

# 695-699 LATROBE STREET, DOCKLANDS PLANNING APPLICATION

Prepared for  
**SALTA PROPERTIES (DOCKLANDS) PTY LTD**

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Project Code	MA6728A
Report Number	695-699LTS Rep02 (S50 amendment)

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# 1. EXECUTIVE SUMMARY

This report has been prepared on behalf of Salta Properties (Docklands) Pty Ltd in support of a planning permit application at No. 695 – 699 La Trobe Street, Docklands for the construction of a multi-storey residential development. The site is located within the Docklands Precinct, to the north of Marvel Stadium. The Docklands area has seen rapid development over the past two decades, undergoing significant growth and redevelopment of the area to cater for retail, commercial and residential uses as well as larger sporting and events at Marvel Stadium.

This diversity in land uses and overall growth of the Docklands area is driven by the commercial and office spaces as well as residential towers in the area. The Docklands area is identified within the Melbourne Planning Scheme as a key 'Urban Renewal Area' which is expected to cater for significant growth in area just west of the CBD. Given its proximity to the Melbourne CBD, services and public transport, the subject site is well positioned to benefit from access to the wider network and Docklands. The site has an important connection to the CBD as it marks the termination of La Trobe Street. It is one of the remaining harbour front infill blocks in a locale that has been masterplanned at a larger scale. The development is anticipated to become synonymous with the Docklands as a recognisable urban marker in the context of the area that frames Docklands Stadium as forming part of the city when view from the waterfront.

The proposal incorporates an alternative housing model known as "Built-to-Rent" and provides a high-quality architectural response which considers its natural environment and benefits the wider Docklands area. The proposal also includes significant public realm improvements and benefits to the immediate area as identified within the report. The benefit of Build-to-Rent as a development concept is that it ensures the long-term perspective of the proposal is front of mind.

The proposal seeks planning permission to:

- Use of the land for a dwelling in the Docklands Zone (given the location to the north of the Major Sports and Recreation facility) (Clause 37.05-2).
- Construct a building or construct or carry out works in the Docklands Zone (Clause 37.05-4).
- Construct or carry out works under Schedules 12 and 52 to the Design and Development Overlay (Clause 43.02-2).
- Construct or carry out works on land affected by the Land Subject to Inundation Overlay, Schedule 3 (Clause 44.04-2).
- A permit is required to create, vary or remove an easement or restriction registered to the title (Clause 52.02).

This report addresses the planning merits of the proposal and its consistency with the relevant planning controls and policies of the Melbourne Planning Scheme. This proposal has been informed by a wide range of specialist property and development disciplines. A detailed assessment of the proposal is set out in this report and is supported by the following:

- Certificate of Titles
- Architectural Plans & Urban Context Report prepared by FK Architects
- Proposed Plan of Creation and Removal of Easement prepared by Veris
- Sustainable Management Plan prepared by Arup
- Stormwater Management Report prepared by MCG Consult
- Traffic Engineering Assessment prepared by MCG Consult
- Landscape Plan prepared by Oculus
- Arborist Report, prepared by Galbraith & Associates
- Acoustic Report prepared by Acoustic Logic
- Wind Assessment Report & Updated Memo prepared by MEL Consultants
- Waste Management Plan prepared by WSP

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# 2

## SUBJECT SITE AND SURROUNDS

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## 2. SUBJECT SITE AND SURROUNDS

### 2.1. SUBJECT SITE

The subject site is located at the south-eastern corner of the intersection between La Trobe Street and Harbour Esplanade. The site has an area of approximately 2,692 square metres, a frontage to La Trobe Street of approximately 75 metres, and a frontage to Harbour Esplanade of approximately 60 metres. The corner of the site facing the intersection is splayed to allow space for pedestrians waiting at the crossing and maintains visibility for vehicles entering and exiting the site.

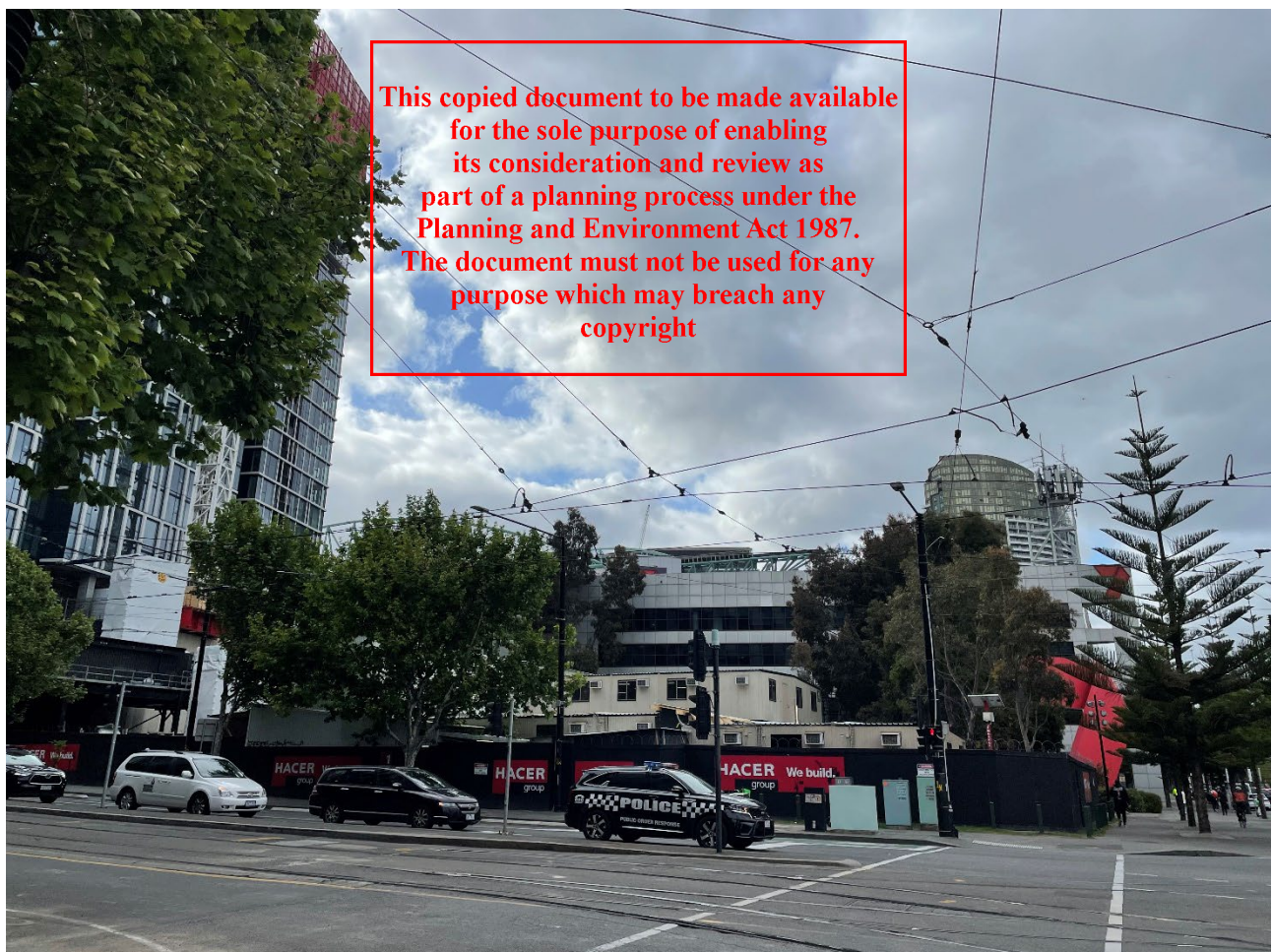
The site was temporary used as a site compound during construction of the development at 685-691 La Trobe Street. As the construction at 685-691 La Trobe Street is now complete, the site is currently vacant. The site slopes down from east to west, with a total fall of approximately three metres across its length. A number of trees are located on the western part of the site, consisting primarily of spotted gums.

The subject site is formally known as **Lot 2 on Plan of Subdivision 432271H**.

Several restrictions apply to the title, which are summarised in an appendix to this report.

We note that the land in **Lot 1 on Plan of Subdivision 432271H** has also been included within this application; this land is included purely as necessary to create easements over Lot 1. No buildings, works, or use of land is proposed on this lot.

Figure 1 Subject Site (note – site photo captured during its use as a construction compound for the adjoining development)



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Figure 2 Aerial of Subject Site



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Figure 3 Surrounding Site Context



Source: Fender Katsalidis

### 2.1.1. Previous Planning Permit

The site previously benefited from Ministerial Permit 2010/006245 which allowed for the development of the land for a multi-level mixed use building and for multiple dwellings, office and retail premises (other than a gambling premises).

Figure 4 Previously approved development on the site



Source: Fender Katsalidis

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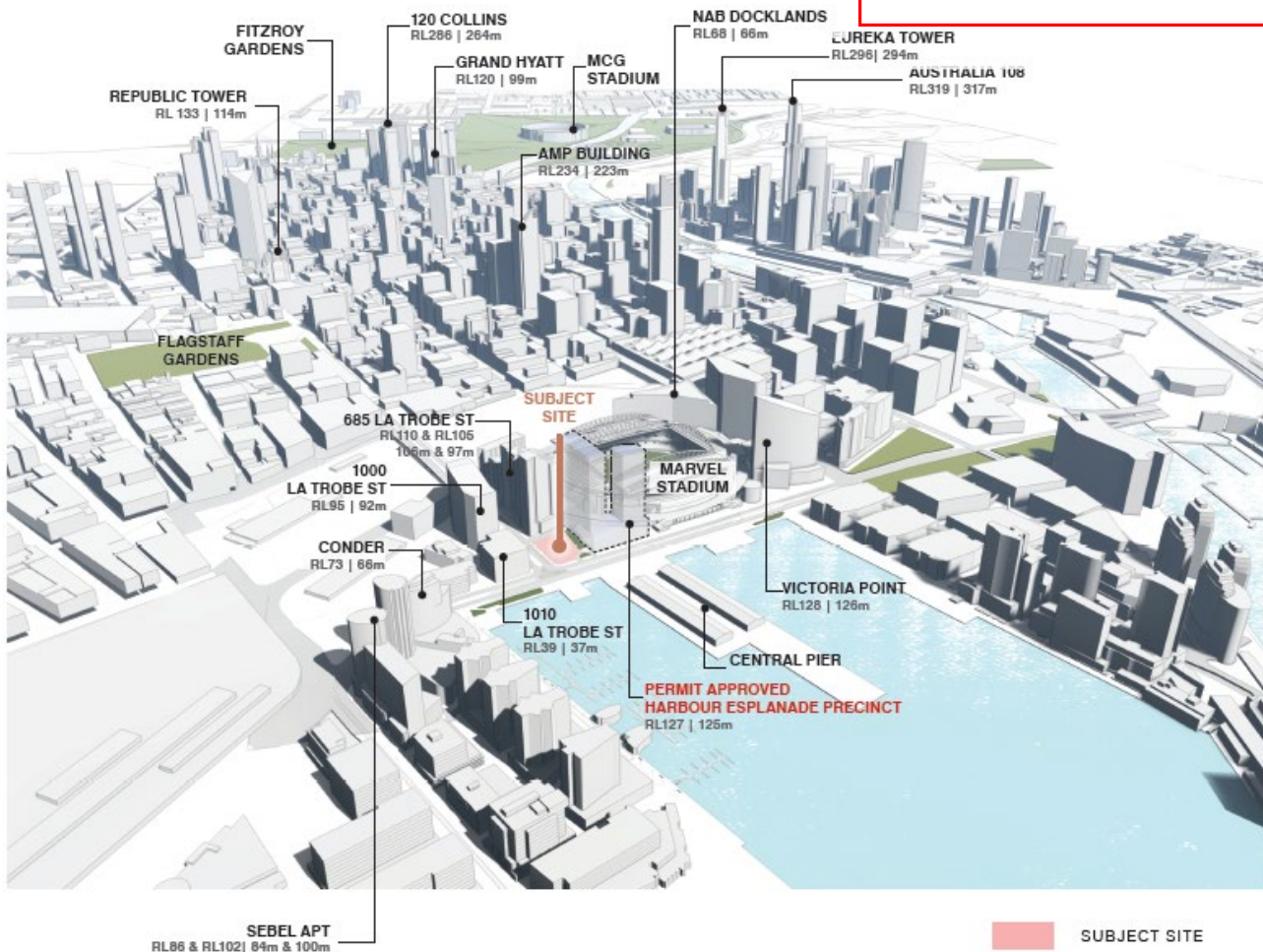
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## 2.2. IMMEDIATE CONTEXT

The subject site's immediate interfaces are summarised below.

Figure 5 Existing neighbouring built form



Source: Fender Katsalidis

- The site adjoins La Trobe Street immediately to **the north**. Beyond La Trobe Street are a number of multi-storey buildings, including 1010 La Trobe Street (9 storeys / 37 metres) and 1000 La Trobe Street (92 metres).
- **West** of the site is Harbour Esplanade, which separates the site from Victoria Harbour further to the west. Central Pier is located immediately opposite the site, extending into the harbour approximately 190 metres. Harbour Esplanade is a major civic spine for the Docklands. It comprises a wide road reservation two lanes of traffic and a bike lane (in either direction) separated by centralised median with hard and soft landscaping. On the opposite side of the road reservation is a tram line (supporting the No. 48 and City Circle tram routes), the Capital City Bike Trail and Central Pier extending from a broad public promenade which addresses Victoria Harbour.
- Immediately **south** of the site is Ron Casey Lane, a semi-circular accessway providing vehicle access to the Channel 7 building. Also to the south of the site is the Channel 7 Melbourne building (160 Harbour Esplanade) where recently, Planning Scheme Amendment (Amendment c438melb) was approved by the Minister for Planning. A Specific Controls Overlay and Incorporated Document has been incorporated into the Melbourne Planning Scheme to facilitate the development. We note that Channel 7 are planning to vacate their premises in June 2025.
- The approved development as part of Amendment c438melb is associated with a building envelope for three towers atop a shared concourse at 122-148 Harbour Esplanade, the three towers range in height and scale, with the overall maximum height reaching 128m. A mix of commercial uses are envisioned, including office, retail and uses associated with marvel Stadium. It is understood that any proposal has



the support of both southern neighbours. An excerpt from the amendment documents sets out the indicative approved development:

Figure 6 Harbour Esplanade Precinct – Approved development to the south of the subject land



- Marvel Stadium is to the south of the site and is a defining feature of the immediate area. The stadium is a large sporting and entertainment arena with a capacity of up to 70,000 spectators predominantly catering for major local and international sporting events in addition to concerts, graduation ceremonies and mass cultural/religious gatherings.
- **To the east** of the site is 685 La Trobe Street, where two Build-to-Rent (BTR) towers have been recently completed (Home Docklands). These towers reach a height of 106 and 97 metres (31 and 30 storeys) respectively and contain a total of 676 apartments.

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Figure 7 The completed development at 685 La Trobe Street



Figure 8 Marvel Stadium, viewed from Harbour Esplanade



Source: Urbis

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Figure 9 Site context map



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## 2.3. WIDER CONTEXT

Docklands is a major urban renewal area on the western edge of the historic Melbourne CBD. In 1996 the overall area was released to the market in seven separate precincts with construction of Docklands Stadium (now branded as Marvel Stadium) commencing in 1997.

The decision to locate the stadium in Docklands marked a further evolution in the perceived role of the area, since the commitment to the stadium was based on it being an urban stadium. By contrast, the MCG is characterised as a stadium in a park, whereby it is the standalone offering in the area. This required the stadium to be set in a relatively dense urban setting that could provide a high standard of local amenity as might be expected of a stadium within a city.

The connections between the existing CBD and Docklands, in the form of La Trobe Street and Collins Street, and the Bourke Street pedestrian bridge reinforces the stadium precinct as an extension of the CBD. The extension of the tram network into the precinct further reiterates this understanding of the precinct. The stadium precinct now represents the western edge of the CBD, and its scale should relate to the CBD edge scale, comparable to Spencer Street and Flinders Street, where significantly taller buildings mark the precinct edge.

The site is located at the intersection of two key urban axes, in the form of La Trobe Street and Harbour Esplanade. La Trobe Street runs from the Carlton Gardens to the east, passing the State Library of Victoria and Melbourne Central in the central CBD, Flagstaff Station on the approach to Spencer Street, and terminating at Harbour Esplanade adjoining the subject site. Harbour Esplanade acts as a key public boulevard at the city's western edge, where the CBD grid meets Victoria Harbour.

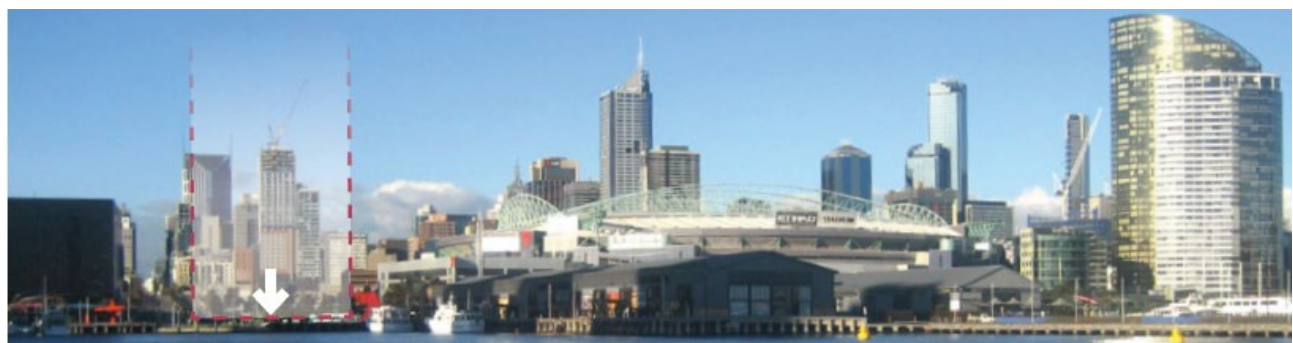
Southern Cross station is located between the CBD and Docklands, along the alignment of the Spencer Street rail yards. The station is located approximately 500 metres directly south-east from the subject site, and approximately 800 metres walk. Additionally, trams serve both La Trobe Street (routes 30 and 86 to the CBD) and Harbour Esplanade (route 70 to Wattle Park via Flinders Street). Based on the above, the subject site has access to excellent public transport amenity, served by numerous high-quality, frequent routes within 800 metres. This level of service provision is characteristic of the site's central city location.

Figure 10 View east from Victoria Harbour Promenade



Source: Fender Katsalidis

Figure 11 View east along New Quay Promenade



Source: Fender Katsalidis

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# 3 PROPOSAL

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## 3. PROPOSAL

### 3.1. OVERVIEW

This proposal seeks approval for the construction of a 38 storey residential building. The building will feature ground floor active uses, as well as generous, high quality ancillary resident amenities dispersed throughout the development. Landscaping and improvements to the public realm are proposed to each street frontage.

The proposal incorporates a contemporary architectural response through the proposed built form massing, façade articulation, materiality, and colours. Combined, the response presents as a collection of robust and considered elements that will set a high standard for development within the Docklands Precinct more broadly.

As part of the proposal, a permit is required to create, vary or remove an easement or restriction registered to the title. An application will be made in accordance with the Proposed Plan of Creation and Removal of Easements, prepared by Veris.

Figure 12 Render of the proposal



Source: Fender Katsalidis

The proposal involves:

- A thirty-eight (38) storey (excluding plant levels) residential tower incorporating a Built-to-Rent Scheme consisting of seven (7) levels of podium for apartments and carparking uses with resident-only amenities on Levels 7 and 37. A total of 560 apartments are proposed.
- A 7 level podium structure to host various active uses including resident's lounge, bike workshop, café, sitting areas, lounges and services.
- The proposed building will extend to a maximum height of RL132.82m/131m, comprising a seven-storey podium with the residential tower rising above this.
- The basement will capture 401 bicycle spaces, with the remaining 34 spaces provided at-grade on the ground floor. The basement level will also capture services normal to a building such as rainwater tanks and electrical pumps.
- Car parking will be provided within the southern portion of the podium, across Levels 1 to 6. Car parking will be made accessible from the unnamed laneway to the east of the site at ground level.



- Fully activated and enhanced La Trobe Street and Harbour Esplanade frontages with servicing and vehicular access concentrated along the eastern boundary.
- In addition to the active uses at ground floor for residents, communal facilities at:
  - Level 1 - 483sqm co-working area
  - Level 7 – fitness centre including multiple internal areas, change facilities, swimming pool, wellness room and external amenity areas
  - Level 37 - Dining areas, lounges, adaptive spaces, and external amenity areas
- Materials include masonry and concrete for the podium, with lighter weight aluminium elements and glazing in the tower.

## 3.2. DEVELOPMENT SUMMARY

Apartment Mix Summary			
Total No. of Apt	Number	Average m <sup>2</sup>	%
Studio	126	41.2	23%
1 Bedroom	183	54.6	33%
2 Bedroom 2 Bath	219	82.5	39%
3 Bedroom 2 Bath	4	104.3	1%
3 Bedroom 3 Bath	28	105.0	5%
Total	560		
<b>Other Project Elements</b>			
Storage cages - 437			
Car parking spaces - 114			
Bicycle spaces - 435			

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## 3.3. BUILT-TO-RENT SCHEME

The proposed scheme includes 560 Built-to-Rent apartments and associated communal facilities. Set at the periphery of Melbourne's CBD, with aspect to the Docklands waterfront, the highly considered and functional apartments will create an exciting new place to live for young professionals and growing families.

Built-to-rent schemes have corresponded with Australia's 'residential consumer' sentiment. Engaging institutional grade investors to provide purpose designed and professionally managed rental accommodation is improving the quality of housing diversity and supply within Australia. Through ongoing policy context and further engagement with stakeholders and local government, the Built-to-Rent sector will deliver an alternative housing model that is focused on providing security of tenure for the tenant.

Examples from overseas examples provide an insight into how Built-to-Rent responds to housing markets in practice and provide precedence in terms of the scale of Built-to-Rent housing provided in other markets. In the US and the UK, Built-to-Rent schemes have proved vital in providing alternative housing and encouragement for the construction industry.

The Built-to-Rent sector in Australia attracts tenants who value a high quality residential product. It is anticipated that this project will accommodate a diverse community of residents including downsizers,

singles, young professionals, and a segment of young families who value the location of the Docklands for employment or lifestyle aspirations.

Further benefits of this model include the following:

- As the building itself is in single ownership, the landlord is naturally inclined to offer a wide range of services within the building to attract future tenants, including an on-site gym, pool, outdoor barbeque and entertainment spaces, games room, multipurpose conference and meeting spaces, private kitchens, lounge spaces, and pet facilities.
- Landlords are focused on the long term by investing in development of local communities within the building as this approach is proven to result in more stable income and resident rental renewals.
- Improved security of tenure for residents, resulting from flexible lease lengths and options for long term lease holds.
- An increased focus on quality when compared typical build to sell apartment stock producing high quality apartments is key for landlords who own and operate Built-to-Rent assets.
- On-site professional management – reduces the risk of Air BnB related and similar short-stay rental related issues.

The significant benefit of this single ownership model is demonstrated when the building requires maintenance over time. There will be no need to gain consent of the 500+ owners, as the building is not strata-titled. Rather there is a single ownership and management who will carry out any required building maintenance.

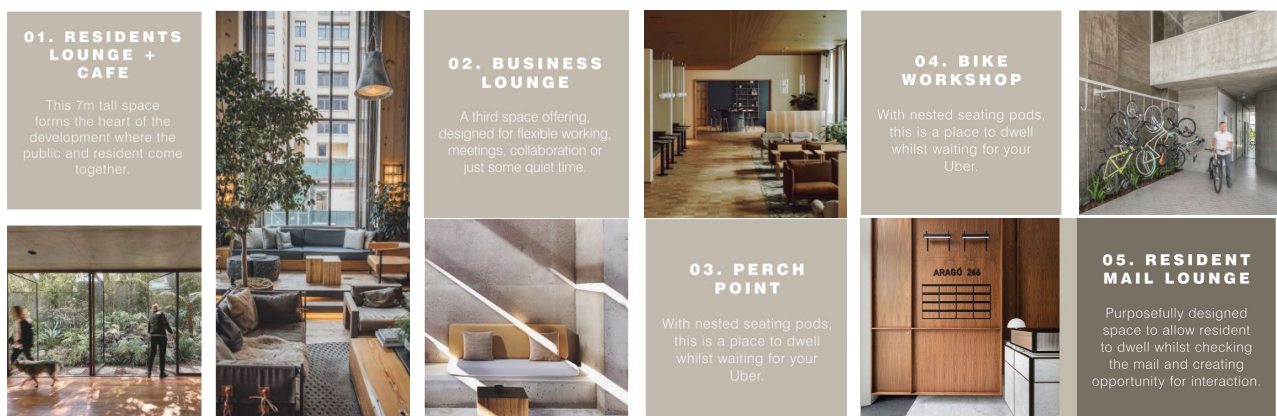
The Built-to-Rent housing model provides an improved quality of housing supply to the Docklands market and provide the opportunity for occupants with aspirations of living in the inner city with increased opportunities to inhabit high amenity dwellings. The Built-to-Rent model provides a high-quality rental stock to the market and delivers a new live service oriented housing marketable area, whereby tenant satisfaction is placed at the forefront of creating a quality place for others to live.

### 3.4. COMMUNAL FACILITIES

The podium levels combined with the shared communal space offers a wide range of communal amenities including work hubs, residents' lounges, dining and kitchen facilities as well as a bike workshop, swimming pool and gym facilities. The site provides an excellent opportunity to set the benchmark for the rapidly growing precinct, the build-to-rent housing model and future housing demands for Melbourne.

Level 37 offers an excellent opportunity to activate communal landscaping and open space amenity in conjunction with the communal facilities. In total the scheme accommodates 2,494m<sup>2</sup> of internal and 1,319 m<sup>2</sup> communal spaces, which equates to an impressive ratio of circa 6.8m<sup>2</sup> per dwelling. This is significantly more open space than required under the BADS of 220sqm. The space will provide a highly functional and well utilised spaces for residents, with well-designed areas forming an extension to occupants' homes.

Figure 13 Programme of Spaces



Source: Fender Katsalidis

## 3.5. LANDSCAPING

Landscaping is proposed to be incorporated on the ground plane, as well as within the building on the podium and the rooftop amenities terrace. Key elements include:

- The landscape proposal focuses on providing a protected green forecourt, creating a moment of respite not only physically but visually from the surrounding urban context.
- A large civic gesture located on the street edge (indicatively shown in yellow and numbered '2' in Figure 14 below) is intended as an artistic landmark, inviting people's curiosity and interest, playful and providing views towards the harbour.
- All 7 existing trees are required to be removed as part of the proposed works with a net gain of new trees to be added within the new ground plane treatment. It is proposed to retain the street trees.
- Landscaping within the ground floor incorporates hardscape elements including steps and seating areas that extend across both street frontages and provide access to the ground floor.
- On the podium rooftop and the rooftop terraces at Level 37, substantial landscaped areas are proposed.

Please refer to submitted Landscape Plan, prepared by Oculus for further detail.

Figure 14 Ground Floor Landscape Plan



Source: Oculus

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### 3.6. VEHICLE ACCESS AND PARKING

Access and parking arrangements for the site are summarised as follows:

- Vehicle access will be via the laneway to the east
- A loading bay (including a drop-off area) is accessed via the laneway to the east
- A combined total of 114 car spaces are provided within the podium levels
- A total of 435 bicycle parking spaces are provided within the basement and ground floor

Figure 15 Access arrangements



Source: Fender Katsalidis

Please refer to submitted Traffic Engineering Assessment, prepared by MCG Consult for further detail.

### 3.7. PUBLIC BENEFIT

The proposal offers significant community benefit and public realm contributions to the Marvel Stadium Precinct as well as the La Trobe Street/Harbour Esplanade gateway. Specifically, this includes:

- The provision of 10 percent affordable housing for the component of the development over 75m in height.
- The site's wide 59m frontage to La Trobe Street and inset area adjacent to Ron Casey Lane are proposed to feature a public landscape treatment. This is consistent with the future objectives of creating a strong connection from the Hoddle Grid to the Waterfront. Importantly this adds much needed amenity to the Stadium Precinct.
- The quality design outcome for the building façade, in particular in the podium levels, is reflective of the high quality aspiration for materiality and built form for the Precinct.
- The scheme will immediately re-invigorate a long-term vacant site providing over jobs during the construction and ongoing employment opportunities through the professionally managed Build-to-Rent Asset and the associated active land use.

Overall, the proposed development will demonstrate a significant investment to the Marvel Stadium Precinct and the gateway from Melbourne's CBD to Docklands Harbour area.

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# 4

## SUMMARY OF PLANNING POLICY AND PLANNING CONTROLS

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## 4. SUMMARY OF PLANNING POLICY AND PLANNING CONTROLS

For detailed list of applicable planning policy, please refer to Appendix B.

### 4.1. PLANNING CONTROLS

The applicable planning controls are as follows:

#### Docklands Zone, Schedule 4 – Stadium Precinct

The purpose of the Docklands Zone reflects the unique role of the precinct within the central city:

- *To ensure that use and development take account of the unique nature of the water environment.*
- *To encourage a variety of dwelling types within the Melbourne Docklands area to suit a diversity of needs.*
- *To ensure that development takes account of the relationship of the Melbourne Docklands area to the Central Activities District and the policies relating to the future development of the Central Activities District and other parts of the capital city.*
- *To encourage visual and physical linkages between the Melbourne Docklands and adjacent areas, in particular the Central Business District.*
- *To provide for the conservation and enhancement of buildings, areas and places of scientific, aesthetic, architectural or historical significance.*

Schedule 4 applies to the Stadium Precinct:

- *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.*

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A planning permit is required:

- To use land as a dwelling (Clause 1.0 of Schedule 4 and Clause 37.05-1), as the building is located to the north of the stadium.
- To construct a building or carry out works (Clause 4.0 of Schedule 4 and Clause 37.05-4).

An application for land use and/or buildings and works is exempt from the normal notice requirements and the review rights under the Act.

#### Design and Development Overlay, Schedule 12 – Noise Attenuation Area

This control seeks to ensure that land use and development in the vicinity of the stadium is compatible with its operation, through requiring a range of noise-proofing measures be implemented.

A planning permit is required under the DDO12 for buildings and works associated with noise-sensitive uses (including dwellings).

#### Design and Development Overlay, Schedule 52 – Stadium Precinct

Schedule 52 to the DDO seeks to:

- *Ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour water body are recognised.*
- *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.*

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The site is located in Area 1 which anticipates towers not exceeding 75 metres and a podium with a height of 25 metres. A permit is required to construct a building or construct or carry out works which vary the requirements of Schedule 52 for Area 1.

### **Development Plan Overlay, Schedule 5 – Stadium Precinct**

The purpose of the Development Plan Overlay is:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

The DPO provides that any permit granted must be generally in accordance with an approved Development Plan.

An approved Development Plan previously applied to the site – however, this has since expired.

The DPO5 provides that a permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority. As such, a planning permit may be issued on the basis even though no Development Plan is in force.

### **Land Subject to Inundation Overlay, Schedule 3**

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The purpose of the Land Subject to Inundation Overlay 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.*

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Schedule 3 (LSIO3) applies to the Moone Ponds Creek and Lower Yarra River Waterways area. The objectives for this area are:

- *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.*

Pursuant to Clause 44.04-2, a planning permit is required to construct a building or to construct or carry out works.



## 4.2. STATE PLANNING POLICY

The Municipal Planning Strategy and Planning Policy Framework of the Melbourne Planning Scheme set the direction for development on the subject site. The prioritisation of development within the central city is upheld throughout all levels of planning policy. Within this framework, Docklands is identified as an existing urban renewal area within the municipality, providing a wide mix of uses and acting as an extension to the Hoddle Grid. Policy recognises the character that has emerged in Docklands, characterising the area as a *'vital urban redevelopment and activity hub'*. To support this ongoing role, new urban growth is directed to Docklands.

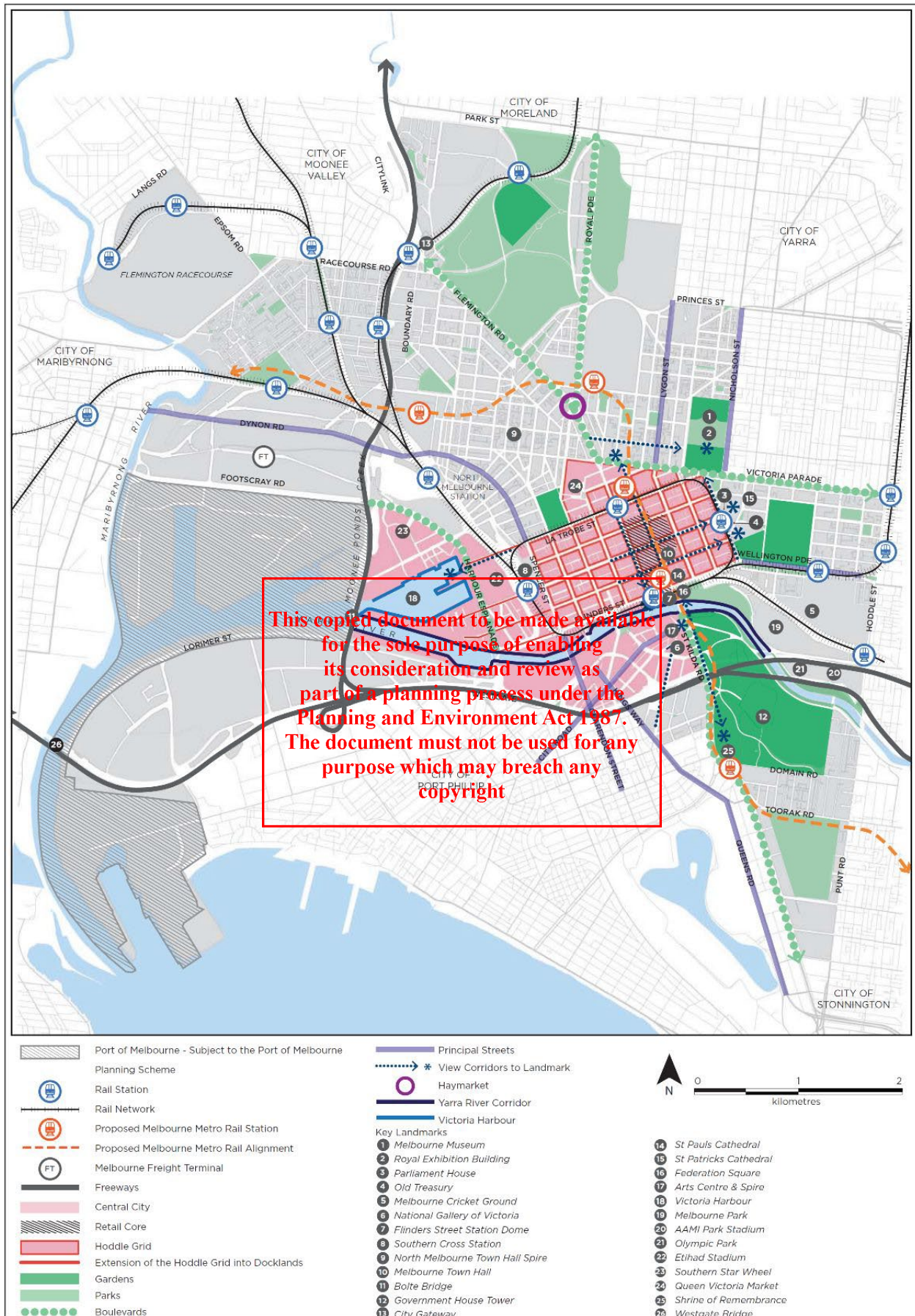
Policy at all levels (state, regional and local) recognises the need for design, height and scale of development to respond to the preferred built form character of an area. Development should proceed from a comprehensive understanding of the site and its constraints, as well as the identified aspiration for its future development.

Most of the City of Melbourne's increased housing is to be accommodated in the Central City, and in particular in urban renewal areas (such as Docklands). Council state that they will support diverse housing that achieves high standards of amenity including access to sunlight and daylight, and protection from overlooking. Policy also encourages diversity of tenures, such as build-to-rent housing models.

For detailed list of applicable planning policy, please refer to Appendix B.

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With respect to the Docklands neighbourhood, policy prioritises creating a place of character and quality with a full spectrum of uses. Development is to be innovative and viable, and built to the highest design and environmental standards, with strong links to the Hoddle Grid and the Yarra River corridor. These links are to take the form of both physical and visual links, with water views from the Hoddle Grid to be retained along La Trobe Street.

Medium and high density residential development is encouraged within the precinct, with residential development to complement other functions of Docklands. Architectural design is to be contemporary and visually stimulating, with strong visual connections from the public realm into the building. The public realm is to consist of a wide range of open spaces, with Harbour Esplanade identified as a key open space within the precinct. Development should contribute to a pleasant and attractive public realm, including protecting spaces from adverse wind impacts, and ensuring that public spaces are '*generally free of significant overshadowing between 11am and 3pm at the equinox*'.

### 4.3. PARTICULAR PROVISIONS

- Clause 52.02 'Easements, Restrictions and Reserves'
- Clause 52.06 'Car Parking'
- Clause 52.34 'Bicycle Facilities'
- Clause 58 'Apartment Developments'

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# 5

## PLANNING CONSIDERATIONS

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## 5. PLANNING CONSIDERATIONS

The site presents a significant opportunity for a development outcome which responds to the strategic location of the site and to strengthen the relationship between Docklands and the Central City. This is demonstrated by the location at a prominent corner site in the Central Activities District (CAD) and in a Docklands precinct where a range of residential, commercial and retail uses are established, and mid and high-rise buildings are becoming more prevalent. Other than the prominent location, the site has several key attributes including access to transport infrastructure and community facilities and its interface with a mix of commercial, retail residential uses and public open space, all of which will directly service the transport, shopping, entertainment and recreational needs of the incoming residents and workers.

The development will improve the relationship of the site to the street frontage and public areas, it will respond appropriately to development within the precinct and will contribute to the employment base and residential choice within the Docklands area. More specifically, the development at the corner of La Trobe Street and Harbour Esplanade has responded in a positive manner to its physical and strategic context to propose a development which addresses the planning framework guiding development of the site. The proposal seeks to improve the design response for the site by:

- Defining the north-west corner of the extension of the Central City Grid which is currently underutilised and not contributing to the Docklands urban context.
- Introducing a well-proportioned, sophisticated, and carefully detailed building which will be an attractive addition to the western City skyline and the variety of architectural forms in the Docklands area.
- Responding to the surrounding 'urban stadium' environment and contributing to the immediate and broader public environment including the Victoria Harbour Promenade.
- Providing for a genuine outcome to address the housing shortage including a range of dwelling types and ancillary residential amenity areas to activate lower levels and serve the needs of occupants, to realise strategic objectives and reinforce the role of the Stadium Precinct as a 'Stadium-in-the-city', diverse and intensely urban environment.

In addition to the above, the proposal will respond to the key tests for building proposals by responding to critical state and local planning and environmental objectives, including a building which displays architectural excellence that will contribute to the precinct and facilitate a high degree of residential amenity for future occupants of the development.

The key issue to be determined is appropriateness of the design response and in particular whether the variations to the height controls proposed are justified. The site analysis and strategic imperatives which underpin the preferred building heights and set out in supporting Urban Context Report prepared by Fender Katsalidis Architects, demonstrate that the proposal will positively contribute to the existing and future built form character of this part of the precinct. Other matters for consideration include the consistency with strategic planning policy, ability for the development to provide for reasonable levels of amenity, high quality sustainable design initiatives and appropriateness of the traffic arrangements. The following sections of this report will examine these issues in detail.

### 5.1. CONSISTENCY WITH STRATEGIC PLANNING POLICY

#### Overall

The Melbourne Planning Scheme specifically identifies the Docklands area as part of the City which has been master planned to undergo substantial change both in terms of function within the city context and the scale of development. In effect these changes have facilitated an expansion of the CAD to accommodate demand for housing and employment opportunities within Melbourne. In delivering this outcome the Melbourne Planning Scheme seeks to create an urban waterfront for Victoria's Capital City that will be visually, physically and functionally integrated with central Melbourne. The role of the Stadium Precinct and the subject site in achieving this outcome is significant given the strategic location at a prominent corner of the expanded City grid.

The proposal demonstrates a high level of consistency with the key policy directions of the Planning Policy Framework and the planning controls affecting the site as the proposal provides an efficient use of a development site which is currently underutilised, making a limited contribution to the Docklands area, the surrounding streetscapes as well as the western end of the CAD as a whole. In utilising this vacant development site, the proposal takes advantage of the existing infrastructure which will directly service the

transport, shopping, entertainment and recreational needs of the incoming residential population. In terms of site specific characteristics, the design response takes advantage of the dual frontage, opportunities for views over public spaces, the harbour and Docklands Stadium.

In accordance with the policy directions of Clauses 11.03-6L-03 (Docklands) and 15.01-1L-05 (Urban design outside the Capital City Zone) the development demonstrates a response to the changing urban context of Docklands whilst strengthening its relationship with the Hoddle Grid and the Yarra River Corridor. The landmark building will sit comfortably within the city skyline providing an appropriate transition in height and visual link to the traditional edge of the City. The architecture demonstrates integrity, ensuring that the building will contribute to the range of styles and forms in the Docklands area and more broadly, the Western City Skyline.

The proposal also responds to strategies relating to the City of Melbourne's environment and natural systems with the development supporting a range of initiatives to facilitate a sustainable development. The focus of these sustainability initiatives are under the themes of energy, water use, stormwater, building materials, indoor environment, waste and transport.

## Waterfront Development

It is the policy direction of Clause 11.03-6L-03 (Docklands) to ensure that all development establishes the placemaking of waterfront development, whilst improving the existing connection to the Melbourne CBD through high quality design. As this policy relates to residential development in Docklands, the proposal delivers a highly aligned development with the intent of the policy. Pursuant to Clause 11.03-6L-03 (Docklands) there is a policy focus to deliver higher density development, which complements existing functions in Docklands, such as commercial, tourism and retail uses. As discussed above, the proposal seeks to deliver high density and diverse housing options in a location supported by established services and transport options.

## Landmark Corner Development

Further to the above, Clause 11.03-6L-03 (Docklands) provides direction on landmark proposals that are significant in their context. As a landmark development on the key junction of La Trobe Street and Harbour Esplanade, the proposal contributes to the strengthened relationship between the Docklands and the Hoddle Grid. In the instance of the proposal, the physical and visually link between the west end of the Hoddle Grid and Docklands will be enhanced through a high-quality building design and ground level activation. Whilst the proposal will not terminate any views down La Trobe Street, the building has been designed in accordance with the policy direction, which seeks that landmark sites are designed to the highest quality. The quality of the design will reinforce iconic views along the La Trobe Street corridor and deliver a high quality public realm. The positive relationship with the public realm and adjoining land uses (including the Docklands Stadium), has been provided through variations in building edges, the activation of lower levels, landscape treatments and the provision of a sheltered public plaza facing the Harbour Esplanade.

It is considered that the proposal provides a positive response to the site, having regard to the policy intent of the State and Local Planning Policy Framework and the planning controls affecting the site.

## 5.1.1. Victorian Housing Statement

Victoria's population is growing faster than any other state in Australia. There is a perfect storm of high interest rates, record low vacancy rates and escalating building supply costs. Housing affordability is now at crisis point.

On the 20th of September 2023, the Victorian Government released Victoria's Housing Statement which seeks to facilitate the construction of 800,000 homes including 152,000 regional homes in Victoria over the next decade. The government has unveiled a raft of planning and housing policy changes to respond to the housing crisis. Some of the key actions have been implemented, while others will roll out over the coming year.

Of note, the statement outlines the need to create more housing, with the best design standards, where people want to live. By unlocking new spaces to build homes across established suburbs, reducing urban sprawl and boost housing supply in the places Victorians want to be. As the statement relates to developers, it notes that they will play a critical role in housing supply and delivering diversity to the market. Development entities, such as Salta Properties, have already shown their appetite to invest in long-term, stable rental properties and build-to-rent developments which is a direct solution to the well-defined shortage of housing.



The proposal directly addresses housing affordability by injecting long-term occupancy, offering stable and secure rental options for tenants. Build-to-rent development in this location will most importantly increase the supply of rental housing in Victoria, which can address affordability issues and reduce competition for available rental properties in central locations.

## 5.2. PUBLIC BENEFIT

This proposal presents an opportunity for redevelopment and provision of public realm benefits. This redevelopment will ensure an improved pedestrian environment and facilities for a growing population and is considered highly coherent with policy directives of both State and Local Planning Policy Frameworks.

The Planning Scheme is a network of policies and objectives, which is to be read as a complete document with an understanding that objectives of urban consolidation and employment growth can conflict with other objectives. Clause 71.02-3 requires planning authorities to ingrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

In reviewing this application, a comprehensive evaluation of the proposal has been carried out with consideration to the purposes and objectives sought to be achieved by the *Planning and Environment Act 1987* and the Melbourne Planning Scheme, the applicable decision guidelines, and as to whether there is a net community benefit and sustainable development outcome.

'Net Community Benefit' remains at the forefront of ensuring integration of such proposals within the relevant Planning Policy Frameworks. The approach to determining whether a development will achieve net community benefit involves weighing up the benefits and disbenefits of a proposal having regard to relevant policies and planning controls.

The proposal offers significant community benefit and public realm contributions to the Marvel Stadium Precinct as well as the La Trobe Street/Harbour Esplanade gateway. Specifically, this includes:

- The provision of 10 percent affordable housing for the component of the development over 75m in height. The development will offer a unique affordable housing option for individuals or small families in an area that is supported by services and transport.
- The proposed BTR model responds to policy directions at the State and regional level by 'facilitating diverse housing that offers choice and meeting changing household needs by widening housing diversity through a mix of housing types.' BTR provides an alternative housing model which provides an important contribution to the housing mix, offering an alternative to typical ownership structures and providing choice to its occupants. Prospective occupants may choose to lease an apartment within a build-to-rent development rather than committing to a conventional lease or purchasing an apartment due to the extensive communal facilities and services offered. Within the recent Victorian Civil and Administrative Tribunal (VCAT) decision *GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC* [2024] VCAT 458 ('*GFM Investment Management*'), BTR, the Tribunal members made the following relevant remarks regarding the importance of this type of housing model and the associated net community benefit to address a social need, such as accessibility to rental accommodation

- [9] *In considering the proposal that is before us, we need to be cognisant that this BTR proposal is a form of development that will bring substantial benefits to those experiencing housing stress, as well as those currently locked out of the housing market, due to the existing limited supply of rental housing. This is a weighty benefit associated with the proposed development of the review site.*
- [10] *We are also of the view that this form of housing represents an important step to providing an alternative to the "home ownership" model that is becoming increasingly out of reach for many Australians. By providing a very high standard of communal support within an all rental environment, it demonstrates that a rental option need not be a "second class" approach to obtaining stable housing.*

- The provision of an active ground floor plaza will provide a public thoroughfare for pedestrians along Harbour Esplanade and the broader Marvel Stadium complex. The ground floor will provide connective links between all interfaces, which is anticipated to contribute to the experience of Harbour Esplanade. The site's wide 59m frontage to La Trobe Street and inset area adjacent to Ron Casey Lane are proposed to feature a public landscape treatment. This is consistent with the future objectives of creating

a strong connection from the Hoddle Grid to the Waterfront. Importantly this adds much needed amenity to the Stadium Precinct, which is consistent with Development Victoria's aspirations.

- A high quality design outcome for the building façade, in particular in the podium levels, is reflective of the high quality aspiration for materiality and built form for the Precinct. The current site offers no public benefit to users of the space, and contributes to the lack of visibility when travelling along Latrobe Street and Harbour Esplanade. As discussed, the activation to ground level will create an interesting focal point in a 'urban marker' location, being at the intersection of two key roads.
- The scheme will immediately re-invigorate a long-term vacant site providing over jobs during the construction and ongoing employment opportunities through the professionally managed Build-to-Rent Asset and the associated active land use. It is further noted that the delivery of this project will provide an uplift in local businesses, both during the construction and following completion of the development.
- Overall, the proposed development will demonstrate a significant investment to the Marvel Stadium Precinct and the gateway from Melbourne's CBD to Docklands Harbour area.

The provision of affordable housing goes above and beyond any requirements within the scheme of which there are none currently) and are considered a significant and generous contribution for the benefit of the wider community. It goes to the core of assisting in addresses the current housing crisis being experienced by Victorians and Australians more broadly.

### 5.3. PUBLIC REALM AND THE GROUND PLANE

The proposal has been designed to respond appropriately to the public realm and land use activity that surrounds the site. It is notable that the design of the development has had regard to the objectives and design standards of Clauses 11.03-6L-03 (Docklands) and 15.01-1L-05 (Urban design outside the Capital City Zone) which are particularly focussed on the delivery of a high quality public realm experience.

Docklands has at times suffered from development which may have overlooked the importance of human scale and engaging materiality, especially at street level. The material expression of these towers has often been constructed using composite aluminium and glass, which can lack the tactile qualities needed to create inviting streetscapes. Our approach involves introducing meaningful design elements into the tower's form, enriching it with materials that are both tactile and engaging. Notably, Fender Katsalidis Architects detailed work on the podium aims to inject a level of warmth and fine-grained detailing, addressing a perceived gap in the Docklands precinct's character.

The proposed arrangement of land-uses and format of development will contribute to the surrounding area through the architectural integrity of the buildings, ground plane activity and landscape treatment proposed, but also through the provision of a high quality and integrated public environment.

This is demonstrated by the following:

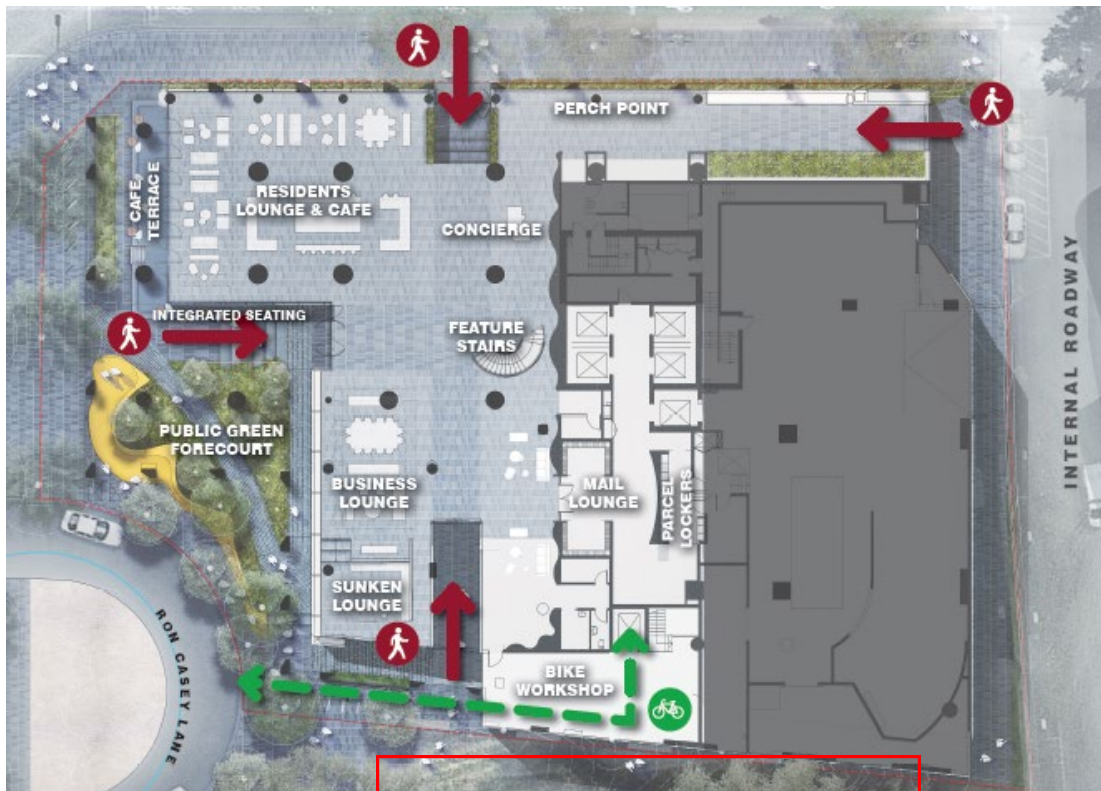
- Ground floor interfaces to La Trobe Street and Harbour Esplanade are designed to be highly active through the provision of glazed communal areas along the perimeter and in setback areas.
- The provision of open seating areas along the perimeter and within setback areas.
- The proposal enhances the public realm by way of weather protection (canopy) along La Trobe Street for pedestrian amenity.
- Utilisation of level changes across the site to create varied seating arrangements to ensure activation is retained at the building footprint edges.

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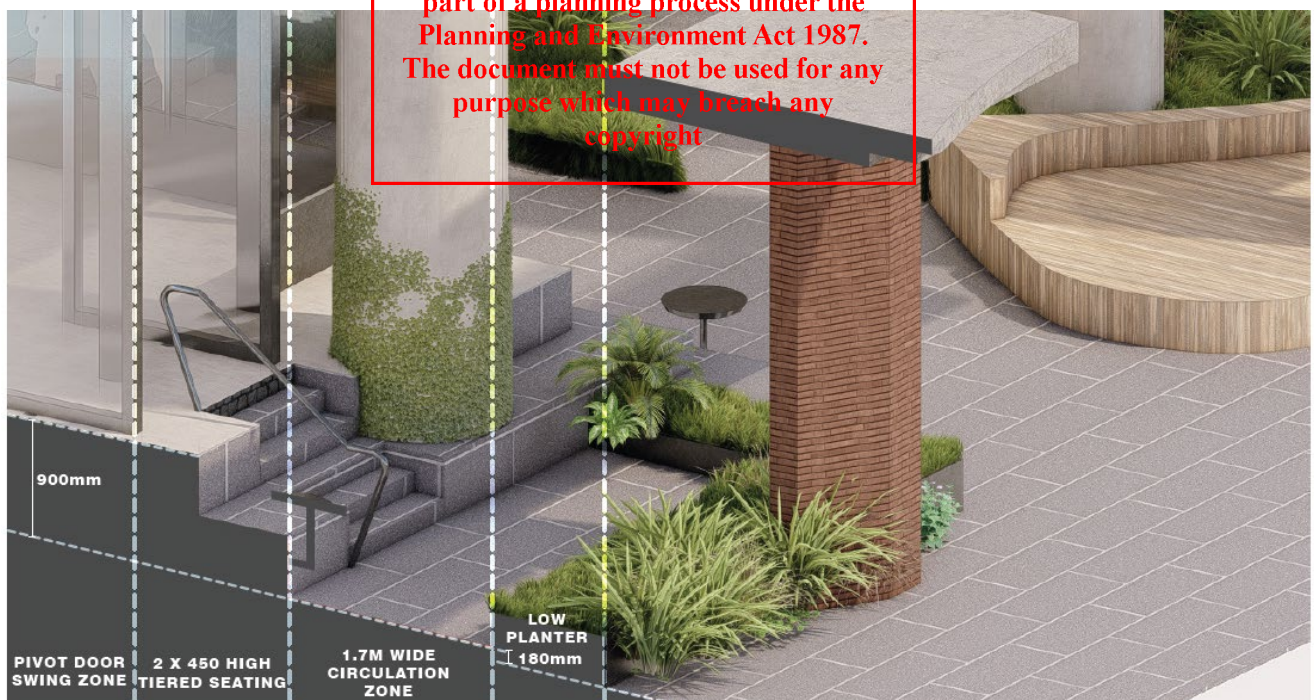


Figure 16 Ground Floor activation



Source: Fender Katsalidis

Figure 17 Harbour Esplanade Activation



Source: Fender Katsalidis

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Figure 18 Harbour Esplanade Activation



Source: *Fender Katsalidis*

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## 5.4. DESIGN RESPONSE

The site presents a significant opportunity to facilitate a built form outcome which reflects the strategic location in addition to the morphological, streetscape and public realm features of the urban context. The planning framework provides direction for the development of the site with Clauses 11.03-6L-03 (Docklands) and 15.01-1L-05 (Urban design outside the Capital City Zone), providing broad urban design guidance for Docklands the primary purpose being to facilitate design excellence.

Also relevant is DDO52, which is a flexible height control which can be varied subject to a permit being issued. The proposed building has been designed through a series of iterative refinements in conjunction with knowledge gained through studies of site, urban and planning contexts, and specialised input from the project consultant team.

This design solution actively responds to the physical conditions of the site and will facilitate a design outcome which will sit comfortably within the Docklands urban context whilst enhancing the unique character of the area through an exceptional architectural response. The built form response particularly in relation to building height/form and expression, relationship with the public realm, shadowing and sustainability initiatives are discussed in detail in the following subsections.

### 5.4.1. Architectural Quality

The proposed façade articulation, materiality, and colours will deliver a contemporary, yet timeless architectural response. Combined, the response presents as a collection of robust and considered elements that will set a high standard for development within the Docklands precinct more broadly.

Fender Katsalidis Architects have designed the building form with the following key design elements:

- The podium has a sense of monumentality that grounds the building, with colonnaded masonry elements at the ground plane that transform into a language of staggered brick and concrete. The podium provides a solid base to the building through the use of masonry and restrained articulation to each key interface. The ground floor level incorporates a high percentage of glazing at key interfaces. The ground floor also incorporates seating edges which are considered and developed to provide a robust, visually interesting ground floor façade that minimises scale and depth and tactility.
- Above the ground floor level, the podium incorporates a modulated façade. The size and depth of the grid will create an interplay of shadow and light throughout the day, while glazing to the ground floor frontages will further animate the façade.
- An interlocking sculptural tower form has been designed to float over a highly textural masonry podium, with an architectural language that seeks to provide a sense of solidity and human scale in a precinct that has many modern glass edifices and anonymous glazed shopfronts.
- The massing celebrates a very clear separation between the podium forms and the tower, using this break as an opportunity to create a greened resident's facility to the top of the podium.
- To break down the mass and bulk of the tower form there has been an approach taken with differing façade expressions and physical breaks in the tower forms, resulting in a slender vertical presentation to Harbour Esplanade, and an articulated two-form expression to LaTrobe Street. To reinforce the sense of verticality in the tower forms a vertical expression of alternating vertical fins.
- This proposal seeks to make a positive contribution to the precinct through the creation of a new green forecourt which provides a respite from what is currently a hard edged urban character with relatively clinical materiality.
- The architecture responds to its context, with a podium materiality acknowledging Melbourne's Docklands warehouses and river fronted vaulted brick building. Integrated landscape throughout the podium and amenity levels also ensures rich communal areas and contextual planting. The simplicity of the facades aims for timeless and classic aesthetic, with an exposed grid providing an elegant rhythm and variety, responding to scale and tower identity which forms a new landmark for the Docklands area.
- The podium has a warmer tone and more solid massing expression to act as a grounding element. A warm red palette is proposed comprised of a mix of brick and integrally coloured concrete with charcoal metal accent trims. Palisade balustrades are proposed which provide a residential character and a fine grained textural reading in contrast to the glass balustrades typical of Docklands.

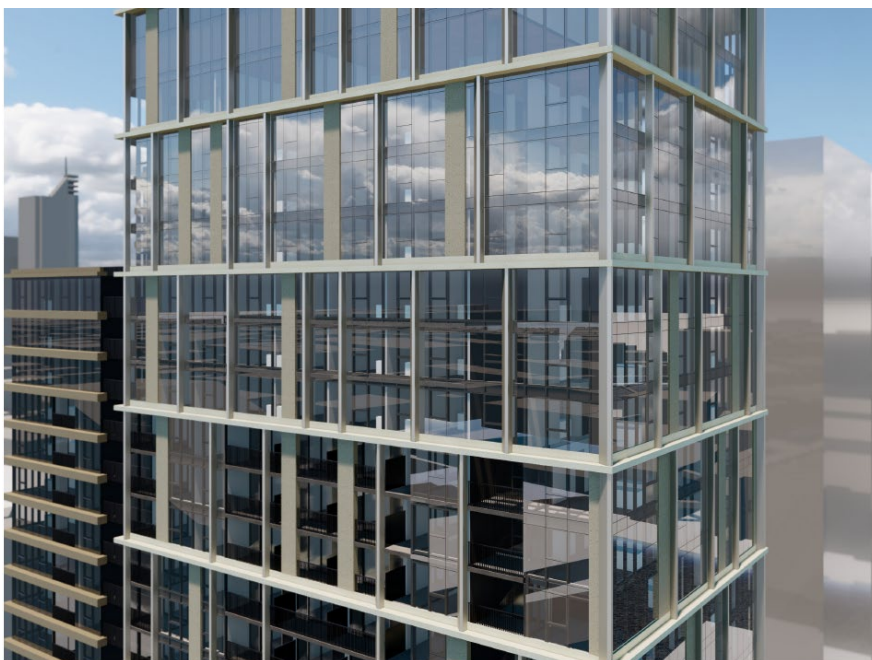
- The podium and tower materiality and facade language are in counterpoint to each other, the podium expressing a grounded and warm textural expression, whereas the tower is more delicate and lightly coloured, in keeping with a more elegant and slender tower form.
- This expressive tower works across urban, architectural and human scales to provide a new marker at this key corner site in Docklands.
- The tower material palette is of neutral tonality in contrast to the warm and more, richly textured podium materiality. The tower facade materiality has a mixture of metal vertical fins and GRC concrete solid panels to provide texture and scaling to the tower form.
- The tower is comprised of two main forms; a primary form towards Victoria Harbour and a recessive form to the east.

Figure 19 Podium Design



Source: Fender Katsalidis

Figure 20 Tower Design



Source: Fender Katsalidis

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## 5.4.2. Massing and Form

### 5.4.2.1. Macro Precinct

The DDO52 sets broad parameters for built form in the north western corner of the Stadium Precinct (Area 1) which anticipates a tower of 75 metres above a podium of 25 metres. As these discretionary parameters for built form are proposed to be varied, an important matter for consideration is the appropriateness of the additional building height within the context of the city skyline, the Docklands urban environment and having regard to the architectural integrity of the proposal. Urban context analysis identifies the need for a development outcome which reinforces the site as an integral part of the CBD in terms of urban character and quality of the public realm. There is also a need to facilitate an outcome which presents an urban gesture which not only contributes to the locality, but also the Western City Skyline in general. These sentiments are also reflected the policy directions of Clauses 11.03-6L-03 (Docklands) and 15.01-1L-05 (Urban design outside the Capital City Zone) which is also an important factor in considering the additional height.

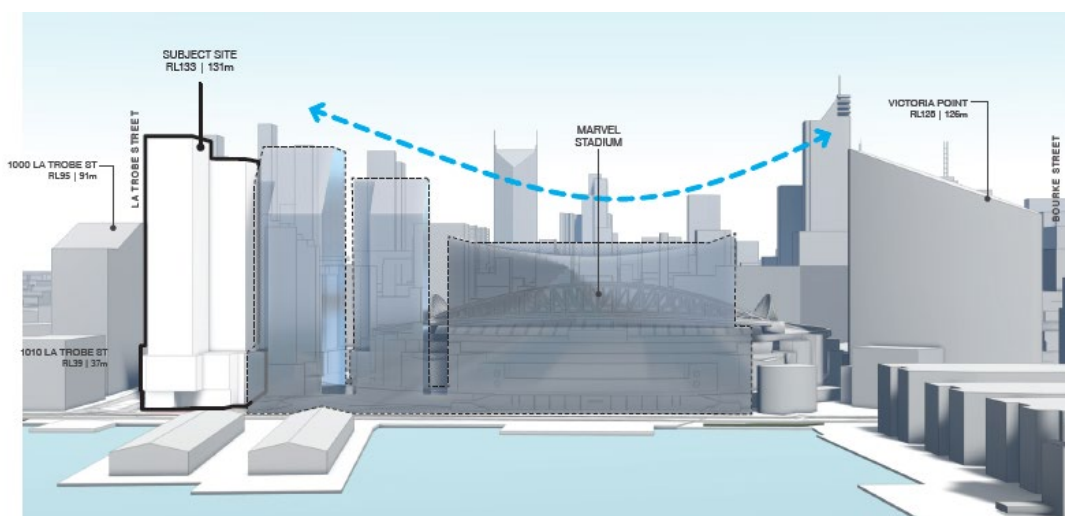
The expressed grid will encapsulate the façade design of a highly interactive streetscape and building façade to both street frontages while offering reasonable setbacks from the podium to allow greater natural sunlight access to the area. The tower element above the podium is well designed and articulated to respond to the design objectives outlined in the DDO and provide high architectural qualities to the Docklands area and the Marvel Stadium precinct. Along the length of the La Trobe Street frontage an additional setback provides articulation across the breadth of the building face.

Having regard to these matters it is considered that the built form of the development is appropriate for the following key reasons:

- The unique building design is engaging, attractive and is worthy of a place within the City Skyline as demonstrated by the shape of the tower profile which is slender, well articulated and proportioned.
- The architectural integrity and quality of the design resolution will contribute to the range of building types in the Docklands area. The building form and development form in contrast to other nearby development within the Docklands is considered to be a street level and also within the tower element. These forms are expressed with a series of balconies and the arrangement of balconies punctured into parts of the body of the building.
- The development will 'balance' the extension of the western City Skyline countering the Docklands Stadium and the Victoria Point residential tower which currently dominate the western edge of the City.
- The height of the building will provide for a comfortable height transition to the traditional edge of the City and beyond. Furthermore, the building will not become a focus for the western skyline as demonstrated by the fact the height is comparable to other developments either under construction or completed.

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Figure 21 Building Height relationship from along Harbour Esplanade



Source: Fender Katsalidis

## 5.4.2.2. La Trobe Street Response

In terms of the Latrobe Street interface, the massing has provided the following response.

- To break down the mass and bulk of the tower form there has been an approach taken with differing façade expressions and physical breaks in the tower forms, resulting in a slender vertical presentation to Harbour Esplanade, and an articulated two-form expression to LaTrobe Street. As such, the building will appear to change shape when viewed from different vantage points within and outside of the City, a quality of the design which will contribute to an articulated western City Skyline.
- Iconic views along the Latrobe Street corridor will be enhanced with the introduction of a built form which defines the view corridor and provides a visual link to the Central City. The articulated tower form will ensure that the development does not detract from important views.
- As shown within the documentation prepared by Fender Katsalidis Architects, the proposal does not impact significant vistas to and from the city.
- Equitable development has been considered given the generous setbacks of between 11.125m and 24.275m to the eastern development currently under construction.

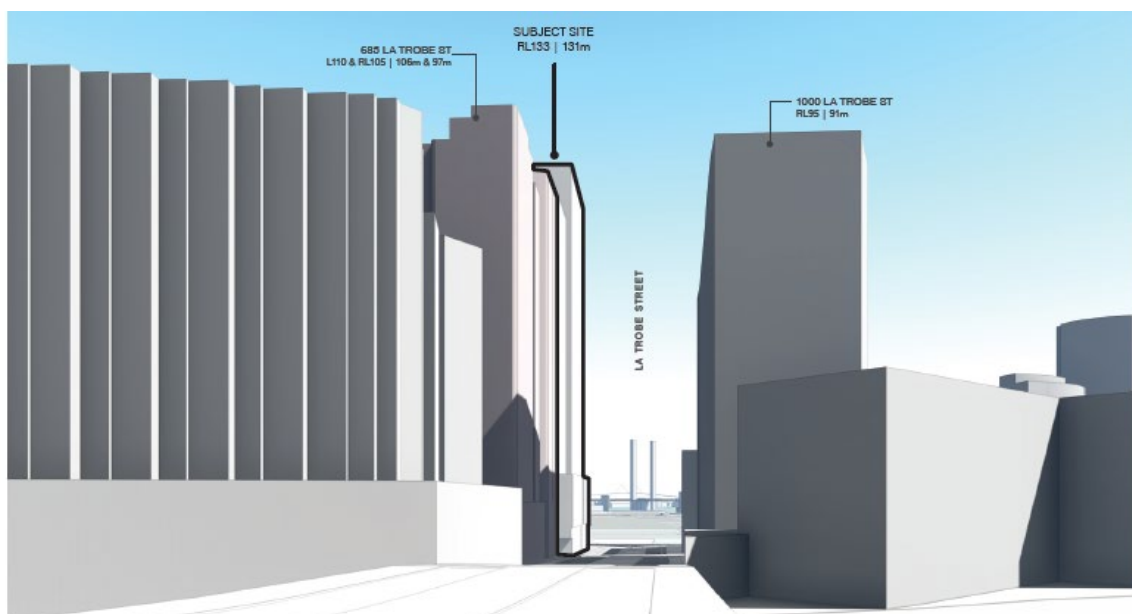
Along La Trobe Street there is existing development and projects under construction which gradually increase in height towards Victoria Harbour. A form that is similar to others either completed or under construction will build on these existing urban design cues.

Figure 22 Modulation of the La Trobe Street façade



Source: Fender Katsalidis

Figure 23 Building Height relationship from along LaTrobe Street



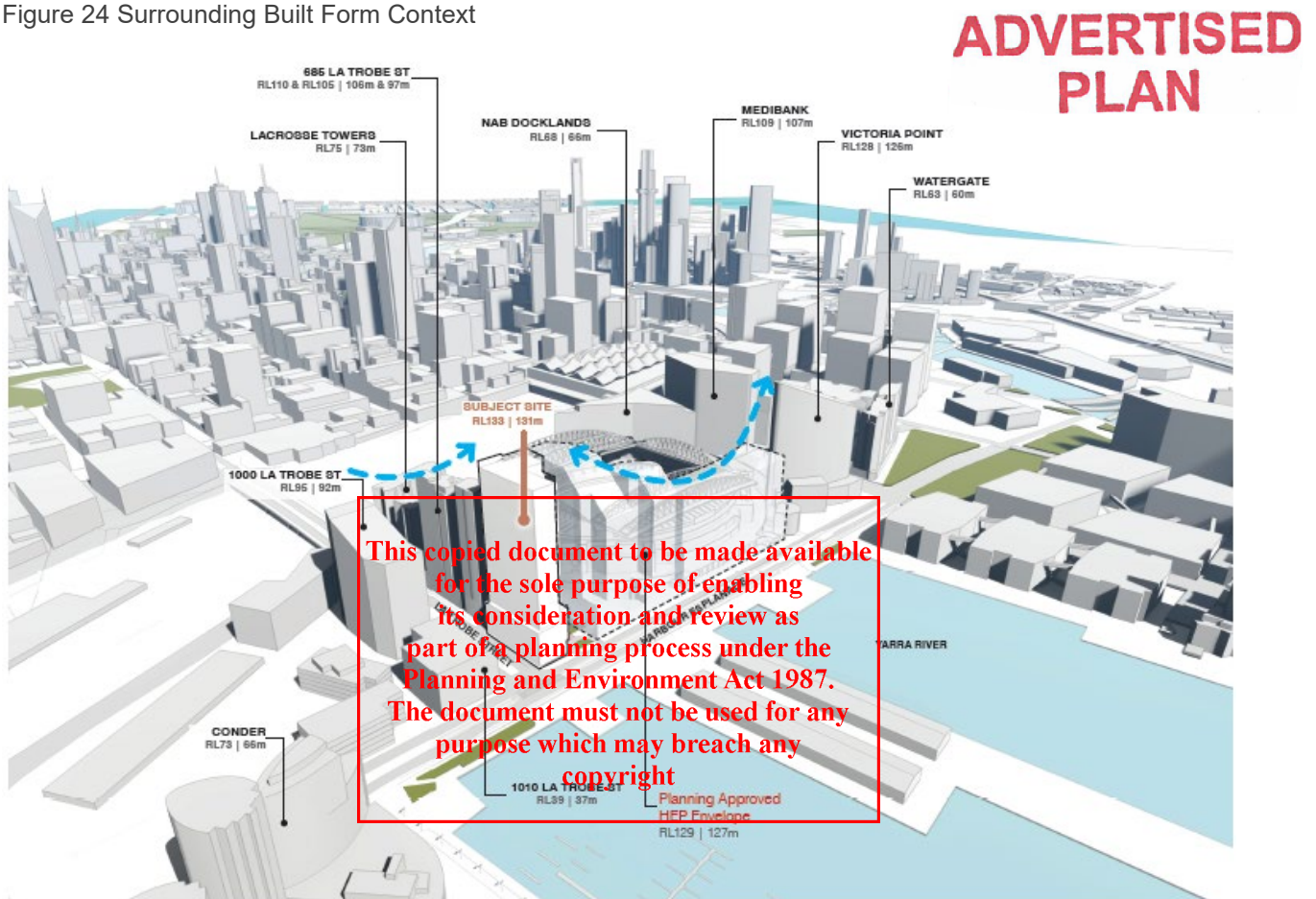


Source: Fender Katsalidis

### 5.4.2.3. Corner Element

Acknowledging the existing built form of the precinct, the project has the opportunity to act as a landmark corner gateway built form to the precinct. In urban form terms we believe this site can comfortably accommodate a tower of similar scale and form to the surrounding development and they can become framing elements for Marvel Stadium. The proposed development is located on the logical location for a taller form given its location at a key intersection.

Figure 24 Surrounding Built Form Context



Source: Fender Katsalidis

### 5.4.2.4. Building Height & Shadowing

DDO52 includes a decision guideline relating to 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. In the context of the site, the most relevant consideration will be how the proposal sits within the existing Marvel Stadium precinct and Harbour Esplanade. An analysis regarding the massing and form has been included in the assessment above which outlines how the development will sit within the evolving surrounding context of constructed or under constructed buildings.

With respect to the overall building height, it is noted that a discretionary control applies, but the beneficiary of this discretionary control is supportive of this proposal. Accordingly, it is proposed that this discretionary control has a limited reference now since its inception in 2008 given:

- The stadium operations manager does not operate the stadium with the roof open during any public attendance at AFL games.
- Improvements to the growing technology has resulted in Marvel Stadium utilising artificial grow lights during winter months to ensure consistency in the playing surface. No natural light is required to maintain the AFL playing surface, an improved method of turf management to that originally conceived at the time the stadium was built and the DDO52 was put in place.

- It is noted the AFL policy is for the Stadium roof to be shut for all AFL games (March to September) to maintain consistency for players and television broadcasting. This has further been confirmed by the AFL in early design consultation.
- The submitted documentation for the Harbour Esplanade Precinct ('HEP') application (now approved through an Incorporated Document in the Melbourne Planning Scheme) states that **"for this proposal, the AFL agreed that this control could be disregarded and overshadowing onto Marvel Stadium would be allowed."** Accordingly, we would say this confirms the AFL's position on overshadowing on the station.

The shadow cast by the scheme will sit largely within the existing shadows or the shadow envelope of the approved developments that sit to the north-west of the proposal. Whilst some additional overshadowing will be created toward Marvel Stadium and Harbour Esplanade, the extent of additional overshadowing cast by the proposal is acceptable in the context of the site. As discussed within this report, the decision to locate the stadium in Docklands, which is marked a further evolution in the perceived role of the area, since the commitment to the stadium was based on it being an urban stadium. By contrast, the MCG is characterised as a stadium in a park, whereby it is the standalone offering in the area and overshadowing is of greater consequence. Considering that the adjacent Marvel stadium is set in a dense urban setting which is encouraged to accommodate further urbanisation, overshadowing considerations need to be assessed in this context.

In accordance with permitted further overshadowing of the Marvel Stadium, the officer's report for the 2019 approval of 699 La Trobe Street, Ministers Ref No. 2010006245A-2 states that: *"The additional 4% of overshadowing to the Docklands Stadium playing surface is considered minor within the context of existing conditions and noting that the current owner and manager of the stadium supports the proposal."*

The additional shadows cast toward the stadium, in the context of the site and policy direction (calling for high density residential development), are appropriate. The additional overshadowing presented in the revised scheme (Fender Katsalidis Plans, TP400-TP415) is limited to an additional 6.7% of shadow at 3pm on the winter solstice. The additional overshadowing is zero when the shadow cast by the approved HEP building is considered.

Relative to the area measured within the study, and the size of Marvel stadium, this is considered minor. As the present application results in overshadowing generally consistent with that approved for the HEP, the overshadowing to the playing surface is considered acceptable. **There is no additional overshadowing of the playing surface beyond what has been approved as part of the HEP between 11am and 3pm, at the September Equinox and June Solstice.**

With regard to the Harbour Esplanade, the key consideration along this interface relates to built form that respects and strengthens the pedestrian scale and focus of the area. It is noted that overshadowing impacts Harbour Esplanade in the earlier hours of the day, however these are typically narrow and move quickly. The impact of the proposal on this space is primarily due to the site's location, whereby the scale of development has a limited impact on the shadows cast, given the location of the site on Harbour Boulevard (located south of the site). Balancing the strong policy direction for building density in this location, against the impacts of overshadowing, the proposal offers additional public enhancements, such as those listed within Sections 5.2 and 5.3 of this report.

#### 5.4.2.5. Wind

The proposal is supported by an Environmental Wind Assessment Report, prepared by MEL Consultants. The wind tunnel study was conducted on a 1:400 scale model of the proposed scheme. The model of the development within surrounding buildings was tested in a simulated upstream boundary layer of the natural wind to determine likely wind conditions.

The findings of the study are summarised as follows:

- For the Proposed Configuration, the wind conditions for all Test Locations in the streetscapes surrounding the Development have been shown to satisfy the walking comfort and safety criteria except near the northwest corner of the Development and some areas on the west side of Harbour Esplanade where the safety criterion failed for the north wind direction.
- However, it has been demonstrated that with the incorporation of tower built form wind mitigation strategies (Mitigations A) these wind conditions would improve to satisfy the walking comfort and safety criteria. The wind conditions at the main entrance into the building, located along the western frontage of the Development, have been shown to satisfy the sitting comfort criterion.



- With regards to the wind conditions on the terraces and balconies, the wind conditions on the west side of the Level 7 podium rooftop terrace for the Proposed Configuration with Mitigations A have been shown to fail the safety criterion for the north wind direction. However, it has been demonstrated that with appropriate wind mitigation strategies (Mitigations B), the wind conditions within the pedestrian trafficable areas of the Level 7 podium rooftop terrace would satisfy the walking comfort and safety criteria.
- The wind conditions on the balconies of Levels 9 to 19 for the Proposed Configuration would be expected to be similar to those measured on Level 12 which were shown to satisfy the standing comfort criterion at minimum and the safety criterion, while conditions on Levels 20 to 29 balconies would be expected to be similar to those measured on Level 29 which were shown to satisfy the walking comfort criterion at a minimum and the safety criterion.

An updated Memo has been provided by MEL Consultants Pty Ltd with respect to the design revisions. The wind engineers have reviewed these design changes, some of which were modifications based on detailed wind advice previously provided. It has been confirmed that the environmental wind conditions on and in the streetscapes surrounding the proposed development for the revised design would be expected to be similar compared to those detailed in the previous wind assessment. MEL Consultants have confirmed that no additional wind tunnel assessments would be required from an environmental wind perspective.

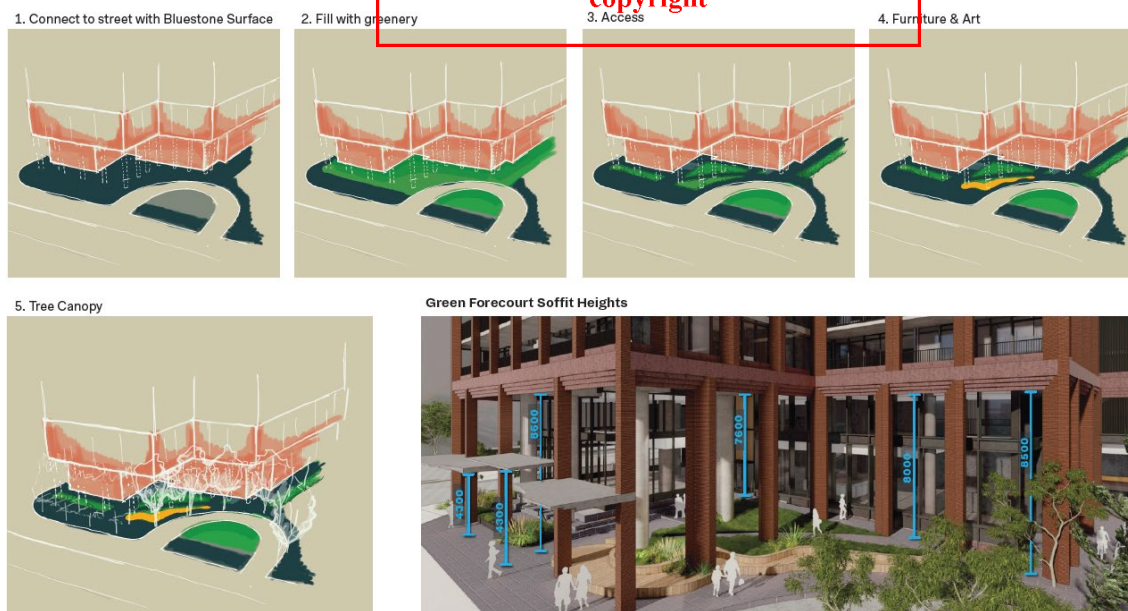
Please refer to the attached Wind Assessment Report & Updated Memo, prepared by MEL Consultants Pty Ltd.

## 5.5. LANDSCAPE

The Landscape Design Report has been provided by Oculus. The landscape plan has been prepared to articulate the design response regarding the proposed pedestrian interface along both La Trobe Street and Harbour Esplanade, the interface with Ron Casey Lane and the communal terraces.

At the ground floor, landscaping has focused on creating a green forecourt and providing moments of respite within the surrounding urban context. Oculus have described the ground plane as an artful green wedge within an urban setting which blurs the space between public and private settings. The landscape proposal focuses on providing a protected green space for moments of respite not only physically but visually from the surrounding urban context. A large civic gesture is centred on the street edge indicatively shown in yellow is intended as an artistic and mark inviting peoples curiosity and interest, playful and providing views towards the harbour.

Figure 25 Ground Floor interface to Harbour Esplanade

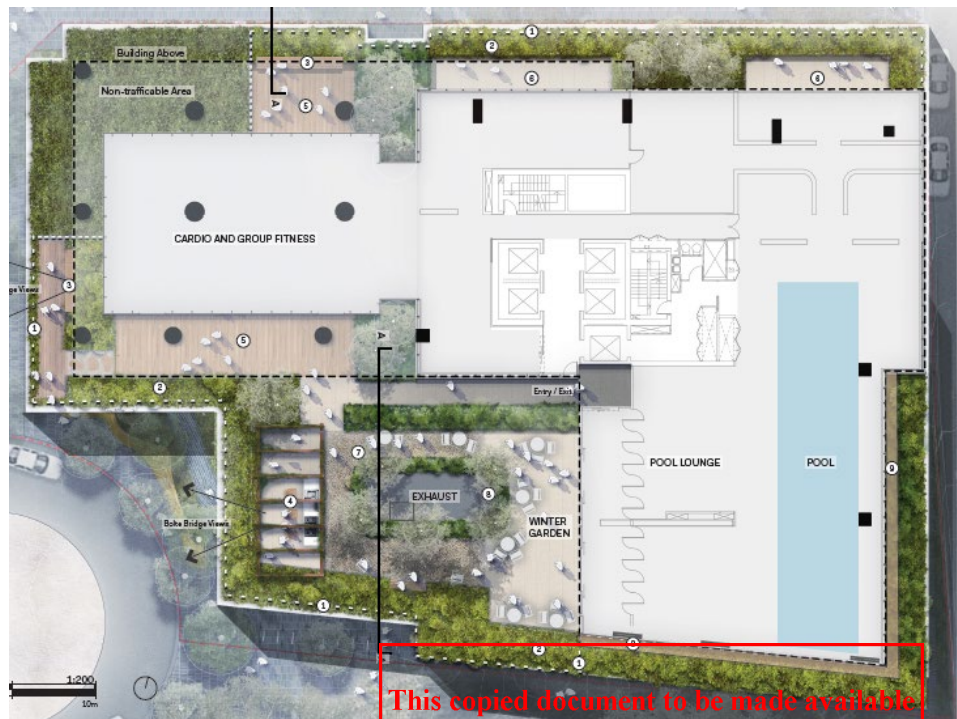


Source: Oculus

The podium roof level of the development will host the majority of the building's fitness amenities. The Level 37 communal areas include a number of outdoor communal spaces such as a dog-friendly area, pergola, and seating areas. These are well landscaped and provide respite to future residents.

External areas allows for views along Latrobe Street, and Harbour Esplanade maximising views beyond the development to Marvel Stadium and over Latrobe Street, creating an even larger sense of space and strong connections to the city. Please refer to submitted Landscape Plan, prepared by Oculus for further detail.

Figure 26 Podium Roof Amenity Area



Source: Oculus

Figure 27 Rooftop Amenity Area



Source: Oculus



## 5.6. BUILD-TO-RENT AMENITY CONSIDERATIONS

The proposal will provide for high levels of amenity which will benefit future occupants of the building and minimise the impact on existing and future residents of the surrounding area. Critically, the siting and design of the tower elements, allows for all dwellings to be well offset from existing and future development, ensuring that any amenity impacts (both internal and external) are minimised.

### 5.6.1. Access to facilities

**Transport** – The subject site is extremely well located to take advantage of a range of public and private transport infrastructure including:

- Pedestrian amenity around Harbourside Docklands, La Trobe Street bridge across to Melbourne CBD
- The Principal Bicycle Network and a range of other formal and informal on-road bike paths
- Taxi Rank (along Harbour Esplanade) and various local tram connections
- Local and Regional Train services (via Southern Cross Station)
- Airport Sky Bus Link (via Southern Cross Station)
- Private motor vehicle connections to major arterial roads including City Link, Docklands Highway and Westgate Freeway

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**Open Space** – The Docklands urban environment supports a range of public recreational opportunities with the majority of public spaces designed to accommodate passive recreation needs for residents including walking, cycling, water activities and leisure. Facilities available to residents in the Docklands area include Docklands Linear Park, Urban Green, the waterfront promenade, Capital City Bike Trail and Victoria Harbour. Within the various parks, there are a range of spaces and facilities which support community activity, positive social interaction and a focus for public spaces. This includes a number of BBQ facilities, play equipment, meeting spaces and urban art treatments.

**Multi-function Areas** – Docklands boasts a range of entertainment options of State-wide importance. Most significantly, this includes the Marvel Stadium which caters for major local and international sporting events, concerts, graduation ceremonies and mass cultural/religious gatherings. Hospitality services are focussed towards the water with both promenade and water based activities including hotel/taverns, restaurants, cafes and function rooms. Other key entertainment areas located in the Central City include the Convention & Exhibition Centre, Southbank Entertainment Precinct, the Retail Core, the Arts Precinct, Federation Square and the Theatre Precinct.

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As part of this proposal a large focus has been to provide a function space to serve the AFL as well as the larger Docklands Precinct, this will allow greater utilisation in conjunction with the Stadium with access, car parking and wider street activation to the north of the Stadium. The AFL is highly supportive of the large function spaces to be provided in close connection with the Stadium.

**Retail / Employment** – Docklands has evolved to become one of the main destinations for retail in the Melbourne CBD. The District Docklands offers a wide range of amenity, retail and services for the wider Melbourne area, including large retail, cinema, restaurants and the Melbourne Star are all closely connected with affordable car parking and public transport options available. Further retail amenity in Docklands includes Costco Warehouse, Southern Cross DFO, local convenience stores and supermarkets for the wider residential community.

The above services and facilities will fulfil provide a wide range of needs of the future occupants to the amended development most of which are within walking and cycling distance. The proximity of these facilities combined with the layout of development, has been designed to facilitate convenient pedestrian movement to and from the site, and will facilitate healthy lifestyle opportunities for future residents of the amended development.

### 5.6.2. The Build-To-Rent (BTR) model

Build-to-Rent (BTR) is a rapidly emerging sector in Australia's residential market. Build-to-Rent seeks to meet the needs of renters over the long-term, and as such prioritise the creation of communal spaces and higher levels of amenity than typical residential developments. The model also allows for the provision of secure tenure for its residents.

As a BTR project, this tower is at the forefront of a new way of thinking about how we provide housing options in our cities. This BTR approach is at its heart driven by the creation of community, and this project exemplifies that ethos through a welcoming and largely public ground plane with significant residents' facilities, as well as facilities for use by the public. The proponent recognises that the retail landscape in Docklands has faced challenges, and are excited about the opportunity to innovate beyond traditional F&B models. In this project, our focus is on cultivating vibrant street-level experiences, leveraging the captive audience of our resident population. This foundation will, in turn, support facilities accessible to both the broader Docklands community and the general public.

The ground plane planning has been carefully resolved to take into account the operational requirements of a BTR project, but also to create a highly porous ground plane with multiple entry points and through-site connectivity. Each aspect of ground plane interface has been considered to take into account the character and nature of that interface and support the activation and uses to that frontage.

The proposed development is to be an exemplar of the build-to-rent model, offering its residents considerable lifestyle opportunities and amenities. These facilities cover a spectrum from open to the public through to entirely private. At ground level, this includes:

- A green forecourt, with public access 24 hours a day, providing space for seating and an important contribution to the public realm of Docklands.
- A residents' lounge and café. This space is conceived as the heart of the development, with 7m ceiling heights, offering a generous space for residents and the public to mix and dwell.
- A business lounge, serving as a third space for residents to work flexibly, to meet and collaborate, with members of the public also having access to this space.
- A bike workshop, providing space for residents to maintain their bicycles, with access also open to the public.
- A mail room, affording opportunities for resident interaction.

These facilities serve both the residents of the building, and as an important contribution to activating the public realm of this key corner. The ground plane has been designed to spill from within the building outwards and to draw the public in to the building itself, providing visual interest, places to dwell, and publicly accessible amenities including the lounge and café. Section 5.3 of this report has provided a comprehensive outline of the ground plane and public realm contribution.

An extensive co-working space is provided at Level 1, further enabling flexible working for residents.

Resident amenities are also to be provided at the top of the podium, at level 7 of the building. These amenities are more inward-facing, with a focus on resident wellbeing and recreational spaces. They include a swimming pool and lounge space associated with the pool; a comprehensive gym area, providing space for gym machines and for indoor and outdoor group classes; a spa and sauna; and extensive outdoor communal open spaces.

Finally, the top level of the building provides several intimate spaces for residents, including dining rooms in which to host friends and family, a bar space, winter garden, music room, a dog run and pet-owners' lounge, and an additional outdoor communal open space area.

The above represents a comprehensive amenity offering which can only be delivered because of the proposed build-to-rent model. The ongoing management of the project proponent ensures that these spaces will be able to operate efficiently and effectively, providing residents with a range of services on an ongoing basis. These facilities ensure that residents benefit from excellent internal amenity.

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Figure 28 Ground Floor and podium level activation



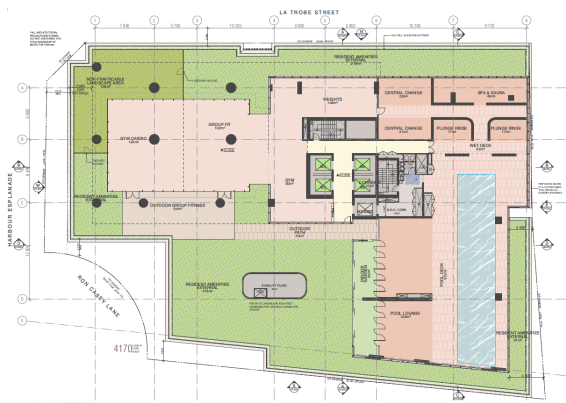
Source: Oculus

Figure 29 Ground plane programme



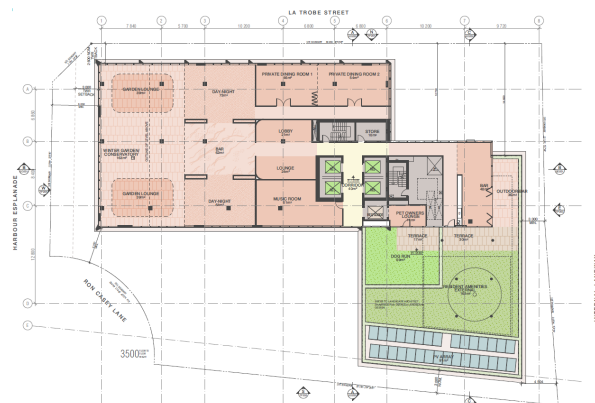
Source: Fender Katsalidis

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Picture 1 Level 7 / podium-top layout

Source: Fender Katsalidis



Picture 2 Rooftop layout

Source: Fender Katsalidis

### 5.6.3. Noise

The proposed development has been designed to incorporate acoustic attenuation measures in line with recommendations of Acoustic Logic.

These recommendations include glazing specifications that will ensure the apartments meet the requirements of the DDO12 including the internal noise level criteria for music noise from the Docklands Stadium. External noise intrusion from traffic has also been investigated. Recommendations include minimum glazing requirements, external wall construction and any ventilation openings would need to be acoustically treated to maintain acoustic performance.

For more detail, please refer to the acoustic report prepared by Acoustic Logic.

### 5.6.4. Views, overlooking and privacy

The development's design maximises on views to the west, towards Victoria Harbour and the Bolte Bridge. The design of the proposal ensures that there is no potential for adverse internal views between apartments within the development. Analysis within the Urban Context Report outlines how the building's layout has been deliberately configured to mitigate overlooking impacts.

To the east of the subject site is the development at 685 La Trobe Street (Home Docklands). The proposal is set back at least 11.125 metres from this site, ensuring no overlooking impacts will result to the apartments within this development.

An 8.81 metre setback is provided to the proposed tower at 160 Harbour Esplanade. Apartments in this location are appropriately screened to minimise overlooking and afford privacy to residents of both developments.

Overall, the proposal's siting and design ensures that overlooking, views and privacy are managed appropriately, both to adjoining properties and to the new building itself.

### 5.6.5. Better Apartment Design Standards

The proposal has been designed in response to the Apartment Design Guidelines for Victoria, and the Better Apartment Design Standards at Clause 58 of the Melbourne Planning Scheme. This ensures that residents benefit from excellent internal amenity within their apartments, summarised below. Please refer to Appendix C for a detailed assessment of the proposal against each standard.

- Each apartment incorporates a functional layout, with each bedroom and living area meeting the minimum dimensions of Standard D24, thereby achieving the Functional layout objective.
- All habitable rooms within each apartment are provided with direct daylight access. No single-aspect habitable room exceeds 9 metres in depth, and all apartments are provided with 2.7 metre ceiling heights, consistent with Standard D27 (Room depth objective).
- The vast majority of apartments are provided a private balcony, with areas and dimensions consistent with the requirements of Standard D19.

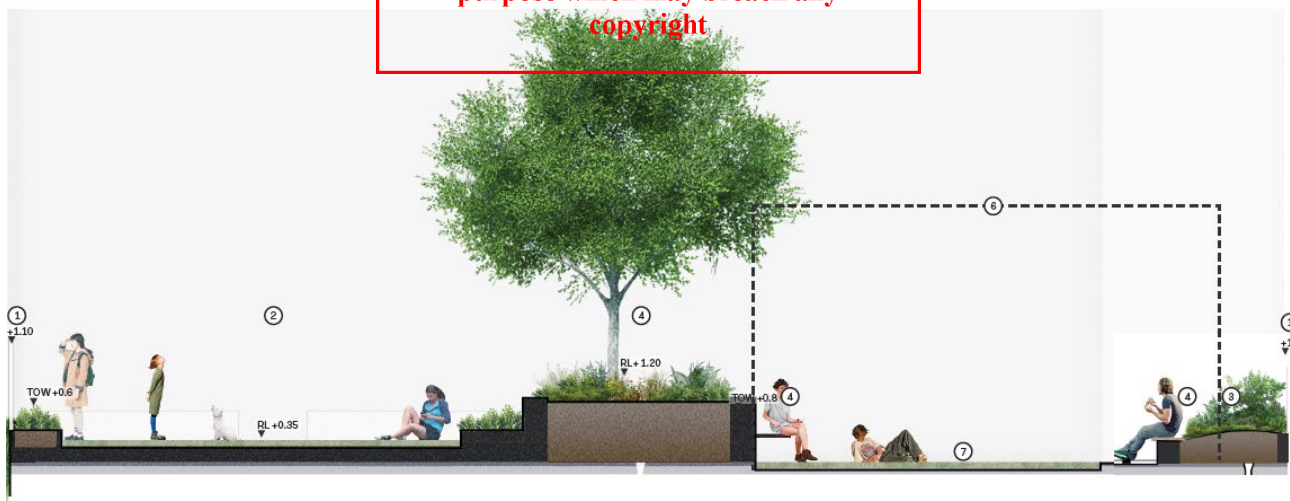


- The building is provided with extensive communal open space, as discussed elsewhere within this report. In total the scheme accommodates for 2,494m<sup>2</sup> of internal and 1,319 m<sup>2</sup> communal spaces, which equates to an impressive ratio of circa 6.8m<sup>2</sup> per dwelling. This represents an extremely generous provision of communal space in the context of other build-to-rent developments within Melbourne.
- Consistent with Standard D5, the proposal is thoroughly integrated with both La Trobe Street and Harbour Esplanade, with a highly permeable ground plane facilitating access from both streets and providing visual interest. The ground plane treatment is discussed in detail in Section 5.3 of this report.
- 62% of the apartments are accessible, exceeding the 50% required under Standard D18.

Areas of non-compliance with the numerical standards have been identified as follows. However, in each case the objective of the Clause has been achieved through an appropriately varied design:

- It cannot be guaranteed that the communal open space areas will benefit from solar access between 9am and 3pm on 21 June due to the extent of development in the surrounding area. Docklands is characterised by substantial built form including existing buildings up to 92 metres in height to the north of the site, casting significant shadow on the proposed building. However, the level of solar access available to communal open space will be maximised by the location of extensive communal open space on the north side of the development at level 7. The substantial communal open spaces (both indoor and outdoor) within the development ensure it provides appropriate amenity to its residents, and access to a range of public open spaces elsewhere within Docklands will allow residents appropriate access to daylight.
- The extent of landscaping on the site does not meet the numeric requirements of Standard D10. However, the extent of landscaping is significantly greater than the prevailing character of the area, ensuring that the building will be an exemplar within its context. Extensive landscaped areas are provided at ground level, with canopy tree retention and new planting proposed to this area. Space is also provided at L7, incorporating extensive ground covers and a number of deep soil areas where trees can be planted. Finally, the rooftop areas of the building are landscaped with ground covers and low shrubs, deep soil areas supporting smaller trees and an area with soil to a depth of 1.2 metres, allowing the planting of a large olive tree. Together, these measures ensure that the proposal provides extensive landscaping for residents, including canopy tree planting which supports the preferred urban context of the site.

Figure 30 Rooftop landscaping – section



Source: Oculus

- A total of eight apartments within the development are not provided with private open space in line with Standard D25. This represents 1.4% of the total apartments provided within the development, and as such is minimal. Given the extent of communal open space provided within the development, this small area of non-compliance is acceptable. Residents will have access to appropriate open space, with spaces elsewhere in the development that are available for booking and can provide suitable privacy if necessary (for example, private dining rooms at the roof level).

The Tribunal has accepted in several recent decisions for built-to-rent developments and other alternative residential models that provision of extensive communal facilities appropriately offset a small number of apartments which provide no private open space. For example, in *GFM Investment Management*<sup>1</sup>, the Tribunal determined that the private open space objective was satisfied in a BTR development where 17 apartments had no private open space, and a number of others included non-compliant private open space. This development was of a similar scale to the present proposal (571 apartments) and provided a commensurate level of communal amenity to the present proposal. The present proposal provides a greater level of compliance with the numerical standard D19 than that in *GFM Investment Management*. On this basis, the private open space objective is satisfied.

- A total of 37% of apartments incorporate natural ventilation, in line with Standard D29. This is 3% below the required 40%, and as such a variation is required to the standard. The extent of this variation is minimal, with the proposed development only providing 16 fewer cross-ventilated apartments than a compliant scheme. Analysis provided within the Urban Context Report demonstrates that alternative layouts on site which would have included improved natural ventilation performed objectively worse when other amenity impacts are considered. For example, a two tower scheme was considered – however, this scheme resulted in significant internal overlooking between apartments, and a reduced outlook. The adopted design has sought to balance these considerations, and while the extent of cross-ventilation is moderately less than required by the standard, the proposal performs significantly better from an internal views and outlook perspective. As such, the extent of non-compliance is considered acceptable.

## 5.7. CAR PARKING, BICYCLE PARKING AND ACCESS

Melbourne's Docklands are an area with excellent access to amenity, including being located at the heart of Melbourne's public transport network. Southern Cross station is located an 800 metre walk from the subject site, and numerous tram routes serve the Docklands, including directly from La Trobe Street and Harbour Esplanade. Extensive cycling facilities are also provided within the area, with the Capital City Trail operating along Harbour Esplanade, and protected bike lanes connecting the site to the CBD along La Trobe Street. Given the amenity afforded the site and the precinct, it is appropriate to significantly reduced car parking to be provided.

Consistent with this strategic assessment, the site has been included within the Parking Overlay, Schedule 8 'Docklands – Stadium Precinct' under which a planning permit is required to exceed a rate of 1.5 parking spaces per dwelling. The proposal responds to this strategic direction by providing 114 car spaces to the 560 proposed apartments. This equates to a rate of 0.2 spaces per apartment, significantly below the maximum rate imposed by the parking overlay.

While providing significantly reduced car parking, the proposal also responds to the site's access to cycling amenity through substantial provision of bicycle facilities. A total of 435 bicycle spaces are provided across the development, across both the basement and ground level. This significantly exceeds the requirement to provide 193 bicycle spaces on the site.

Access to the carparking facilities is provided via the internal laneway separating the site from 685 La Trobe Street. Cyclists access the site from Harbour Esplanade with a direct accessway to the lobby and the residents' bike workshop. Pedestrians access the site from La Trobe Street and Harbour Esplanade. The proposed access arrangements ensure that no conflict will result between cars, cyclists and pedestrians.

Please refer to the attached Traffic Engineering Assessment, prepared by MCG Consult.

### 5.7.1.1. Traffic Considerations

The subject site is located in a prime position to utilise the extensive public transport system available and the road connectivity of the Docklands precinct. With limited on-street car parking in the area, with restrictive parking controls, this development allows for sufficient car parking requirements to service the residents and future uses for the site as well as the adjacent extensive public transport including trams along Harbour Esplanade and La Trobe Street, Southern Cross Station and the CBD Tram routes are all in close proximity.

Docklands is connected by extensive pedestrian and cycling networks, with all local esplanades wide, sealed well connected and well lit. The Docklands Precinct offers a wide variety of local amenity including a large Woolworths Supermarket, restaurants, cafes, park and medical facilities. The development will encourage

<sup>1</sup> *GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC* [2024] VCAT 458 (17 May 2024)  
<https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2024/458.html>



the use of sustainable transport modes as key modes to and from local amenities and will enhance the walkability of the Docklands area.

The Traffic Engineering Assessment has been prepared by MCG Consult and concludes that the amended proposal provides for an appropriate resolution of traffic, parking, access and loading arrangements for the following key reasons:

- Pursuant to the Parking Overlay – Schedule 8, the statutory requirements listed are maximums. The parking provisions are less than the specified maximums under the Parking Overlay and are therefore considered to be an acceptable outcome for the revised scheme. No planning permit is required to reduce the number of car spaces provided.
- The proposed parking layout and access arrangements accord with the requirements of the Planning Scheme, AS2890.1:2004 (where relevant) and current practice.
- The level of traffic generated as a result of this proposal is acceptable and will not have a detrimental impact on the surrounding road network, particularly when compared to the existing approval.
- Bicycle parking is provided in excess of the requirements set out at Clause 52.34 of the Planning Scheme.
- The on-site loading area has been designed to meet the objectives of Clause 65.01 of the Planning Scheme and should be managed by a Loading Management Plan (as a condition of permit).

Having regard to the above, it is considered that the proposed development adequately addresses the requirements for car parking, access and bicycle parking. It is further considered that the traffic assessment demonstrates vehicular access point have been carefully located and designed to minimise impacts to all forms of travel and movement.

Please refer to the attached Traffic Engineering Assessment, prepared by MCG Consult.

## 5.8. ENVIRONMENTAL SUSTAINABILITY

Sustainability features to be implemented into the revised scheme aim to provide occupants, visitors and staff with excellent internal comfort conditions based on sound sustainability principles that minimise harmful environmental impacts. Careful attention has been paid to Council's local policy at Clause 15.01-2L-01 Energy and Resource Efficiency and 19.03-3L (Stormwater Management and Water Sensitive Urban Design). The proposal has also had consideration to Planning Scheme Amendment C376.

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

- Certified 5 star Green Star Buildings rating
- 7 star NatHERS average target
- Green Factor aligned design with integrated landscaping
- All electric building with heat pumps for hot water and including 62 kW of on-site renewable energy across the available rooftop areas with 100% renewable energy purchase off-site
- 20% reduction in upfront carbon through materials
- Bike parking to meet Green Star requirements
- Rainwater harvesting and reuse on-site
- Anticipated to be sufficient to meet the Green Factor with a score of greater than 0.55 anticipated subject to final species selections, soil depths etc.

Please refer to the attached Sustainability Management Plan prepared by ARUP for the comprehensive report.

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### 5.8.1. Stormwater Management

A Stormwater Management Plan (SWMP) has been prepared by MCG Consult which considers Clauses 19.03-3L and 53.18. The site is affected by the L5103. Melbourne Water have provided pre-development advice for the property which confirms the minimum flood levels are satisfied. This has been included as part of the SWMP. The SWMP has demonstrated that the recommended devices exceed the required best practice water quality performance objectives by incorporating Water Sensitive Urban Design into the proposed stormwater drainage system for Total Suspended Solids, Total Phosphorous, Total Nitrogen and Gross Pollutants.

As such from a stormwater management perspective, MCG Consult are of the view that the development complies with the Melbourne Planning Scheme Clause 19.03-3L and Green Star pollution reduction targets and should be endorsed for approval.

Please refer to the attached Stormwater Management Plan prepared by MCG Consult for the comprehensive report.

## 5.9. WASTE MANAGEMENT

A Waste Management Plan (WMP) prepared by WSP identifies the details regarding generation rates, waste collection and management pursuant to the requirements of City of Melbourne waste policies.

A summary is as follows:

- For operational efficiencies, independent waste systems have been allocated to the residential and commercial components of the development.
- A dual chute system will be provided within the development for the disposal of residential garbage and commingled recycling. Access to the chutes is provided within a separate residential waste disposal room on each residential floor.
- All waste collections shall occur onsite from the ground level loading dock. Collection vehicles up to 10.2m in length will enter and exit the site in a forward's direction via the unnamed laneway off La Trobe Street that runs along the eastern property boundary.
- Waste equipment will not be stored outside the title boundary. Building management will ensure sufficient access to the waste storage rooms is provided for collection vehicle operators during collection times.
- Typically, operators are provided with keypad/swipe card access to service doors as required.

Please refer to the attached Waste Management Plan, prepared by WSP for the comprehensive detailed plan.

## 5.10. VARIATION OF EASEMENTS/RESTRICTIONS

A series of easements and restrictions currently affect the site. These have been outlined in Appendix A attached to this report.

As part of the proposal, a permit is required to create, vary or remove an easement or restriction registered to the title, pursuant to Clause 52.02 of the Melbourne Planning Scheme.

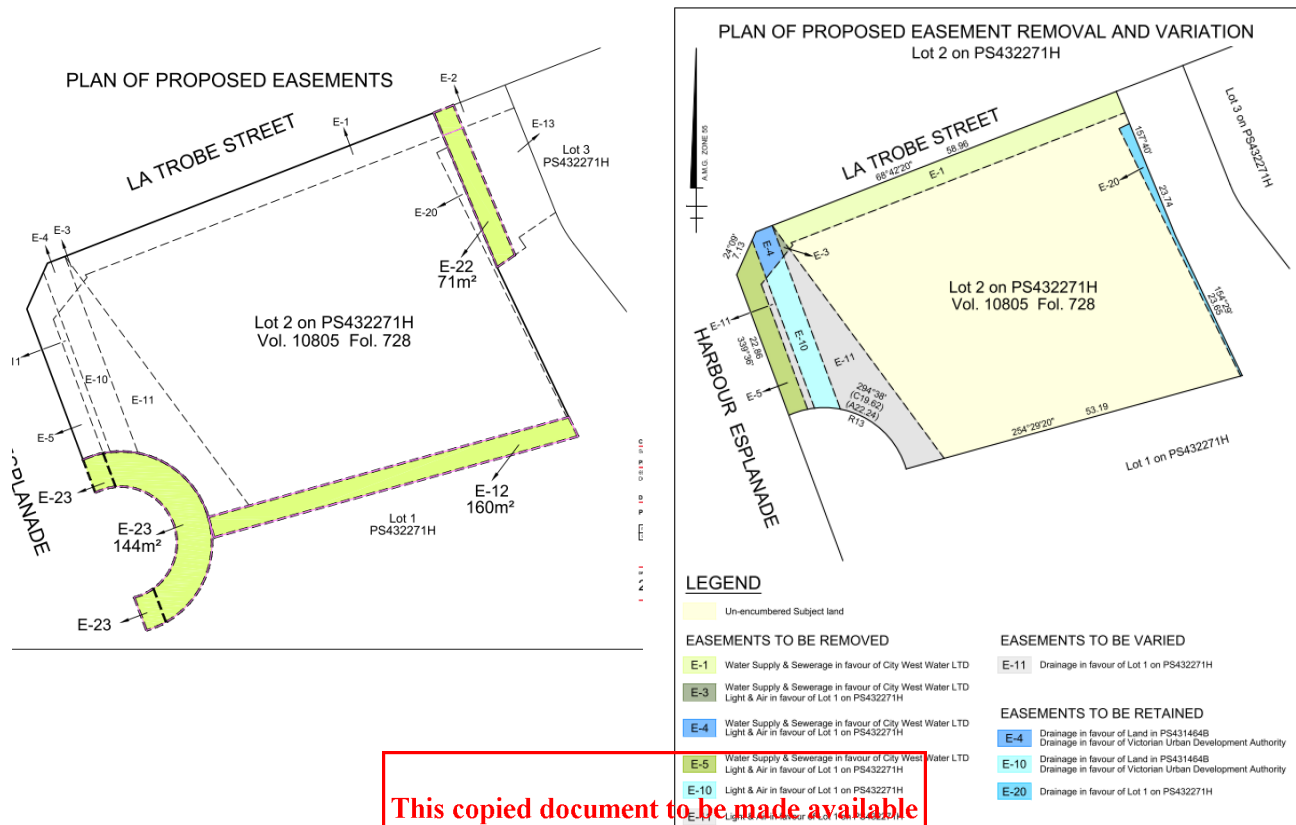
These easements will need to be successfully resolved before the development can proceed, as most easements are no longer required or relevant. The previous approval for this site included conditions requiring the resolution of the easements prior to commencement, and a similar condition would be appropriate for the present application. An application for an amendment to the S173 agreements associated with AD304197L and AD030407C will be made in the future, and can be incorporated as part of future planning permit conditions.

With respect to the proposed easements E-22 and E-23, these will facilitate access and ensure light and air protection is afforded to the proposed on-boundary windows. The proposed easements will be applied for in accordance with the Proposed Plan of Creation and Removal of Easement prepared by Veris.

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Figure 31 Proposed Plan of Creation and Removal of Easement prepared by Taylors (left: Lot 1; right: Lot 2)



Source: Taylors – Plan of Creation and Removal of Easements

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Restriction	Particulars	Purpose	Proposed Action
<b>Covenants</b>			
<b>Covenant (AD304197L)</b>	<p><u>Benefitted Land:</u> Lot 1</p> <p><u>Burdened Land:</u> Lot 2</p>	<p>The covenant states that the owner of the Burdened Land must not:</p> <p>(a) <i>erect or allow to be erected on all or any part of the Burdened Land any building or structure which is of a height greater than RL 40.300 AHD (Reduced Level) (Australian Height Datum);</i></p> <p>(b) <i>cause or allow a third party to cause any noise on all or any part of the Burdened Land that exceeds 50 decibels when measured anywhere within a building on the Benefitted Land;</i></p> <p>(c) <i>cause or allow a third party to cause any</i></p>	<p>Vary as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.</p> <p>An application for an amendment to the S173 agreement associated with AD304197L will be made in the future and can be incorporated as part of a future planning permit condition.</p>

		<p>vibration on all or any part of the Burdened Land that exceeds the American Society of Heating and Air Conditioning Engineers ("ASHAE") curve for computer equipment (refer Schedule 6) when measured anywhere within a building on the Benefited Land;</p> <p>(d) erect or allow to be erected 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;</p> <p>(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 marked E-1, E-4, E-5, E-10, E-11 and E-12 on Plan of Subdivision 432271H.</p> <p>Restriction (e) above was deleted by Variation of Covenant and therefore no longer constrains Lot 2 (see instrument AH372398F registered July 2010).</p>	
<p><b>Agreement under Section 173 Planning and Environment Act 1987 (AD030407C)</b></p>	<p><u>Owner</u>: Seven Custodians (now Salta)</p> <p><u>Responsible Authority</u>: VicUrban (now DV)</p>	<p>The agreement sets out the owner's obligations in relation to the use and maintenance of the 'Stadium Link' (defined as a 2.1 metre wide footpath on the eastern boundary of the Lot 2).</p> <p>The proposed development must not cause non-compliance with the obligations contained in this agreement (unless amended) (notably clause 5.3(e) which prohibits motor vehicles other than emergency services or maintenance vehicles from using the Stadium Link).</p>	<p>Amend the Section 173 Agreement in accordance with sections 177 to 177I of the <i>Planning and Environment Act 1987</i>.</p> <p>The proposed development intends for the proposed vehicle crossovers to be used by all types of vehicles entering or leaving the development (consistent with the right of way granted under E-13), and accordingly an amendment of the Section 173 Agreement to allow use of the Stadium Link by any vehicle is required.</p> <p>An application for an amendment to the S173 agreement associated with AD030407C will be made in the future and can be incorporated as part of a future planning permit condition.</p>



Easements (to be removed or varied)			
E-1	In favour of City West Water Ltd	Water Supply and Sewerage	Relocate assets and remove easement as part of planning application pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .
E-3	In favour of City West Water Ltd	Water Supply and Sewerage	Relocate assets and remove easement as part of planning application pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .
E-3	In favour of Lot 1	Light and Air	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
E-4	In favour of Lot 1	Light and Air	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
E-4	In favour of Land in PS431464B	Drainage	Variance of easement to specify a height limitation.  Build Over Consent to a height of 7 metres.
E-5	In favour of City West Water Ltd	Water Supply and Sewerage	Relocate assets and remove easement as part of planning application pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .
E-5	In favour of Lot 1	Light and Air	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
E-10	In favour of VicUrban (now	Drainage	Relocate assets and remove easement as part of planning application pursuant to Clause 52.02 of the Melbourne

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	DV) and the land in PS431464B		Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .
<b>E-10</b>	In favour of Lot 1	Light and Air	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
<b>E-11</b>	In favour of Lot 1	Light and Air	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
<b>E-11</b>	In favour of Lot 1	Drainage	Remove as part of the planning application for the proposed development pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the Subdivision Act 1988.  We note that this was previously approved to be varied under original permit, Ministers Ref No. 2010006245A-2.
<b>E-12</b>	In favour of Lot 2	Footway	We note that this easement is proposed for removal as part of the approved development of Lot 1.  The applicant consents to the removal of this easement as part of planning application pursuant to Clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> , should they be requested to remove it as part of the broader removal of easements from the site.
<b>Easements (to be created)</b>			
<b>E-22</b>	In favour of Lot 2	Light and Air (to be created on Lot 1)	Create as part of planning permit application, pursuant to clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .
<b>E-23</b>	In favour of Lot 2	Carriageway (to be created on Lot 1 over Ron Casey Lane)	Create as part of planning permit application, pursuant to clause 52.02 of the Melbourne Planning Scheme and section 23 of the <i>Subdivision Act 1988</i> .

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## 6. CONCLUSION

The proposal will result in the transformation of an underutilised site into an active and appealing place for the community. The building height, form and overall scale is consistent with the scale of development occurring in the immediate area and the amended development will make a positive addition to the range of styles and building forms in the Docklands area and more broadly.

The revised design prepared by Fender Katsalidis continues to exude high quality architectural merit with the adoption of a podium structure and tower built form which adequately responds to the surrounding Docklands precinct character.

The proposal responds to the policy objectives of the Melbourne Planning Scheme which seek for Docklands to continue to become a high density, mixed use area, along with responding to the emerging high quality built environment in Docklands which is evident in recent development in the area and in recent nearby planning approvals.

The proposal is considered to be generally consistent with the objectives of State and Local Planning Policy and will offer the following benefits to the Docklands area:

- The proposal is consistent with and complimentary to the broader Marvel Stadium Precinct Redevelopment objectives
- Ground floor street activation in the way of large lobby entrance, clearly visible residential entry and retail frontages spanning along the concourse;
- The provision for Built-to-Rent Scheme for residential apartments will support the urban consolidation objectives for more accessible housing to public transport, retail, entertainment and employment opportunities;
- A high-quality architectural response that will improve the appearance of the site and surrounding context and responds to the character of the emerging higher density Docklands area;
- A landmark residential building that contributes to the rental residential apartment provision supply and retail mix within an urban renewal area to assist in meeting key State and Local policy goals;
- Enhancement of the public realm, in particular through greater activation and passive surveillance for pedestrians at street level along La Trobe Street and the concourse access to Marvel Stadium to improve the quality of the pedestrian environment;
- A residential building which favours active transport modes over driving by providing adequate, secure, and highly accessible bicycle parking and access to the wide public transport network;
- A higher standard of internal amenity for all future residents, taking advantage of the benefits associated with high-rise living.
- A building that provides a variety of Built-to-Rent apartment and retail offerings, that are highly connected to the Melbourne CBD and surrounds.

On balance, it is considered that the proposed development represents an appropriate planning and design outcome for the site and surrounding area and should therefore be supported.

Overall, it is considered that the amended proposal represents a positive and enhanced outcome to what was previously approved and can continue to be supported by the Department of Transport and Planning.

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- JAN 2025

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## APPENDIX A

## EASEMENTS & RESTRICTIONS

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# RESTRICTIONS TO LOT 2 ON PLAN OF SUBDIVISION 432271H

As indicated on the Certificate of Title, the site is burdened by four (4) Planning Agreements made pursuant to Section 173 of the *Planning and Environment Act 1987*, the *Dockland Authority Act 1991* and the *Building Act 1993* and one Covenant.

## **Covenant AD304197L**

- The benefitted land in this covenant is Lot 1 on Plan of Subdivision PS432227H.
- This covenant places restrictions on the land in relation to the location and height of buildings and structures, allowable signage and noise levels.

## **Agreement Section 24(2) Docklands Authority Act 1991 – AH197569E**

- This agreement requires that the owner of the subject land acts in accordance with the Development Agreement. This agreement was amended to remove Lot 1 (the Channel 7 site) from the agreement.

## **Agreement Section 162 Building Act 1993 – W944159H**

- This agreement relates to construction work on the Docklands Stadium and adjoining car park. It does not have a bearing on the subject land per se from a developable perspective. The Covenant states that in the case of the external wall of the Stadium Building being reduced in height, the external wall of the car park must be altered to comply with building regulations.

## **Agreement Section 173 Planning and Environment Act 1987 – AD030407C**

- This agreement pertains to the maintenance, access and responsibility for a 2.1 metres wide footpath (yet to be constructed), known as Stadium Link which runs over the subject land abutting the eastern boundary.

## **Agreement Section 173 Planning and Environment Act 1987 – AG594741P**

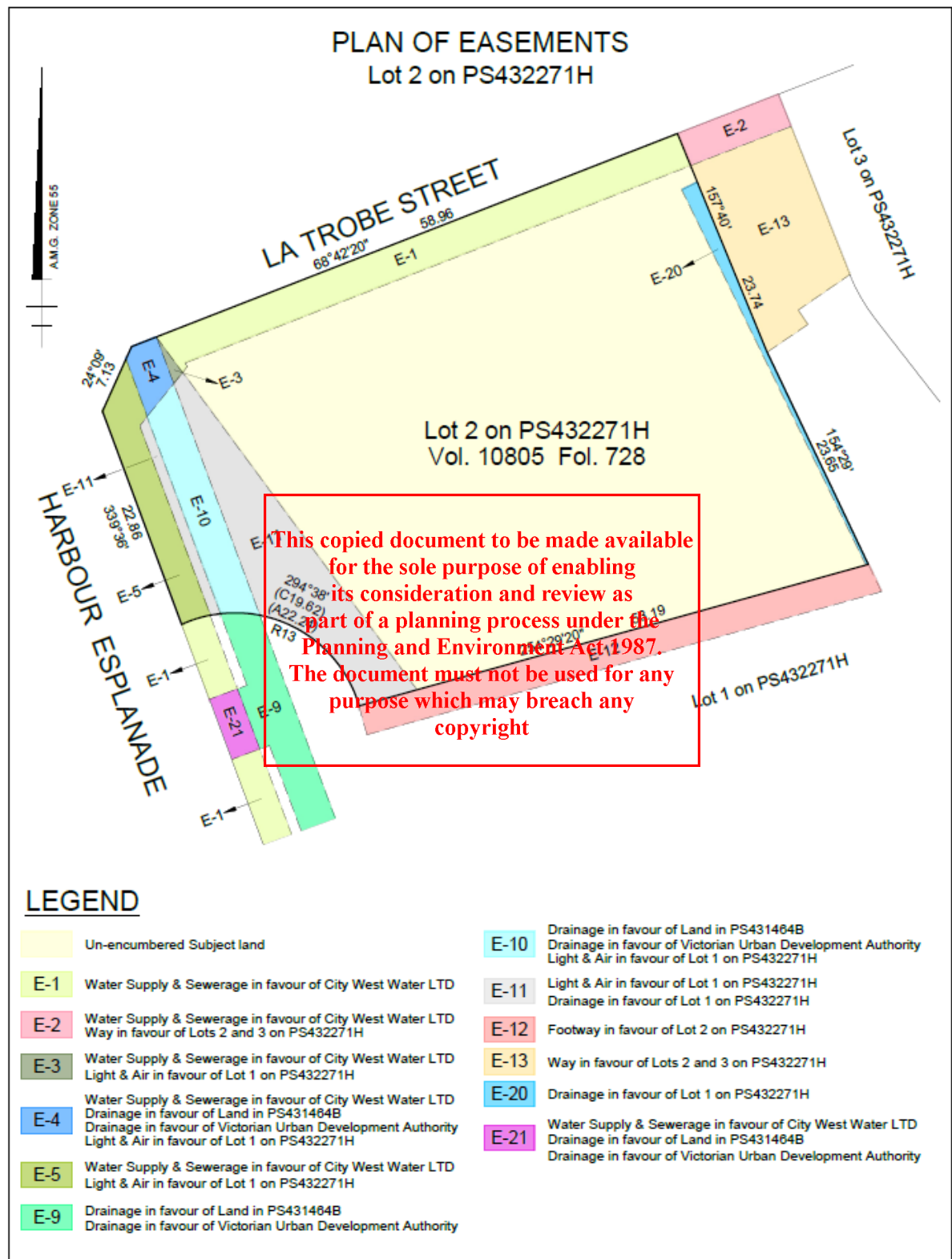
- This agreement relates to the remediation of the subject land. It defines the roles and financial responsibilities of both the owners and VicUrban should remediation be required.

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# EASEMENTS AFFECTING LOT 2 ON PLAN OF SUBDIVISION 432271H



Above is a simple diagram showing the relevant planning easements on the site, prepared by Taylors.

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The land is described as Lot 2 on Plan of Subdivision 432271 H Parent Title Volume 10494 Folio 619. This title includes Lot 1 (Salta land) and Lot 2 (Channel 7 Land) and includes several easements that only effect Lot 1. A description of the implied easements affecting Lot 2 is as follows:

<b>Title</b>	<b>In favour of</b>	<b>Purpose</b>
<b>E-1</b>	in favour of City West Water limited.	Water Supply and Sewerage
<b>E-3</b>	in favour of City West Water limited.	Water Supply and Sewerage
<b>E-3</b>	in favour of Lot 1 on PS432271H	Light & Air
<b>E-4</b>	in favour of City West Water limited.	Water Supply and Sewerage
<b>E-4</b>	in favour of VicUrban Authority (Section 19A <i>Docklands Act</i> 1991)	Drainage
<b>E-4</b>	in favour of Lot 1 on PS432271H	Light & Air
<b>E-5</b>	in favour of City West Water	Water Supply and Sewerage
<b>E-5</b>	in favour of Lot 1 on PS432271H	Light & Air
<b>E-10</b>	in favour of VicUrban Authority (Section 19A <i>Docklands Act</i> 1991) in favour of VicUrban Authority (Section 19A <i>Docklands Act</i> 1991)	Drainage
<b>E-10</b>	in favour of Lot 1 on PS432271H	Light and Air
<b>E-11</b>	in favour of Lot 1 on PS432271H	Light and Air
<b>E-11</b>	in favour of Lot 1 on PS432271H	Drainage
<b>E-12</b>	In favour of Lot 2 on PS432271H	Footway
<b>E-13</b>	In favour of Lot 2 & 3 on PS432271H	Right of Way
<b>E-20</b>	in favour of Lot 1 on PS432271H	Drainage
<b>S-1</b>	In accordance with:  <i>Agreement Section 173 Planning and Environment Act 1987 – AD030407C</i>	2.1m Stadium Link Public Footpath Section 173 Agreement

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## APPENDIX B

## PLANNING POLICY

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# PLANNING POLICY AND CONTROLS

## PLANNING POLICY

The following summarises the most salient elements of the Planning Policy Context in respect of this location and proposal:

**Clause 02.02** – Vision outlines the City’s vision stating:

*The vision for the City is to be a bold, inspirational and sustainable city. To achieve this vision, there are six high level goals for the City of Melbourne to be:*

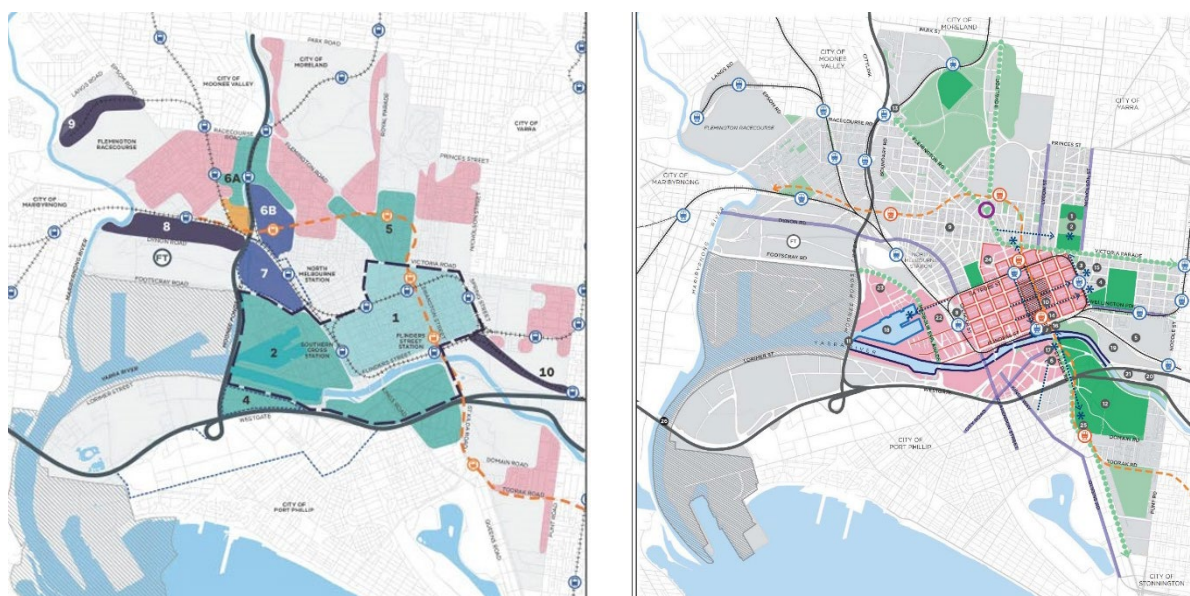
- A city for people.
- A creative city.
- A prosperous city.
- A city of knowledge.
- An eco-city.
- A connected city.

**Clause 02.03-1** – Settlement recognises Docklands as an Existing Urban Renewal Area. Docklands is described as a vital urban redevelopment and activity hub that consists of residential, commercial, industrial, institutional, educational and entertainment/leisure uses.

**Clause 02.03-4** – Built environment and heritage seeks to ensure that development protects and enhances the City’s distinctive physical character, and that design, height and scale of development responds to the identified preferred character. In Docklands, development should activate the street. Development in Urban Renewal Areas should be permeable and fine-grained.

**Clause 02.04** – Strategic framework plans includes plans to be read in conjunction with the strategic directions of Clause 02.03. The site is within Docklands, an existing urban renewal area, and an identified view corridor to the Harbour runs along La Trobe Street.

Figure 1 Strategic framework plans – left: growth area framework plan; right: built environment plan



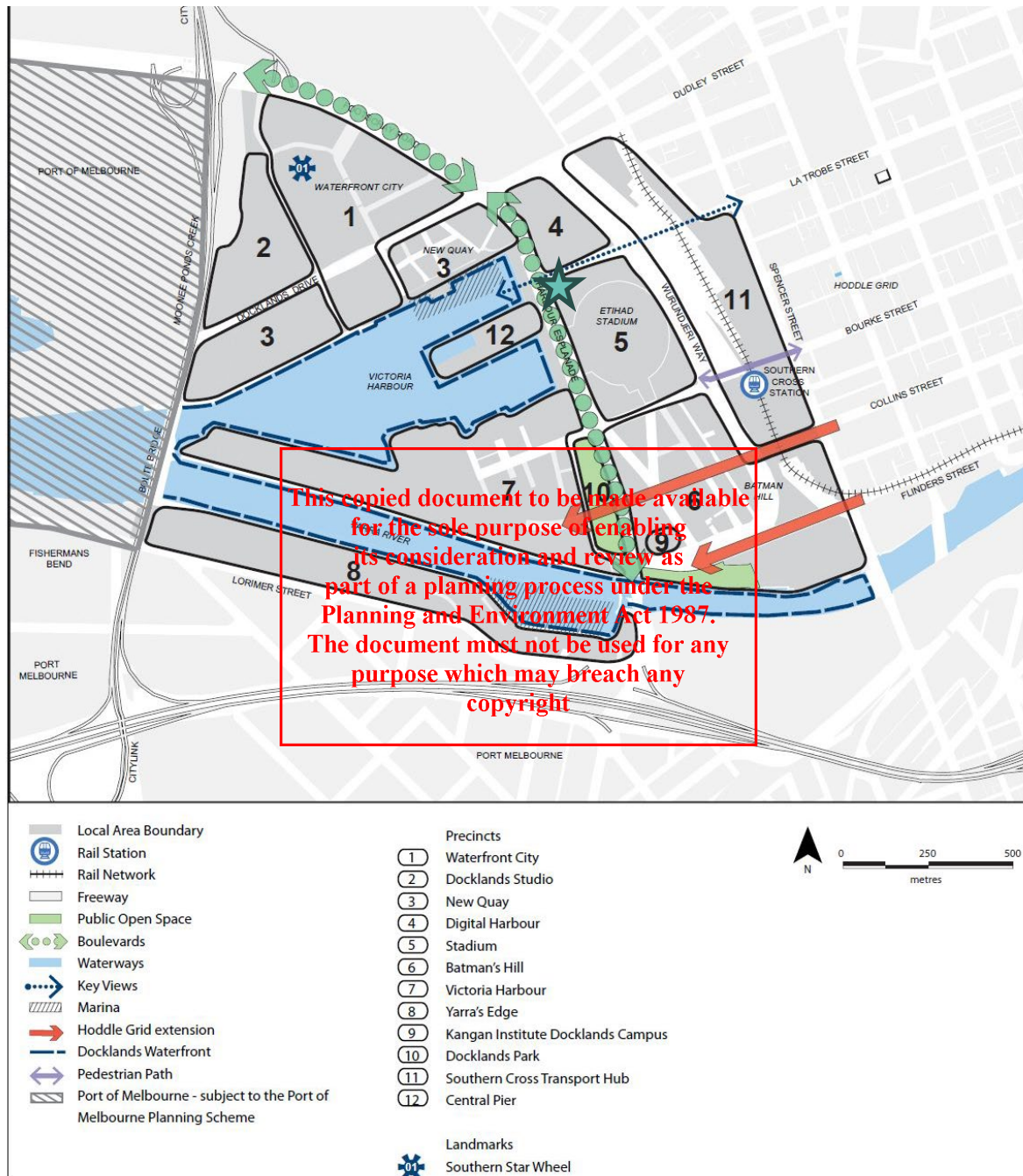
Source: Clause 02.04, Melbourne Planning Scheme

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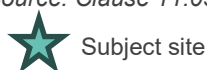
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**Clause 11.03-6L-03** – Docklands expresses a range of policy requirements to be achieved in new development, relating to factors including architectural character, ground floor uses and vehicular access. Docklands supports medium to high density residential development and development that complements other functions of Docklands, including commercial, tourism and retail uses. Docklands recognises the subject site as within Precinct 5 – Stadium, which encourages mixed use development including office and commercial development.

Figure 2 Docklands Plan



Source: Clause 11.03-5L-03



**Clause 15.01-1S** – Urban Design seeks to create safe, functional, and attractive urban environments that contribute to the character, cultural identity, and surrounding landscape of an area.

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**Clause 15.01-2S** – Building Design seeks for new developments to contribute positively to the local context, enhance the amenity of the public realm and implement environmentally sustainable design measures. New development should enhance personal safety and be designed to protect and enhance valued landmarks and views.

**Clause 15.01-4R** – Healthy Neighbourhoods – Metropolitan Melbourne encourages 20 minute neighbourhoods that allow people to meet most of their everyday needs within a 20 minute public transport trip or walk from home.

**Clause 15.01-5S** – Neighbourhood Character supports development that respects the existing or preferred neighbourhood character of an area, including in areas that are identified for increased housing. Future urban development should seek to respect the pattern of local urban structure and natural landscape character of an area.

**Clause 16.01-1S** – Housing Supply seeks to facilitate diverse housing that meets community needs, as well as encourage higher density housing development in areas that are in close proximity to jobs, services and public transport.

**Clause 16.01-1R** – Housing Supply – Metropolitan Melbourne seeks to develop housing and mixed use development that are within Urban-Renewal precincts and sites. Areas identified as near employment and transport should support housing that is medium to high density.

**Clause 16.01-2S** – Housing Affordability encourages more affordable and diverse housing in close proximity to jobs, transport and services. Future urban development should facilitate a mix of well-located private, affordable and social housing in urban renewal precincts.

**Clause 17.01-1R** – Diversified Economy – Metropolitan Melbourne supports the strength in development when assisting the growing economic development for Melbourne City. Growth in commercial, residential, education, health and entertainment industries is a key objective when looking at future land use and development for Melbourne.

**Clause 17.02-1S** – Business encourages development that meets the needs of the community for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility and efficient infrastructure.

**Clause 18.01-1L** – Land Use and Transport Planning seeks to provide improved access to social, cultural and economic infrastructure by effectively integrating land use and transport. Neighbourhoods should be designed to support active living and increase the number of trips made using sustainable transport modes.

**Clause 18.02-3S** – Public Transport encourages high density and increased development in areas that are proximate to major public transport facilities. Land use planning should support public transport in order to encourage alternative transport modes and reduce car dependency.

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# PLANNING CONTROLS

## Clause 37.05 Docklands Zone, Schedule 4

The subject site is located within Schedule 4 to the Docklands Zone identified as the Stadium Precinct. The purposes of this zone are:

- *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.*

Pursuant to Clause 37.05-1 and Clause 1.0 of Schedule 4, a planning permit is required to use land for Dwellings north of the Major Sports and Recreation facility.

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

Figure 3 Zone Map



**695-699 LATROBE STREET, DOCKLANDS**  
PLANNING ZONES

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## Clause 43.02 Design and Development Overlays

### Schedule 12 (DDO12) – Noise Attenuation Area:

DDO12 seeks 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.

Pursuant to Clause 43.02-2 and Clause 4.0 of Schedule 12, a permit is required to construct a building or to construct or carry out works for 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. Requirements apply as follows:

- *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.*

### Schedule 52 (DDO52 A1) – Stadium Precinct: DDO52 seeks 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.*

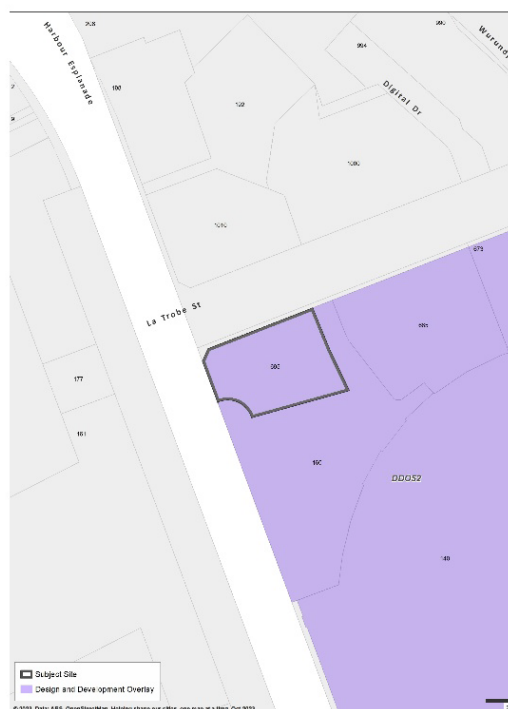
The site is located in Area 1 which anticipates a podium with a height of 75 metres and a podium with a height of 25 metres.

Pursuant to Clause 43.02-2 and Clause 2.1 of Schedule 52, a permit is required to construct a building or construct or carry out works which vary the requirements of Schedule 52 for Area 1.

Figure 4 Design and Development Overlay (DDO12 and DDO52)



695-699 LATROBE STREET, DOCKLANDS  
DESIGN AND DEVELOPMENT OVERLAY (DDO12)



695-699 LATROBE STREET, DOCKLANDS  
DESIGN AND DEVELOPMENT OVERLAY (DDO52)

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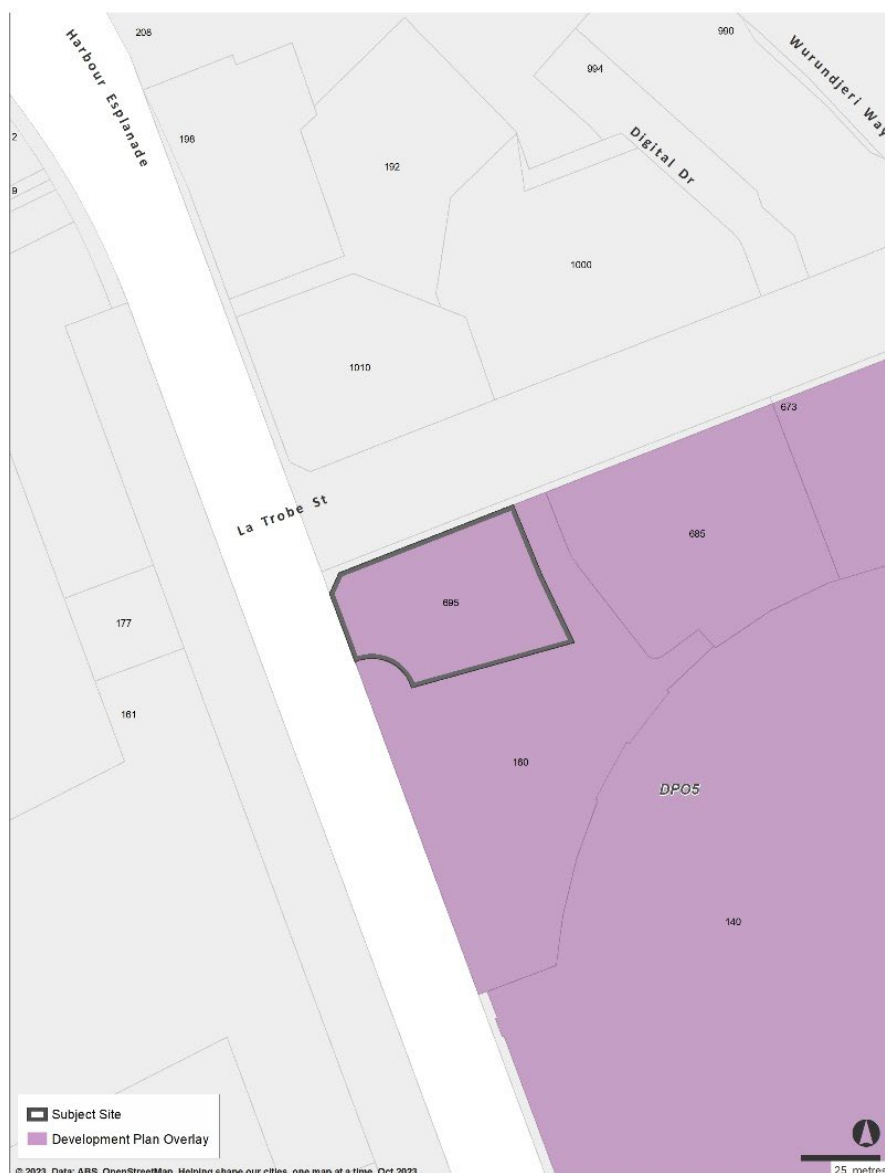
## Clause 43.04 Development Plan Overlay - Schedule 5 Stadium Precinct (DPO5)

The purpose of DPO5 is:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if it is generally in accordance with a development plan.

A planning permit may be issued prior to the preparation of a Development Plan under the DPO5.

Figure 5 Development Plan Overlay (DPO5)



**695-699 LATROBE STREET, DOCKLANDS**  
DEVELOPMENT PLAN OVERLAY (DPO5)

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## Clause 44.04 Land Subject to Inundation Overlay – Schedule 3 (LSIO3)

The purpose of the Land Subject to Inundation Overlay 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.*

Schedule 3 applies to the Moonee Ponds Creek and Lower Yarra River Waterways. The objectives of the LSIO3 are:

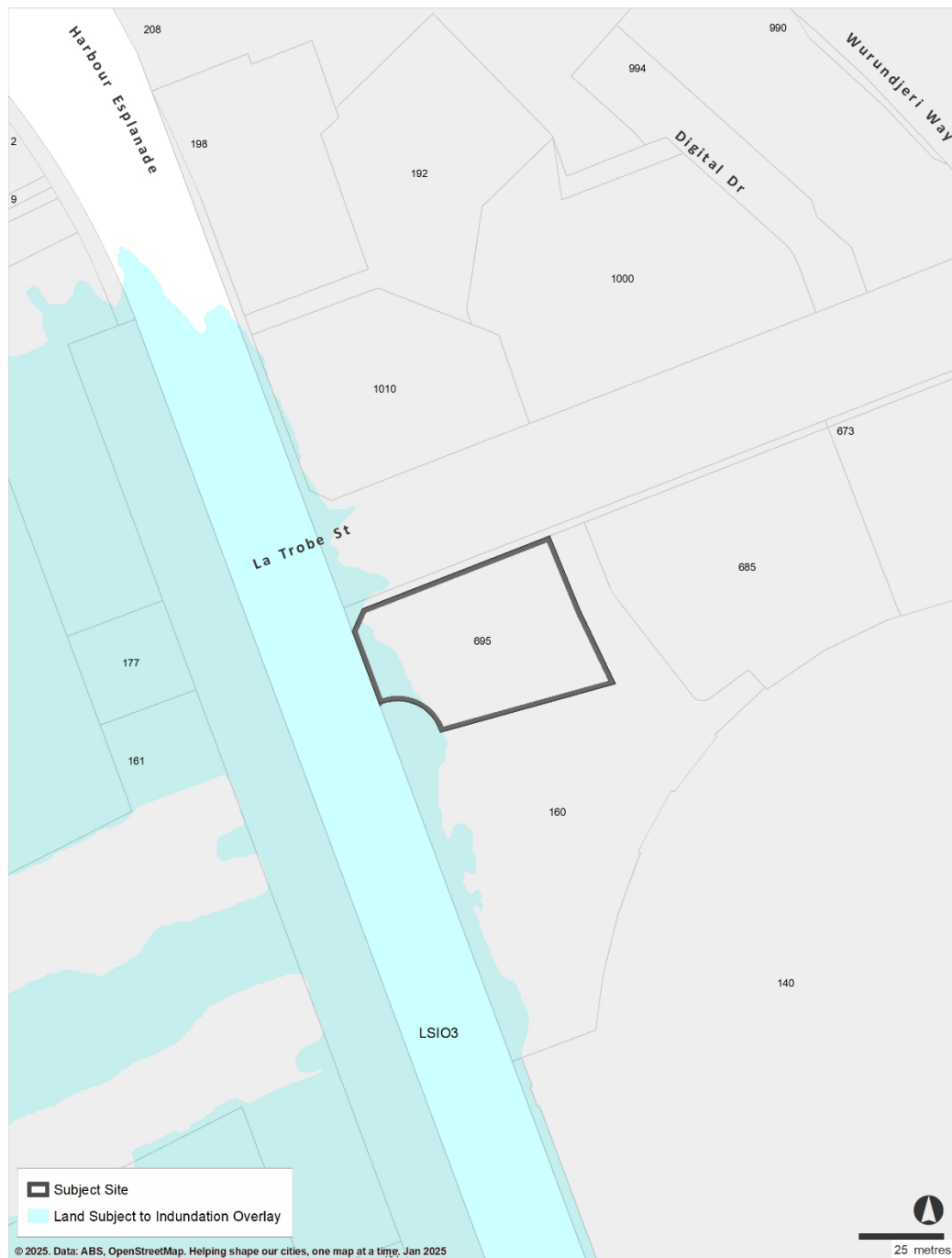
- *To identify land in areas that may be inundated by the combined effects of the 1% Annual Exceedance Probability (AEP) flood event incorporating an 18.5% increase in rainfall intensity due to climate change by the year 2100.*
- *To minimise the impact of new development on flood extent, depth and the 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.*

Pursuant to Clause 44.04-2, a planning permit is required to construct a building or to construct or carry out works.

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Figure 6 Land Subject to Inundation Overlay, Schedule 3 (LSIO3)



## 695-699 LA TROBE STREET, DOCKLANDS

### LSIO3 OVERLAY

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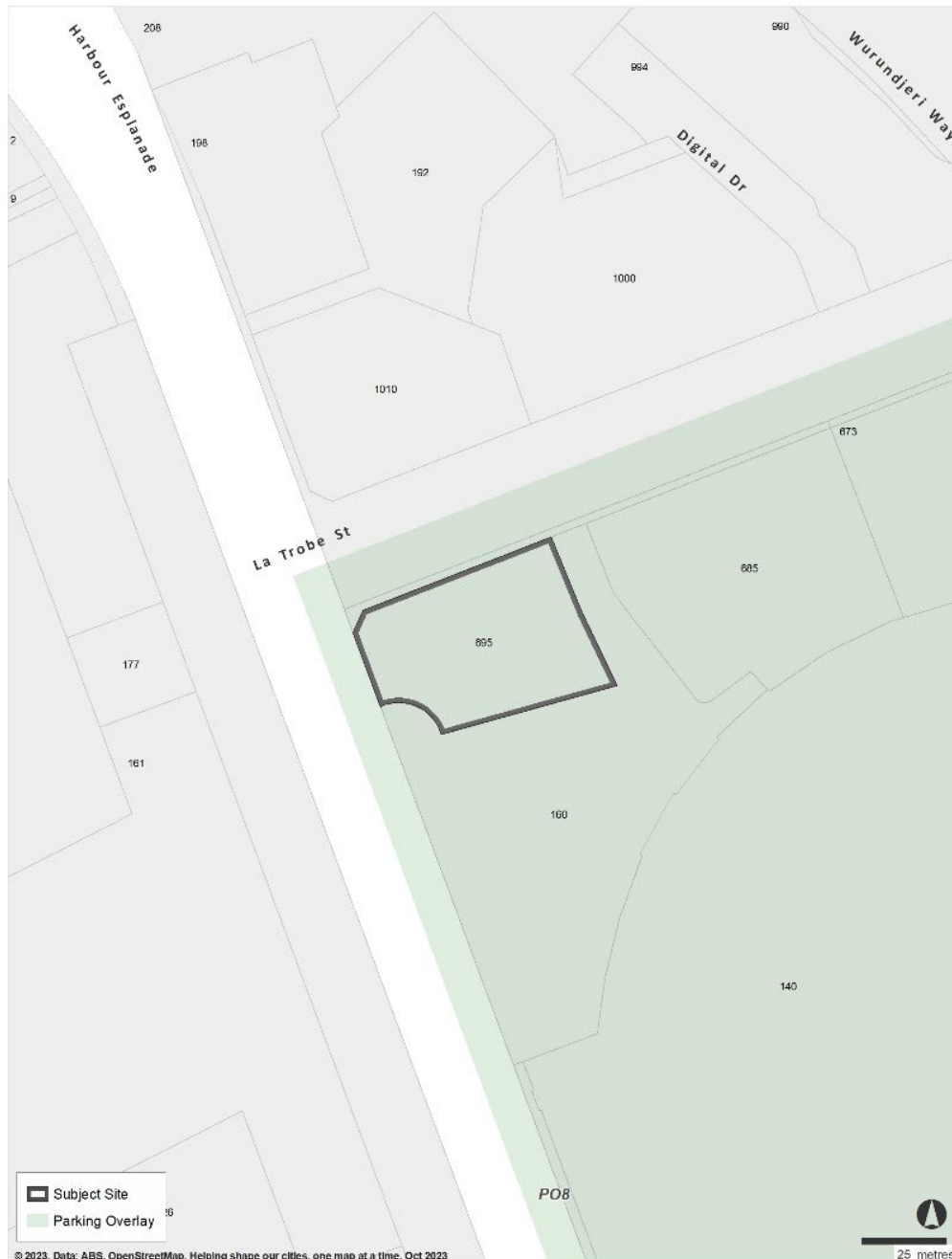
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## Clause 45.09 Parking Overlay - Schedule 8 (PO8)

The Parking Overlay seeks to ensure an appropriate provision of car parking is provided as relevant to specific areas and where financial contributions may be sought for shared car parking. The site is within Schedule 8 'Docklands – Stadium Precinct' which sets out maximum car parking rates: 1.5 spaces to each dwelling and 1 space per 100 square metres for any other use (excluding industry).

Figure 7 Parking Overlay (PO8)



**695-699 LATROBE STREET, DOCKLANDS**  
PARKING OVERLAY (PO8)

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## GENERAL AND PARTICULAR PROVISIONS

- **Clause 52.02** – Easements, Restrictions and Reserves seeks to enable the removal and variation of an easement or restrictions in accordance with the planning scheme and the interests of affected people. The interests of all affected people must be considered before a decision is made.
- **Clause 52.06** – Car Parking ensures that the provision of an appropriate number of car parking spaces are provided in an area based on demand, the activities on the land and the nature of the area. Car Parking also seeks to ensure that car parking does not adversely impact the amenity of an area and that the design and location of car parking is of a high standard. Car Parking expresses a number of design standards relating to urban design, including that ground level parking and accessways must not visually dominate public spaces and that car parking within buildings must be screened or obscured where possible. The subject site is located within the Principal Public Transport Network (PPTN).
- **Clause 52.34** – Bicycle Facilities aims to encourage cycling as a key mode of transport, as well as provide secure and accessible bicycle parking spaces. The design of bicycle spaces should be located to provide convenient access and not interfere with access to services and infrastructure.
- **Clause 58** – Apartment Developments ensures that new apartment developments are designed in a way that provides reasonable standards of amenity for residents. Additionally, it encourages apartment developments to be responsive to the site and its surrounding area.
- **Clause 53.18** – Stormwater Management in Urban Development ensures that stormwater in urban development is managed in a way that mitigates the impacts on the environment, property and public safety. Stormwater Management expresses a range of objectives for buildings and works, including to encourage stormwater management to maximise the retention and reuse of stormwater.

## RELEVANT AMENDMENTS

### Amendment C376: Sustainable Building Design

This amendment will introduce new best-practice ESD Standards into the planning scheme to ensure new buildings respond to climate change. It also implements a Green Factor tool which is an online green infrastructure assessment tool. The amendment has been lodged with the Minister for Planning for authorisation and determination is pending.

If approved, the amendment will introduce new ESD policy including (but not limited to) changes to bicycle, motorcycle and car share parking in the CCZ1 and a new Design Development Overlay - Schedule 73 (DDO73).

### Amendment C432: Municipal Planning Strategy

The MPS incorporates the vision and objectives of Council's strategies, plans, policies and responses to emerging issues for managing land use and development for the next 10 to 20 years.

Specifically, Amendment C432 proposes to introduce:

- A new Municipal Planning Strategy (MPS) at clause 2 and clause 11.03 Planning for Places.
- Consequential changes to the schedules to clause 72.08 Background documents and clause 74.02 Further strategic work.

Amendment C432 was exhibited from Thursday 8 August until Monday 16 September 2024.

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## APPENDIX C

## BETTER APARTMENT DESIGN STANDARDS ASSESSMENT

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Objectives	Standard	Assessment
<b>Clause 58.02 – Urban Context</b>		
<p><i>58.02-1 – Urban Context objectives</i></p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Standard D1</b></p> <p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p>✓ <b>Complies</b></p> <p>Refer to the body of this report and to the Urban Context Report prepared by Fender Katsalidis Architecture</p>
<p><i>58.02-2 - Residential policy objectives</i></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p><b>Standard D2</b></p> <p>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.</p>	<p>✓ <b>Complies</b></p> <p>Refer to the body of this report.</p>
<p><i>58.02-3 - Dwelling diversity objective</i></p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Standard D3</b></p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</p>	<p>✓ <b>Complies</b></p> <p>The proposal includes a range of dwelling sizes, from studios up to three bedroom dwellings.</p>
<p><i>58.02-4 - Infrastructure objectives</i></p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Standard D4</b></p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.</p> <p>Development should not unreasonably exceed the capacity of utility services and</p>	<p>✓ <b>Complies</b></p> <p>The proposal has access to appropriate reticulated services. The proposal will not include a gas connection.</p>

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Objectives	Standard	Assessment
	<p>infrastructure, including reticulated services and roads.</p> <p>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.</p>	
<p><i>58.02-5 - Integration with the street objective</i></p> <p>To integrate the layout of development with the street.</p> <p>To support development that activates street frontage.</p>	<p><b>Standard D5</b></p> <p>Development should be oriented to front existing and proposed streets.</p> <p>Along street frontage, development should:</p> <ul style="list-style-type: none"> <li>▪ Incorporate pedestrian entries, windows, balconies or other active spaces</li> <li>▪ Limit blank walls</li> <li>▪ Limit high front fencing, unless consistent with the existing urban context</li> <li>▪ Provide low and visually permeable front fences, where proposed.</li> <li>▪ Conceal car parking and internal waste collection areas from the street.</li> </ul> <p>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</p>	<p>✓ <b>Complies</b></p> <p>The proposal includes a comprehensive ground plane design and a well-activated street frontage. Refer to the body of the report for detail.</p>
<b>Clause 58.03: Site Layout</b>		
<p><i>58.03-1 Energy efficiency objectives</i></p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Standard D6</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>▪ Oriented to make appropriate use of solar energy.</li> <li>▪ Oriented to make appropriate use of solar energy.</li> </ul>	<p>✓ <b>Complies</b></p> <p>The proposal includes a range of dwellings with living areas and private open space oriented to the north where possible.</p>

Objectives	Standard	Assessment																		
To ensure dwellings achieve adequate thermal efficiency.	<p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p> <p>Table D1 – Cooling Load</p> <table><tr><th>NatHERS climate zone</th><th>NatHERS maximum MJ/M² per annum</th></tr><tr><td>Climate zone 21 Melbourne</td><td>30</td></tr><tr><td>Climate zone 22 East Sale</td><td>22</td></tr><tr><td>Climate zone 27 Mildura</td><td>69</td></tr><tr><td>Climate zone 60 Tullamarine</td><td>22</td></tr><tr><td>Climate zone 62 Moorabbin</td><td>21</td></tr><tr><td>Climate zone 63 Warrnambool</td><td>21</td></tr><tr><td>Climate zone 64 Cape Otway</td><td>19</td></tr><tr><td>Climate zone 66 Ballarat</td><td>23</td></tr></table>	NatHERS climate zone	NatHERS maximum MJ/M² 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	The proposal complies with the maximum cooling load for Climate Zone 21.
NatHERS climate zone	NatHERS maximum MJ/M² 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																			
58.03-2 Communal open space objective	<p><b>Standard D7</b></p> <p>A development of 10 or more dwellings should provide a minimum area of</p>	<p>✓ <b>Complies</b></p> <p>The proposal provides significantly greater than 220</p>																		

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Objectives	Standard	Assessment
<p>To provide communal open space that meets the recreation and amenity needs of residents.</p> <p>To ensure that communal open space is accessible, practical, attractive, easily maintained.</p> <p>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</p>	<p>communal outdoor open space of 30 square metres.</p> <p>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.</p> <p>Each area of communal open space should be:</p> <ul style="list-style-type: none"> <li>▪ Accessible to all residents.</li> <li>▪ A useable size, shape and dimension.</li> <li>▪ Capable of efficient management.</li> <li>▪ Located to: <ul style="list-style-type: none"> <li>a. Provide passive surveillance opportunities, where appropriate.</li> <li>b. Provide outlook for as many dwellings as practicable.</li> <li>c. Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>d. Minimise noise impacts to new and existing dwellings.</li> </ul> </li> </ul> <p>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</p>	<p>square metres of communal open space, including a mix of external and internal spaces at ground and first-floor level, at level 7, and at level 37.</p> <p>These spaces are discussed in detail in the body of this report.</p>
<p><i>58.03-3 Solar access to communal outdoor open space objective</i></p> <p>To allow solar access into communal outdoor open space.</p>	<p><b>Standard D8</b></p> <p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary</p>	<p><b>Variation required</b></p> <p>Significantly sized areas of communal outdoor open space are located on the north side of the building both at the</p>

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Objectives	Standard	Assessment
	<p>communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>	<p>roof of the podium and tower. Given their location, these spaces may not necessarily benefit from solar access between 9am and 3pm on 21 June – however, the character of Docklands is such that unshaded communal open space cannot be expected. Public open spaces within the neighbourhood are protected from significant additional overshadowing in line with planning controls, and will serve residents' need for unshaded open space.</p>
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<p><i>58.03-4 Safety objective</i></p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Standard D9</b></p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>✓ <b>Complies</b></p> <p>Entrances to dwellings are not isolated or obscured within the building.</p> <p>No unsafe spaces along streets or accessways will result from the proposed planting.</p> <p>The proposed carparks and internal accessways will be well lit, and provide appropriate visibility and</p>

Objectives	Standard	Assessment
		surveillance. Private spaces (those spaces above ground floor level and the carparking area) are clearly delineated from publicly-accessible spaces and will not be used as public thoroughfares.
<p><i>58.03-5 Landscaping objectives</i></p> <p>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</p> <p>To preserve existing canopy cover and support the provision of new canopy cover.</p> <p>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</p>	<p><b>Standard D10</b></p> <p>Development should retain existing trees and canopy cover.</p> <p>Development should provide for the replacement of any significant trees that are removed within the 12 months prior to the application being made.</p> <p>Development should:</p> <ul style="list-style-type: none"> <li>Provide the canopy cover and deep soil areas specified in Table D2.</li> </ul> <p>Existing trees can be used to meet the canopy cover requirements of Table D2.</p> <ul style="list-style-type: none"> <li>Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> <li>a. 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.</li> <li>b. Consistent with the canopy diameter and height at maturity specified in Table D4.</li> <li>c. Located in communal outdoor open space or common areas or street frontages.</li> </ul> </li> </ul>	<p><b>Variation required</b></p> <p>The context of Docklands is of buildings constructed from boundary-to-boundary, with sites fully cleared of existing vegetation. The proposal incorporates extensive landscaped spaces at ground level, at level 7, and at level 37. The ground level publicly accessible forecourt retains three canopy trees and proposes the planting of at least eight more. While this does not achieve the degree of canopy cover required to satisfy the standard, it supports the provision of new canopy cover, the preservation of</p>



Objectives	Standard	Assessment						
	<ul style="list-style-type: none"> <li>Comprise smaller trees, shrubs and ground cover, including flowering native species.</li> <li>Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.</li> <li>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.</li> <li>Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</li> <li>Protect any predominant landscape features of the area.</li> <li>Take into account the soil type and drainage patterns of the site.</li> <li>Provide a safe, attractive and functional environment for residents.</li> <li>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</li> </ul> <p><b>Table D2 – Canopy Cover and Deep Soil Requirements</b></p> <table> <tr> <th>Site Area</th><th>Canopy Cover</th><th>Deep Soil</th></tr> <tr> <td>1000 sqm or less</td><td>5% of site area Include at least 1 Type A Tree</td><td>5% of site area or 12 sqm (whichever is the greater)</td></tr> </table>	Site Area	Canopy Cover	Deep Soil	1000 sqm or less	5% of site area Include at least 1 Type A Tree	5% of site area or 12 sqm (whichever is the greater)	existing canopy cover, and softens the building in line with the prevailing and preferred urban context of the area.
Site Area	Canopy Cover	Deep Soil						
1000 sqm or less	5% of site area Include at least 1 Type A Tree	5% of site area or 12 sqm (whichever is the greater)						

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Objectives	Standard			Assessment
	1001 – 1500 sqm	50 sqm plus 20% of site area above 1,000 sqm  Include at least 1 Type B Tree	7.5% of site area	
	1501 – 2500 sqm	150 sqm plus 20% of site area above 1,500 sqm  Include at least 2 Type B trees or 1 Type C Tree	10% of site area	
	2501 – 3500 sqm	350 sqm plus 20% of site area above 2,500 sqm  Include at least 3 Type B trees or 1 Type C Tree	13% of site area	
	3501 – 4500 sqm	450 sqm plus 20% of site area above 3,500 sqm  Include at least 4 Type B trees or 1 Type C Tree	16% of site area	

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Tree Type	Tree in deep soil	Tree in planter	Depth of planter soil
	-	-	
	Area of deep soil	Volume of planter soil	
A	12 sqm  (min. plan dimension of 2.5 metres)	12 cubic metres  (min. plan dimension of 2.5 metres)	0.8 metres
B	49 sqm  (min. plan dimension	28 cubic metres	1 metre

Objectives	Standard				Assessment
		of 4.5 metres)	(min. plan dimension of 4.5 metres)		
	C	121 sqm  (min. plan dimension of 6.5 metres)	64 cubic metres  (min. plan dimension of 6.5 metres)	1.5 metres	
	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%				
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	Table D11 - Tree Type				
	Tree Type	Minimum canopy height at maturity	Minimum canopy width at maturity		
	A	4 metres	6 metres		
	B	8 metres	8 metres		
	C	12 metres	12 metres		
58.03-6 Access objective	Standard D11				✓ Complies
To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.	Vehicle crossovers should be minimised.				The proposal minimises the extent of vehicle crossovers, with vehicle access available only from a consolidated carpark entry from the internal laneway separating the proposal from 685
To ensure the vehicle crossovers are designed and located to minimise visual impact.	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				



Objectives	Standard	Assessment
	<p>retention of on-street car parking spaces and street trees.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>La Trobe Street to the east. Pedestrian and cyclist accessways are clearly delineated from vehicle accessways, with pedestrian access prioritised from La Trobe Street and Harbour Esplanade, and a separate cyclist entry from the internal laneway.</p> <p>Appropriate access for emergency services has been provided.</p>
<p><i>58.03-7 Parking location objectives</i></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Standard D12</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>▪ Be reasonably close and convenient to dwellings.</li> <li>▪ Be secure.</li> <li>▪ Be well ventilated if enclosed.</li> </ul> <p>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>	<p>✓ <b>Complies</b></p> <p>The carparking areas are securely located within the podium of the development, and are provided with adequate ventilation. The carparking area is readily accessed at each level directly from the building core.</p>
<p><i>58.03-8 Integrated water and stormwater management objectives</i></p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p>	<p><b>Standard D13</b></p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p>	<p>✓ <b>Complies</b></p> <p>The proposal includes appropriate integrated water and stormwater</p>

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Objectives	Standard	Assessment
<p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>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.</p>	<p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> <li>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).</li> <li>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul>	<p>management initiatives. Refer to the Sustainable Management Plan prepared by WSP and the Stormwater Management Report prepared by MCG Consult for detail.</p>
<p><b>Clause 58.04 – Amenity Impacts</b></p>		
<p><i>58.04-1 Building setback objectives</i></p> <p>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.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<p><b>Standard D14</b></p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>Ensure adequate daylight into new habitable room windows.</li> <li>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.</li> <li>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> </ul>	<p>✓ <b>Complies</b></p> <p>The proposal is appropriately set back from adjoining buildings, in line with the prevailing urban context. The minimum setback between the building and the building under-construction at 685 La Trobe Street is 11.125 metres, ensuring that adequate daylight can enter the habitable room windows; that direct views are avoided; and that a reasonable outlook is afforded to all</p>

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Objectives	Standard	Assessment
	<ul style="list-style-type: none"> <li>Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul>	<p>dwellings facing to the east.</p> <p>Similarly, a minimum tower setback of 8.837 metres from the proposed building to the south at 160 Harbour Esplanade will allow for equitable development of this site.</p>
<p><i>58.04-2 Internal views objective</i></p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>	<p><b>Standard D15</b></p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of neighbouring dwellings directly below and within the same development.</p>	<p>✓ <b>Complies</b></p> <p>No overlooking is anticipated of lower-level private open space.</p>
<p><i>58.04-3 Noise impacts objectives</i></p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p>	<p><b>Standard D16</b></p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>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.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D5 should be designed</p>	<p>✓ <b>Complies</b></p> <p>Mechanical plant is not located near bedrooms or immediately adjacent existing dwellings. Where possible, bedrooms and living areas do not abut service or carparking areas.</p> <p>The new dwellings will be designed in accordance with the acoustic assessment prepared by Acoustic Logic and in accordance with the requirements of DDO12. Please refer</p>

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Objectives	Standard	Assessment														
	<p>and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"><li>▪ Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li><li>▪ Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li></ul> <p>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.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p> <p>Table D3 Noise influence area</p> <table><tr><th>Noise Source</th><th>Noise Influence Area</th></tr><tr><td colspan="2">Zone Interface</td></tr><tr><td>Industry</td><td>300 metres from the Industrial 1, 2 and 3 zone boundary</td></tr><tr><td colspan="2">Roads</td></tr><tr><td>Freeways, tollways, and other roads carrying 40,000 Annual Average Daily Traffic Volume</td><td>300 metres from the nearest trafficable lane</td></tr><tr><td colspan="2">Railways</td></tr><tr><td>Railway servicing passengers in Victoria</td><td>80 metres from the centre of the nearest track</td></tr></table>	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	<p>to this report for further detail.</p> <p>The proposal is not within a 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																
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Objectives	Standard		Assessment		
	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><i>58.04-4 Wind impacts objective</i></p> <p>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</p>	<p><b>Standard D17</b></p> <p>Development of five or more storeys, excluding a basement should:</p> <ul style="list-style-type: none"><li>not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and public open space; and</li><li>achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land</li></ul> <p>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.</p> <p>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.</p> <p>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> <p><b>Table D6 – Wind Conditions</b></p> <table><tr><td>Unsafe</td><td>Comfortable</td></tr></table>		Unsafe	Comfortable	✓ <b>Complies</b>
Unsafe	Comfortable				

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Objectives	Standard		Assessment
	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 direction.	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:  3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas.	
<p><b>Clause 58.05: On-Site Amenity and Facilities</b> copyright</p>			
<p><i>58.05-1 Accessibility objective</i></p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	<p><b>Standard D18</b></p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> <li>▪ A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>▪ 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.</li> <li>▪ A main bedroom with access to an adaptable bathroom.</li> <li>▪ At least one adaptable bathroom that meets all of the requirements of either</li> </ul>		<p>✓ <b>Complies</b></p> <p>62% of apartments comply with standard D18, exceeding the required 50%.</p> <p>Please refer to the BADS diagrams and TP550 for detail.</p>



Objectives	Standard		Assessment	
	Design A or Design B specified in Table D7.			
	Table D7 – Bathroom Design			
		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: A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.		Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
	Circulation area	A clear circulation area that is:  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.  The circulation area for the toilet	A clear circulation area that is:  A minimum width of 1 metre.  The full length of the bathroom and a minimum length of 2.7 metres.	

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Objectives	Standard			Assessment
		and shower can overlap.	Clear of the toilet and basin.  The circulation area can include a shower area.	
	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.	
<b>58.05-2 Building entry and circulation objectives</b>  To provide each dwelling and building with its own sense of identity.	<b>Standard D19</b>  Entries to dwellings and buildings should: <ul style="list-style-type: none"> <li>Be visible and easily identifiable.</li> </ul>			<b>✓ Complies</b>  The building entry is clearly identifiable from the ground level, with private

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Objectives	Standard	Assessment
<p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	<ul style="list-style-type: none"> <li>Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>Clearly distinguish entrances to residential and non-residential areas.</li> <li>Provide windows to building entrances and lift areas.</li> <li>Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>Provide common areas and corridors that:               <ul style="list-style-type: none"> <li>Include at least one source of natural light and natural ventilation.</li> <li>Avoid obstruction from building services.</li> <li>Maintain clear sight lines.</li> </ul> </li> </ul>	<p>residential areas clearly distinguishable from the non-residential parts of the building. Each dwelling has its own entry from the internal corridors. Windows are provided to corridors and the lift core, and all common areas have sources of natural light and ventilation.</p> <p>Visible, safe and attractive stairs are available from street level for use by residents.</p>
<p><i>58.05-3 Private open space objective</i></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Standard D20</b></p> <p>A dwelling should have private open space consisting of at least one of the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.</li> <li>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.</li> <li>An area on a roof of 10 square metres, with a minimum dimension of 2 metres</li> </ul>	<p><b>Variation required</b></p> <p>Where private open space is provided to dwellings, the provision complies with the requirements of Table D8.</p> <p>Three apartment types do not provide private open space (A09, A10 and B14). This is a total of 8 apartments within the development:</p> <ul style="list-style-type: none"> <li>A09 – 2 apts</li> </ul>

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Objectives	Standard				Assessment
	<p>and convenient access from a living room.</p> <p>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.</p> <p>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.</p>				<ul style="list-style-type: none"><li>A10 – 2 apts</li><li>B14 – 4 apts</li></ul> <p>This represents approximately 1.4% of the total apartments to be developed. In a development of this nature, which provides extensive on-site amenity to its residents, including generous areas of communal open space, it is not unreasonable for a small proportion of the total apartments to rely on these spaces rather than being provided with their own private open space areas. Where private open space is provided above 40m floor level, an appropriately sized additional area is provided in lieu of external POS. These apartment types are marked with a U.</p>
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	Orientation of dwelling	Dwelling Type	Minimum area	Minimum dimension	
	North (between north 20 degrees west to north 30 degrees east)	All	8 sqm	1.7m	
	South (between south 30 degrees west to south 30 degrees east)	All	8 sqm	1.2m	
	Any other orientation	Studio or 1	8 sqm	1.8m	

Objectives	Standard				Assessment
		bedroom dwelling			
		2 bedroom dwelling	8 sqm	2m	
		3 or more bedroom dwelling	12 sqm	2.4m	
	Table D9 – Additional Living Area or Bedroom Area				
		Dwelling Type	Additional area		
		Studio or 1 bedroom dwelling	8 sqm		
		2 bedroom dwelling	8 sqm		
		3 + bedroom dwelling	12 sqm		
58.05-4 Storage objective	Standard D21				✓ Complies
To provide adequate storage facilities for each dwelling.	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 D10 – Storage				The proposal provides sufficient storage to each dwelling, with the appropriate quantity provided internally, and external cages used to make up the remainder where necessary. Storage cages are located adjacent to the carpark within the podium.
	Dwelling type	Total minimum storage	Minimum storage volume within the dwelling		
	Studio	8 cubic metres	5 cubic metres		
	1 bedroom dwelling	10 cubic metres	6 cubic metres		

Objectives	Standard				Assessment
	2 bedroom dwelling	14 cubic metres	9 cubic metres		
	3 or more bedroom dwelling	18 cubic metres	12 cubic metres		
<b>Clause 58.06: Detailed Design</b>					
<p><i>58.06-1 Common property objectives</i></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Standard D22</b></p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>				<p>✓ <b>Complies</b></p> <p>Due to the Build-to-rent nature of the proposal, the entire building will be retained in the ownership of the developer. This will ensure that all spaces are capable of efficient maintenance. Public, communal and private areas are clearly delineated, with the arrangements at ground plane indicated within the Urban Context Report.</p>
<p><i>58.06-2 Site services objectives</i></p> <p>To ensure that site services are accessible and can be installed and maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape.</p>	<p><b>Standard D23</b></p> <p>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</p> <p>Meters and utility services should be designed as an integrated component of the building or landscape.</p>				<p>✓ <b>Complies</b></p> <p>Appropriate space for site services to be installed and maintained will be provided. Mailboxes will be conveniently located at ground level within a mail</p>



Objectives	Standard	Assessment
	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.	room adjoining the lobby area.  Services have been integrated into the design of the building.
<p><i>58.06-3 Waste and recycling objectives</i></p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<p><b>Standard D24</b></p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> <li>▪ Waste and recycling enclosures which are: <ul style="list-style-type: none"> <li>a. Adequate in size, durable, waterproof and blend in with the development.</li> <li>b. Adequately ventilated.</li> <li>c. Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>▪ Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>▪ 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.</li> <li>▪ Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>▪ Adequate circulation to allow waste and recycling collection vehicles to</li> </ul>	<p>✓ <b>Complies</b></p> <p>Dedicated waste and recycling areas are provided at ground level. Please refer to the architectural plans and the Waste Management Plan for detail.</p>

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Objectives	Standard	Assessment
	<p>enter and leave the site without reversing.</p> <ul style="list-style-type: none"> <li>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).</li> <li>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>	
<p><i>58.06-4 External walls and materials objective</i></p> <p>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</p> <p>To ensure external walls endure and retain their attractiveness.</p>	<p>Standard D25</p> <p>External walls should be finished with materials that:</p> <ul style="list-style-type: none"> <li>Do not easily deteriorate or stain.</li> <li>Weather well over time.</li> <li>Are resilient to the wear and tear from their intended use.</li> </ul> <p>External wall design should facilitate safe and convenient access for maintenance.</p>	<p>✓ <b>Complies</b></p> <p>The building has incorporated robust and visually interesting materials, which will not deteriorate and are resilient to wear and tear. Please refer to the body of this report and architectural plans for detail.</p>
<b>Clause 58.07: Internal Amenity</b>		
<p><i>58.07-1 Functional layout objective</i></p>	<p><b>Standard D26</b></p> <p>Bedrooms should:</p>	<p>✓ <b>Complies</b></p> <p>All dwellings meet the required</p>

Objectives	Standard	Assessment																		
To ensure dwellings provide functional areas that meet the needs of residents.	<ul style="list-style-type: none"> <li>Meet the minimum internal room dimensions specified in Table D11.</li> <li>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> <p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.</p> <p><b>Table D11 – Bedroom Dimensions</b></p> <table> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> <tr> <td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr> <tr> <td>All other bedrooms</td><td>2 metres</td><td>3 metres</td></tr> </table> <p><b>Table D12 – Living and Dining Dimensions</b></p> <table> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> <tr> <td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr> <tr> <td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	2 metres	3 metres	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	dimensions for both bedrooms and living areas.
Bedroom type	Minimum width	Minimum depth																		
Main bedroom	3 metres	3.4 metres																		
All other bedrooms	2 metres	3 metres																		
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																		
<p><i>58.07-2 Room depth objective</i></p> <p>To allow adequate daylight into single aspect habitable rooms.</p>	<p><b>Standard D27</b></p> <p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>The room combines the living area, dining area and kitchen.</li> <li>The kitchen is located furthest from the window.</li> </ul>	<p>✓ <b>Complies</b></p> <p>No single aspect habitable room has a depth which exceeds 9m. All apartments have ceiling heights at 2.7m.</p>																		

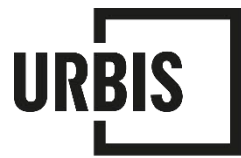


Objectives	Standard	Assessment
	<ul style="list-style-type: none"> <li>The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	
<p><i>58.07-3 Windows objective</i></p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Standard D28</b></p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>A minimum width of 1.2 metres.</li> <li>A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>	<p>✓ <b>Complies</b></p> <p>Where apartments rely on a secondary area for access to daylight, these have been dimensioned</p>
<p><i>58.07-4 Natural ventilation objectives</i></p> <p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p>	<p><b>Standard D29</b></p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>A maximum breeze path through the dwelling of 18 metres.</li> <li>A minimum breeze path through the dwelling of 5 metres.</li> <li>Ventilation openings with approximately the same area.</li> </ul>	<p><b>Variation required</b></p> <p>37% of apartments achieve effective cross ventilation.</p>

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Objectives	Standard	Assessment
	The breeze path is measured between the ventilation openings on different orientations of the dwelling.	

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