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23 May 2025

Julia Smith
Senior Planner
Development Assessment
Department of Transport and Planning

Via email

Dear Julia,

PERMIT APPLICATION NO. PA2503517 RESPONSE TO REQUEST FOR FURTHER INFORMATION, AND COUNCIL COMMENTS - 695-699 LA TROBE STREET DOCKLANDS

1. INTRODUCTION

Urbis continues to act on behalf of the permit applicant, Salta Properties (Docklands) Pty Ltd, in relation to planning permit application PA2503517 at 695-699 La Trobe Street, Docklands.

We write in response to DTP's Request for Further Information (RFI) dated 25 March 2025, the preliminary comments received, and the comments received from Melbourne City Council (including all internal referral departments at Appendix A).

In support of this submission, please find enclosed:

- Certificates of Title
 - Lot 1, PS432271H and all instruments
 - Lot 2, PS432271H and all instruments
 - Certificate of Title for R1, PS431464B
- Updated Plans of Creation and Removal of Easements, prepared by Taylors (not dated)
- Amended Town Planning Report, prepared by Urbis and dated May 2025
- Architectural Plans, Rev C, prepared by Fender Katsalidis, and dated 12 May 2025
- Tower Separation Study, prepared by Fender Katsalidis, and dated 19 May 2025
- Amended Waste Management Plan, Rev E, prepared by WSP, and dated 16 May 2025
- Varied Covenant AD304197L wording, prepared by Urbis



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2. RFI RESPONSE

The table below provides a response to each of DTP’s RFI items.

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Table 1 – RFI Response

RFI ITEM	RESPONSE AND DOCUMENT REFERENCE
1. <i>Clarify and correct as necessary the land to which the permit application relates. It is noted the proposal relies on Lot 1 for vehicle access and incorporates the creation of easements over Lot 1 for light and air (as would be required to enable windows on the boundary). Therefore, we query whether the land to which the permit application relates should also incorporate the adjacent lot.</i>	The permit applicant confirms that we agree to amend the application to include Lot 1. Lot 1 forms part of the planning unit purely in order to create the easements over Lot 1.
2. <i>Provide a copy of all restrictions registered on the certificate of title for Lot 2 regardless of their bearing on the application.</i>	A full copy of title for Lot 2 with all restrictions is included with this response.
3. <i>A recently searched (within 28 days) copy of the certificate title and any associated agreements/covenants for Lot 1 on PS43227H.</i>	A full copy of title for Lot 1 with all restrictions is included with this response.
4. <i>A recently searched (within 28 days) copy of the certificate of title associated with the land in PS431464B. This is requested because the Planning Report states that E10 is in favour of DV and the land in PS431464B.</i>	A copy of title for the land in PS431464B has been provided with this response. PS431464B has since been subdivided and no land remains in this plan of subdivision, other than R1 along La Trobe Street. The land previously within this plan of subdivision includes the stadium itself, and Lot 1 now on PS432271H.
5. <i>Provide specific details on how Covenant AD30419L is proposed to be varied (i.e. specify the changes to the wording of the restriction).</i>	Please refer to the enclosed amendment to the text of covenant AD304197L. We note that the proposed amendment is indicative only and will need to be formally amended. However, the enclosed variation indicates the intent of the proposed amendment, and the variation can be required by way of planning permit condition.

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<p>b. <i>Dimension the height of the undercroft to NGL on the north and south podium elevation.</i></p>	<p>Please refer to TP210 and TP211 of the amended architectural plans.</p>
<p><i>Amended detailed apartment layout plans with the following details:</i></p>	<p>We note the numbering of some apartment types was incorrect in the original submission. This has been rectified and included in this response.</p>
<p>a. <i>A minimum dimension in the balconies of Apt Type S01, S02, S03, A07, B03, B06 and C01.</i></p>	<p>All requested apartment types have been updated with the requested dimension.</p>
<p>b. <i>Correct identification alternative accessible bathroom layouts where they do not comply with all of the requirements of Design Option A or B (and provide justification in the planning report). It is noted, numerous accessible bathrooms do not comply with all of the requirements of either Design option A or B.</i></p>	<p>All apartment layouts which are accessible now identify the correct bathroom layout. This has resulted in the removal of some apartments previously identified as accessible. The proposal remains compliant with the accessibility standard as outlined within the planning report.</p>
<p>c. <i>Location of AC's on balconies (if proposed).</i></p>	<p>No AC units are proposed on the balconies.</p>
<p>10. <i>Provide a more detailed external materials, finishes and colours schedule. Specify the types of metal and timber finishes proposed.</i></p>	<p>The materials and finishes schedule has been updated to provide additional detail on the proposed metal and timber finishes. Confirmation of specific products will take place during detailed design, with the provided schedule including sufficient detail for planning purposes. Any further detail at this stage is unnecessary and overly restrictive. Please refer to TP350.</p>
<p>11. <i>Provide details on the external finishes and design detailing proposed for the soffit of the level 7 undercroft. This part of the building will likely be prominent from the street level.</i></p>	<p>The design detailing of the soffit for the level 7 undercroft has been confirmed to be 'Fc1', a charcoal fibre cement cladding. Please refer to TP205 for detail.</p>

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3. RESPONSE TO DTP COMMENTS

The table below provides a response to each of DTP’s preliminary comments raised.

Table 2 – Preliminary Comments Response

PRELIMINARY ASSESSMENT	RESPONSE AND DOCUMENT REFERENCE
<p>1. <i>Currently the large building cut-out above the podium is articulated with cylindrical columns. This may result in a visual disconnect from the gridded proportions of the façade at both the tower and podium form. To ensure visual cohesion is achieved, consider ways in which the gridded proportions of the façade can extend to the podium, allowing for the cut outs to read as intentional, reinforcing greater physical integration between the podium and tower levels.</i></p>	<p>The applicant accepts a condition on the permit, should one issue, requiring columns be updated to a rectilinear design.</p>
<p>2. <i>The challenges associated with appropriately activating tenancies within the Docklands precinct, as outlined in the Urban Context Report, is acknowledged and we welcome the intent for the ground floor to be read as publicly accessible. However, it is recommended further consideration be given to ensuring maximum activation to the street is achieved. Without clear activation, the ground floor may fail to engage the public and foster a sense of place or adaptability over time. Consideration should be given to whether it is viable to incorporate micro-tenancies (30-40sqm) at the ground floor. This would assist in signalling public accessibility and provide opportunities for small, low-cost leases at key pedestrian interfaces. This approach has proven successful in activating frontages in western areas of the Central City.</i></p>	<p>The applicant has thoroughly considered the ground plane of the proposed development, and has sought through the submitted design to maximise activation of the public realm surrounding the building.</p> <p>In this part of Docklands, as State and Local government are aware, there are significant challenges with commercial viability for retail tenancies. Micro-tenancies are particularly affected by these challenges and are likely to reduce the quality of the public realm due to a high potential for remaining vacant. Tenancies which are unable to be leased do not provide any useful contribution to activation.</p> <p>The applicant is committed to activating the public realm surrounding the site and propose to prepare a Placemaking Strategy for the ground plane.</p> <p>The applicant would be open to the inclusion of a condition on the permit requiring the preparation of a Placemaking Strategy for the ground level of the building, to the satisfaction of the Responsible Authority and Melbourne City Council.</p>

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3. *A decision guideline of the DDO52 is to ensure the appropriate separation of buildings, particularly towers elements, to provide spacing of building bulk and to avoid the creation of a wall effect. The 8.81m tower setback to the proposed tower at 160 Harbour Esplanade is to be reviewed in further detail in terms of its acceptability under the DDO52 guidelines and possible future amenity impacts.*

Fender Katsalidis Architects have prepared a Tower Separation Study which clearly demonstrates that the proposal responds appropriately to the DDO52.

The Tower Separation Study demonstrates that the proposed building has been designed to ensure that a wall effect is not created, and that appropriate separation is provided between buildings and that this will be perceived from the public realm.

As depicted in the Tower Separation Study, the tower adopts a design consisting of two elements, with the primary component of the tower holding the La Trobe Street / Harbour Esplanade corner, and set back a minimum of 28.5 metres from the approved tower at 160 Harbour Esplanade.

A secondary, recessive component to the tower is located to the rear, in the south-eastern corner of the site. This component is substantially set back from the main building line along Harbour Esplanade (34.5 metres), providing a clear break between the proposed building and development on the adjoining site. The further separation between this tower and the approved 160 Harbour Esplanade tower (at an average of 9.75 metres) provides further separation and avoids the creation of a "wall effect".

The above will be further improved given the variation in materials between the two sites and architectural form. With respect to amenity impacts, we note that the tower separation from the approved development at 160 Harbour Esplanade is a minimum of 8.7 metres, with this increasing to 10.8 metres. As such, the majority of the building is separated by more than 9 metres from the adjoining tower. While the standard does not apply to this development, 9 metres is the distance provided for measuring unreasonable overlooking at Clause 55, and represents a reasonable metric for the proposed development. The average setback in this area is 9.75 metres.

Additionally, as depicted in the material provided during the public consultation period of

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Amendment C438melb, the northern part of the tower at 160 Harbour Esplanade (facing the subject site) is indicated as utilised for the core of the building, and as such will not be sensitive to any potential impacts from the development of the subject site. Apartments within the proposed development on the subject site also each benefit from multiple aspects to the east and west, and as such their amenity will not be unreasonably affected by the proposed tower separation.

As such, we consider that the separation between the proposed development and the adjoining towers is appropriate both in terms of avoiding the creation of a 'wall effect' and mitigating any adverse amenity impacts.

4. *The tower soffit may be highly visible due to wind amelioration cut-out techniques, which risks exposing unfinished or poor-quality materials. Ensure that the soffit design and materiality are carefully detailed to maintain architectural integrity.*

The render of the proposed building at TP205 demonstrates that the soffit's design has been carefully integrated with the architecture of the rest of the building, adopting a dark fibre cement finish consistent with other secondary elements of the building.

The dark colour ensures that this area will be recessive and not unduly dominant when viewed from the street. The applicant is committed to the use of high quality materials throughout the building, and the ongoing maintenance of all parts of the development.

We anticipate that a condition would be included on the permit (should one issue) requiring the submission of a Façade Strategy which specifies an appropriate maintenance regime for all areas of the façade, including the tower soffit.

5. *The proposed lower levels rely on high-quality brick finishes to enable a sense of tactility and visual quality at pedestrian levels, which is welcomed. Use of hand-laid brick at ground and level 1 to enhance design quality and provide a more engaging pedestrian interface is recommended.*

Noted.

Hand-laid brick is proposed at the lower levels.

6. *Ensure the loading bay is designed to accommodate council's residential waste collection trucks. Safe clearances around waste collection*

The loading bay has been designed to accommodate Council's residential waste collection trucks.

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vehicles should be provided in accordance with the council's waste management guidelines.

This has been demonstrated through the inclusion of dimensions within the loading area on sheet TP100.

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4. MELBOURNE CITY COUNCIL COMMENTS

Comments have been received from Melbourne City Council, including directly from Council's planning officer, and from a range of internal referral comments. All comments received from Council have been considered and are addressed below.

4.1. COUNCIL OFFICER COMMENTS

Comments received directly from Council's planning officer are summarised and addressed below.

The application remains largely unchanged from pre-application discussions where concerns were raised in relation to building height/ massing, overshadowing to the public realm and the ground floor interface/ lack of active uses. These matters continue to be of concern and therefore the proposal in its current form is not supported by officers. The key concerns are outlined below in further detail:

Ground Floor

Clause 11.03-6L-03 encourages active uses particularly where fronting the waterfront to promote maximum activity. The existing offering associated with this build to rent proposal does not achieve the outcome anticipated by the policy. Therefore we continue to recommend the provision of individual retail premises / tenancies along La Trobe and Harbour Esplanade and to encourage the use of these spaces by the broader public.

The applicant is committed to the activation of the ground plane, and is in the process of preparing a Placemaking Strategy for the ground level of the building. As indicated above, we would welcome the opportunity to discuss the Placemaking Strategy for the building with Council once the initial concept has been developed.

Commercial premises are not the only way to activate the frontage of the site. Given the issues associated with commercial / retail tenancies in this part of Docklands, the architects have adopted a broader approach to activation to ensure that spaces remain active even where retail tenancies are not proposed. This includes a high quality ground level façade that incorporates articulation and depth in the form of pilasters and planters to create visual interest; the provision of a café and residents' lounge at the key corner of La Trobe Street and Harbour Esplanade, which spills out onto a raised, landscaped terrace; and an engaging forecourt providing opportunities for recreation and relaxation by residents and passersby.

The applicant has not ruled out the provision of a standard retail premises, but wishes to ensure that the space is active and is not left vacant due to the difficulty of leasing a micro-tenancy in this area. As such, we request this is not required.

There is an opportunity for the development to establish a further connection between the waterfront and achieve greater alignment with Development Victoria's Vision and Place Principles strategic document. The document establishes a vision for Central Pier/ Harbour Esplanade/ Victoria Harbour to have 'high amenity' and therefore we recommend the development provide further amendments to align with this strategic vision.

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We submit that the proposal establishes a quality connection with the waterfront, and is well-aligned with the Vision and Place Principles prepared for Central Pier. Briefly, with respect to the five principles the undercroft and landscaped area to Harbour Esplanade responds as follows:

- **Reflect:** The forecourt invites people to connect to the water, acting as an eastern extension to the esplanade, and incorporating soft, natural edges which contrast with the hard lines of the existing pier and the esplanade itself.
- **Flourish:** The indicative choice of species within the front forecourt includes a range of native and indigenous plant species, which will enhance biodiversity along the Esplanade and may contribute habitat for local fauna.
- **Celebrate:** The forecourt at ground level provides an extension of the major civic place at Harbour Esplanade, drawing residents of the building down towards the waterfront and members of the public into the site, blurring public and private spaces.
- **Play:** The landscape design includes a 'large civic gesture' in the form of a playful yellow bench which will invite 'curiosity and interest' and provide a space to 'explore, linger and return' on the edge of the Esplanade.
- **Connect:** The building is intimately linked with the waterfront through 'legible, inviting, safe and direct pedestrian connections'. Separation from the proposed development to the south and the building to the east ensure the site can be easily navigated by pedestrians on all sides, and the articulation of the ground-level façade will ensure pedestrians are drawn into the building from the esplanade due to the permeable groundplane. Water edge connections are available for the length of the Harbour Esplanade frontage, with views towards the water from the entire western façade.

The above demonstrates the attention paid to the Vision and Place Principles and the proposal's quality response to them, ensuring the site contributes to the amenity of the waterfront.

The usability of the undercroft area is of concern. It's south facing, setback from Harbour Esplanade and is constrained by several columns. In addition there is concern with the viability of the landscaping in this area noting the orientation. Whilst we understand some of the design measures are in response to flood mitigation, it must still achieve good design and equitable access. It is important to note that Schedule 3 to Clause 44.04 Land Subject to Inundation Overlay, amongst other things, requires applications to address the Good Design Guide for Buildings in Flood Affected Areas in Fishermans Bend, Arden and Macaulay and ensure any design response appropriately manages flood risk, whilst also achieving good design and equitable access.

The forecourt and undercroft area have been designed to provide 'activity and interest, particularly at street level', as has been discussed above.

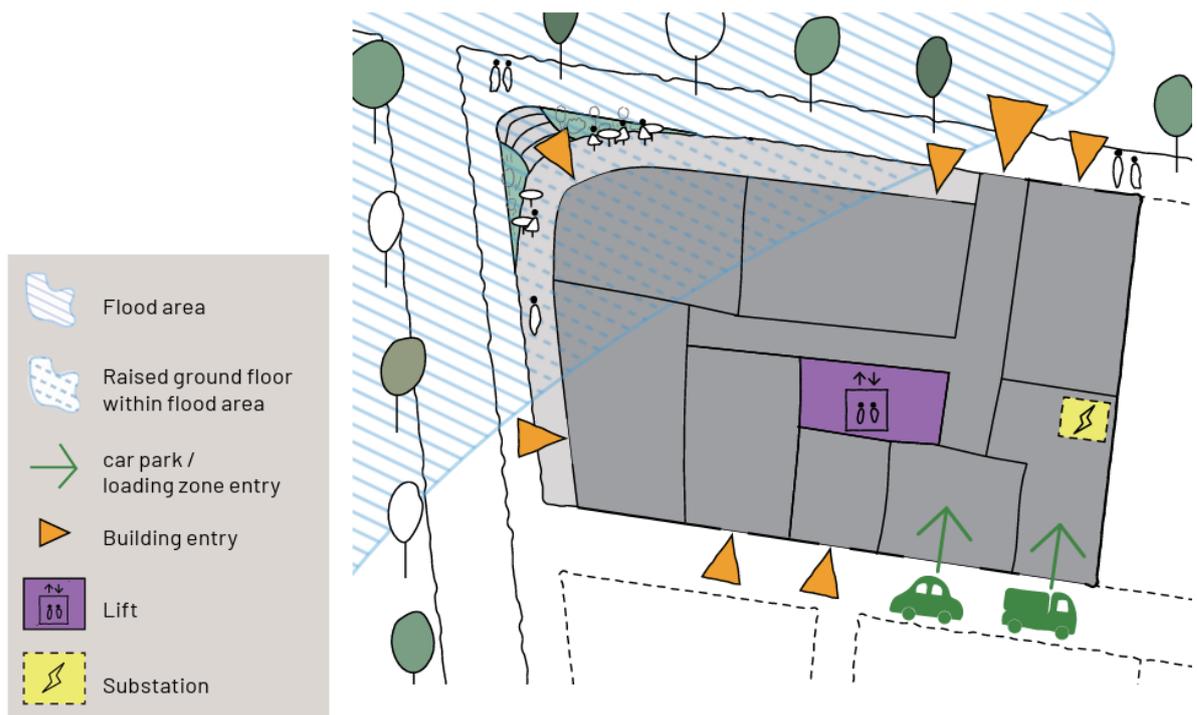
During the detailed design stage, species will be carefully selected having regard to the microclimatic conditions of the site. This will ensure the longevity of the landscape response. The landscape plan, prepared by Oculus, outlines a clear maintenance regime for the landscape areas. As the site will be retained in the ownership of the applicant, commitment to maintenance can be guaranteed to ensure the appearance of the development can be maximised throughout its life. It would be expected that a condition of any future permit to be issued would require this continued maintenance.

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With respect to flood mitigation, we note the imperative within the *Good Design Guide* for developers 'to continue celebrating water in the landscape by creating resilient and accessible spaces and buildings and buildings with active frontages to the streets.' The key focus of the guidelines is on the transition spaces between the public realm (at Natural Ground Level) and the internal parts of the building, which must be set at the Nominal Flood Protection Level. In the case of the subject site, the ground level must seamlessly transition from RL 1.83 metres at the site boundary to the west, to RL 3 metres within the lobby. Design of the transition spaces is critical, and the proposal has incorporated best practice design consistent with the guidelines as follows:

- **Access and egress:** The figure below, included within the guidelines, demonstrates appropriate measures by which to locate building entrances above the flood line via a colonnade with a raised terrace.

Figure 1 Site planning measures to appropriately locate access and egress points above the flood line



Source: *Good Design Guide for Buildings in Flood Affected Areas*

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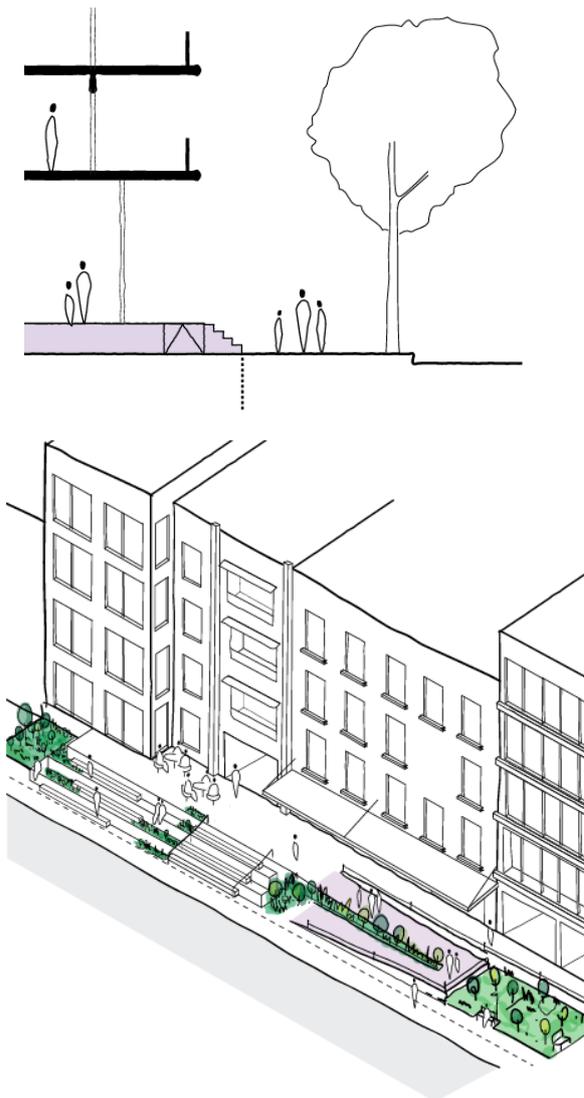
The proposal incorporates a gradual transition in within the outdoor space, through stairs and ramps (to ensure DDA access) and the provision of a raised outdoor terrace to Harbour Esplanade.

- **External transitions:** Per the *Guidelines*, 'external transitions minimise flood damage and will generally result in better flood management outcomes. In a large site, an effective strategy is to place a transition zone externally and integrate it into the landscape and design of the public realm.' The below extract section and isometric drawings are extracted from the *Guidelines*, and are compared with the transition approach adopted in the proposed development.

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The proposal's transition design integrates access elements into the overall design of the proposal, ensuring human scale and a sense of welcome. Ramps do not block sight lines or circulation. Terraces, seating and landscape effectively bridge the gap between the natural ground level and the NFPL. The café within the development spills out onto the terrace, with seating integrated with the level change.



Picture 1 Exemplar transitions

Source: Good Design Guide for Buildings in Flood Affected Areas



Picture 2 Proposed building transition

Source: Fender Katsalidis Architects

- **Internal transition:** An internal transition is used on the La Trobe Street frontage, ensuring a continuous building edge can be provided to the street. Continuous glazing is provided along the

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podium above the brick base of the façade, allowing unobstructed views into the ground floor area. Usable active spaces in the form of the café / residents lounge and perch point run along the frontage at the NFPL. The entryway is located centrally in a visible location, and no platform lift is proposed.

Figure 2 La Trobe Street interface



SECTION A

SECTION B

Source: Fender Katsalidis Architects

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- **Activation:** Activation has been discussed in detail above. We note from a flood protection perspective that no blank walls are proposed, and that seating has been integrated into the façade design.
- **Design detail and materiality:** Robust materials are adopted across the ground plane, including a dry proof plinth where necessary to manage flood levels.

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Building massing and height

The Design and Development Overlay Schedule 52 seeks to ensure developments are appropriately spaced and avoid the creation of a wall effect. The planning context of the site has changed in recent years with the expiry of Ministerial Planning Permit PA010-006245A-2 and the approval of Amendment C438, however there is now further concern with the 'squeezing' of this proposed tower along Harbour Esplanade. At a minimum, the proposal needs to demonstrate a 10 metre tower setback from Tower 1 to avoid the creation of a wall effect and to improve the internal/ external amenity (Figure 2).

Fender Katsalidis have prepared a Tower Separation Study for the proposal, which demonstrates that the proposed separation to the south is appropriate. We have discussed this in detail above in response to DTP's RFI. In brief, we note that:

- The façade is broken into two components to the south, with the rear, recessive component closer to the proposed Tower 1 (length of approx. 22 metres), and the larger component (length of approx. 34.5 metres) substantially separated from Tower 1. The recessive component on the eastern part of the site is sufficiently set back from the west to effectively separate the towers when viewed from the harbour.
- Distinct façade treatments to the two components ensures they are clearly separated.



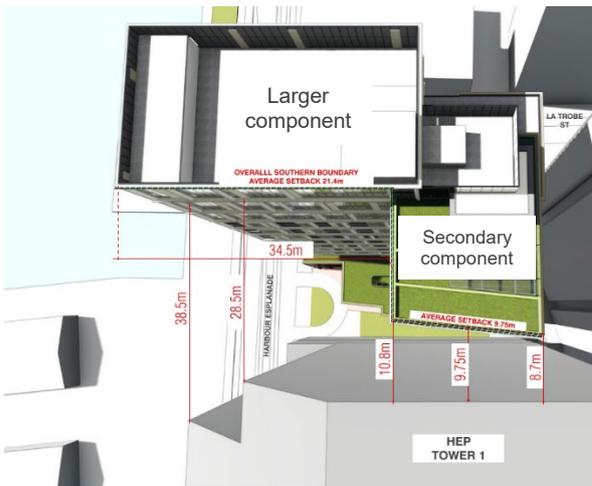
Picture 3 View from Central Pier, demonstrating sufficient separation and the avoidance of a 'wall effect'

Source: Tower Separation Study, Fender Katsalidis

- The separation to the south increases along the length of the wall. The nearest component has an average setback of 9.75 metres, while the further component has a consistent setback of 28.5 metres.

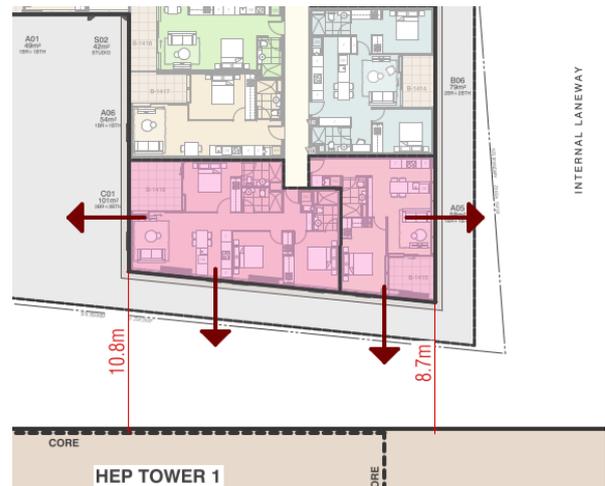
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- The nearest component of Tower 1 is identified as the building’s core area and therefore is not sensitive to overlooking.
- Each apartment located within the rear component of the proposed building has multiple aspects, with windows facing to the east and west, ensuring that the view to the south is not the primary aspect.



Picture 4 The tower is articulated into two components

Source: Tower Separation Study, Fender Katsalidis



Picture 5 Multiple aspects and Tower 1 core area

For these reasons we consider that a 10 metre separation to the south is not required.

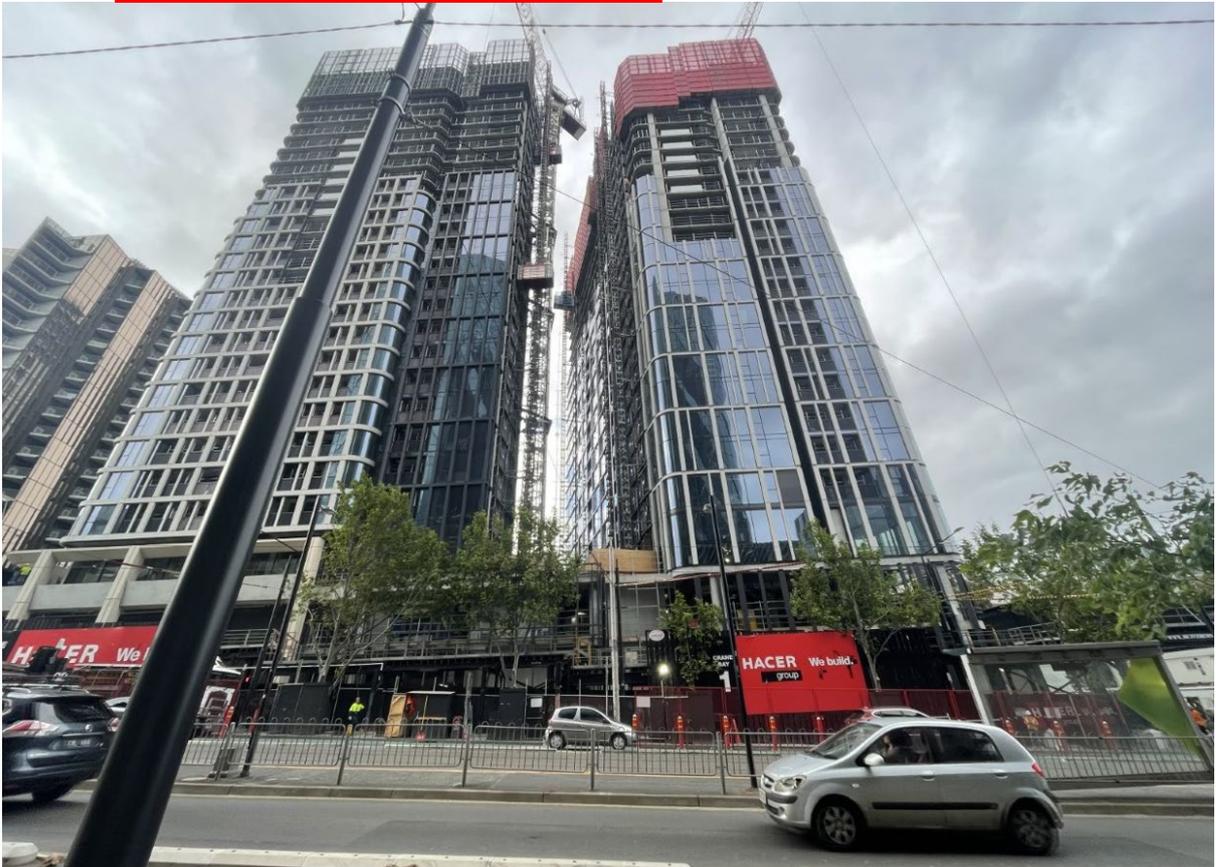
Whilst the reduction in the eastern portion of the tower which faces La Trobe Street has assisted in improving the overall mass, it is difficult to make a complete assessment regarding its success noting the areas behind it have not been reduced in height (Figure 3). Furthermore there is concern with the lack of a tower setback to the east. Increasing the setback of the tower from the east would soften the overall mass and improve views/ vistas from La Trobe Street (as well as from the west along Footscray Road and Harbour Esplanade).

As Council’s urban designer has observed (discussed below) the separation to the east is sufficient to provide for appropriate internal amenity at 10-11 metres. Additionally, the development to the east does not include a separate podium and tower at its northern boundary to La Trobe Street, as demonstrated by the image below.

Separation between towers is therefore provided by the right-of-way between the two developments. The proposal’s eastern interface matches the adjoining building’s presentation to La Trobe Street without compromising the amenity of apartments in either building.

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Picture 6 Adjoining development at 685 La Trobe Street (during construction)

Source: Urbis

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Amenity and overshadowing

The Design and Development Overlay Schedule 52 for Area 1 anticipates two towers not exceeding 75 metres and any other towers to be no greater than 25 metres. The proposal for Area 1 introduces a third tower above 75 metres (one existing and one included as a part of Amendment C438). The proposal is approximately 130 metre which exceeds all the Maximum Building Heights outlined in Table 1 to Schedule 52. Whilst we acknowledge the strategic context has changed since the approval of Amendment C438, this planning permit application must still address DDO52 and Clause 11.03-6L-03 which seeks to ensure the public realm is not unreasonably impacted by overshadowing. As a result of the overall height and limited tower setback from Harbour Esplanade, the development has unreasonable impacts to the public realm between 11am and 3pm at the equinox (22 September / 20 March. The approval of Amendment C438 establishes a shadow line along Harbour Esplanade and it is recommended amendments be made to the overall height/ tower setback to ensure it does not extend beyond this line (Figure 4).

As identified by Council's urban designers in their referral comments, the height adopted for the building is responsive to the site's urban context, and reflects the morphological logic of the area,

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responding to the landmark corner location at the intersection of La Trobe Street and Harbour Esplanade. The 130 metre height defines this significant location and would complete the progression of buildings already approved between La Trobe Street and Bourke Street.

We disagree that Area 1 in DDO52 anticipates two towers not exceeding 75 metres and any other towers to be no greater than 25 metres to the exclusion of additional towers of greater height. The DDO simply outlines that these would be exempt from notice. This site is located within an urban renewal precinct and development is expected in this location.

Given the scale of the building is appropriate for its context, we submit that the overshadowing caused by the building's additional height is also reasonable and will not unreasonably impact the public realm along Harbour Esplanade. It is arbitrary to adopt the shadow caused by the Harbour Esplanade Precinct's (HEP's) shadow line to the south as the maximum allowable shadow for the length of Harbour Esplanade.

We note that the additional shadow does not unreasonably prejudice the usability of the space nor its amenity, and that the additional shadow cannot be considered 'significant overshadowing', given that it is confined to the morning and that therefore Harbour Esplanade is entirely free of overshadowing in the afternoon.

The proposal overshadows the playing surface of the stadium which does not respond to planning policy. Whilst we appreciate technology may have changed with regard to how the playing surface is managed, we require further justification and written advice from the AFL regarding this matter.

When considered in the context of the approved development to the south, the proposal's shadow to the playing surface is appropriate. This is on the basis that no additional shadow is cast beyond that of the approved HEP development, save for an additional 0.2% shadow for 15 minutes on 21 June. This additional shadow is negligible and will have no impact on the playing surface. We have provided an extensive response to this within the Town Planning Report. There is no requirement in the planning scheme to provide written advice from the AFL regarding this matter.

Public benefit

A planning permit is required under the DDO52 for the proposal as it exceeds 25 metres, we recommend the provision of 6% affordable housing across the whole development be provided (rather than 10% for storeys above 75 metres only).

There is no requirement within the Melbourne Planning Scheme that specifies that affordable housing is required on the site. As such, the offer of affordable housing is entirely voluntary, and is provided as a public benefit given the proposal exceeds the preferred maximum height for the site.

We note that the provision of 10% of the development as affordable housing reflects the standard benefit offered under **Clause 53.23 'Significant Residential Development with Affordable Housing'** and that a similar offering has been accepted by the Department at Preston Markets and Victoria Gardens. On this basis, we consider that the offering of 10% for the component which exceeds 75 metres is a reasonable public benefit, when considered alongside the other benefits included within the development.

We also note that providing 10% of the apartments above 75 metres represents a contribution of 26 apartment (given that there are 252 apartments above 75 metres, counting level 23 and up). This is not significantly fewer than providing 6% of the apartments within the development as affordable housing, which is 34 apartments.



We consider that the affordable housing contribution is reasonable and that the proposed building height is appropriate from an urban design perspective, and when considered against the planning controls, given the full public benefit proposed.

4.2. REFERRAL COMMENTS

Council's referral comments are discussed in detail in **Appendix A** to this letter.

5. CONCLUSION

We trust this information is sufficient to assist you with your continued assessment of this application.

Should any of the requested information not be satisfied or remain outstanding, we respectfully request a one (1) month extension on behalf of the permit applicant to provide the requested information under Section 54A of the *Planning and Environment Act 1987*.

If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Kind regards,

A handwritten signature in black ink that reads "R. Doherty".

Robert Doherty
Senior Consultant
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APPENDIX A

RESPONSE TO COUNCIL REFERRAL COMMENTS

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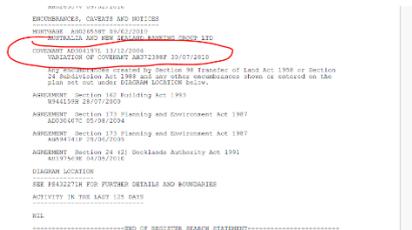
The table below provides a response to each of Council's referral comments.

PRELIMINARY ASSESSMENT

RESPONSE AND DOCUMENT REFERENCE

Land Tenure Advice

Covenant AD304197L



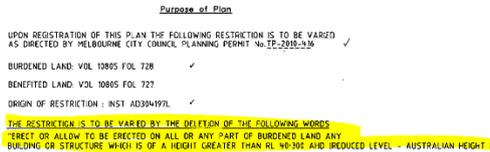
With respect to covenant AD304197L, we note:

- Two bullet points: 1. The covenant is proposed to be varied to delete point (a), consistent with the previous approval. 2. The proposal does not contravene part (e) of the covenant, as the easements will no longer be shown on the Plan of Subdivision, and therefore the restriction will no longer operate. For clarity, part (e) is also proposed to be deleted from the covenant.

The covenant states:

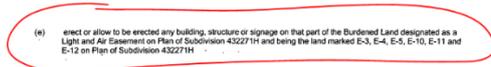
- Legal list of conditions (a) through (e) regarding height, noise, vibration, signage, and easements on the Burdened Land.

Variation of Covenant Approved which deleted the following:



Does the permit application breach part e) of the covenant. A permit can not be granted which results in a breach of a Registered Restrive Covenant?

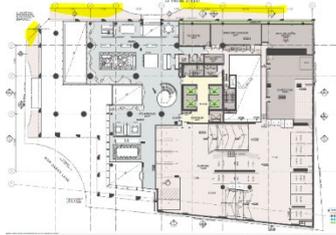
Part e) of the covenant does not allow the erection of any building or structure on that part of the Burdened Land for which the easements are registered.



Whilst the proposal seeks to vary the easements it is unclear if the erection of built form within is still allowed under the Covenant. The applicant should seek legal advice in relation to this.

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Removal of Easement

The applicant must specify under which provision they are intending to remove the Easement. If under Section 23 of the Subdivision Act it the intention that the Minister for Planning would approve an application under Section 23 of the Subdivision Act?

In addition the easement does not encumber the subject land, it encumbers the abutting land. The abutting land must be brought into the application to enable a permit to issue for the removal of easement as a permit is unable to be granted for the removal of easement on land that the applicant does not own.

The applicant intends to remove the easements under section 23 of the Subdivision Act. The applicant anticipates that, assuming the Minister for Planning is satisfied with the merits of the application and specifically with respect to Clause 52.02, the interests of affected people, the application would be approved.

The application has been amended to incorporate Lot 1.

Ron Casey Lane

Reference is made to a Ron Casey Lane. This is not an approved name and reference should be deleted.

Prior to occupation, all internal roads must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the retail tenancies.

Any proposed road name must comply with the Naming rules for places in Victoria 2022 - Statutory requirements for naming roads, features and localities (the naming rules), and the Geographic Place Names Act 1998.

Reference to Ron Casey Lane has been removed from the amended plans.

Naming of internal roads can be dealt with following approval (assuming a permit is issued).

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Windows on the boundary

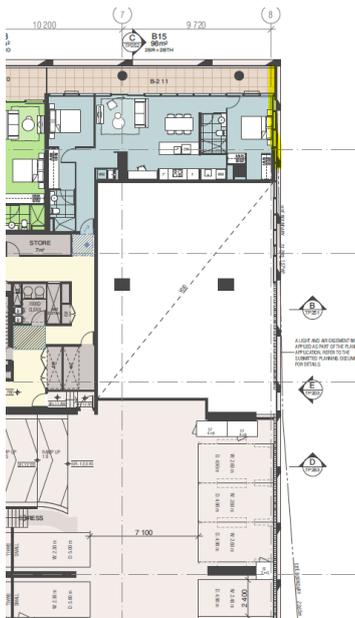
It appears that the subject land only benefits from carriageway rights over the property to the easement. The applicant must demonstrate that they benefit from a light and air right over the property to the east prior to the commencement of works.

A light and air easement is proposed over the property to the east (E-22), and will be registered on title before commencement of works.

Projections into Channel 7 Melbourne

Building and Architectural feature appear to encroach into the abutting title boundary. These must be deleted.

The applicant consents to remove the projections over adjoining properties, and request that DTP include a condition on any future permit to be issued (should one issue).



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Access to services and Storage Cages

Access to storage cages

Where storage cages and service cupboards are not independently accessed and relies on access over an adjoining car space, they must be in used in association with that car space for which access is relied and must be assigned to a single unit or tenancy within the development to the Satisfaction of the Responsible Authority. Where access to a service cupboard relies on access over an adjoining car parking space, the adjoining car parking space must be deleted.

The applicant consents to the inclusion of a condition on any planning permit by DTP (should one issue) requiring storage cages which are accessed over a car parking space to be allocated to the same unit or otherwise for the parking space to be removed.



Projections

The proposed projections must comply with Council's projections Guidelines and

All projections over the road reserve will comply with the projections guidelines.



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referred to Infrastructure and Assets for comment.

Traffic Engineering Advice

Car Parking

Noted.

The proposed car parking provision is acceptable, as it is below the maximum limitation of 843 spaces and. A note must be placed on the planning permit, stating: "As per Council's policy, the residents of this development will not be entitled to resident parking permits. Council will not change the on-street parking restrictions to accommodate access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. Council reserves the right to change/introduce restrictions to on-street parking in the future".

All spaces, ramps, grades, transitions, accessways and height clearances must be generally designed in accordance with the Melbourne Planning Scheme (MPS) or AS/NZS 2890.1:2004.

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Loading

A Loading Management Plan (LMP) must be prepared, specifying how the access/egress of loading vehicles is to be managed. A Dock Manager must be employed, responsible for controlling the operation of the loading bay, with responsibilities including:

- Present on site when deliveries are undertaken*
- Act as a spotter for any reversing movements into the loading bay*
- Act as informal traffic controller to discourage pedestrian movements when vehicles reverse*

Noted. DTP may condition the provision of a Loading Management Plan, should they consider it necessary.

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- *Ensure conflicts do not occur between loading/other vehicles*
- *Ensure that space used for vehicle manoeuvring is kept clear of other vehicles/obstructions at all times.*

The design of the loading area, including all space dimensions, grades and height clearances, must comply with relevant standards for Commercial Vehicles (AS2890.1:2018) and Clause 52.07.

Amended swept path diagrams must be provided, clearly showing all on-street infrastructure, including the recently installed platform tram stop in La Trobe St.

Bicycle parking

Noted.

The bicycle parking provision is acceptable. The design/dimensions of bicycle parking should comply with the relevant Australian Standards.

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Motorcycle Parking

We request the provision of motorcycle parking in excess of the MPS requirements. Our motorcycle parking requirements are for 1 motorcycle space per 50 car parking spaces, with the car parking spaces calculated as the greater of the number of:

- *Car parking spaces required (or permitted in the case of a maximum rate) by the MPS; or*
- *Car parking spaces proposed.*

Considering that Clause 52.06 specifies a maximum limit of 843 car parking spaces, at least 17 motorcycle space must be provided.

The Parking Overlay, Schedule 8 ('PO8') does not specify any motorcycle parking requirement, and as such these have not been included in the development.

Nor is there a requirement under Clauses 52.06 or 52.34 within the Melbourne Planning Scheme.

Car Share

In 2015, Council approved a new car share policy with a target of 2,000 on-street and off-street car share spaces in the municipality by 2021. Such an

DTP may condition the provision of 2x car share vehicles within the development. As described within the submitted Transport Impact Assessment, the applicant is already

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ambitious target was approved because car share programs help reduce the number of privately owned cars on the road and in private car parks. Research suggests each car share vehicle reduces the number of resident-owned cars by 9. In order to meet the likely demand, it is requested that at least 2 car share and electric charging spaces be provided on site.

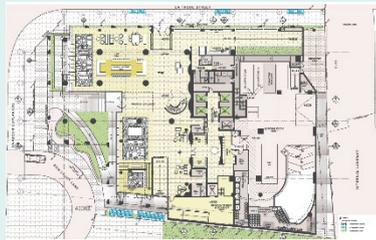
considering the provision of car share spaces.

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Road Safety Audit

Formal independent desktop Road Safety Audit must be undertaken prior to construction, at the developer's expense, which must include vehicle/bicycle/pedestrian access arrangements, loading arrangements and internal circulation/layout. The findings of the Audit must be incorporated into the detailed design, at the developer's expense.

DTP may condition the provision of a Road Safety Audit, should they consider one is required.



Waste and Recycling Advice

Items that need to be addressed include:

With regards to the self-driving compactors proposal: more information is required to make a full assessment of this idea.

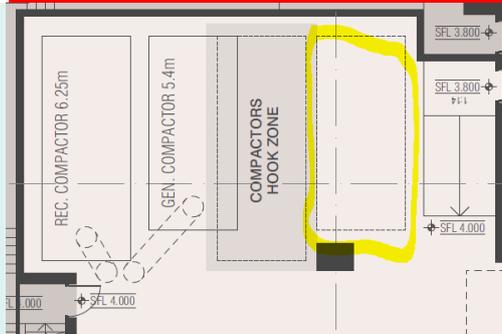
- *See the plan diagram below:*

The waste and recycling comments have been addressed as follows:

- The architectural plans have been amended to clarify that this space is to be kept clear at all times.
- Specification information is included within the submitted amended Waste Management Plan.
- Details of the weekly compactor collection has been included within the submitted amended Waste Management Plan. If required, further detail can be provided within the Loading Management Plan, as part of a future planning permit condition (should one issue).

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- A swept path diagram has been provided showing the compactor location.
- Management of the weekly compactor collection can be included within the Loading Management Plan. We note that the compactor need only traverse a short distance of 5 metres, which will be relatively quick and ensure the compactors are ready to collect.

- *Please clarify (by labelling) that the highlighted space is to be kept clear specifically for compactor manoeuvres. What is the clearance from the pillar when the smaller compactor is driven into this space?*
- *Please provide more information / specifications for the proposed compactors.*
- *Please also provide a written summary, within the WMP, of how the weekly compactor collection would work. It should be made clear that the building manager must be responsible for moving the compactors in and out of the hook lift zone. This may be needed at any time in a 24 hour period.*
- *Please provide a swept path diagram (showing the larger compactor in its collection position) that shows the clearance from the pillar.*
- *In general: the proposed arrangement using self-driving*

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compactors does not appear to be workable from an operational perspective due to the need for the Council contractor to wait for compactors to be shuffled through the one space where they can be lifted and set down. It is the Building Manager's responsibility to ensure compactors are ready for pick up on collection day: but it appears that it will not be possible to have the recycling compactor ready in the collection position when the truck returns with the empty garbage compactor. Possible solutions include:

- *Have only a recycling compactor and use bins for other streams.*
- *Use a bin based solution due to difficulties with compactor placement.*

Other comments:

- *Please provide a clearer elevation diagram showing the chamfered compactor and hook lift vehicle (at the highest point of lift).*
 - *Note: section 4.2.2 states that compactors require a 5m height clearance. Please ensure document is consistent when talking about height clearance.*
- *Section 4.2.6: up to 6m³ of hard waste will be collected up to twice per month. Please also note this in tables 1, 6 and 9. Collection must be booked with City of Melbourne.*
- *Table 6:*
 - *NB: small typo / error: weekly capacity*

Please refer to the updated Waste Management Plan, where:

- A clearer elevation diagram has been provided at Appendix C, and section 4.2.2 has been updated to include the correct height.
- Section 4.2.6 has been updated to specify the frequency of hard waste collection.
- Table 6 has been corrected.
- A charity bin has been specified.
- Commercial waste generation assessment now considers the 're-heat kitchen' in the café area.
- Separate hard waste areas have been specified in the residential waste room and commercial waste room, with no sharing intended. Section 5.2.6 has been updated to clarify this.

provided by 35 x 120L x 3 collections = 12600L.

- *If two compactors were to be operated:*
 - *A 15m³ compactor is excessive for an estimated 37845L of garbage. A 13m³ compactor will be sufficient*
 - *A 19m³ compactor is excessive for an estimated 50460L of commingled recycling (including glass). A 17m³ compactor will be sufficient.*

- The previous bin sizes have been retained.
- Reference to the bin lift has been removed.
- A swept path vehicle for an 8.8m vehicle has been provided in Appendix B.
- It has been clarified that the unnamed laneway is part of Lot 1, and that the subject site benefits from an easement over this land.
- Both long term and short term scenarios have been considered with respect to Council's glass collection service.

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- *A residential development of this scale must provide a charity bin for residents. Please list this in the appropriate tables and show on the plan drawings.*
- *Takeaway café rates are suitable for the proposed “re-heat” kitchen, provided this means no fresh food preparation occurs onsite, and that all food is pre-packaged / pre-prepared elsewhere.*
- *Section 5.6.2: please edit to clarify that the cafe will not be sharing the residential hard waste space – there should be a separate and dedicated space for commercial hard waste. Café staff should not be entering the residential waste room and residents should not be entering the commercial waste room. Please ensure the location of*

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bins in the plan drawings also reflect this.

- *Table 12: the applicant could consider downsizing to a 660L commercial recycling bin and a 120L commercial glass bin.*
- *The WMP mentions a bin lifter in several places. Please clarify what this is for.*
- *Please also provide a swept path diagram for an 8.8m vehicle collecting from the MRV bay.*
- *Is the unnamed laneway part of the property being developed? Or is it part of the neighbouring Channel Seven property?*
- *Note: Should Council be providing a dedicated glass collection service at the time the development commences operation, the recycling compactor should be downsized to account for the removal of glass from the commingled recycling stream. However, should the development become operational prior to Council providing a glass collection service, the larger compactor can be used. Once a Council glass collection service commences, the compactor must be downsized when the recycling compactor reaches its end of lease or requires replacement.*

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Civil Design Advice

Tenure Issues

The west property boundary along Harbour Esplanade passes through a line of trees that are maintained by the City of Melbourne. The public footpath at this location must be widened to align with the footpath width generally provided on the east side of Harbour

The permit applicant consents to the widening of the footpath and vesting in Council.

With respect to the existing Council stormwater drain, we note that our civil engineers from MCG Consult, have



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Esplanade north of La Trobe Street and/or provided in front of the stadium up to Bourke Street. Prior to the commencement of the use/occupation of the development, the widened portion of the footpath must be declared as Road on the plan of subdivision. The Declaration must be to the satisfaction of City of Melbourne – City Infrastructure and Team Leader Land Survey.

COMMENTS

The stormwater management plan has been referred to our drainage engineer, Sanjeeva Rajapakse, for comments.

There is an existing Council stormwater drain and gross pollutant trap located within a drainage easement in the subject property along its west boundary. The drain and gross pollutant trap shall be relocated within the Road reserve. Building over the easement will not be consented.

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne’s Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.

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

CONDITIONS

PR.09 Drainage of projections

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

DET.12 Drainage system upgrade

undertaken further discussion with Council’s engineer.

As discussed in a meeting with Sanjeeva Rajapakse on the 1st April 2025, the relocation of the council drainage asset is an unreasonable request from council due to the lack of a clear path for realignment. Footpath constraints, including numerous highly protected TPZs and existing services, make an alternative alignment unachievable. Additionally, roadway realignment would conflict with the existing 375mm diameter drain and necessitate relocating the GPT into the roadway, which would impact access to the GPT and require traffic management for all future maintenance activities.

Given these constraints, we propose retaining the drain in its current alignment while ensuring that the footings for the proposed building remain outside the easement. This approach would also provide a 1m clearance to the edge of the asset, in line with the Water Act’s build-over guidelines.

Furthermore, the design allows for a 5m vertical clearance for cantilevered elements, which aligns with the Water Act’s build-over requirements. This clearance ensures sufficient space for excavator access to the drain if needed.

As council requested in the meeting on the 1st of April, we have also commissioned in-ground services investigation.

As such, we propose the following amendment to condition DET.12:

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system. Where necessary, the City of Melbourne’s



Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system. Where necessary, the City of Melbourne’s drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

As part of the drainage system upgrade, the existing drain and gross pollutant trap located in the drainage easement along the west property boundary must be relocated within the road reserve in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

Groundwater management

All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council’s drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

AC.02 Demolish and construct access

Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the

drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

~~*As part of the drainage system upgrade, the existing drain and gross pollutant trap located in the drainage easement along the west property boundary must be relocated within the road reserve in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.*~~

Otherwise, we note that the proposed conditions are standard and are accepted.

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footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

AC.03 Street works required

Prior to the commencement of the use/occupation of the development, all new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Harbour Esplanade must be constructed in accordance with plans and specifications first approved City of Melbourne – City Infrastructure.

Roads

All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

AC.06 Sawn bluestone footpaths

The footpath adjoining the site along LaTrobe Street and Harbour Esplanade (including the widened portion) must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

AC.11 Street levels not to be altered

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

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**Relocation of street light/tram poles
in LaTrobe Street**

Prior to the commencement of the use/occupation of the development, the two light/tram joint poles and tram pole in LaTrobe Street must be relocated 750mm from the face of kerb at the cost of the developer in accordance with plans and specifications first approved City of Melbourne – City Infrastructure and to the satisfaction of the relevant service authority.

AC.12 Existing street lighting not altered without approval

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of City of Melbourne – City Infrastructure.

Existing street furniture

Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne – City Infrastructure.

AC.14 Street furniture

All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on LaTrobe Street and Harbour Esplanade footpaths outside the proposed building to plans and specifications first approved by City of Melbourne – City Infrastructure.

Road declaration (Harbour Esplanade)

Prior to the commencement of the use/occupation of the development, the widened portion of Harbour Esplanade abutting the subject land is to be constructed and vested in Council as a

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road under the provision of the Subdivision Act 1988.

Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council’s Lighting Strategy, and include the provision of public lighting in LaTrobe Street and Harbour Esplanade. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure.

NOTES

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.

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City Strategy Advice

Critical matters to address:

- *Community benefits: The additional development yield should be offset by contributions towards public benefit.*
- *Exceeding building height/Built form: The development is on a prominent location on the corner of two-major roads that connect Docklands with the central city. The wall effect of proposed built form and height will be significant impact to the view corridors, streetscape experience and overshadowing of Marvel stadium.*

In response to the matters raised by City Strategy, we note:

- **Community benefits:** Extensive public benefit is proposed as part of the development. As discussed at length within the town planning report, this includes:
 - Provision of 10 per cent affordable housing for the component of the development which exceeds a height of 75 metres. Importantly, the Planning Scheme does not include any requirement for the provision of affordable housing on this site, and as such this offer is substantial and generous. This offer is aligned with



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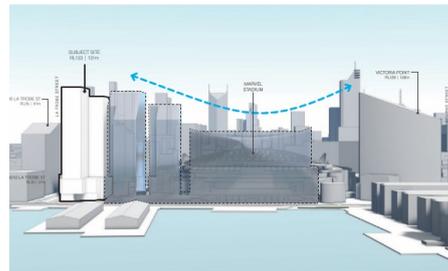
- *Connectivity: There is an opportunity for this proposal to positively contribute towards the activation of Harbour Esplanade and improve the relationship with the water.*
 - *Street Level Activation: There are limited commercial uses within proximity to this development to cater for the residents' daily needs and level difference of the lobby space creating a barrier for access and connectivity.*
 - *Pedestrian access: Consider removing vehicle access from Harbour Esplanade via "Ron Casey Lane" as it impacts pedestrian safety and is not required to access this development.*
- the requirements of Clause 53.23 and has previously been accepted.
- Adoption of a build-to-rent operating model which provides significant benefits to its occupants, which may include those who are unable to purchase an equivalent property. As discussed within *GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC [2024] VCAT 458*, a build-to-rent model provides 'substantial benefits' to those experiencing housing stress and ensures that a rental option is not a 'second class' alternative for building residents.
 - Provision of substantial ground level open space in the form of a public plaza. As discussed above, the proponent proposes to vest a strip of land in Melbourne City Council, expanding the public realm. Additionally, while the remainder of the plaza will remain in the ownership of the applicant, there will be no restriction on its access, ensuring it is available for use 24 hours a day, 7 days a week. This will enhance the public realm of Docklands. As the proponent will be responsible for ongoing maintenance of this area, its provision will not burden Melbourne City Council resources.
- **Exceeding building height / built form:**
We have separately discussed the 'wall effect' within our response to the Department of Transport and Planning's RFI, and do not repeat our response in detail here.
 - Appropriate separation and articulation is provided between buildings to avoid the creation of a wall effect.
 - Separation between buildings (existing and proposed) is sufficient to

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ensure no adverse amenity impacts to building occupants

As noted by Melbourne City Council's urban design officer and presented within the Urban Context Report, the proposal sits on a landmark site at the defining corner of La Trobe Street and Harbour Esplanade. The approval of the Harbour Esplanade Precinct development to the south of the site results in a materially different urban context from existing conditions, and establishes the logic for the development's scale. It is appropriate for the corner site to accommodate the tallest building. When the length of Harbour Esplanade is read as a whole, the proposal provides the bookend to this urban block, and is of a consistent scale to the Victoria Point development to the south.



Overshadowing of Marvel Stadium is discussed at length in a subsequent section of this letter.

- **Connectivity and Street Level**

Activation: We submit that the proposed development responds appropriately to Harbour Esplanade and the water. Provision of a ground level plaza to Harbour Esplanade expands the width of the public realm and provides additional space for recreation along the foreshore. Activation to Harbour Esplanade is necessarily constrained by the requirement to incorporate a transition in levels to avoid flooding, but we submit that the proposal sensitively manages this task through the provision of a variety of levels within the plaza and the ground plane of the building. The residents

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lounge and café directly engages with the street through the provision of a café terrace with integrated seating, allowing the active uses of the ground level to spill out into the public realm.

We further note the commercial challenges in this part of Melbourne. The applicant is committed to the preparation of a Placemaking Strategy to explore the best way to activate the surrounding public realm through the ground plane, and would welcome Council's involvement in preparing this strategy, following permit issue (if the proposal is approved). Provision of small-scale retail tenancies is likely to result in vacancies given the challenges of the area, which would not improve activation, and instead create a dead space. The applicant considers the best way to activate the area is to provide ground floor uses that bring the activity of the BTR community down to the ground level, rather than requiring commercial tenancies to occupy the ground floor where they are not viable and likely to create an inactive space.

- **Pedestrian access:** We note that 'Ron Casey Lane' forms part of 'Lot 1' to the south, rather than the subject site, and as such its removal is not within the scope of this application.

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Homes Melbourne Advice

Policy support and guidance

There is strong policy guidance for an affordable housing contribution on the subject site. This includes an objective of the Planning and Environment Act, Clause 16.01-2S, and the City of Melbourne Affordable Housing Strategy.

Limited detail has been provided that responds to the requirements of the Planning and Environment Act. It is recommended that the applicant engage

We note that while there is reference to affordable housing provision within the Act and at Clause 16.01-2S, that the Melbourne Affordable Housing Strategy has no status under the Melbourne Planning Scheme.

We submit that the proposed development provides a meaningful and generous contribution of affordable housing to Docklands through incorporating 10% affordable housing for the portion of the development which exceeds 75 metres in height, and that this is a quality response to the objective of Clause 16.01-2S. This will

a suitably qualified consultant to prepare an affordable housing report.

The affordable housing report should:

- 1. Outline the proposed number of Affordable Housing units.*
- 2. Quantify the value of the affordable housing contribution (i.e. the cumulative value of the subsidised rents).*
- 3. Respond to the eight matters outlined in the [Ministerial Notice](#) to determine whether the affordable housing is 'appropriate' for very low to moderate income households. Information missing from the response to the Ministerial Notice includes:
 - a) Allocation: Explanation of how the affordable housing units would be allocated to eligible households.*
 - b) Affordability: Confirmation that tenants will pay no more than 30% of gross household income on rental payments, and outline any proposed discount to market rent.*
 - c) Longevity: Indication of how long the units will be delivered as Affordable Housing.*
 - d) Integration: Confirmation that all affordable units are indistinguishable from market rate units and that the development is 'tenure blind'. Tenants in affordable housing units should have access to all communal facilities available to tenants in market rate units.**

assist in the delivery of more affordable housing on a well-located site, and facilitates the provision of a mix of private and affordable housing within the Docklands urban renewal precinct.

We have provided extensive responses already to this matter.

There is no current requirement for an affordable housing contribution in Docklands, unlike other renewal areas such as Arden (Clause 11.03-6L-01) and Fishermans Bend (Clause 11.03-6L-06). In the absence of such a requirement, the proposal's contribution is generous and goes above and beyond planning policy. The provision of the 10% is aligned with other approvals such as the Victoria Gardens redevelopment.

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Summary:

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The proposal should provide for the delivery of at least 6% of dwellings as affordable housing as a minimum noting the above. This should be done across the whole development (not just for the area above 75 metres).

City Design Advice

While we acknowledge the improvements and design refinements though the development phase, we feel that more meaningful changes are required to ensure that the building is designed to the highest quality and the amenity of important public spaces is protected.

In terms of built form guidance relating to the site, the Melbourne Planning Scheme has limited explicit requirements but through a range of Objectives, Requirements and Guidelines provides an important framework for future development.

- *The local policy at Clause 11 and DDO52 prioritise key views, calling for views to the CBD and to Victoria Harbour to be recognised, and to ensure that buildings on landmark sites that terminate views or mark key focal points are designed to the highest quality.*
- *DDO52 sets a maximum height of 25m for Area 1 except for two towers not exceeding 75 metres. There is an existing and proposed building (Tower 1 associated with Amendment C438 – HEP) in this area already exceeding 75 metres. The DDO52 notes that shadows should not be increased on the playing surface of the Docklands Stadium with the roof fully open. Similarly, the public realm should not be unduly shadowed.*
- *DDO52 also cautions the creation of a wall effect and suggests*

We note the Urban Design team's concerns and observations regarding the planning controls and policy which apply to the site.

We further note that the maximum height set by DDO52 of 25 metres except for two towers not exceeding 75 metres operates differently from the majority of maximum heights within the Planning Scheme. The controls do not state that development should not exceed this height, and do not limit the development of this precinct to only two towers. In a robust urban renewal area such as this, the development of multiple towers at this scale is appropriate, and the building's height responds to the surrounding urban context.

A planning permit is required if development exceeds these heights, and the decision guidelines of the control must then be considered by the responsible authority. As submitted within the application, we consider the proposal responds appropriately to these decision guidelines, as we reiterate where relevant below (including overshadowing to the playing surface and the public realm).

The 'wall effect' comment has been responded to in detail in our RFI response and above, and is not repeated here.

We agree with the observations regarding the changed character of Harbour Esplanade, and submit that the proposal responds appropriately to this emerging context.

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appropriate spacing of tower elements and building bulk.

Recent changes to the Planning Scheme through amendment C438, and the approval of the Harbour Esplanade Precinct (Stadium Upgrade) Development Plan and Incorporated Document (SCO35), alter certain aspects of the strategic vision for the place and will change the surrounding built form along Harbour Esplanade.

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Landmark potential

The Local Policy invites buildings of high design quality on landmark sites and while the policy does not designate landmark sites, it suggests that such sites will terminate views or mark key focal points. Buildings on such sites are to be designed to the highest quality, this has greater importance when the building itself seeks to play a landmark role. Policy also calls design to maximise opportunities within the site to reinforce view corridors or terminate axes via buildings, structures or landscape treatments.

Although the proposal does not terminate any views along La Trobe Street, it will very much play that role on approach from the west along Footscray Road and Harbour Esplanade. We suggest that the applicant should prepare a series of photomontage views along Footscray Road / Harbour Esplanade from Little Docklands Drive up to the subject site to justify the proposal in terms of the landmark role and axial view. Provision of the 3D model may also assist in making this assessment.

We submit that the proposed development is an exemplary response to this landmark site. The Urban Context Report includes a number of view studies, and photomontages are in the process of being prepared and can be provided for review, demonstrating the building's role as a landmark. Additional views towards the tower have also been provided within the Tower Separation Study.

We note that the 3D model was issued to DTP and can be provided to MCC for review if it has not been already.

Tower height

With regard to the overall building height, we accept that the proposed height could be considered to be acceptable in built form and urban morphology terms. Although the proposal is considerably

We agree with the urban design team's observations regarding the morphology of the site and its surrounding context, and submit that the proposed scale has been carefully considered having regard to this context. The scale and design has been developed in

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taller than the current approval for the site (approximately 90 metres compared to 131 metres), the recent approval of outline plans for as part of the Stadium Upgrade would establish (smaller but) similarly scaled buildings immediately to the south. There is a logic, in urban morphology, in wayfinding and legibility, that the corner site accommodate a landmark that may also be the tallest building.

Due to the overall height, it shadows the stadium and therefore does not respond to the objectives and guidelines of the DDO52. Whilst technologies may have improved for turf management it is considered the overall height of the proposal continues to have unreasonable impacts from an overshadowing perspective.

response to the emerging character and will contribute to a legible, pleasant public realm.

With respect to overshadowing to the playing surface, we note that the submitted shadow diagrams include the extent of overshadowing caused by the approved Harbour Esplanade Precinct development. Considering these shadows for 22 September and 22 June, no additional overshadowing will result at any of the indicated times. A detailed shadow study indicates a further 0.2% shadow for a period of 15 minutes on 21 June, and no other additional shadow. This shadow is negligible and as such we consider the proposal responds appropriately to the decision guideline of the DDO52.

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Massing and composition

The overall tower composition is generally well configured but the lack of a setback above the podium to the east is problematic and the modest 3m setback along an angled site boundary may present issues given the approved envelope to the south. The reduced setback from Harbour Esplanade is also problematic in terms of increased shadowing of the public realm.

The scale of the podium proposed, in the order of 25-30m is appropriate for its context, it is commensurate with the recent neighbouring forms and ARM's Port 1010 Digital Harbour Building on the opposite LaTrobe Street corner and is appropriate.

Despite a significant tower floorplate - in the order of 1500m² - the mass, in a broad terms, is well broken-down across the mid-section of its almost 60m elevation to La Trobe Street. The compositional arrangement of a main tower element (dominant facade)

We appreciate the urban design team's comments with respect to the overall composition and configuration.

As we have discussed at length above, the proposed separation to the south has been well-considered and avoids the creation of a 'wall effect'.

With respect to overshadowing to Harbour Esplanade, we submit that the extent of shadow is acceptable; and that increasing the set back would not materially reduce the extent of shadow.

We note the urban design team's observations with respect to the podium and the design of the floorplate.

Similar to the tower separation to the south, we submit that the proposed separation to the east is sufficient, as is demonstrated within the Tower Setback Study. Providing a setback above the podium is unlikely to materially change the presentation to La Trobe Street. We submit that the articulation of the building into two key façade components, combined with the 10-11 metre

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positioned close to the prominent corner on the north west with a minimal 2.6m setback and the secondary tower form (recessive facade) to the east with a more substantial 4.4m setback and intervening vertical break with a broad balcony included, combine to successfully break down the LaTrobe Street elevation.

The east elevation is largely screened by the recently completed Home development while the L-shaped plan helps to avoid any particular concerns around visual bulk in views from the south and the Harbourside to the west.

While there is a separation between the proposed tower and the recently completed tower to the east of around 10-11m, which is appropriate for building separation from the perspective of overlooking and privacy, it does not help in the avoidance of a wall effect on LaTrobe Street and in views on approach from the west along Footscray Road and Harbor Esplanade. The lack of a setback above the podium, undermines the reading of the tower / podium arrangement from within LaTrobe Street. we recommend a setback is introduced above the podium at the east elevation.

The 3m setback to the south is also insufficient to avoid a potential 'wall of towers'. Demonstrate a 10 metre tower setback between proposed development and the Stadium Upgrade Incorporated Document/ Harbour Esplanade 3 tower development to avoid a 'wall of towers'.

The reduction in the height, by 5 levels at the top, of the eastern portion of the tower, which was recommended in earlier advice, appears have positive effect in improving the overall mass. However, the reduction in height is only applied to the portion fronting LaTrobe Street and it is difficult to make a complete assessment regarding its

separation from the adjoining building, ensures that the visual presentation to La Trobe Street is not overbearing and does not create a wall effect. We additionally note that as it presents to La Trobe Street, the adjoining development has essentially zero side setback at upper levels due to the angle of the laneway between the two sites.

The existing context is one of sheer towers with minimal upper level setbacks to the side boundaries, with separation provided by the walkways between sites. By adopting a consistent approach, the proposal is well articulated to ensure sufficient sense of space is provided between tower forms.

The separation of towers when viewed from Harbour Esplanade has been addressed in detail in our RFI response letter and the Tower Separation Study prepared by Fender Katsalidis Architects.

We note that the 3D model has previously been provided to DTP, and can be reissued to MCC directly if necessary.

success without the assistance of the virtual model given the southern portion is retained to the full height of the building. The 3D model would also be of assistance in assessing other massing concerns relating to the prospect of a 'wall effect', both as proposed and with potential neighbouring development.

Overshadowing of the public realm

The Local Policy identifies Harbour Esplanade and the Victoria Harbour Waterfront as a priority open space. The Local Policy also states that public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox. While the Planning Scheme Amendment for the Harbour Esplanade Precinct (Stadium Upgrade) has created the potential for increased shadow of this important place, we feel it is of great importance that extent of shadow is not increased at either the solstice or equinox.

The modest setback from the Harbour Esplanade, both at the podium level and in the rising form, increases shadows on the waterfront promenade between 11am and 12.30pm on the equinox and at around 1pm at the winter solstice. In both instances the proposal increases the shadow allowed by the Stadium Upgrade project and exacerbate an already poor outcome for this challenged but potentially highly valued public open space. We suggest further modelling to understand the implications of a modest reduction in height to improve the extent of overshadowing at the solstice and to increase the setback by a further 4m from Harbour Esplanade.

Ground floor activation

The site frontage to Harbour Esplanade makes it difficult to establish a well-defined public realm across the site frontage. The curved frontage at the south western co created by the

As submitted within the original application and discussed above, the extent of shadowing to Harbour Esplanade is not unreasonable, and will not prejudice the amenity or usability of this space. We note the extensive shadow already cast to this area, and consider that the proposal's shadow is commensurate with what already exists in this area.

Additionally, we note that Harbour Esplanade is entirely unshaded in the afternoon, ensuring sunlight is available from 1pm to 3pm. We submit that this is an appropriate response to the policy guideline at Clause 11.03-6L-03. Increasing the setback or reducing the height will have negligible impacts on the shadow to Harbour Esplanade.

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With respect to Ron Casey Lane, we note that this forms part of the Lot 1 land and as such its removal is not within the control of the applicant. Additionally, the Harbour Esplanade Precinct approved under amendment C438melb relies on Ron Casey

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protrusion of the adjacent parcel in the inclusion of the (informal) "Ron Casey Lane" drop off area, reduces the site frontage and creates a quasi-private space at the front of the building.

The consequence of this irregular frontage is felt at the front of the building where it would interface with "Ron Casey Lane". The setback of the building is modest from this private laneway but there is a vast expanse from the Harbour Esplanade frontage.

Given the work required to rationalise and resolve the issues with the existing arrangement of easements around the site it is very strange, from an urban design perspective, that this has been allowed to remain. A vehicle drop off, breaking the pedestrian footpath twice, is very poor outcome for a highly pedestrianised environment such as Harbour Esplanade. We urge the proponent and other relevant land managers to reconsider this move and establish a consistent building line along this important promenade.

The ground floor as it addresses this space is also a poor urban outcome with a large undercroft space, with a number (9) of large columns, intended to be landscaped and vegetated. While the public and private realms are not well defined in this arrangement and the opportunities for an active frontage are limited, we also have concerns about the viability of successful landscape in such a compromised space and note the potential for columns to provide entrapment spaces. The building entrance is also recessed in this space and would have limited visibility at quiet times.

Understanding the concerns and requirements around flooding, we recommend that the ground floor building line is brought forward, much closer to Harbour Esplanade, to provide

Lane as a drop-off area. As such, Ron Casey Lane must be retained.

Otherwise, with respect to the landscaped forecourt and the proposal's response to the *Good Design Guide for Buildings in Flood Affected Areas*, we refer to the discussion earlier in this letter.

safe access and an active frontage to the building with a well defined public realm. The Good Design Guide for Buildings in Flood Affected Areas provides advice managing the flood risk within the building line.

The ground floor arrangement at the corner of the site, on Harbour Esplanade and LaTrobe Street has more potential to activate the edge of the building. We recommend that lounges and kitchen areas are formalised as lettable spaces (retail premises/ tenancies) to welcome both residents and the general public.

Materials

We feel that it is important for the building expression that the use of brick as a structural element is believable. It is expected that where brick is proposed at the lower level 2 levels that the bricks would be hand-laid bricks, in other parts of the building where there may be inlay face bricks or brick snaps proposed, we expect the façade strategy to show how whole bricks will be detailed at corners and other parts where brick depth is required.

Noted. As identified within the RFI response, the proposal will incorporate hand-laid bricks at lower elements. The Façade Strategy (to be required as a condition of permit) will provide detail of the brick treatment and other cladding.

ESD and Green Infrastructure Advice

General

The development commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 Energy and resource efficiency and Clause 19.03-3L Stormwater management (water sensitive urban design) of the Melbourne Planning Scheme.

There are however issues that still need to be resolved and most relate to providing further information at the planning stage to provide confidence that the development can achieve the aspirations outlined in the SMP.

The proposal will be registered following approval, if a permit is issued.

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Certification commitments

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The SMP indicates there is intention to register and certify the project with the GBCA.

It is advised that the project is registered for 5 Star Green Star Buildings – V1 Revision B tool or equivalent, and evidence is provided in an updated SMP.

The development is targeting 48 points which is supported and allows a buffer for credits

Responsible 5/17 points

01 Green Star Accredited Professional – Provide details of the Green Star Accredited Professional (individual) who has been engaged on the project.

02 Responsible Construction – The project is committing to 90% of construction and demolition waste is diverted from landfill.

03 Verification and Handover – Schematic design stage should provide a review of the proposed design including an air barrier schematic, and to detail a proposed air tightness target. Additionally the environmental performance targets should also be provided.

04 Operational Waste Management – Credit is dependent upon review and approval from the waste team. The submitted Waste Management Plan references the requirements of this credit.

Richard Stokes of Arup is the Green Star Accredited Professional.

We request that the remaining items are included on a condition.

Healthy 8/14 points

11 Light Quality – A narrative needs to be provided that describes the buildings daylight, view and external glare control strategy. The preliminary modelling provided is adequate given the credit achievement standard will not be pursued. SMP indicates Visual Light Transmittance for glazing is 60%, this should be provided on elevations.

We request that the following updates be included as conditions. We request that the condition not specify 60% VLT, as achieving this will be subject to final glazing specifications. We consider it unnecessary to require this by way of condition.

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14 Amenity and Comfort – The SMP lists the number of amenity rooms provided in the development.

Resilient 2/8 points

16 Climate Change Resilience – Provide a copy of the pre-screening climate change checklist, the design phase is the right time to be identifying extreme and high risks. A project specific climate change risk and adaptation assessment should be provided prior to development commencing.

19 Heat Resilience – Provide evidence via a site plan which itemises and calculates at least 75% of the whole site area comprises of one or a combination of strategies that reduce the heat island effect.

DTP may include the pre-screening climate change checklist as a condition on the permit, should one issue.

Heat Resilience is addressed within Appendix F of the submitted SMP (page 49).

Positive 14/30 points

21 Upfront Carbon Emissions – The development provides adequate information that indicates it can achieve a 20% reduction compared to a standard reference building.

22 Energy Use – The sample of NatHERS assessments provided are just adequate to be representative of the whole development and meet the credit requirements. To align with Amendment C376 standards an average of 7.5 NatHERS would be preferred.

The SMP is committing to a 62kW PV System and 94 panels are shown on the town planning drawing. A note needs to be provided on the drawings indicating the total system size.

25 Water Use – 27% reduction is provided as adequate evidence in the SMP, exceeding the minimum threshold of 10%.

We note the preference for 7.5 NatHERS as part of C376melb. As this amendment is not yet gazetted, we consider that the proposal's Green Star response is appropriate.

Detail of the PV system can be included on the drawings as a condition of permit, should one issue.

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Places 5/8 points

27 Movement and Place – Provide evidence via the Movement and Place calculator that the project is meeting the minimum requirements in regards to bicycle parking spaces and associated change facilities, electric vehicle parking spaces and related infrastructure, a reduction in car parking and how the development prioritises walking.

The Traffic Impact Assessment report by MCG is referenced however the report is only stating planning scheme references as benchmarks where the Green Star credit requirements should also be referenced and ideally a copy of the movement and place calculator is provided.

29 Contribution to Place – Provide an update to the urban context report (or provide a cross reference to the report) that shows how the building contributes to the liveability of the wider urban context and enhances the public realm. Identify local challenges that the building can help to address. The Melbourne Design Guide is provided as a reference and specific alignment to activation of public spaces is of interest.

The results from the GreenStar Movement and Place calculator are included at Appendix G, page 52.

The Urban Context Report as submitted provides sufficient information regarding activation and the public realm.

People 5/9 points

32 Indigenous Inclusion – The pursuit of this credit is supported by the City of Melbourne, further detail should be provided on the nominated pathway ie an active role in the organisational Reconciliation Action Plan or the buildings design and construction practices incorporate indigenous design and planning principles.

We request that further detail of compliance with this standard is provided as a condition of permit, should one issue. We note that the SMP does not specify the RAP as the proposed pathway for achieving this standard.

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Nature 4/14 points

36 Biodiversity Enhancement – Provide further information indicating that at a minimum the external landscape of the

Appendix D of the SMP demonstrates the extensive landscaping proposed within the development. We request that the updates required to the landscape drawings to

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building achieves either 30% of the site area or a ratio of 1:300 of the GFA. =

The commitment to achieve a Green Factor tool score of 0.55 is supported however further evidence is needed including a Green Factor scorecard and landscape drawings that indicate where all inputs into the tool are located.

39 Waterway Protection – The Stormwater Management Plan that has been submitted meets the minimum requirements for stormwater flow and quality.

The planning drawings do show a rainwater tank however it needs to be clear it is 40kL and include a note of intended reuse to toilets (to specified levels), irrigation and wash down.

The proposed proprietary devices (SPEL Ecoceptor 1500) if being retained as it is not currently listed by SQIDEP (<https://www.stormwateraustralia.com.au/sqidep-stormwater-quality-improvement-device-evaluation-protocol/>)

Any proprietary device needs to be shown on the town planning drawings.

demonstrate 30% is achieved be included as a condition.

The Green Factor scorecard can be required as a condition of the permit, should one issue.

Similarly, we request the detail of the water tank and proprietary devices be included as a condition.

Leadership 6/10

Landscape Review

General comments:

- Maximising soil volumes for trees is encouraged, with integrated soil volumes preferred to maximise lateral growth of root systems.
- Encourage us of more native shade tolerant species for ground level to increase biodiversity.
- Remove all artificial lawn from landscape.

Confirmation of the proposed landscape design can be required as a condition of permit, should one issue. We request that the condition provide sufficient flexibility to ensure that the landscape outcome is practical given the constraints of the site and its climatic requirements.

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Amended SMP Report

Before development commences, an amended Sustainable Management Plan

The proponent accepts the proposed conditions.

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(SMP) report to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by ARUP (23 August 2024), but modified to include or show:

- (a) An air barrier schematic and proposed air tightness target
- (b) Evidence of a risk and opportunities assessment and a responsible procurement plan
- (c) Provide calculations that demonstrate the amount of space that has adequate daylight as a proportion of the total regularly occupied areas of the building
- (d) A copy of the pre-screening climate change checklist. Prior to construction a project specific climate change risk and adaptation plan needs to be provided.
- (e) Provide the Green Star movement and place calculator indicating 3 points can be achieved by the development
- (f) Evidence that shows at least 75% of the whole site area comprises of one or a combination of strategies that reduce the heat island effect.
- (g) Provide a Green Factor scorecard and a plan that shows where all of the Green infrastructure elements provided in the tool are located.
- (h) Provide notes and labels on plans that show materials that are included in the 75% compliance area for the urban heat island requirements
- (i) Provide a note on the roof plan that indicates the PV system size is 62kw



- (j) Provide a note on the floor plans showing the volume of the rainwater tank as at least 40kL including a notation for intended reuse for toilets, irrigation and washdown.
- (k) Show the location of any third party certified proprietary devices on the planning drawings
- (l) Indicate the Visual Light Transmittance value for all glazing on the elevations

Implementation of Sustainable Management Plan Report

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended SMP have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP have been implemented in accordance with the relevant approved plans.

Green Star Buildings Certification

Within 24 months from the date of occupancy evidence of a certified 5 Star Green Star Buildings rating should be provided.

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