. Development Victoria support the application.
- **Agreement Section 162 Building Act 1993 – W944159H:** The agreement relates to construction work on the Docklands Stadium and does not relate to the subject site.
- **Agreement Section 173 Planning and Environment Act 1987 – AG594741P:** The agreement relates to remediation of the land and defines the roles and financial responsibilities of parties, should remediation be required.
- **Agreement Section 173 Planning and Environment Act 1987 – AD030407C:** The agreement relates to an area referred to as the 'stadium link' shown hatched in the plan extract from the agreement below. The stadium link on the subject site as shown, is 2.1m pedestrian path. The agreement sets out obligations for the maintenance, use and access as it relates to the path (which is not yet been constructed). Notably, the agreement states that no motor vehicles, other than emergency vehicles or vehicles used for maintenance, must be permitted on the stadium link.



Above: Extract of site plan from Agreement AD030407C, showing the stadium link hatched.

To facilitate the development, this agreement will need to be amended. It is noted the agreement is with Development Victoria and Development Victoria have not objected to the proposal. Therefore, it is appropriate to require the S173 Agreement be amended as a condition of the planning permit. Should this not eventuate, the permit applicant will need to amend the proposed site access arrangements.

Easements

146. The site is burdened by several easements. These are listed and assessed with regard to the proposal in table below:

Easement	In favour of	Purpose	Encroachment by proposed scheme
E1	City West Water Ltd	Water supply and sewerage	The building will encroach over this easement. The applicant is not seeking to vary the easement at this time and will apply separately to vary the easement or apply for a build over easement application. A condition is recommended to be included on the permit to ensure this occurs before development starts.
E3	City West Water Ltd	Water supply and sewerage	Landscaping only
	Lot 1, PS432271H	Light and air	Landscaping only
E4	City West Water Ltd	Water supply and sewerage	Landscaping only
	Development Victoria	Drainage	Landscaping only
	Lot 1, PS432271H	Light and air	Landscaping only
E5	City West Water Ltd	Water supply and sewerage	Landscaping only
	Lot 1, PS432271H	Light and air	Landscaping only
E10	Development Victoria	Drainage	Landscaping only



	Lot 1, PS432271H	Light and air	Landscaping only
E11	Lot 1, PS432271H	Light and air and Drainage	Landscaping only
E20	Lot 1, PS432271H	Drainage	No encroachment
S1	In accordance with Section 173 Planning and Environment Act 1987 – AD030407C	Access/stadium link	No encroachment

147. With regard to E1, a condition of the permit is recommended to require the submission of evidence that a build over easement application has been approved or that the easement has been varied, before the development commences. It is noted that prior to the application being amended under Section 57a of the Act, the application did include a variation to E1 to which City West Water were notified. A response was not received from City West Water.

E13 – Rights of Way

148. As noted elsewhere in this report, the proposal relies on access from the adjacent lot (Lot 1) via a 'way' easement (E13 on PS43221H). A 'way' easement provides broad rights of access and in this case the limitations on that access appear to stem from the S173 Agreement **AD030407C** in place discussed above. Subject to the agreement being amended, legal access to the site would be facilitated by E13 and it not likely this easement would require variation. The permit applicant will need to determine this at a later date, pending the amendment to the Section 173 Agreement described above.

Recommendation



150. The proposal is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of housing within the Docklands area.
151. The proposal is generally supported by the various referral agencies.
152. It is recommended that Planning Permit No. PA250317 for the use and development of a multi storey building containing residential dwellings at 695-699 Latrobe Street, Docklands be issued subject to conditions.
153. It is **recommended** that the applicant, referral authorities and the council be notified of the above in writing.

Prepared by:

[Redacted signature block] ve:

Phone:

[Redacted phone number]

Dated:

18 March 2026

Approved by:

[Redacted signature block] ve:

Phone:

[Redacted phone number]

Dated:

20 March 2026

Appendix A: Clause 58 Assessment



Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none">• An application must be accompanied by:<ul style="list-style-type: none">○ An urban context report.○ A design response.	<p>Complies</p> <p>A sufficiently detailed Design Response and Urban Context Report, prepared by FKA Architects and Urbis was submitted with the application.</p>

Urban context report

Clause 58.01-2	Assessment
<ul style="list-style-type: none">• The urban context report may use a site plan, photographs or other techniques and must include:• An accurate description of:<ul style="list-style-type: none">○ Site shape, size, orientation and easements.○ Levels and contours of the site and the difference in levels between the site and surrounding properties.○ The location and height of existing buildings on the site and surrounding properties.○ The use of surrounding buildings.○ The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.○ Solar access to the site and to surrounding properties.○ Views to and from the site.○ Street frontage features such as poles, street trees and kerb crossovers.○ The location of local shops, public transport services and public open spaces within walking distance.○ Movement systems through and around the site.○ Any other notable feature or characteristic of the site.• An assessment of the characteristics of the area including:<ul style="list-style-type: none">○ Any environmental features such as vegetation, topography and significant views.○ The pattern of subdivision.○ Street design and landscape.○ The pattern of development.○ Building form, scale and rhythm.○ Connection to the public realm.○ Architectural style, building details and materials.○ Off-site noise sources.○ The relevant NatHERS climate zones (as identified in Clause 58.03-1).○ Social and economic activity.○ Any other notable or cultural characteristics of the area.	<p>Complies</p> <p>A sufficiently detailed Design Response and Urban Context Report, prepared by FKA Architects and Urbis was submitted with the application</p>

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none">• The design response must explain how the proposed design:<ul style="list-style-type: none">○ Responds to any relevant planning provision that applies to the land.○ Meets the objectives of Clause 58.○ Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.○ Derives from and responds to the urban context report.• The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this	<p>Complies</p> <p>A sufficiently detailed Design Response and Urban Context Report, prepared by FKA Architects and Urbis was submitted with the application</p>

requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Urban context objectives

Clause 58.02-1	Assessment
Objectives <ul style="list-style-type: none"> To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area. 	Complies
Standard D1 <ul style="list-style-type: none"> The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	Complies

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services. 	Complies The proposal incorporates the provision of 554 residential dwellings in very well serviced location in Docklands.
Standard D2 <ul style="list-style-type: none"> An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 	Complies The submitted planning report provides a sufficient response to the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings 	Complies
Standard D3 <ul style="list-style-type: none"> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	Complies The proposal incorporates a diverse range of dwellings types including studios, one, two and three bedroom dwellings.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	Complies
Standard D4 <ul style="list-style-type: none"> Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. 	Complies



- *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.*
- *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*

The development will be appropriately connected to services and required infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective <ul style="list-style-type: none"> • <i>To integrate the layout of development with the street.</i> 	Complies
Standard D5 <ul style="list-style-type: none"> • <i>Developments should be oriented to front existing and proposed streets.</i> • <i>Along street frontage, development should:</i> <ul style="list-style-type: none"> ○ <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> ○ <i>Limit blank walls.</i> ○ <i>Limit high front fencing, unless consistent with the existing urban context.</i> ○ <i>Provide low and visually permeable front fences, where proposed.</i> ○ <i>Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i> • <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i> 	Complies <p>The ground floor is proposed to contain multiple entries to the large ground floor space proposed to contain ancillary lounges, a leasing office and coworking space. The multiple entries will provide activation to the street and are acceptable.</p>

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives <ul style="list-style-type: none"> • <i>To achieve and protect energy efficient dwellings and buildings.</i> • <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> • <i>To ensure dwellings achieve adequate thermal efficiency.</i> 	Complies
Standard D6 <ul style="list-style-type: none"> • <i>Buildings should be:</i> <ul style="list-style-type: none"> ○ <i>Oriented to make appropriate use of solar energy.</i> ○ <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> • <i>Living areas and private open space should be located on the north side of the development, if practicable.</i> • <i>Developments should be designed so that solar access to north-facing windows is optimised.</i> • <i>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</i> 	Complies <p>The proposed development will achieve acceptable ESD credentials as discussed in the assessment section of this report. Further, it is noted that dwellings have been designed to achieve maximise solar and daylight access.</p>



Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Communal open space objective

Clause 58.03-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To provide communal open space that meets the recreation and amenity needs of residents. • To ensure that communal open space is accessible, practical, attractive, easily maintained. • To ensure that communal open space is integrated with the layout of the development and enhances resident amenity. 	<p>Complies</p>
<p>Standard D7</p> <ul style="list-style-type: none"> • A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. • If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. • Each area of communal open space should be: <ul style="list-style-type: none"> ○ Accessible to all residents. ○ A useable size, shape and dimension. ○ Capable of efficient management. ○ Located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. • Any area of communal outdoor open space should be landscaped and include canopy cover and trees. 	<p>Complies</p> <p>The development is proposed to contain over 1000sqm of external communal open space areas which exceeds the size requirements required by Standard D7.</p> <p>The design of the communal areas is designed to be accessible and landscaped and will positively contribute to the amenity of future residents.</p>



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective <ul style="list-style-type: none"> To allow solar access into communal outdoor open space 	Complies
Standard D8 <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. 	Does not comply, variation supported. <p>The level 7 and 37 roof terraces will largely be overshadowed by the building because they are positioned to the tower of the proposed tower. The open space can't be positioned to the north for siting and off-site impact reasons. The extent of overshadowing is acceptable given both areas of external open space will still receive sunlight in slithers and the shadow move. The level 7 area also includes a s 300sqm area of open space to the north which is not clearly confirmed as being overshadowed in the submitted materials. On balance the proposed non-compliance is acceptable and residents will be afforded a high degree of amenity through the size of the external areas as well as the extent of internal communal facilities.</p>

Safety objective

Clause 58.03-4	Assessment
Objective <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property 	Complies
Standard D9 <ul style="list-style-type: none"> Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	Complies <p>The proposed residential entries are considered to be easily identifiable. Further details on lighting and landscaping will be secured via conditions.</p> <p>The landscaped forecourt will be publicly accessible and will provide an appropriate link to the remainder of the precinct.</p>

Landscaping objectives

Clause 58.03-5	Assessment
Objectives <ul style="list-style-type: none"> To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat. 	Complies
Standard D10 <ul style="list-style-type: none"> Development should retain existing trees and canopy cover. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: 	Does not comply, acceptable subject to conditions. <p>The standard requires</p> <ul style="list-style-type: none"> deep soil of 15% of the site area = 403.8sqm. Canopy coverage of 350sqm + 20% of the site area over 2,500sqm = 388.4sqm.



- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre

Landscaping is proposed to be provided around the buildings and within the proposed communal terrace areas. The plans do not sufficiently detail the extent of deep soil planting and canopy coverage and details will need to be secured by condition. The applicant has noted that:

- Much of the forecourt to Harbour Esplanade is proposed to be treated with soft landscaping, and is likely to result in deep soil areas of approximately 250sqm – just under 10 per cent of the site.
- Additional deep soil areas and planters are likely to be able to be provided on the upper level terraces.
- The ground level landscaped area is proposed to be largely covered with canopy, and this canopy cover will extend beyond the deep soil area – as such, coverage in the order of 250sqm – 300sqm can likely be achieved in this area.
- Additional canopy trees can be provided at the upper level terraces, which would contribute further to the canopy cover.

The above is recommended to be secured by condition to be shown on a deep soil planting and canopy coverage plan. It is considered that with further planting and deep soil areas provided on terraces, the proposal would likely achieve the requirements of the standard. Notwithstanding this, a variation in this instance would be acceptable, given the urban setting of the site.



B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. • To ensure the vehicle crossovers are designed and located to minimise visual impact. 	Complies
<p>Standard D11</p> <ul style="list-style-type: none"> • Vehicle crossovers should be minimised. • Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. • Pedestrian and cyclist access should be clearly delineated from vehicle access. • The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. • Developments must provide for access for service, emergency and delivery vehicles. 	<p>Complies</p> <p>The proposal minimises vehicle crossovers, limiting vehicle access to occur from Ron Casey Lane to the rear.</p>

Parking location objectives

Clause 58.03-7	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments. 	Complies
<p>Standard D12</p> <ul style="list-style-type: none"> • Car parking facilities should: <ul style="list-style-type: none"> ○ Be reasonably close and convenient to dwellings. ○ Be secure. ○ Be well ventilated if enclosed. • Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. 	<p>Complies</p> <p>The proposed car parking location is convenient, secure and will be well ventilated.</p>



Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. 	Complies
Standard D13 <ul style="list-style-type: none"> Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. The stormwater management system should be: <ul style="list-style-type: none"> Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	Complies <p>The proposal incorporates a rainwater harvesting system that will capture stormwater water run off and is in accordance with the best practice guidelines. Further detail is set out in the assessment section of this report.</p>

Building setback objectives

Clause 58.04-1	Assessment
Objectives <ul style="list-style-type: none"> To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into new dwellings. To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings. To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. 	Complies
Standard D14 <ul style="list-style-type: none"> The built form of the development must respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to: <ul style="list-style-type: none"> Ensure adequate daylight into new habitable room windows. Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. Ensure the dwellings are designed to meet the objectives of Clause 58. 	Complies. <p>The building is setback from the Harbour Esplanade in response to site constraints associated with the easements and a covenant. The setbacks provided to side and rear boundaries are acceptable for the reasons set out in the assessment section of this report.</p>

Internal views objective

Clause 58.04-2	Assessment
Objective <ul style="list-style-type: none"> To limit views into the private open space and habitable room windows of dwellings within a development. 	Complies



Standard D15

- *Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.*

Complies

Internal overlooking is sufficiently mitigated either via screening, separation distances or orientation.

Noise impacts objectives

Clause 58.04-3	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To contain noise sources in developments that may affect existing dwellings.</i> • <i>To protect residents from external and internal noise sources.</i> 	<p>Complies</p>
<p>Standard D16</p> <ul style="list-style-type: none"> • <i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</i> • <i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i> • <i>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</i> • <i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i> • <i>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</i> <ul style="list-style-type: none"> ○ <i>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</i> ○ <i>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</i> • <i>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</i> • <i>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i> 	<p>Complies</p> <p>The submitted acoustic report indicates that the development is expected to comply with the noise targets of Standard D16 subject to the recommendations.</p>
<p>Table D5 Noise influence area</p>	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<p>Note: <i>The noise influence area should be measured from the closest part of the building to the noise source.</i></p>	



Wind impacts objective

Clause 58.04-4	Assessment				
Objective <ul style="list-style-type: none"> To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land. 	Complies				
Standard D17 <ul style="list-style-type: none"> Development of five or more storeys, excluding a basement should: <ul style="list-style-type: none"> not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area. <p style="text-align: center;">Table D6 Wind conditions</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Unsafe</th> <th>Comfortable</th> </tr> </thead> <tbody> <tr> <td>Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.</td> <td>Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> 3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas. </td> </tr> </tbody> </table>	Unsafe	Comfortable	Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> 3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas. 	Complies <p>The submitted wind report demonstrates that subject to mitigation measures the proposal will achieve safe wind conditions in accordance with the requirements of Standard D17.</p>
Unsafe	Comfortable				
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> 3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas. 				

Accessibility objective

Clause 58.05-1	Assessment									
Objective <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	Complies									
Standard D18 <ul style="list-style-type: none"> At least 50 per cent of dwellings should have: <ul style="list-style-type: none"> A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. A main bedroom with access to an adaptable bathroom. At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7. <p style="text-align: center;">Table D7 Bathroom design:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th></th> <th>Design option A</th> <th>Design option B</th> </tr> </thead> <tbody> <tr> <td>Door opening</td> <td>A clear 850mm wide door opening</td> <td>A clear 820mm wide door opening located opposite the shower</td> </tr> <tr> <td>Door Design</td> <td>Either: <ul style="list-style-type: none"> A slide door, or </td> <td>Either: <ul style="list-style-type: none"> A slide door, or </td> </tr> </tbody> </table>		Design option A	Design option B	Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower	Door Design	Either: <ul style="list-style-type: none"> A slide door, or 	Either: <ul style="list-style-type: none"> A slide door, or 	Complies <p>The BADS layout plan demonstrates that 96% of dwellings are designed as accessible in accordance with Standard D18. This includes the circulation areas and at least either a Design Option A or B bathroom.</p>
	Design option A	Design option B								
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower								
Door Design	Either: <ul style="list-style-type: none"> A slide door, or 	Either: <ul style="list-style-type: none"> A slide door, or 								



	<ul style="list-style-type: none"> • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	<ul style="list-style-type: none"> • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To provide each dwelling and building with its own sense of identity.</i> • <i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i> • <i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i> 	<p>Complies</p>
<p>Standard D19</p> <ul style="list-style-type: none"> • <i>Entries to dwellings and buildings should:</i> <ul style="list-style-type: none"> ○ <i>Be visible and easily identifiable.</i> ○ <i>Provide shelter, a sense of personal address and a transitional space around the entry.</i> • <i>The layout and design of buildings should:</i> <ul style="list-style-type: none"> ○ <i>Clearly distinguish entrances to residential and non-residential areas.</i> ○ <i>Provide windows to building entrances and lift areas.</i> ○ <i>Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</i> 	<p>Complies</p> <p>Residential entries are considered to be clearly identifiable, accessible and will not be obstructed by building services.</p> <p>Common areas and corridors contain sufficient light and ventilation.</p>

- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Private open space objective

Clause 58.05-3	Assessment																						
Objective <ul style="list-style-type: none"> • To provide adequate private open space for the reasonable recreation and service needs of residents 	Complies																						
Standard D20 <ul style="list-style-type: none"> • A dwelling should have private open space consisting of at least one of the following: <ul style="list-style-type: none"> ○ An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. ○ A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. ○ An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. ○ An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. • If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres. • If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25. 	Does not comply, variations supported and also addressed via conditions. <p>Below 40m above ground, 18 apartments are not proposed to be provided with a balcony and therefore do not comply with the requirements of Standard D20. Except for 6 studio apartments, the dwellings proposed without a balcony are instead proposed to contain additional internal area equivalent to what would be required for a balcony. Additionally, all dwellings will have access to 2197sqm of internal communal areas and 1248sqm of external communal opens space. This is an acceptable outcome.</p> <p>The type B03 apartment is proposed to contain 6.277sqm of POS where 8sqm is required. The variation is supported as the open space achieves the minimum dimensions required and additional internal area of 2sqm is achieved internally within the dwelling.</p> <p>It is also noted that the following apartment types are shown to contain a compliant total clear area of POS yet the dimensions shown are equate to less than the clear area noted:</p> <ul style="list-style-type: none"> • Type A02 • Type A03 • Type A10 and Type A10(M) • Type A14 • Type B01 • Type B06 • Type B07 • Type C01 • Type S08 <p>A condition is recommended to be included on the permit requiring the width and depth dimensions to be corrected to reflect the minimum clearance area shown on the plans.</p>																						
<p style="text-align: center;">Table D8 Balcony size</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Orientation of dwelling</th> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Minimum area</th> <th style="background-color: #009688; color: white;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>North (between north 20 degrees west to north 30 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.7 metres</td> </tr> <tr> <td>South (between south 30 degrees west to south 20 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.2 metres</td> </tr> <tr> <td rowspan="3">Any other orientation</td> <td>Studio or 1 bedroom</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table>	Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension	North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres	South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres	Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres	2 bedroom	8 square metres	2 metres	3 or more bedroom	12 square metres	2.4 metres	
Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension																				
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres																				
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres																				
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres																				
	2 bedroom	8 square metres	2 metres																				
	3 or more bedroom	12 square metres	2.4 metres																				
<p style="text-align: center;">Table D9 Additional living area or bedroom area</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Additional area</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom</td> <td>8 square metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> </tr> </tbody> </table>	Dwelling type	Additional area	Studio or 1 bedroom	8 square metres	2 bedroom	8 square metres	3 or more bedroom	12 square metres															
Dwelling type	Additional area																						
Studio or 1 bedroom	8 square metres																						
2 bedroom	8 square metres																						
3 or more bedroom	12 square metres																						



Storage objective

Clause 58.05-4	Assessment															
Objective <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling 	Complies															
Standard D21 <ul style="list-style-type: none"> Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10. <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Table D10 Storage</caption> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	Complies, subject to condition. Where a dwelling is not provided with sufficient internal storage, it will be provided with a storage cage. The storage cages are supported. However, alterations are recommended to be secured by condition to ensure they can be accessed and do not rely on an adjacent car space for access.
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling														
Studio	8 cubic metres	5 cubic metres														
1 bedroom dwelling	10 cubic metres	6 cubic metres														
2 bedroom dwelling	14 cubic metres	9 cubic metres														
3 or more bedroom dwelling	18 cubic metres	12 cubic metres														

Common property objectives

Clause 58.06-1	Assessment
Objectives <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Complies
Standard D22 <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	Complies Proposed common property areas are functional and will be capable of efficient management.

Site services objectives

Clause 58.06-2	Assessment
Objectives <ul style="list-style-type: none"> To ensure that site services are accessible and can be installed and maintained. To ensure that site services and facilities are visually integrated into the building design or landscape. 	Complies
Standard D23 <ul style="list-style-type: none"> Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development. 	Complies Site services are conveniently located adjacent to Latrobe St and Ron Casey Lane boundaries. Conditions are recommended to secure details demonstrating the services are integrated into the façade design.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives	Complies



- To ensure dwellings are designed to encourage waste recycling.
- To ensure that waste and recycling facilities are accessible, adequate and attractive.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D24

- Developments should include dedicated areas for:
 - Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
 - Adequate facilities for bin washing. These areas should be adequately ventilated.
 - Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
 - Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
 - Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
 - Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
- Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
 - Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
 - Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Complies

Waste areas and collection arrangements are generally acceptable. The submitted WMP is supported subject to conditions recommended by the council's waste department.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives <ul style="list-style-type: none"> • To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. • To ensure external walls endure and retain their attractiveness. 	Complies
Standard D25 <ul style="list-style-type: none"> • External walls should be finished with materials that: <ul style="list-style-type: none"> ○ Do not easily deteriorate or stain. ○ Weather well over time. ○ Are resilient to the wear and tear from their intended use. • External wall design should facilitate safe and convenient access for maintenance. 	Complies The proposed materials and design is generally supported. Materials are of a high quality and will appropriately articulate the building. Details are recommended to be secured by condition in the form of a façade strategy, including details with regard to façade cleaning and maintenance.

Functional layout objective

Clause 58.07-1	Assessment
Objective	Does not comply, addressed via conditions.



- To ensure dwellings provide functional areas that meet the needs of residents

Standard D26

- Bedrooms should:
 - Meet the minimum internal room dimensions specified in Table D11.
 - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D11 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Does not comply, addressed via conditions.

The following apartment types are proposed to contain a living room which does not meet the required internal dimensions:

- Type A18 (5)
- Type B01 (28)
- Type B03 (25)
- Type B04 (26)
- Type B06 (13)
- Type B08 (5)
- Type C01 (10)

Most of the above apartment types do not meet the minimum required dimensions of 3.3m or 3.6m due to the position of structural walls which marginally encroach into the living spaces. The extent of encroachment is minor and the layout plans demonstrate that most of the apartments will still achieve a functional layout, or have been provided with additional internal area elsewhere in the dwelling.

Apartment Type B04 is a two-bedroom apartment with a living space that is encroached on by the kitchen bench. In this instance, the layout is not considered appropriate because it also encroached on by circulation space to a bedroom. The living space is constrained and should be redesigned to comply. This is recommended to be secured by condition.

Additionally, the Type A20 apartments (5 in total) contain a bedroom which does not meet the minimum required dimensions for a main bedroom, due to encroachment of a structural wall. The non-compliance is acceptable because the bedroom is still demonstrated to be functional and contains additional space, outside of the minimum required clear area.

Room depth objective

Clause 58.07-2	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms 	Complies
<p>Standard D27</p> <ul style="list-style-type: none"> Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. 	<p>Complies</p> <p>All apartments are provided with a 2.7m floor to ceiling height and no single aspect room exceeds 9 metres in depth.</p>



Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none">To allow adequate daylight into new habitable room windows.	Complies
Standard D28 <ul style="list-style-type: none">Habitable rooms should have a window in an external wall of the building.A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.The secondary area should be:<ul style="list-style-type: none">A minimum width of 1.2 metres.A maximum depth of 1.5 times the width, measured from the external surface of the window.	Complies <p>All habitable rooms are provided with a window in an external wall of the building and no secondary areas are relied on for daylight access.</p>

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <ul style="list-style-type: none">To encourage natural ventilation of dwellings.To allow occupants to effectively manage natural ventilation of dwellings.	Complies
Standard D29 <ul style="list-style-type: none">The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.At least 40 per cent of dwellings should provide effective cross ventilation that has:<ul style="list-style-type: none">A maximum breeze path through the dwelling of 18 metres.A minimum breeze path through the dwelling of 5 metres.Ventilation openings with approximately the same area.The breeze path is measured between the ventilation openings on different orientations of the dwelling.	Does not comply, variation supported. <p>A total of 31% of the proposed apartments are proposed to be cross ventilated in accordance with the standard, falling 9% short of the 40% requirement.</p> <p>The 9% non-compliance is acceptable because the majority of apartments contain multiple sources of ventilation in living rooms and bedrooms, despite not always being cross ventilated in accordance with the standard. Therefore, it is considered that the dwellings will still be appropriately ventilated.</p>

Appendix B: Council Conditions



Council recommended conditions		DTP Response
<p>Amended Plans</p> <p>1. Prior to the commencement of the development, an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority in consultation with Melbourne City Council, generally in accordance with the plans prepared by Fender Katsalidis, dated 12 May 2025 but amended to show:</p>	<p>a) Alterations to the built form to ensure the extent of overshadowing does not extend beyond the western footpath along Harbour Esplanade between 11am and 3pm on 22 September.</p>	<p><u>Not supported</u></p> <p>For the reasons outlined in the assessment section of this report and having specific regard to the decision guidelines of the DDO52, the proposed extent of overshadowing to the western footpath along Harbour Esplanade is not considered to be 'significant' overshadowing. Notably, the amended scheme will not overshadow the western footpath beyond 11:45am on the September Equinox.</p>
	<p>b) Further design measures to achieve a more defined street edge to Harbour Esplanade and / or include a 'food and drink premises' at the ground floor level generally in accordance with the 'Future Adaptability Strategy' prepared by Fender Katsalidis and dated 31 July 2025.</p>	<p><u>Not supported</u></p> <p>The subject site is constrained by easements and restrictions which prevent a hard street edge to Harbour Esplanade. Additionally, the future adaptability plans demonstrate how the ground floor could be divided into future separate commercial tenancies. However, under the relevant controls, there is not a specific requirement for such a tenancy to be provided. The future adaptability of the ground floor has been demonstrated and the ground floor as it designed currently will provide sufficient activation through its ancillary facilities, number of entries and the façade design.</p>
	<p>c) Relocation of the 12 visitor bicycle parking spaces located on La Trobe Street to inside the title boundary of the subject site.</p>	<p><u>Supported, with variation.</u></p> <p>The condition is recommended to be varied to 'unless otherwise agreed with Melbourne City Council'. This will enable flexibility should an agreement be reached in future.</p>
	<p>d) All car parking spaces adjacent to the basement storage areas must be deleted or redesigned to allow for adequate access.</p>	<p><u>Supported.</u></p>
	<p>e) All spaces, ramps, grades, transitions, accessways and height clearances must be generally designed in accordance with the Melbourne Planning Scheme (MPS) or AS/NZS 2890.1:2004.</p>	<p><u>Supported, with variation.</u></p> <p>This condition is recommended to be altered to require specific details as the layouts have been assessed.</p>
	<p>f) Demonstrate that all canopies to La Trobe Street and Harbour Esplanade comply with Melbourne City Council's Road Encroachment Operational Guidelines.</p>	<p><u>Supported.</u></p>
	<p>g) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other conditions in this Permit.</p>	<p><u>Supported, with variation.</u></p> <p>Standard conditions are recommended to be imposed requiring any changes in accordance with the relevant technical reports.</p>



<p>Endorsed Plans</p> <p>2. At all times what the permit allows must be carried out in accordance with the requirements of any document endorsed under this permit to the satisfaction of the Responsible Authority.</p> <p>3. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.</p>	<p><u>Supported, with variation to reflect DTP standard permit conditions.</u></p>
<p>Completion of Development</p> <p>4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.</p>	<p><u>Supported.</u></p>
<p>Retention of Architect</p> <p>5. Except with the written consent of the Responsible Authority, Fender Katsalidis must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.</p>	<p><u>Supported.</u></p>
<p>Façade Strategy</p> <p>6. Concurrent with the endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the development plans, and must include the following details:</p> <ul style="list-style-type: none"> 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, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation. c) Street level elevations at scale of 1:20 (or similar) for all public interfaces. All proposed materials at the street wall level should be robust and of high quality, and should be annotated on these drawings. d) 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. e) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed. f) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed. 	<p><u>Supported.</u></p>



<p>g) Example prototypes and/or precepts that demonstrate the intended design outcome as indicated on plans and perspective images, to produce high quality built form outcome in accordance with the design concept.</p> <p>h) 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.</p> <p>i) Further details on the hand laid bricks at the lower levels of the podium including specific details on the whole bricks at corners of the development.</p> <p>j) Details of wind mitigation measures consistent with the Wind Report, ensuring they are integrated with the broader design.</p> <p>k) Details of glazing, wall and roof construction confirming accordance with the recommendation of the acoustic report.</p> <p>d) Any changes required by the reflective glare assessment.</p>	
<p>Reflected Glare Assessment</p> <p>7. Prior to the commencement of the development, a Reflected Glare Assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.</p> <p>8. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.</p> <p>9. Specular light reflectance from external materials and finishes must be less than 15% to the satisfaction of and unless otherwise approved by the Responsible Authority.</p>	<p><u>Supported.</u></p>
<p>Waste Management</p> <p>10. Concurrent with the endorsement of plans under Condition 1, an amended WMP must be submitted to and approved by Melbourne City Council – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by WSP dated May 2025, but amended to include or show:</p> <p>a) Any changes as required by Condition 1 of this Permit.</p> <p>b) Any changes required to meet municipal waste collection requirements in accordance with 'Residential' specifications in the <i>City of Melbourne's Guidelines for Preparing a Waste</i></p>	<p><u>Supported.</u></p>



<p>Management Plan.</p> <p>c) Updates to the loading dock arrangement to accommodate operational collection requirements and to:</p> <ul style="list-style-type: none"> i. Clarify the role of building management in the collection and movement of compactors. ii. Demonstrate that the design of the loading bay is such that compactor/s will be easily accessible and ready for collection when the truck arrives, and that upon return, the compactor/s can easily be put back into their storage position. iii. Provide manufacturer specifications for the proposed compactor/s, including dimensions and updated plan drawings with the correct compactor dimensions. iv. Provide an elevation diagram showing that the hook lift operation, in the context of the loading bay ceiling, can be achieved in accordance with the guidelines. <p>d) If required, a bin lifter for emptying small glass and FOGO bins from each floor.</p> <p>e) Updates to tables 7, 11 and 18 to note that Council can supply 660 L bins for Residential E-waste.</p> <p>f) Further swept path diagrams to show a 9.8 metre hook lift vehicle and an 8.8 metre service vehicle, with adequate clearances from hard structures during all manoeuvres.</p>	
<p>11. Once approved, the WMP will be endorsed and will form part of this permit. At all times waste management and collection must be carried out in accordance with the requirements of the approved and endorsed WMP to the satisfaction of Melbourne City Council – Waste and Recycling. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council – Waste and Recycling.</p>	<p><u>Not supported</u></p> <p>Compliance with the WMP is secured via other standard conditions.</p>
<p>12. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Melbourne City Council – Waste and Recycling.</p>	<p><u>Supported</u></p>
<p>Sustainability Management Plan</p> <p>13. Concurrent with the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan (SMP) prepared by a suitably qualified person must be submitted to and</p>	<p>Any changes as required by Condition 1 of this Permit.</p> <p>Evidence that the project is registered for 5 Star Green Star Buildings – V1 Revisions B tool or equivalent.</p> <p>The Green Star Accredited Professional (individual) who has been engaged on the project.</p>
	<p><u>Supported</u></p>
	<p><u>Supported</u></p>
	<p><u>Supported</u></p>



<p>approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by Arup dated August 2024, but modified to include or show:</p>	Further evidence provided on the consideration of an average 7.5 NatHERS.	<u>Supported</u>
	Further information indicating that at a minimum the external landscape of the building achieves either 30% of the site area or equivalent.	<u>Supported</u>
	A schematic design to provide a review of the proposed design including an air barrier schematic, and to detail a proposed air tightness target.	<u>Supported</u>
	An air barrier schematic and proposed air tightness target.	<u>Not supported</u> , This condition is a double up.
	Evidence of a risk and opportunities assessment and a responsible procurement plan.	<u>Supported</u>
	Provide calculations that demonstrate the amount of space that has adequate daylight as a proportion of the total regularly occupied areas of the building.	<u>Supported</u>
	A copy of the pre-screening climate change checklist. Prior to construction a project specific climate change risk and adaptation plan needs to be provided.	<u>Supported</u>
	Provide the Green Star movement and place calculator indicating 3 points can be achieved by the development.	<u>Supported</u>
	Evidence that shows at least 75% of the whole site area comprises of one or a combination of strategies that reduce the heat island effect.	<u>Supported</u>
	Provide a Green Factor scorecard demonstrating a minimum score of 0.55 and a plan that shows where all of the Green infrastructure elements provided in the tool are located.	<u>Supported</u>
	Provide notes and labels on plans that show materials that are included in the 75% compliance area for the urban heat island requirements.	<u>Not supported</u> This is a double up.
Provide a note on the roof plan that indicates the PV system size is 62 kw.	<u>Supported but relocated to Condition 3 (amended plans condition)</u>	



	<p>Provide a note on the floor plans showing the volume of the rainwater tank as at least 40 kL including a notation for intended reuse for toilets, irrigation and washdown.</p>	<p><u>Supported but relocated to Condition 3 (amended plans condition)</u></p>
	<p>Show the location of any third party certified proprietary devices on the planning drawings.</p>	<p><u>Not supported</u> Not required.</p>
	<p>Indicate the Visual Light Transmittance value for all glazing on the elevations.</p>	<p><u>Supported but relocated to Condition 3 (amended plans condition)</u></p>
<p>14. Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority and Melbourne City Council.</p>	<p><u>Not supported</u> Compliance with the SMP is secured via other standard conditions.</p>	
<p>Implementation of Sustainable Management Plan Report 15. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP 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 and Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and Melbourne City Council 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.</p>	<p><u>Supported, with variation to reflect DTP standard permit conditions.</u></p>	



<p>Green Star Buildings Certification</p> <p>16. Within 24 months from the date of occupancy evidence of a certified 5 Star Green Star Buildings rating should be provided to the Responsible Authority and Melbourne City Council.</p>	<p><u>Supported.</u></p>
<p>Landscape Architecture</p> <p>17. Concurrent with the endorsement of plans pursuant to Condition 1, a complete Green Infrastructure Landscape Package and Landscape Maintenance Plan be prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must be generally in accordance with the plans prepared by Oculus dated August 2024 and must be updated to show:</p> <ul style="list-style-type: none">a) Any changes as required by Condition 1 of this permit.b) Detailed planter sections including soil volumes, diverse schedule of species including indicative planting locations with specific consideration given to tree species / placement / soil volume requirements and specified lightweight growing media.c) Incorporate the use of more native shade tolerant specified for the ground level.d) Remove reference to any artificial lawn.e) The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.	<p><u>Supported.</u></p>
<p>18. Except with the prior written consent of the Responsible Authority and Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped areas must be maintained to the satisfaction of the Responsible Authority</p>	<p><u>Supported in part, with variation to reflect DTP standard permit conditions.</u></p>



Section 173 Agreements

Affordable Housing

19. Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and works to remediate contaminated land, the landowner must enter into an agreement with Melbourne City Council and the Responsible Authority specified as a party to the agreement, under section 173 of the Planning and Environment Act 1987, to the satisfaction of the parties, for the delivery of affordable housing (as defined in the Act).

The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including Melbourne City Council's and the Minister for Planning's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

The agreement must be in a form to the satisfaction of Council and include covenants that run with title to the Land to:

- a) Provide for the delivery of at least 4.6% of dwellings as affordable housing as defined by Section 3AA of the Act before the development is occupied. This may be provided by utilising one or more of the following mechanisms:
 - i. Gifting dwellings within the development to a registered agency (or rental housing agency approved by the Responsible Authority) at nil consideration; or
 - ii. Leasing dwellings within the development as affordable housing under the management or oversight of a registered agency (or rental housing agency approved by the Responsible Authority). The cumulative value of the discounted rent must be of equivalent or higher value to condition 19(a)(i); or
 - iii. Any other mechanism providing a contribution of equivalent or higher value to condition 19(a)(i) to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.
- b) Unless otherwise agreed in writing by the Responsible Authority, in consultation with Melbourne City Council, the affordable housing delivered under condition 18(a) must:
 - i. be delivered within the development approved by this planning permit;
 - ii. take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered agency or rental housing agency;

Supported in part, with variations.

This condition is recommended to specifically reference the affordable housing contribution the proponent has offered (i.e. 10% above 75m in height). This allows more flexibility, should the number of apartments change in future above 75m in height. Additionally, the condition is recommended to be altered to include additional options as agreed with the permit applicant. The options are provided below and are consistent with those DTP secure under Clause 53.23 applications:

- Gifting 3% of the dwellings above 75m in height (above natural ground) within the development to a registered agency (or rental housing agency approved by the Responsible Authority) at nil consideration; or
- Sale of 10% of the total number of dwellings in the component of the development above 75m in height (above the natural ground) at a 30% discount to market rate to a Registered Housing Agency or Homes Victoria for operation as social and/or affordable housing; or
- Leasing of 10% of the total number of dwellings in the component of the development above 75m in height (above the natural ground) as affordable housing under the management or oversight of a registered agency (or rental housing agency approved by the Responsible Authority). The cumulative value of the discounted rent must be of equivalent or higher value to condition 41(a)(i); or
- Any other mechanism providing a contribution of equivalent or higher value to condition 41(a)(i) to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.



<ul style="list-style-type: none">iii. be functionally and physically indistinguishable from, and have comparable amenity to, other dwellings;iv. include appropriate access to communal facilities within the building at no extra fee for occupants of affordable housing dwellings; andv. allocate one or more bicycle parking space per dwelling. <p>c) If the affordable housing contribution is to be delivered through the mechanism set out in condition 19(a)(i), the landowner will engage a registered agency or rental housing agency to oversee the allocation of and annual reporting on the affordable housing. The registered agency or rental housing agency will be responsible for providing assurance that:</p> <ul style="list-style-type: none">i. The affordable housing dwellings are allocated to eligible households (as set out in the Planning and Environment Act);ii. Rental payments are no greater than 30% of gross household income for allocated households;iii. An annual compliance check is undertaken to ensure households continue to be eligible for affordable housing;iv. An annual report is prepared setting out the number of dwellings that have been rented as affordable housing and the annual and cumulative value of the discounted rent; and,v. The annual report prepared by a registered agency or rental housing agency must be provided to the Responsible Authority and Melbourne City Council on 30 June.	
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<p>Noise Attenuation</p> <p>20. Concurrent with the endorsement of plans under Condition 1, the Acoustic Report prepared by Acoustic Logic dated August 2024 must amended to reflect the changes as required by Condition 1.</p> <p>21. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.</p>	<p><u>Supported in part, with variation to reflect DTP standard permit conditions.</u></p>
<p>Wind Report</p> <p>22. Concurrent with the endorsement of plans pursuant to Condition 1, an amended Wind Report prepared by a suitably qualified wind consultant must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must be generally in accordance with the plans prepared by MEL Consultants Logic dated October 2023 / August 2024 and must be updated to show:</p> <ul style="list-style-type: none"> a) Any changes as required by Condition 1 of this permit. b) Revised modelling and any associated changes to the development to ensure there are no unreasonable safety implications to Harbour Esplanade. 	<p><u>Supported in part.</u></p> <p>The wind report provided with the Section 57a amendment is recommended to be endorsed and does not require changes.</p>
<p>23. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.</p>	<p><u>Supported in part.</u></p> <p>The implementation part prior to occupation is recommended to be secured. The no changes part is already addressed in other standard conditions.</p>
<p>Construction Management and Tree Protection</p> <p>Construction Management Plan</p> <p>24. Prior to the commencement of the development, including demolition or bulk excavation, a detailed demolition and construction management plan must be submitted to and be approved by the Melbourne City Council – Site Services. This demolition and construction management plan must be prepared in accordance with the City of Melbourne’s Code of Practice for Building, Construction and Works and is to address the following:</p> <ul style="list-style-type: none"> 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) An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) must be provided to the satisfaction of the City of Melbourne. These documents may be staged to cover the demolition, excavation, construction or civil works. The AIA-TPP must collectively identify all impacts to public trees, 	<p><u>Supported.</u></p>



<p>be in accordance with AS 4970-2009 (<i>Protection of trees on development sites</i>), AS4373-2007 (<i>Pruning of Amenity Trees</i>), and be authored by a qualified consulting arborist (min. AQF Level 5), including, but not limited to:</p> <p>h) A public tree location plan drawn to scale including approved building design, construction zones, site access, machinery, equipment, temporary structures and dimensioned tree protection zones required to enable demolition, excavation, and construction, where these works are to impact public tree</p> <ul style="list-style-type: none"> i. City of Melbourne asset numbers for the public trees to be impacted (found at http://melbourneurbanforestvisual.com.au). ii. A written assessment of all public trees located adjoining property, detailing the general condition and specific data of each public tree, and any construction impact the proposal will have on the trees, presented concisely with the assistance of tables and photos. iii. Reference finalised Construction and Traffic Management Plan, including designs, details, and dimensions of any public protection gantries, scaffold, loading zones and machinery locations. iv. Site specific details of the temporary tree protection fencing or hoarding to be used to isolate public trees from the demolition and construction activities. These must be shown on the location plan. Details of any other tree protection measures considered necessary and appropriate to the works. v. Specific details of any design modifications or 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. vi. Any pruning required to public trees must include detailed specifications with reference to marked images. vii. A supervision schedule for the Project Arborist, interim reporting periods and final completion report (necessary for bond release). 	
<p>Public Tree Removal / Pruning</p> <p>25. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.</p> <p>26. Approval for any tree removal is subject to the Tree Policy 2021, Council’s Delegations Policy and requirements for public notification, and a briefing paper to councillors. All options for tree retention must be explored and exhausted to the satisfaction of a City of Melbourne Arborist before public tree removal, or significant pruning, is approved.</p>	<p><u>Supported.</u></p>



<p>27. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. Costs will be provided and must be agreed to before council remove the subject trees.</p>	
<p><i>New / Replacement Tree Plots</i></p> <p>28. All new or replacement tree plots must maximise available soil volume and rooting area, with either enlarged pit dimensions, relocating, or providing protection for underground services, or the use of structural soils.</p>	<p><u>Supported.</u></p>
<p><i>Public Tree Protection</i></p> <p>29. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan (TPP) and supervised by a suitably qualified Arborist, where identified in the report, except with the further written consent of the City of Melbourne.</p> <p>30. Following the approval of a Tree Protection Plan (TPP), a bond equivalent for the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.</p>	<p><u>Supported.</u></p>
<p>Road Safety Audit</p> <p>31. Prior to the commencement of the development, excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority and Melbourne City Council. The Road Safety Audit must address, but not be limited to the following matters:</p> <ul style="list-style-type: none"> a) Vehicular / bicycle / pedestrian access arrangements b) Loading arrangements c) Internal circulation / layout <p>When provided to the satisfaction of the Responsible Authority and Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.</p>	<p><u>Supported.</u></p>
<p>32. Prior to the commencement of the development, a comprehensive Loading Management Plan (LMP) must be prepared to the satisfaction of the Responsible Authority and Melbourne City Council, specifying how the access / egress of loading vehicles is to be managed. A Dock Manager must be employed, responsible for controlling the operation of the loading bay, with responsibilities including:</p> <ul style="list-style-type: none"> a) Present on site when deliveries are undertaken b) Act as a spotter for any reversing movements into the loading bay 	<p><u>Supported.</u></p>



<p>c) Act as informal traffic controller to discourage pedestrian movements when vehicles reverse</p> <p>d) Ensure conflicts do not occur between loading / other vehicles</p> <p>e) Ensure that spaces used for vehicle manoeuvring are kept clear of other vehicles / obstructions at all times.</p> <p>f) The design of the loading area, including all space dimensions, grades and height clearances, must comply with relevant standards for Commercial Vehicles (AS2890.1:2018) and Clause 52.07.</p> <p>g) Amended swept path diagrams detailing all on-street infrastructure, including the recently installed platform tram stop in La Trobe Street, to ensure there is no conflict.</p> <p>When provided to the satisfaction of the Responsible Authority and Melbourne</p>	
<p><i>Drainage of projections</i></p> <p>33. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council Authority – City Infrastructure.</p>	<p><u>Supported.</u></p>
<p><i>Drainage system upgrade</i></p> <p>34. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – 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. Where necessary, the City of Melbourne’s drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.</p> <p>Unless otherwise agreed in writing by the City of Melbourne – City Infrastructure, as part of the drainage system upgrade, the existing drain and gross pollutant trap located in the drainage easement along the west property boundary must be relocated within the road reserve in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.</p>	<p><u>Supported in part but with changes.</u></p> <p>DTP’s standard SMP condition is recommended to be imposed but will be to CoM’s satisfaction. The condition also is not recommended to request the changes relating to easements because the proposal no longer varies such easements.</p>
<p>35. 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.</p>	<p><u>Supported.</u></p>
<p><i>Demolish and construct access</i></p> <p>36. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath,</p>	<p><u>Supported.</u></p>



<p>kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.</p> <p>Street works required</p> <p>37. Prior to the commencement of the occupation of the development, all new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Harbour Esplanade must be constructed in accordance with plans and specifications first approved City of Melbourne – City Infrastructure.</p>	
<p>Roads and Footpaths</p> <p>38. All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.</p> <p>39. The footpath adjoining the site along La Trobe Street and Harbour Esplanade (including the widened portion) 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 City of Melbourne – City Infrastructure.</p> <p>Street levels not to be altered</p> <p>40. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council – City Infrastructure.</p> <p>Relocation of street light / tram poles in La Trobe Street</p> <p>41. Prior to the commencement of the use /occupation of the development, the two light / tram joint poles and tram pole in La Trobe Street must be relocated 750 mm from the face of kerb at the cost of the developer in accordance with plans and specifications first approved City of Melbourne – City Infrastructure and to the satisfaction of the relevant service authority.</p> <p>Existing street lighting not altered without approval</p> <p>42. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of City of Melbourne – City Infrastructure.</p> <p>Existing street furniture</p> <p>43. Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne – City Infrastructure.</p> <p>Street furniture</p> <p>44. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on La Trobe Street and Harbour Esplanade footpaths outside</p>	<p><u>Supported.</u></p>



<p>the proposed building to plans and specifications first approved by City of Melbourne – City Infrastructure.</p>	
<p>Road Declaration 45. Prior to the occupation of the development, the widened portion of Harbour Esplanade abutting the subject land is to be constructed and vested in Council as a road under the provision of the Subdivision Act 1988.</p>	
<p>Public lighting 46. 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 La Trobe Street and Harbour Esplanade. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.</p>	<p><u>Supported, with variation to reflect DTP standard permit conditions.</u></p>
<p>Drainage Easements 47. Prior to the commencement of the development, evidence must be provided to the City of Melbourne – City Infrastructure that easements E-4 and E-10 are also in favour of the City of Melbourne.</p>	<p><u>Not supported.</u> No longer applicable following Section 57a amendment removing proposal to remove, vary and create easements.</p>
<p>Land Survey 48. No buildings or works shall be constructed outside the title of the land without the written consent from the relevant authorities and / or adjoining properties. 49. Prior to the commencement of the development, or as otherwise agreed to by the Responsible Authority in collaboration with the City of Melbourne, the owner must provide evidence to the Responsible Authority that all easements which are impacted by the approved built form have been removed and / or varied, to the satisfaction of the Responsible Authority. 50. Prior to the commencement of the development, or as otherwise agreed to by the Responsible Authority in collaboration with the City of Melbourne, the owner must provide evidence to the Responsible Authority that any easements over adjoining land, which may be required to accommodate the approved built form have been created to the satisfaction of the City of Melbourne. 51. Prior to the commencement of the development, or as otherwise agreed, the owner must provide evidence that the certified plan of variation of a restriction has been lodged with Land Use Victoria for registration in accordance with Section 23 of the Subdivision Act 1988.</p>	<p><u>Not supported.</u> No longer applicable following Section 57a amendment removing proposal to remove, vary and create easements.</p>



<p>Potentially Contaminated Land</p> <p>52. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), 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 <i>Environment Protection Act 2017</i> to the satisfaction of the Responsible Authority. The PRSA must respond to the matters contained in Part 8.3, Division 2 of the <i>Environment Protection Act 2017</i>.</p> <p>If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), 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 <i>Environment Protection Act 2017</i> to the satisfaction of the Responsible Authority and in consultation with Melbourne City Council. The EAS must respond to the matters contained in Part 8.3, Division 3 of the <i>Environment Protection Act 2017</i> and must either:</p> <ul style="list-style-type: none">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. <p>All the recommendations of the 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 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.</p> <p>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 <i>Subdivision Act 1988</i> the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the <i>Planning and Environment Act 1987</i> 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.</p>	<p><u>Supported, with variation to reflect DTP standard permit conditions.</u></p>
<p>Building appurtenances and services</p> <p>53. 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 and Melbourne City Council or as otherwise exempt under the Melbourne Planning Scheme</p>	<p><u>Supported.</u></p>



<p>No reticulated gas connection</p> <p>54. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.</p>	<p><u>Supported.</u></p>
<p>3D digital model</p> <p>55. Prior to the commencement of the development, excluding bulk excavation, a 3D digital model of the development must be submitted to and approved by the Responsible Authority and Melbourne City Council.</p> <p>The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital Models provided to Council and other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.</p>	<p><u>Supported but with variation to reflect DTP standard condition wording.</u></p>
<p>Development time limit</p> <p>56. This permit will expire if one or more of the following circumstances apply:</p> <ol style="list-style-type: none"> a) The development is not started within three (3) years of the date of this permit. b) The development is not completed within five (5) years of the date of this permit. c) The use is not started within five (5) years of the date of this permit. <p>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 permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.</p>	<p><u>Supported but with variation to reflect DTP standard condition wording and an alteration to use expiry.</u></p>

Note:

- All supported conditions are recommended to be varied so as to not refer to specific Departments at Melbourne City Council.
- All supported conditions are recommended to be varied where applicable to reflect DTP's standard wording for conditions.