

**Ministerial Planning Referral: TPM-2023-3**  
**899-913 Collins Street, Docklands**

21 November 2023

**Presenter:** Matthew Metaxas, Manager Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of Ministerial planning permit application PA2302206 seeking approval for the development of land located at 899-913 Collins Street, Docklands (refer Attachment 2 – Locality Plan).
2. The proposal seeks the construction of a 24-storey residential building (refer Attachment 3 – Plans) including 499 dwellings. The dwellings are proposed to be delivered under a ‘build-to-rent’ model. The proposal includes internal and external communal facilities for the recreation and amenity needs of future residents and exceeds the requirements of the Better Apartment Design Standards. Within the podium of the proposed building, accessed via Tom Thumb Lane to the east, are 103 car spaces and 412 bicycle spaces.
3. The subject site is within the Docklands Zone, Schedule 2 and is affected by the Design and Development Overlay, Schedule 12 (DDO12 Noise Attenuation Area) and Schedule 50 (DDO50 Victoria Harbour Precinct), the Development Plan Overlay, Schedule 3 (DPO3 Victoria Harbour Precinct), and the Parking Overlay, Schedule 6 (PO6 Docklands – Victoria Harbour).
4. The Department of Transport and Planning (DTP) on behalf of the Minister for Planning has given notice of the application to the City of Melbourne under section 52(1)(b) of the *Planning and Environment Act 1987* (the Act).

**Key issues**

5. The key considerations of the application is its consistency with the Victoria Harbour Development Plan 2010 (Development Plan), the proposed built form (including building height and setbacks), internal amenity, public realm interfaces, sustainable design, car parking, and the impacts of wind and overshadowing.
6. The Development Plan envisages a predominantly residential building with a commercial and retail offering to Collins Street and to Australia Wharf, a podium of 20-35 metres, a tower of 85-95 metres, and a gross floor area of 45,296 m<sup>2</sup> (with 250 apartments and 275 car parking spaces). With a 17.66 metre podium and a maximum height of 80.64 metre (excluding building services) the proposal is in accordance with the built form provisions of the Development Plan and DDO50. There are some variations sought regarding the shape of the building, number of apartments, and the number of car parking spaces. These variations are considered generally in accordance with the Development Plan.
7. With respect to the ground floor land uses, the permit applicant was provided consistent advice through the planning permit process (including pre-application discussions), that a publicly accessible retail / commercial offering must be provided to the ground floor to ensure an active frontage to the street in response to the policies of the Melbourne Planning Scheme. Consistent with this advice, management is recommending conditions to DTP to achieve this outcome (refer Attachment 4 – Delegate Report).
8. Impacts on the public realm including wind and overshadowing are well resolved and compliant with the relevant provisions of the Melbourne Planning Scheme. The amenity provided for all dwellings is compliant with the Better Apartment Design Standards.
9. Consistent with the Development Plan, prior to the occupation of the building (should it be approved) the development will require the construction (with the City of Melbourne) of Bourke Dock park and Australia Wharf. These areas will form publicly accessible parks and thoroughfares for residents and visitors to Docklands and link with the City of Melbourne’s Greenline project.

**Recommendation from management**

10. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the application, subject to conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

**Attachments:**

1. Supporting Attachment (Page 2 of 80)
2. Locality Plan (Page 3 of 80)
3. Selected Plans (Page 4 of 80)
4. Delegate Report (Page 29 of 80)

**Supporting Attachment**

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**Legal**

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The application is exempt from the notice requirements of sections 52(1)(a), (b) and (d), the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the Act. Therefore Council has no formal status under the Act in relation to the application.

**Finance**

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

**Conflict of interest**

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

**Health and Safety**

5. Relevant planning considerations such as wind impacts, glare and waste management that could impact on health and safety have been considered within the planning permit application and assessment process.

**Stakeholder consultation**

6. Council has not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of DTP acting on behalf of the Minister for Planning.

**Relation to Council policy**

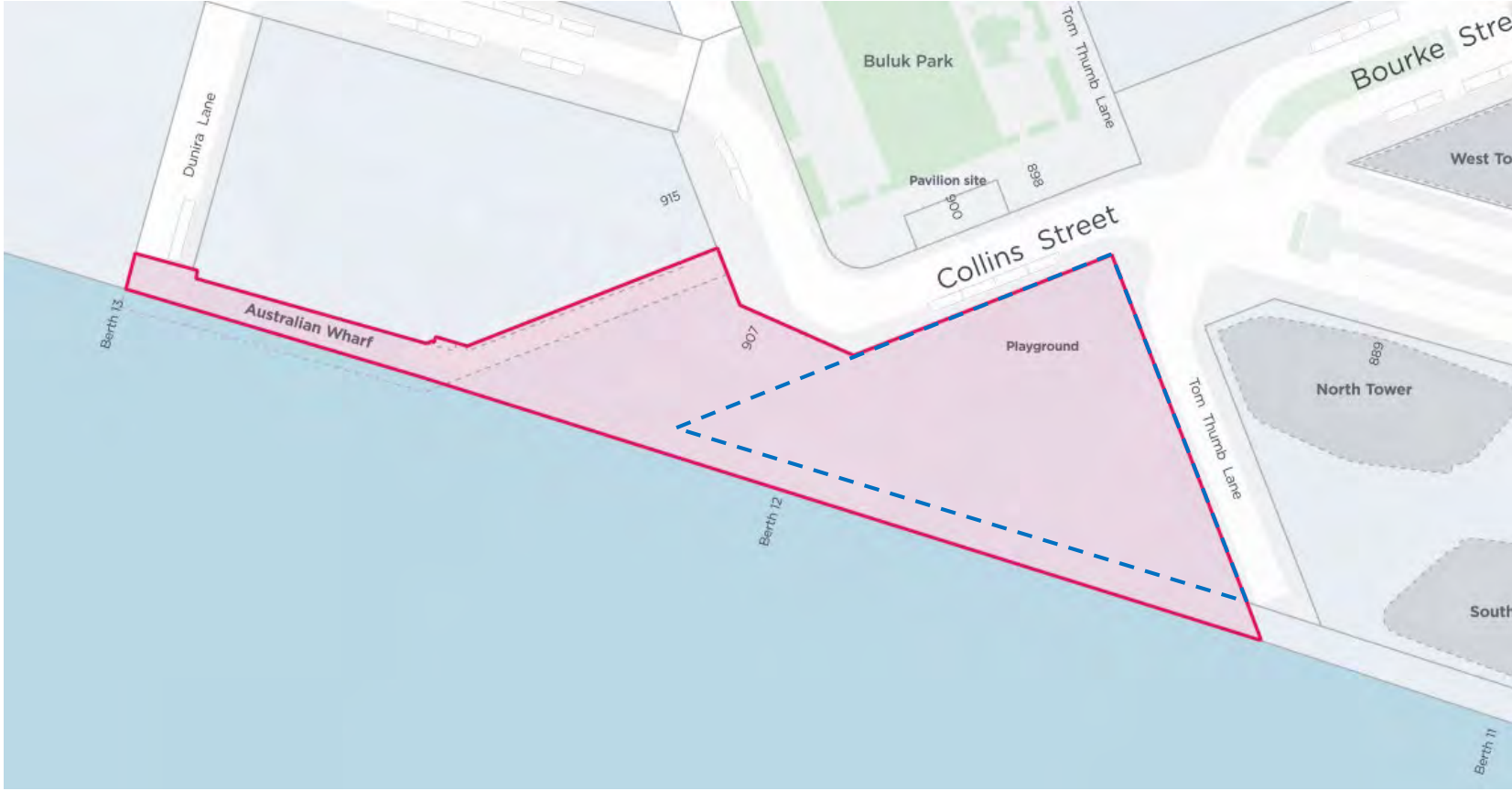
7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

**Environmental sustainability**

8. The Sustainability Management Plan (SMP) report submitted with the application demonstrates that the development will achieve the Environmentally Sustainable Design performance requirements 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.
9. Recommended planning permit conditions require further details of sustainability initiatives within the SMP, for the details to be shown on the architectural plans, and require the implementation of the sustainability initiatives outlined in the SMP.

# Locality Plan

## 899-913 Collins Street, Docklands



899-913 Collins Street, Docklands



Proposed location of the development

# 899 COLLINS STREET

VICTORIA HARBOUR  
Y7

## DRAWING LIST

No.	SHEET NAME
TP-00-000	COVER SHEET - DRAWING INDEX
TP-10-000	SURVEY PLAN
TP-11-000	EXISTING CONTEXT PLAN
TP-11-010	DEMOLITION PLAN
TP-11-020	PROPOSED CONTEXT PLAN
TP-11-030	PROPOSED SITE PLAN
TP-21-000	GROUND FLOOR PLAN
TP-21-005	GROUND MEZZANINE FLOOR PLAN
TP-21-010	LEVEL 1 PLAN
TP-21-020	LEVEL 2 PLAN
TP-21-030	LEVEL 3 PLAN
TP-21-040	LEVEL 4 PLAN
TP-21-050	LEVEL 5-21 PLAN
TP-21-220	LEVEL 22 PLAN
TP-21-230	LEVEL 23 PLAN
TP-21-240	ROOF PLAN
TP-30-001	NORTH ELEVATION
TP-30-002	SOUTH ELEVATION
TP-30-003	EAST ELEVATION
TP-30-100	NORTH FACADE ELEVATION PART 1
TP-30-101	NORTH FACADE ELEVATION PART 2
TP-30-102	NORTH FACADE ELEVATION PART 3
TP-40-001	SECTION
TP-40-002	SECTION
TP-55-000	BADS COMPLIANCE ANALYSIS PLANS
TP-55-001	BADS COMPLIANCE ANALYSIS PLANS
TP-55-100	BADS COMPLIANCE ANALYSIS PLANS
TP-55-101	BADS COMPLIANCE ANALYSIS PLANS
TP-55-102	BADS COMPLIANCE ANALYSIS PLANS
TP-55-103	BADS COMPLIANCE ANALYSIS PLANS
TP-55-104	BADS COMPLIANCE ANALYSIS PLANS
TP-55-105	BADS COMPLIANCE ANALYSIS PLANS
TP-55-106	BADS COMPLIANCE ANALYSIS PLANS
TP-55-107	BADS COMPLIANCE ANALYSIS PLANS
TP-55-108	BADS COMPLIANCE ANALYSIS PLANS
TP-55-200	BADS COMPLIANCE ANALYSIS PLANS
TP-55-201	BADS COMPLIANCE ANALYSIS PLANS
TP-55-202	BADS COMPLIANCE ANALYSIS PLANS
TP-55-203	BADS COMPLIANCE ANALYSIS PLANS
TP-55-204	BADS COMPLIANCE ANALYSIS PLANS
TP-55-205	BADS COMPLIANCE ANALYSIS PLANS
TP-55-206	BADS COMPLIANCE ANALYSIS PLANS
TP-55-207	BADS COMPLIANCE ANALYSIS PLANS
TP-55-208	BADS COMPLIANCE ANALYSIS PLANS
TP-55-300	BADS COMPLIANCE ANALYSIS PLANS
TP-55-301	BADS COMPLIANCE ANALYSIS PLANS
TP-55-302	BADS COMPLIANCE ANALYSIS PLANS
TP-55-303	BADS COMPLIANCE ANALYSIS PLANS




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Rev	Description	By	Date
1	FOR TOWN PLANNING	NA	12.04.23

Client **LENLEASE**

Project No. **322060**

Document Control Status:  
**TOWN PLANNING**

Project **Y7 / 899 Collins Street**

899 Collins St, Victoria Harbour

Drawing Title  
**COVER SHEET - DRAWING INDEX**

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Project Architect: NA

Project Director: PS, SH

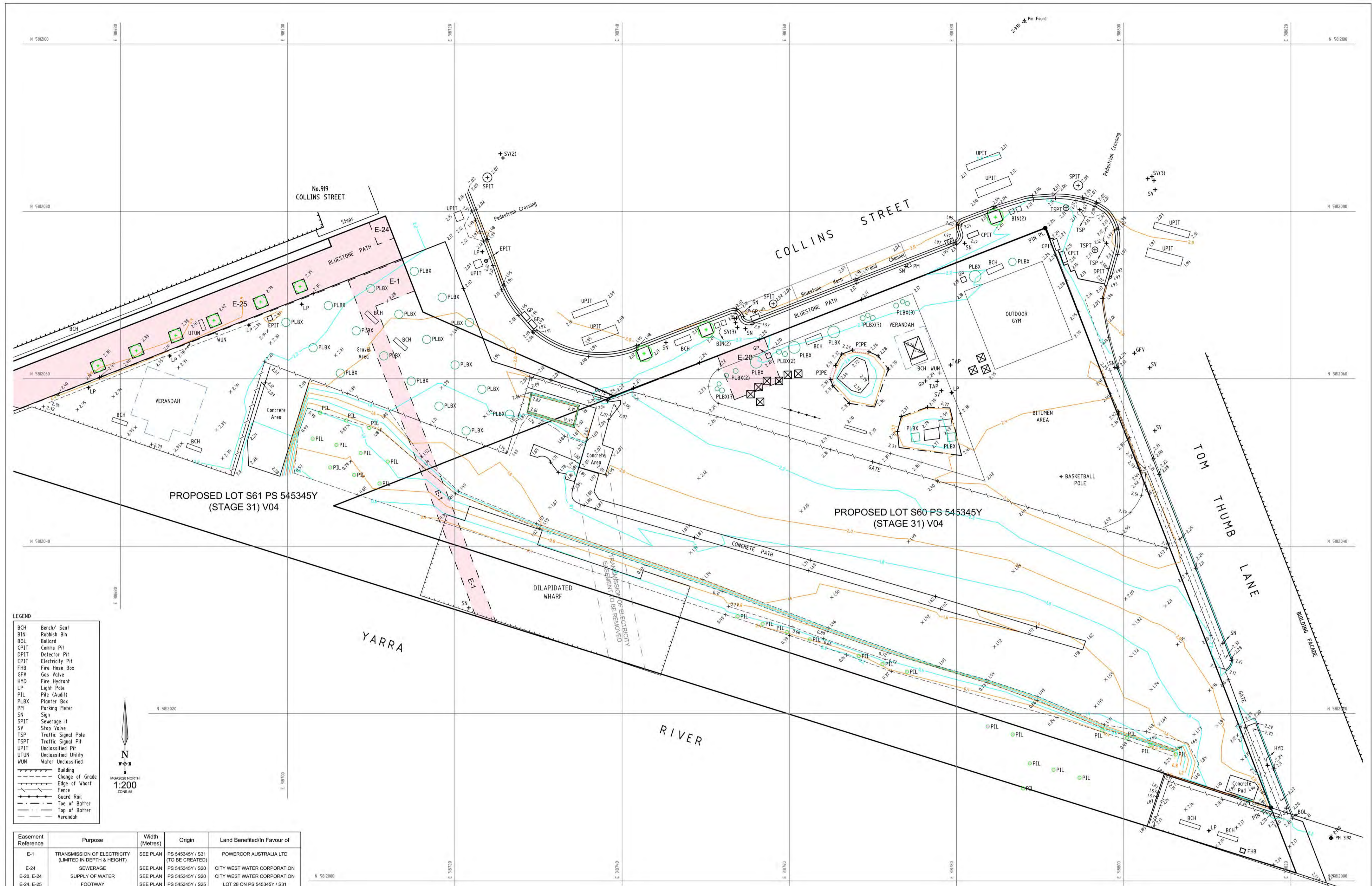
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Drawn: NA, SM, MPV, LL, NW

Scale: @ A1

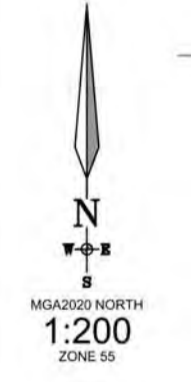
Date: 12/04/23

Revision: **1**



**LEGEND**

BCH	Bench/ Seat
BN	Rubbish Bin
BOL	Bollard
CPIT	Comms Pit
DPIT	Detector Pit
EPIT	Electricity Pit
FHB	Fire Hose Box
GFV	Gas Valve
HYD	Fire Hydrant
LP	Light Pole
PIL	Pole (Audit)
PLBX	Planter Box
PH	Parking Meter
SN	Sign
SPIT	Sewerage Pit
SV	Stop Valve
TSP	Traffic Signal Pole
TSPIT	Traffic Signal Pit
UPIT	Unclassified Pit
UTUN	Unclassified Utility
WUN	Water Unclassified
---	Building
---	Change of Grade
---	Edge of Wharf
---	Fence
---	Guard Rail
---	Toe of Batter
---	Top of Batter
---	Verandah



Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of
E-1	TRANSMISSION OF ELECTRICITY (LIMITED IN DEPTH & HEIGHT)	SEE PLAN	PS 545345Y / S31 (TO BE CREATED)	POWERCOR AUSTRALIA LTD
E-24	SEWERAGE	SEE PLAN	PS 545345Y / S20	CITY WEST WATER CORPORATION
E-20, E-24	SUPPLY OF WATER	SEE PLAN	PS 545345Y / S20	CITY WEST WATER CORPORATION
E-24, E-25	FOOTWAY	SEE PLAN	PS 545345Y / S25	LOT 28 ON PS 545345Y / S31

**MADIGAN SURVEYING**  
 96 MORANG ROAD  
 HAWTHORN 3122  
 PH: 9818 9599  
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 EMAIL: surveyors@madigan.com.au

ISSUE	PREPARED	APPROVED	DATE	AMENDMENTS

SURVEYED	TB	23-1-23
ASSISTED	VC	
DRAWN	KK	25-01-23
CHECKED	TB	02-02-23
LEVEL DATUM	AHD	
CORRD DATUM	MGA2020	
CONTOUR INT.	0.2m	

**lendlease**

**PROJECT**  
 Y7 SITE  
 COLLINS STREET  
 MELBOURNE

**THIS PLAN**  
 FEATURE & LEVEL  
 SURVEY

SCALE (m)  
 1:200 @ A1

DRAWING REF: 3629 113  
 SHEET No. 1 OF 1


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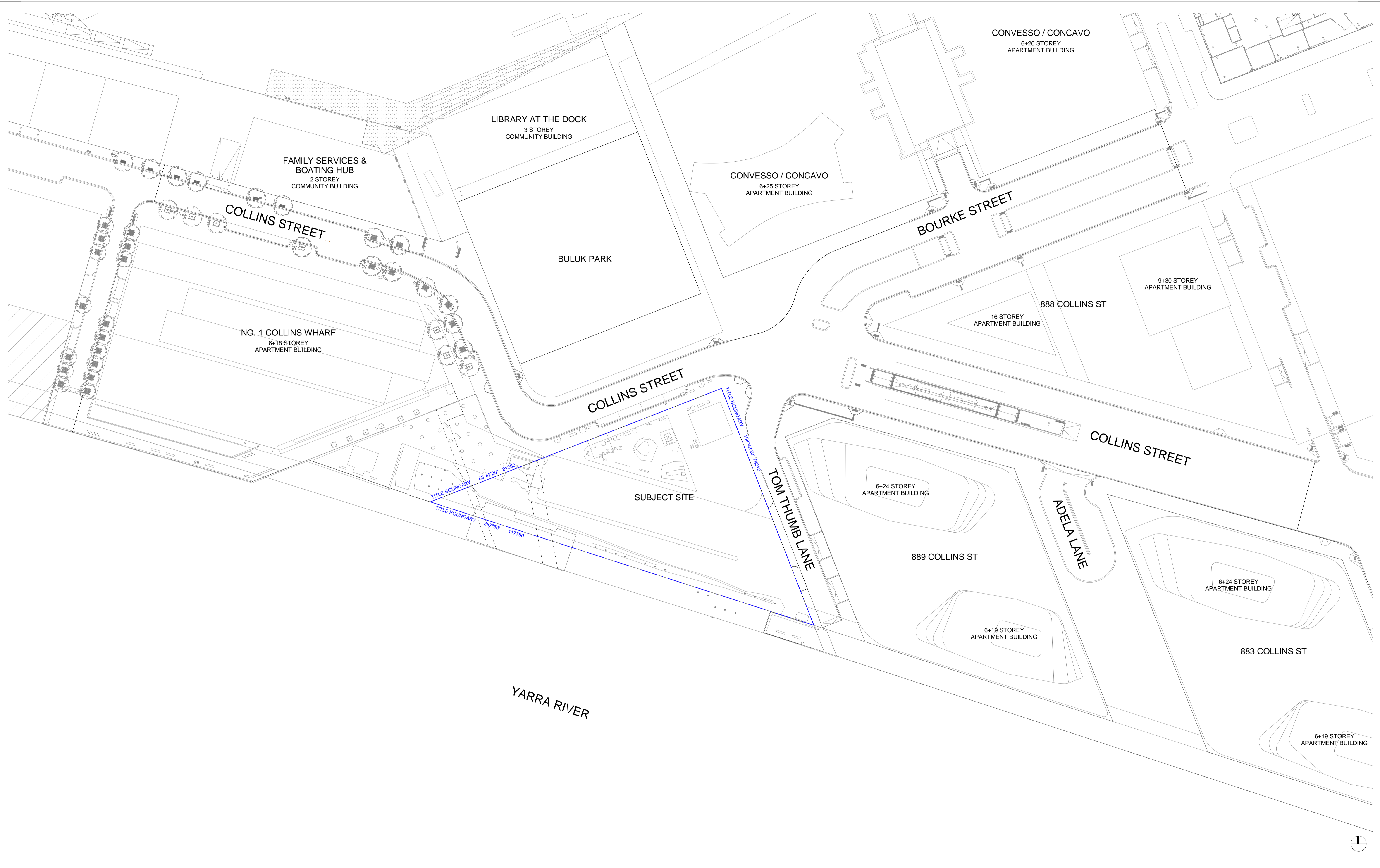
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 899 Collins St, Victoria Harbour  
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**Project Director:** PS, SH  
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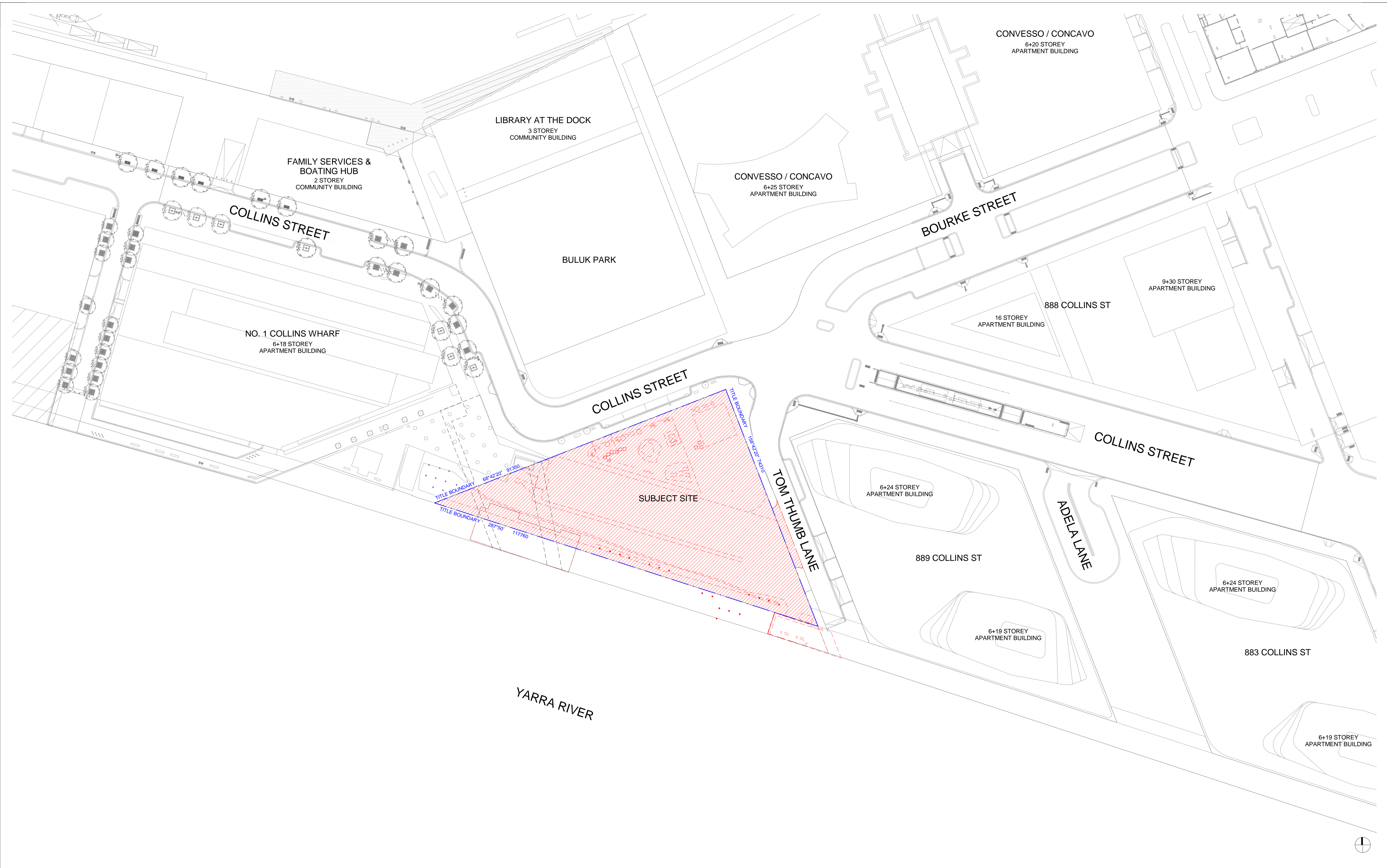
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899 Collins St, Victoria Harbour  
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**Project Architect:** NA  
**Project Director:** PS, SH  
**Drawing Number:** TP-11-000

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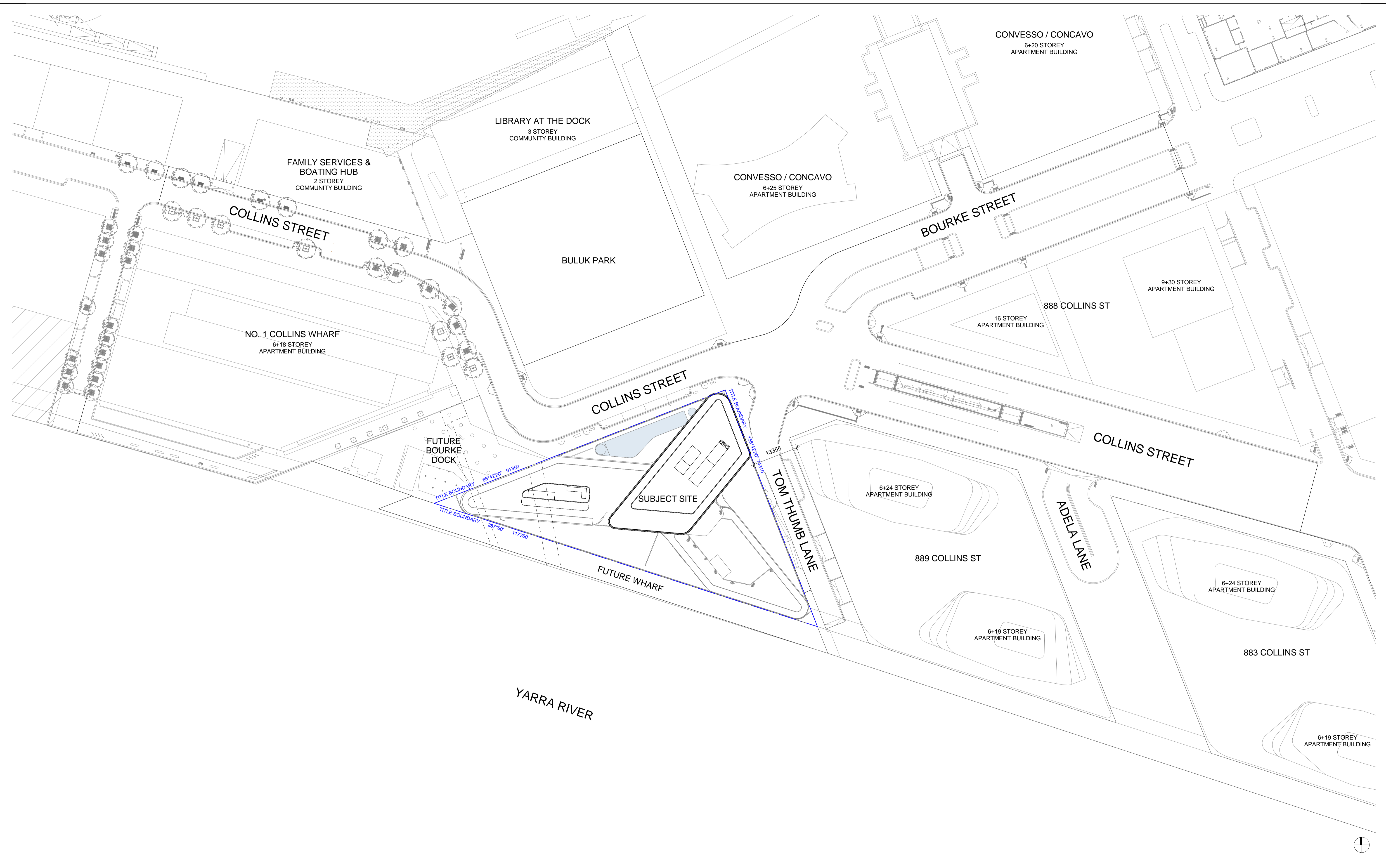
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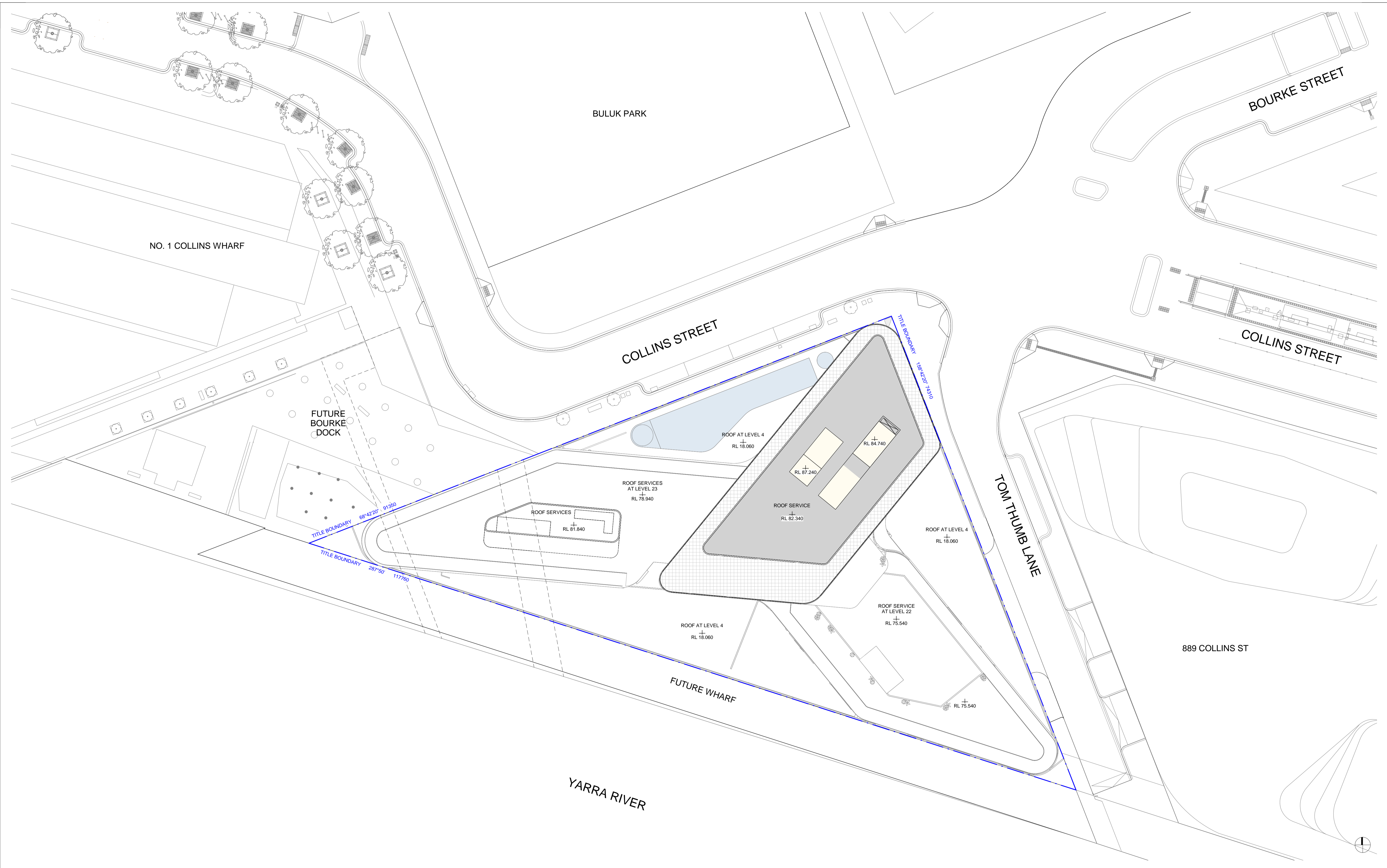
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Co-ordinated: **SM**  
Project Architect: **NA**  
Project Director: **PS, SH**  
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899 Collins St, Victoria Harbour  
Drawing Title: **PROPOSED SITE PLAN**

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Project Director: PS, SH  
Drawing Number: **TP-11-030**

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Scale: 1 : 250 @ A1  
Date: 12/04/23  
Revision: 1



Note :  
The internal layout depicted is not final and is subject to change during the design development process.

- COLOUR LEGEND**
- AMENITY
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  - BTR FOH
  - CARPARK
  - CIRCULATION
  - CORE
  - LOBBY
  - OUTDOOR AMENITY
  - PUBLIC OUTDOOR
  - SERVICES


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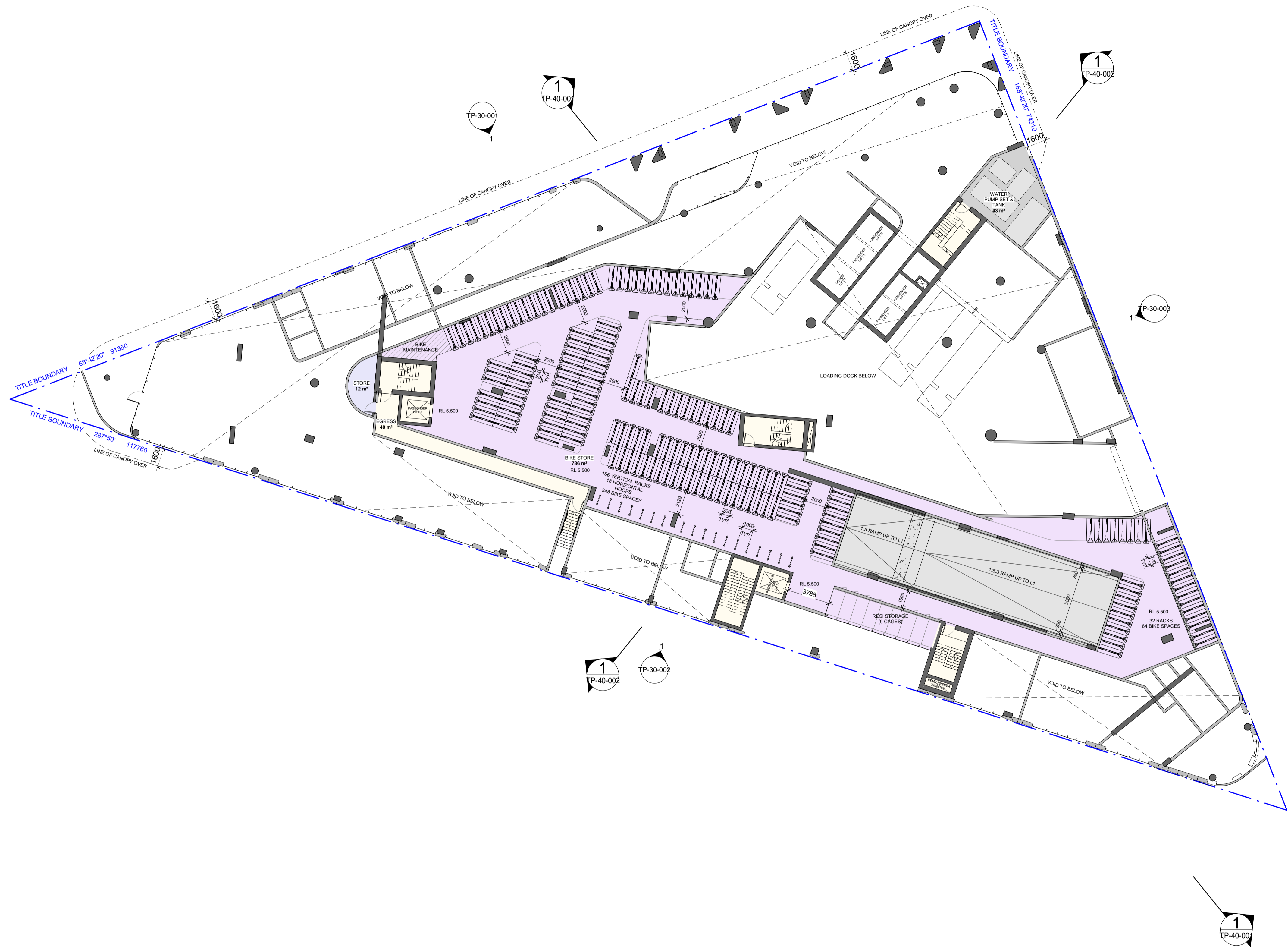
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**Project No.** 322060  
**Document Control Status:**  
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899 Collins St, Victoria Harbour  
**Drawing Title** GROUND FLOOR PLAN

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**COLOR LEGEND**

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- CARPARK
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- SERVICES
- STORE


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**Revision:** 1



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- 2B2B
- CARPARK
- CORE
- CORRIDOR
- GARDEN
- RESI STORAGE
- SERVICES



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Project **Y7 / 899 Collins Street**

899 Collins St, Victoria Harbour

Drawing Title

**LEVEL 1 PLAN**

Co-ordinated:

Project Architect:

Project Director:

Drawing Number:

Drawn:

Scale:

Date:

Revision:

TP-21-010

1



**COLOR LEGEND**

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- RESI STORAGE
- SERVICES

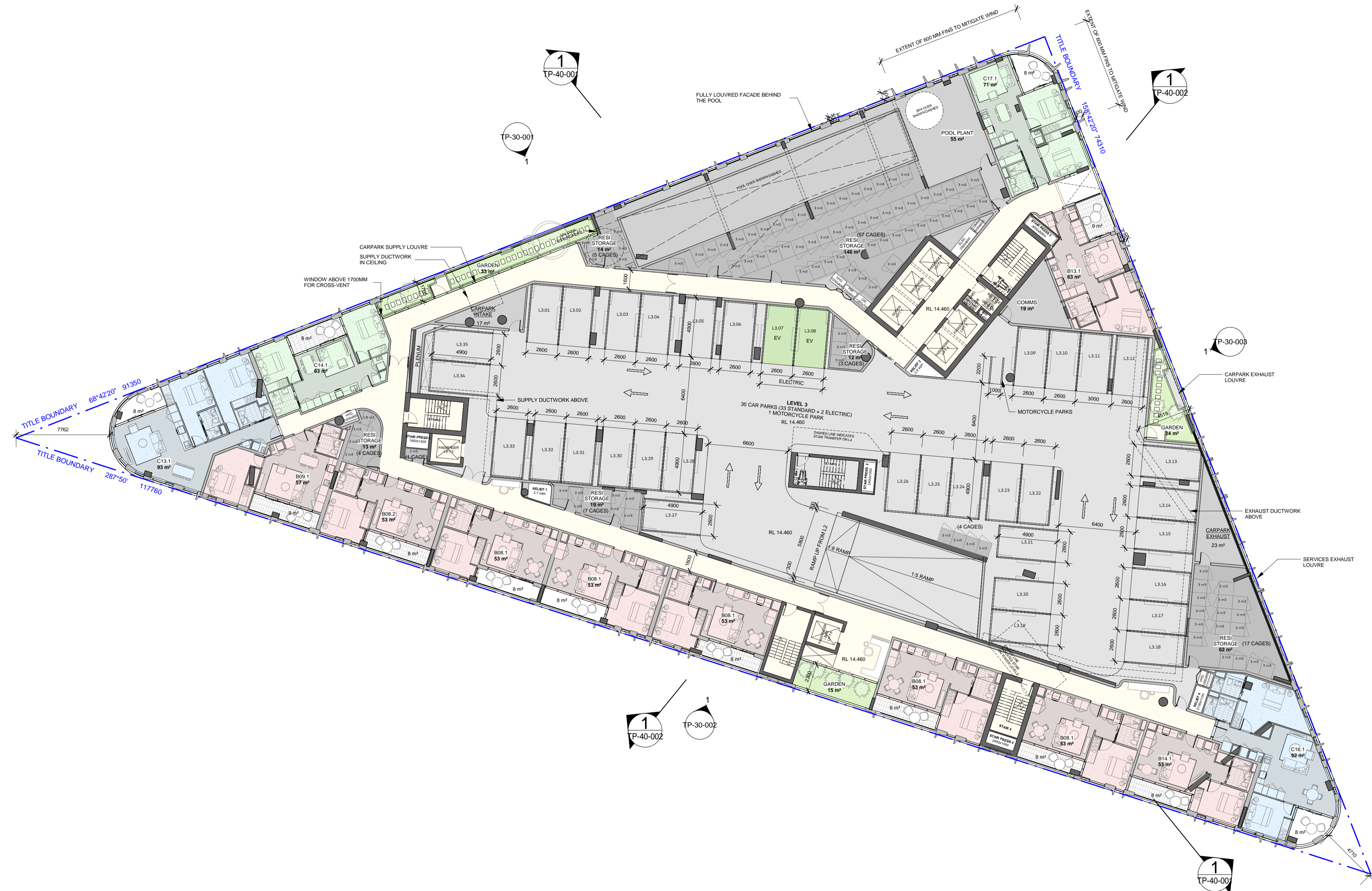

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**Project No.** 322060  
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 899 Collins St, Victoria Harbour  
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**Project Director:** PS, SH  
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**Date:** 12/04/23  
**Revision:**



**COLOR LEGEND**

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- RESI STORAGE
- SERVICES

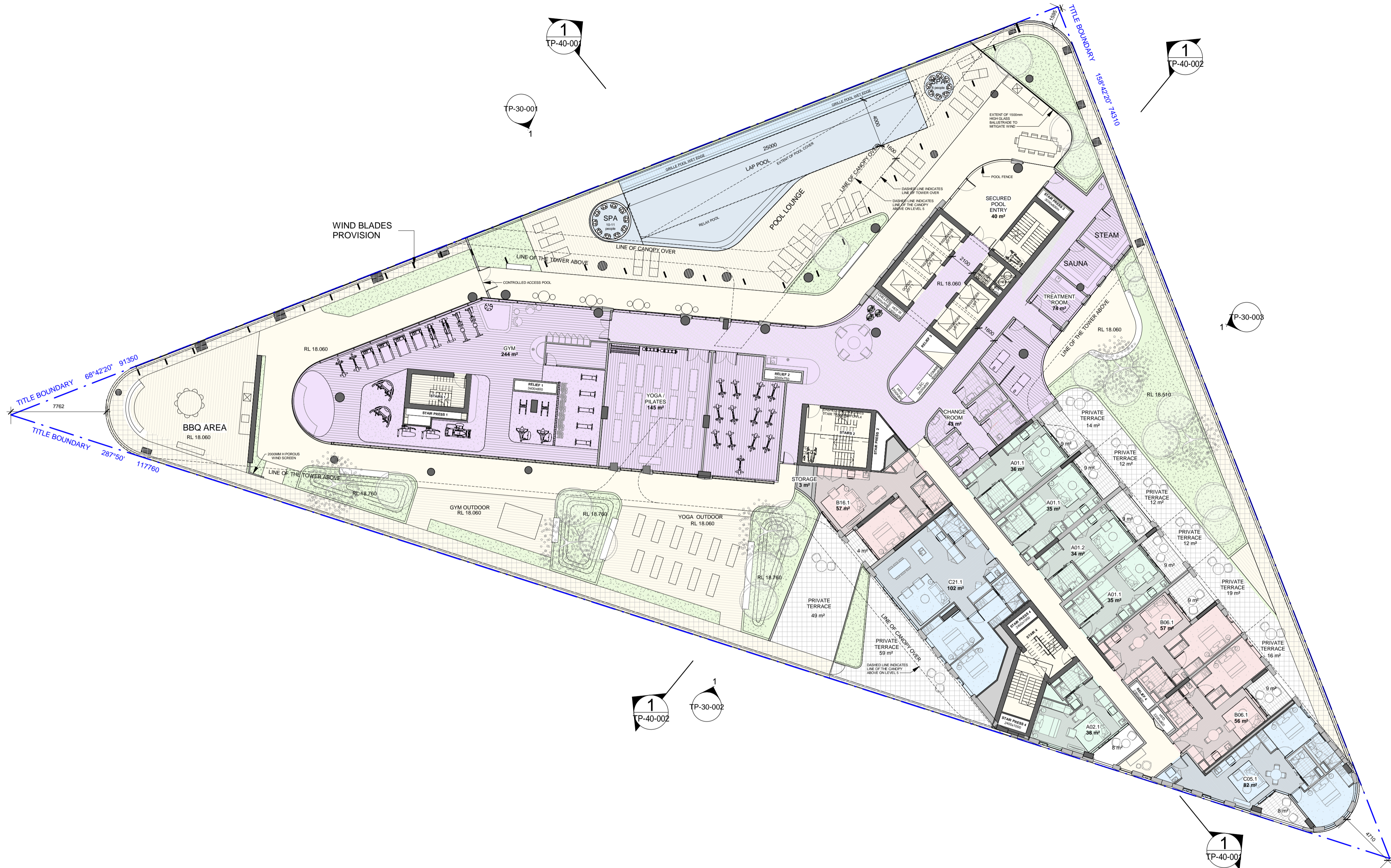

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**Project No.** 322060  
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**Project Director:** PS, SH  
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**Scale:** 1 : 200 @ A1  
**Date:** 12/04/23  
**Revision:**



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  - FACADE ACCESS
  - OUTDOOR AMENITY
  - SERVICES
  - STUDIO
  - UNCOVERED BALC.


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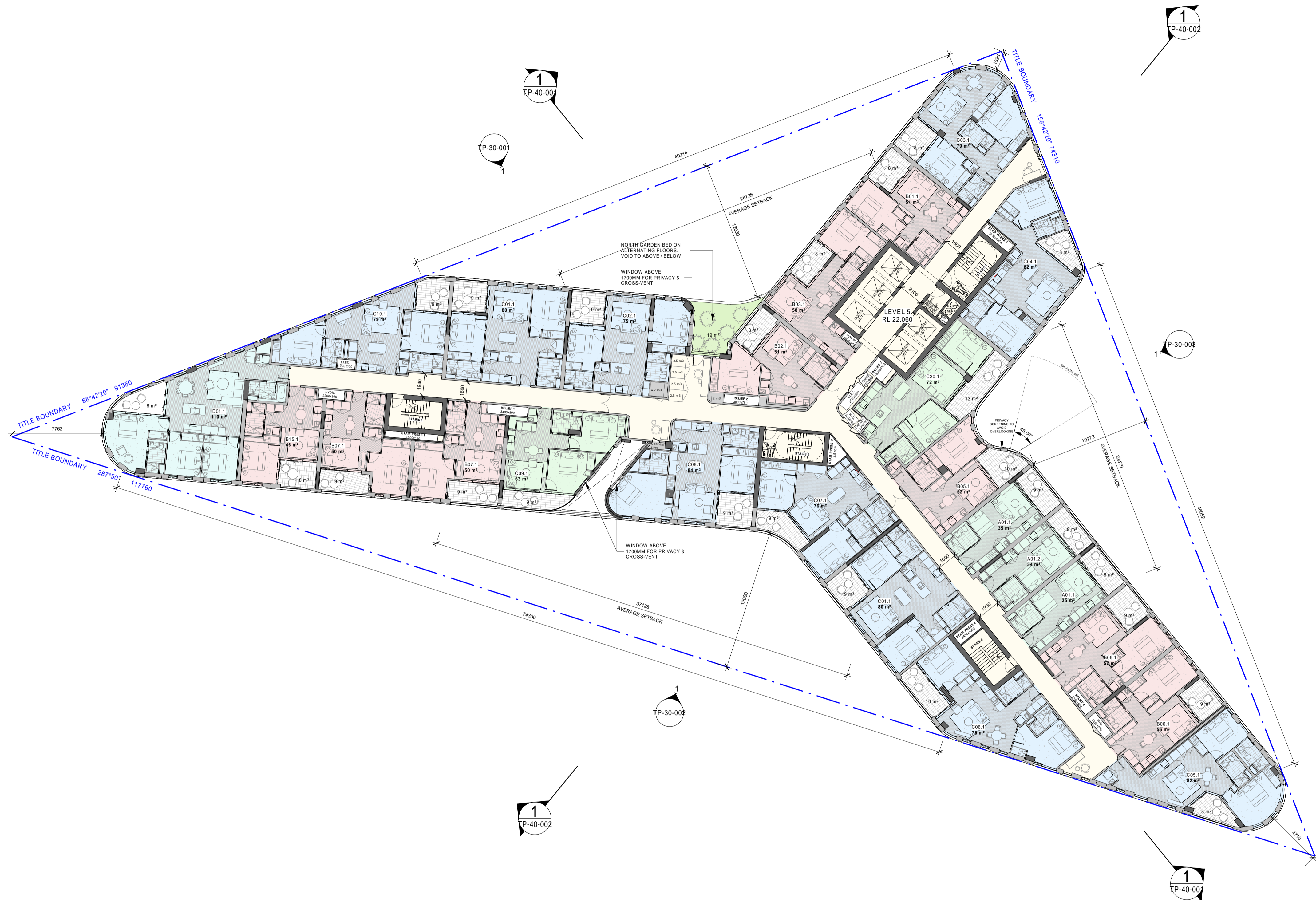
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Project: **Y7 / 899 Collins Street**  
 899 Collins St, Victoria Harbour  
 Drawing Title: **LEVEL 4 PLAN**

Co-ordinated: SM  
 Project Architect: NA  
 Project Director: PS, SH  
 Drawing Number: **TP-21-040**  
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 Scale: 1:200 @ A1  
 Date: 12/04/23  
 Revision: 1





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- 2B2B
- 3B+2B+S
- CORE
- CORRIDOR
- GARDEN
- SERVICES
- STUDIO


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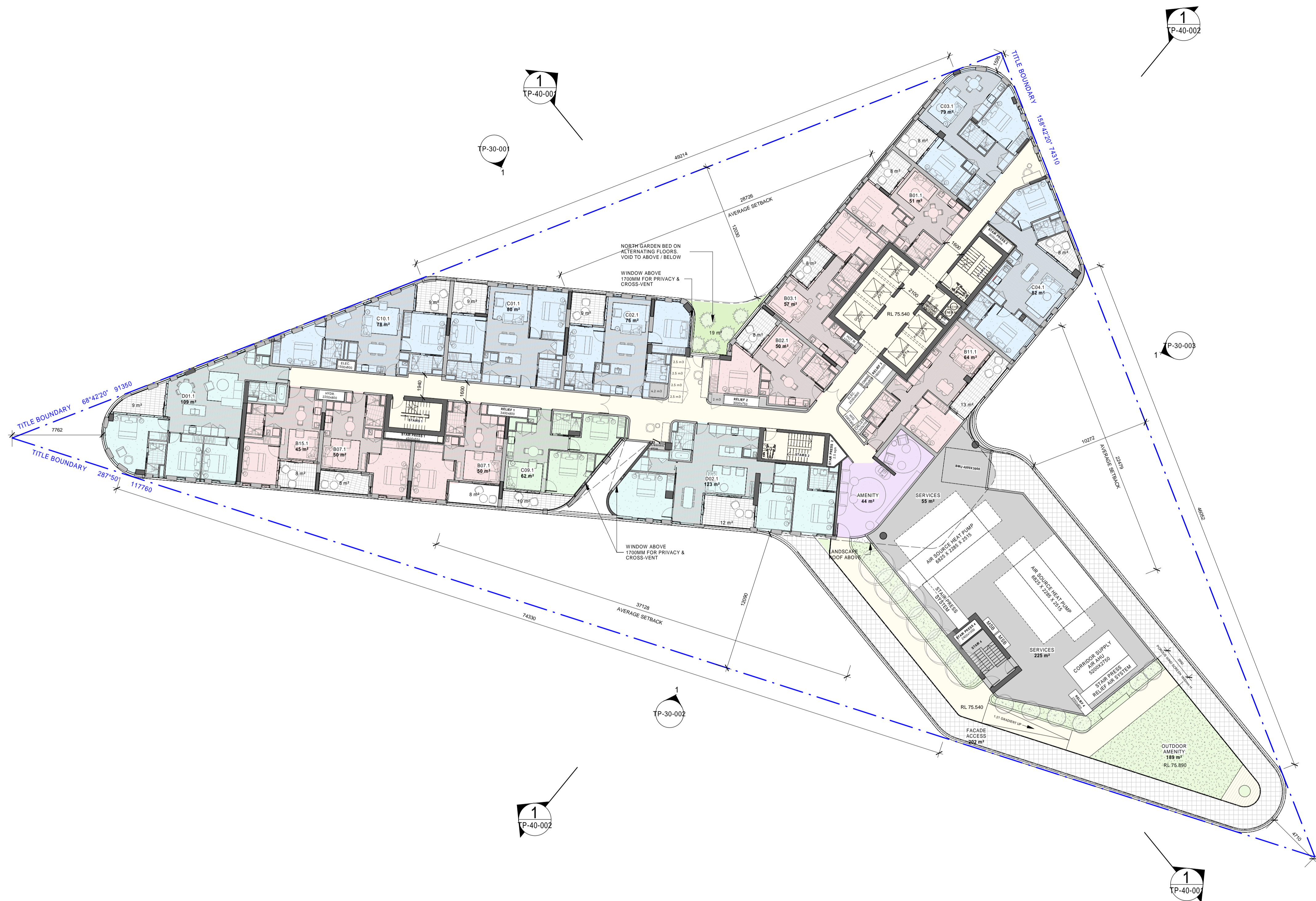
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**Date:** 12/04/23  
**Revision:** 1







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- 2B1B
- 2B2B
- 3B+2B+S
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- CORE
- CORRIDOR
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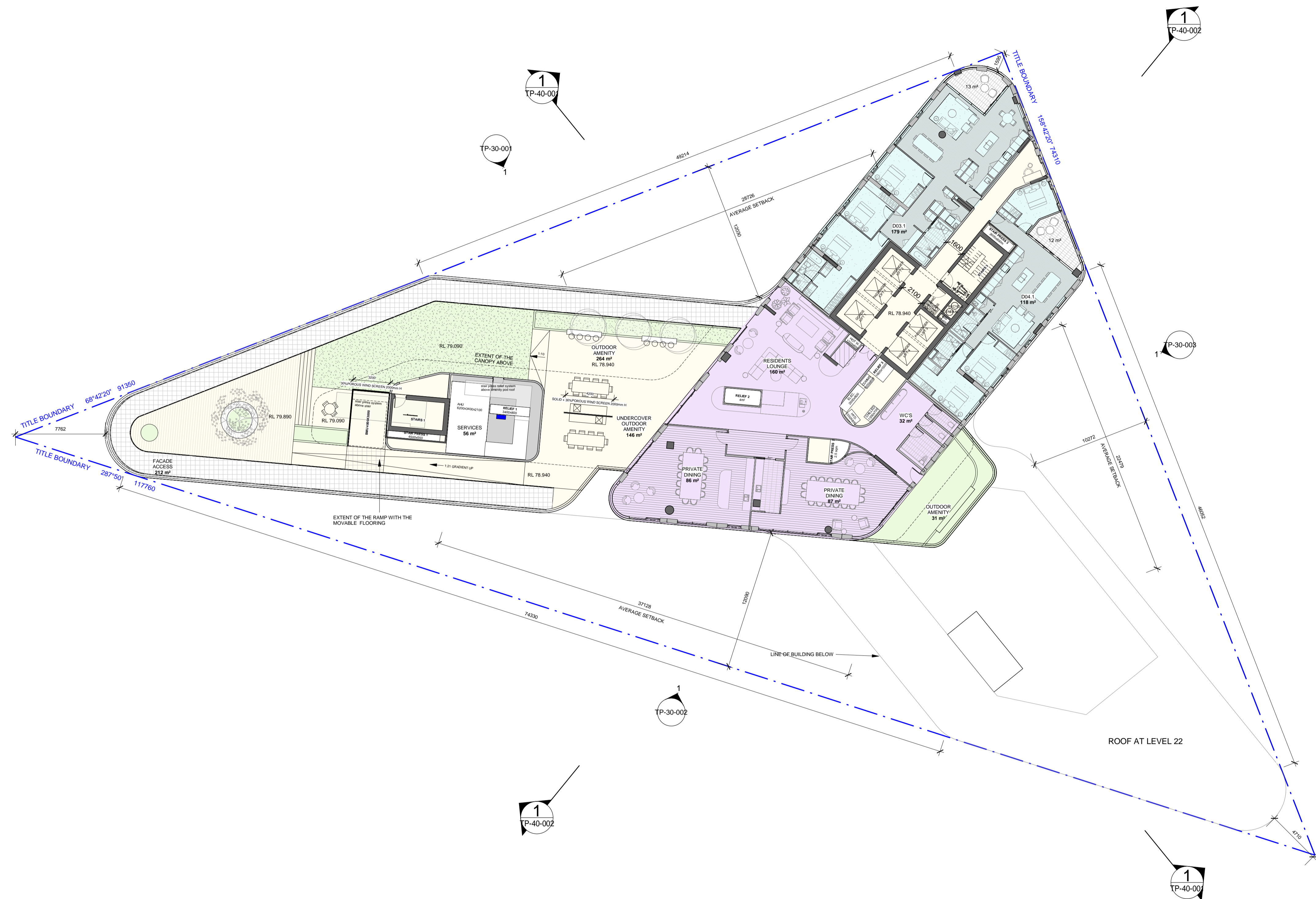
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**TOWN PLANNING**

**Project** Y7 / 899 Collins Street  
899 Collins St, Victoria Harbour  
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**Project Director:** PS, SH  
**Drawing Number:** TP-21-220

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**Date:** 12/04/23  
**Revision:** 1



- COLOR LEGEND**
- 3B+2B+S
  - AMENITY
  - CORE
  - CORRIDOR
  - FACADE ACCESS
  - OUTDOOR AMENITY
  - SERVICES


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Rev	Description	By	Date
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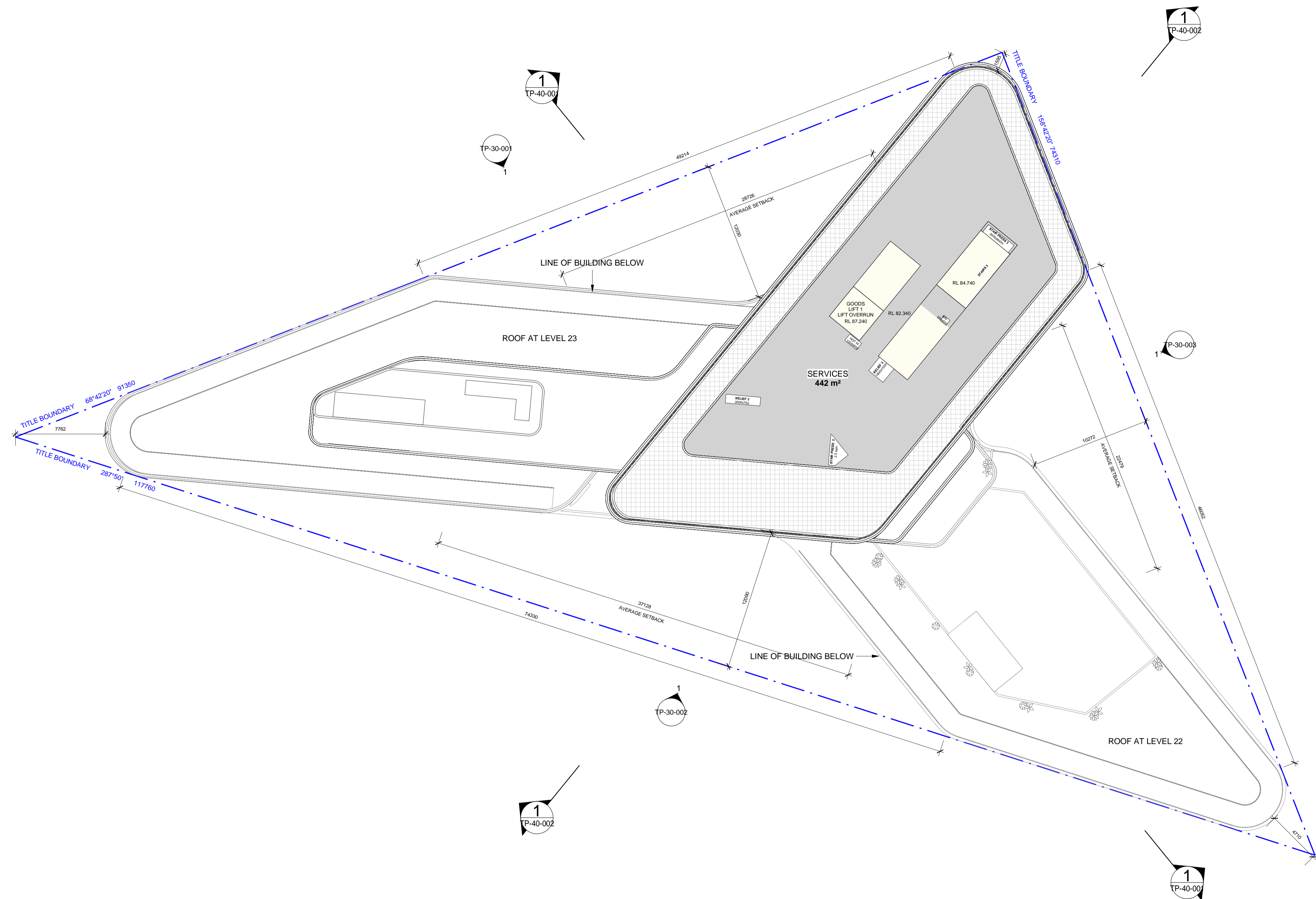
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Project No.: **322060**  
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Project: **Y7 / 899 Collins Street**  
899 Collins St, Victoria Harbour  
Drawing Title: **LEVEL 23 PLAN**

Co-ordinated: SM  
Project Architect: NA  
Project Director: PS, SH  
Drawing Number: **TP-21-230**

Drawn: NA, SM, MPV, LL, NW  
Scale: 1 : 200 @ A1  
Date: 12/04/23  
Revision: 1





- COLOR LEGEND**
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Rev	Description	By	Date
1	FOR TOWN PLANNING	NA	12.04.23

**Client** LENDLEASE  
**Project No.** 322060  
**Document Control Status:**  
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**Project** Y7 / 899 Collins Street  
 899 Collins St, Victoria Harbour  
**Drawing Title** ROOF PLAN

**Co-ordinated:** SM  
**Project Architect:** NA  
**Project Director:** PS, SH  
**Drawing Number:** TP-21-240  
**Drawn:** NA, SM, MPV, LL, NW  
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**Date:** 12/04/23  
**Revision:** 1





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Rev	Description	By	Date
1	FOR TOWN PLANNING	NA	12.04.23



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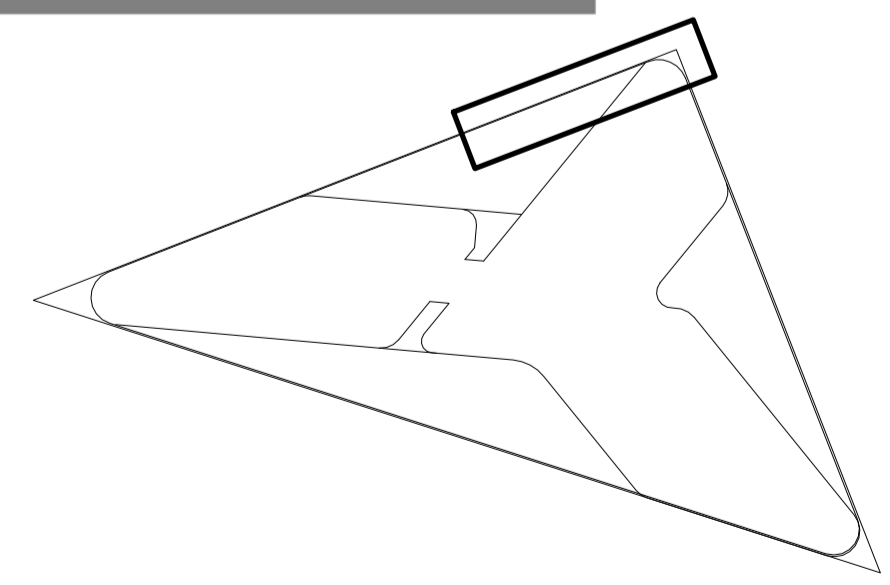
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Rev	Description	By	Date
1	FOR TOWN PLANNING	NA	12.04.23



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TR-01 TERRACOTTA COLUMN CLADDING




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Rev	Description	By	Date
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Project No.: **322060**  
Document Control Status:  
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899 Collins St, Victoria Harbour  
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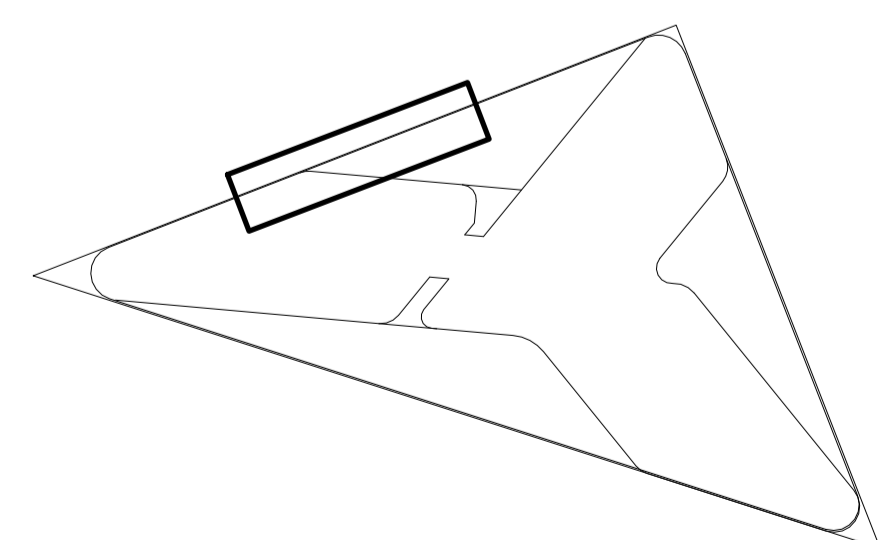
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Date: 12/04/23  
Revision: 1



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TR-01 TERRACOTTA COLUMN CLADDING




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**Client** LENDLEASE  
**Project No.** 322060  
**Document Control Status:**  
**TOWN PLANNING**

**Project** Y7 / 899 Collins Street  
899 Collins St, Victoria Harbour  
**Drawing Title** NORTH FACADE ELEVATION PART 2

**Co-ordinated:** SM  
**Project Architect:** NA  
**Project Director:** PS, SH  
**Drawing Number:** TP-30-101

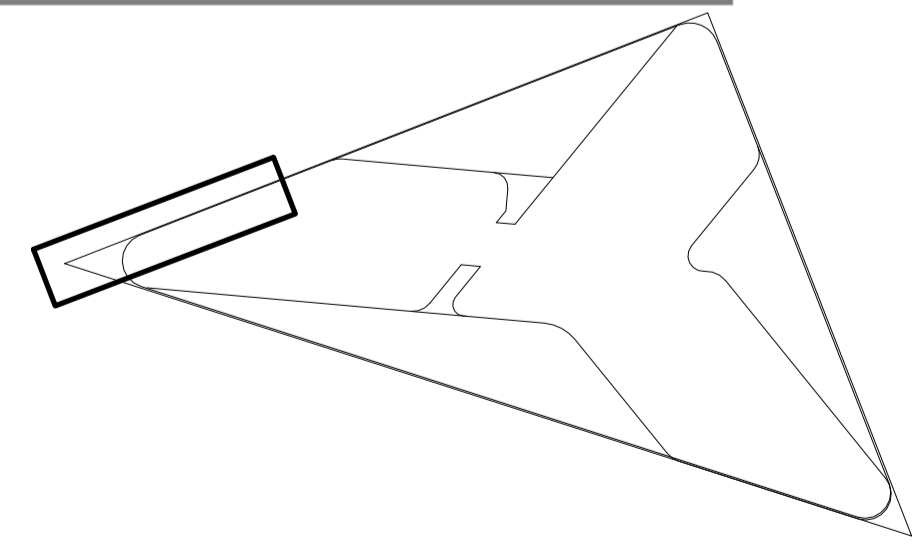
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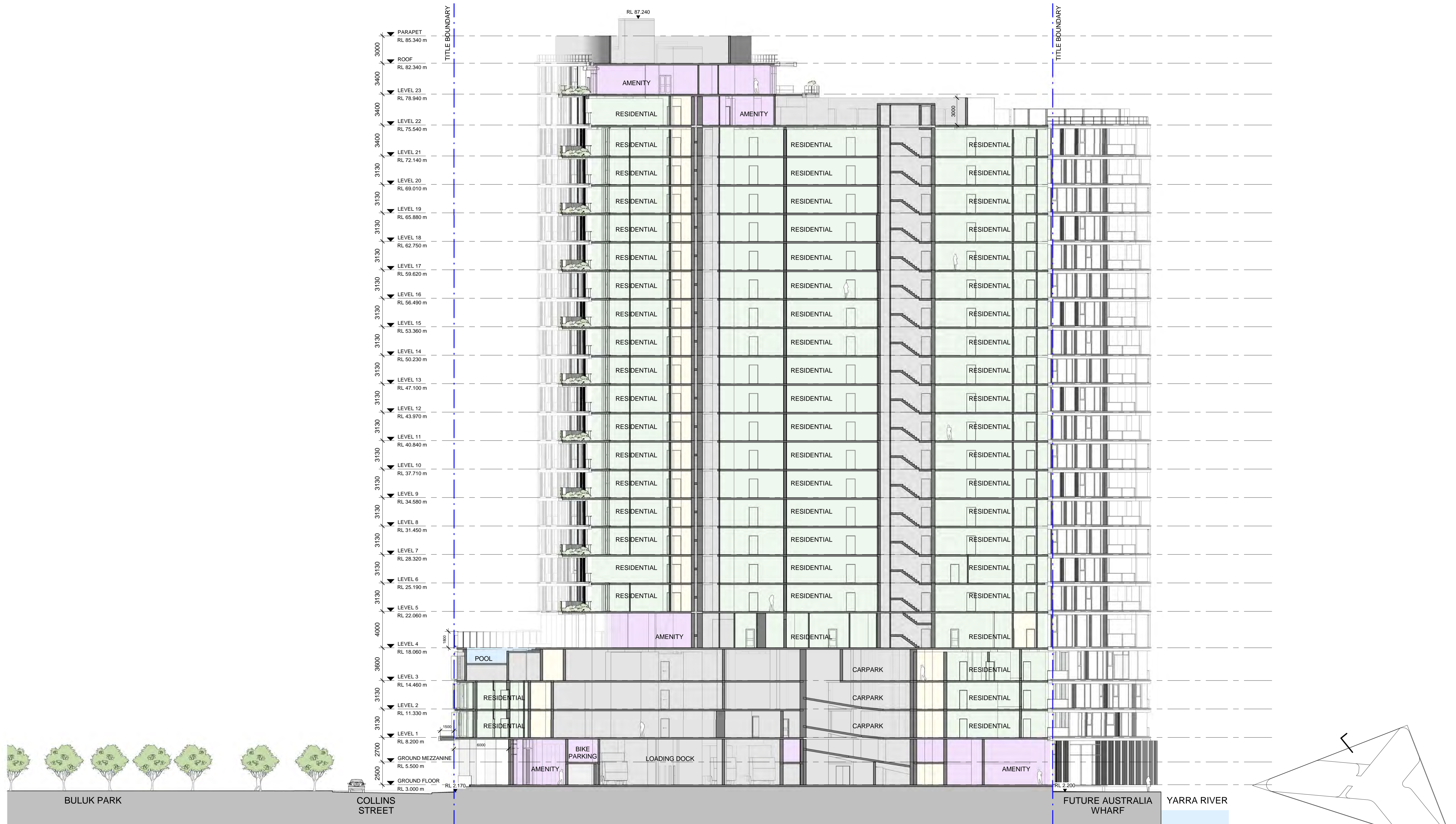
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**Project No.** 322060  
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**Project** Y7 / 899 Collins Street  
899 Collins St, Victoria Harbour  
**Drawing Title** NORTH FACADE ELEVATION PART 3

**Co-ordinated:** SM  
**Project Architect:** NA  
**Project Director:** PS, SH  
**Drawing Number:** TP-30-102

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**Scale:** As indicated @ A1  
**Date:** 12/04/23  
**Revision:** 1



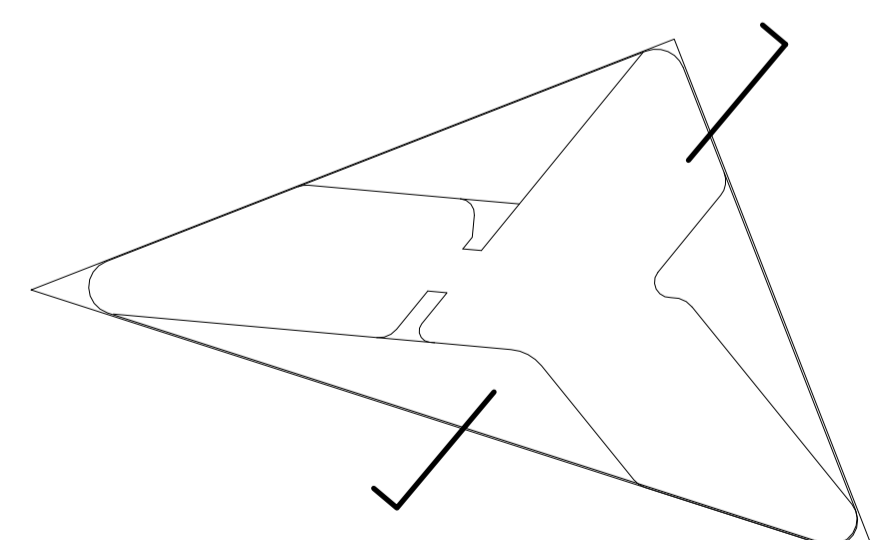
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1	FOR TOWN PLANNING	NA	12.04.23



1 Section 2  
SCALE 1 : 200

YARRA RIVER FUTURE AUSTRALIA WHARF TOM THUMB LN



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Client **LENLEASE**  
Project No. **322060**  
Document Control Status:  
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Project **Y7 / 899 Collins Street**  
899 Collins St, Victoria Harbour  
Drawing Title **SECTION**

Co-ordinated: SM  
Project Architect: NA  
Project Director: PS, SH  
Drawing Number: **TP-40-002**

Drawn: NA, SM, MPV, LL, NW  
Scale: As indicated @ A1  
Date: 12/04/23  
Revision: 1



## DELEGATE REPORT

### MINISTERIAL PLANNING REFERRAL

<b>City of Melbourne application number:</b>	TPM-2023-3
<b>Department of Transport and Planning application number:</b>	PA2302206
<b>Applicant:</b>	Lendlease Development Pty Limited C/- Urbis Pty Ltd
<b>Owner:</b>	Development Victoria
<b>Architect:</b>	Cox Architecture Pty Ltd
<b>Addresses:</b>	899-913 Collins Street, Docklands
<b>Proposal:</b>	Construction of a multi storey building
<b>Cost of works:</b>	\$187 million
<b>Date received by the City of Melbourne:</b>	8 May 2023
<b>Responsible officer:</b>	Matthew Mukhtar, Principal Urban Planner

## 1 SITE AND SURROUNDS

### 1.1 Victoria harbour precinct

Docklands is identified as an existing urban renewal area.

The Victoria Harbour precinct is located within the central Docklands area, with South Wharf and Southbank located across the Yarra River to the south east, Fishermens Bend to the south west, the docks of the Port of Melbourne to the north-west and the E-Gate to the north.

Development of the Victoria Harbour precinct is guided by the *Victoria Harbour Development Plan 2010 (Development Plan)* which was approved by the Minister for Planning in 2011.

The Development Plan divides the Victoria Harbour precinct into two areas: City Quarter to the east and the Wharf Quarter to the west. The area of the Wharf Quarter precinct subject to this report (described in more detail at section 1.2 below) is identified as 'Y7' which is opposite to Buluk Park and interfaces with the Australia Wharf and the future Bourke Dock park.

The table below summarises nearby developments to 'Y7'.

Relevant planning permits		
Address	Planning permit number	Description
915-941 Collins Street	PA1500038 / TPM-2015-40	Identified as 'T1': twenty-eight storey residential building with a retail tenancy and Small Office Home Office ( <b>SOHO</b> ) apartments to Collins Street.

		Approximately 321 apartments are approved compared to the 162 estimated by the Development Plan.
889-897 Collins Street	PA201462047 / TPM-2014-50	Identified as 'Y5', and 'Y6': thirty storey residential building with retail premises to Collins St and SOHO apartments to the Yarra River.  Approximately 539 apartments are approved compared to the 266 estimated by the Development Plan.
864-892 Collins Street	PA2014001612 / TPD-2014-20	Identified as 'C5': part sixteen and part forty-one storey residential building with a retail tenancy to the corner of Bourke and Collins streets, a pedestrian link through the site, and a retail premises and gym to Bourke Street.  Approximately 578 apartments are approved compared to the 358 estimated by the Development Plan.



Figure 1 – aerial photograph (dated 1 January 2023) with annotations added by City of Melbourne officers identifying surrounding buildings and the City Quarter and the Wharf Quarter precincts

## 1.2 Site

Planning permit application PA2302206 / TPM-2023-3 (**Application**) relates to part of the land at 899-913 Collins Street, Docklands (**Wider Site**).

The wider site is an irregularly shaped lot formally identified as Lot S44 on Plan of Subdivision 545345Y that is approximately 6,325 square metres in area. It is comprised of temporary sporting

structures, open space (some of it fenced off), and thoroughfares including Australia Wharf (currently inaccessible), and the wharf to the south of 915-941 Collins Street.

The area the Application relates to is the eastern portion of the Wider Site which is a triangular shaped parcel of land (**Site**). A summary of the relevant Site's details is provided in the table below.

A visit to the Site and surrounds was undertaken by City of Melbourne Officers on 26 May 2023.

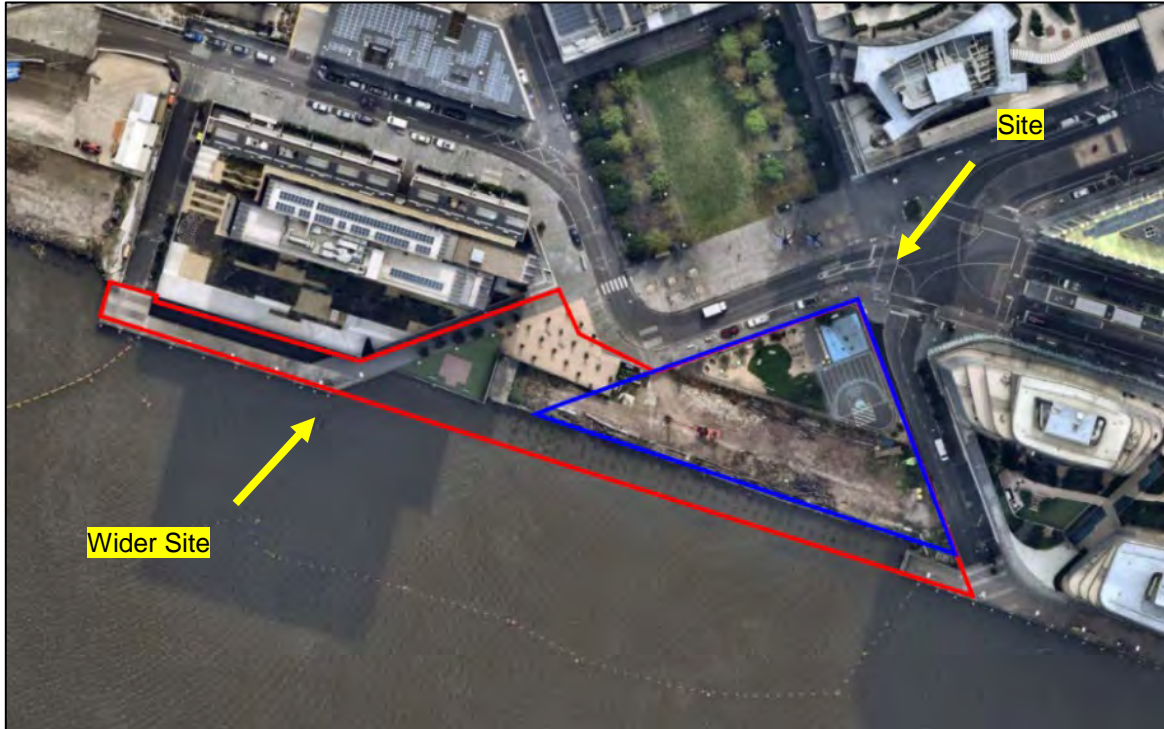


Figure 2 – aerial photograph (dated 3 September 2023) with annotations identifying the Wider Site (shown in red) and the Site (shown in blue)

**Site details**

<b>Interfaces:</b>	<p><b>East: Tom Thumb Lane</b> 74.31 metres to Tom Thumb Lane, a dual carriageway with seven street trees to the west interface, no on-street car parking and no existing vehicle crossings to the Site.</p> <p><b>North and west: Collins Street and Bourke Dock park</b> 91.35 metres to Collins Street and the future Bourke Dock park (discussed further below). Collins Street is a dual carriageway with restricted parallel on-street car parking to the south interface of Collins Street adjacent to the Site. There are no existing vehicle crossings to this interface. Three street trees are located on the footpath reserve adjacent to the Site (retained under the Application). Bourke Dock park is earmarked under the Development Plan as a public park under the care and management of the City of Melbourne to be provided by the developer of the Y7 site.</p> <p><b>South: Australia Wharf</b> 117.76 metres to Australia Wharf. A 6.5 metre future public thoroughfare and will primarily function as a pedestrian and cyclist zone with vehicular traffic limited to service vehicles only. Refer to section 2.2 below for further discussion.</p>
--------------------	--

<b>Depth:</b>	<ul style="list-style-type: none"> <li>• Corner of Collins Street and Tom Thumb Lane to the south: approximately 58.95 metres.</li> <li>• South title boundary: 117.76 metres.</li> </ul>
<b>Area:</b>	3,394 m <sup>2</sup>
<b>Topography:</b>	<ul style="list-style-type: none"> <li>• Fall of approximately 1.93 metres from north to south.<sup>1</sup></li> <li>• A rise of approximately 0.36 metres from east to west.<sup>2</sup></li> </ul>
<b>Heritage:</b>	The subject site is not affected by a Heritage Overlay.



Figure 3 – view to the Site from the north-east on Collins Street (Source: City of Melbourne)

<sup>1</sup> The Survey Plan submitted with the application provides an Australian Height Datum (**AHD**) of 2.26 to the corner of the Site to Collins Street and Tom Thumb Lane and an AHD of 0.33 to the south interface toward Australia Wharf.

<sup>2</sup> The Survey Plan submitted with the application provides an AHD of 1.84 to the corner of the Site to Tom Thumb Lane and Australia Wharf and an AHD of 2.20 toward the centre of the interface to Collins Street and Bourke Park.





Figure 4 – view to the Wider Site (Bourke Dock park) facing south-west (Source: City of Melbourne)



Figure 5 – view to the Australia Wharf facing east (Source: City of Melbourne)



Figure 6 – view to the Site from the pedestrian crossing on the corner of Bourke and Collins streets facing southwest (Source: City of Melbourne)

## 1.3 Surrounds

### 1.3.1 Physical location

The surrounding urban context comprises of multi-storey residential and commercial developments, public spaces, food and drink premises, and various places of assembly.

To the north, beyond Collins Street, Buluk Park provides public open space and connection through to Library at the Dock and the Victoria Harbour promenade.

### 1.3.2 Strategic location

Clause 2.03-1 (Settlement) of the *Melbourne Planning Scheme (Planning Scheme)* identifies that '[t]o accommodate the City's growth over the coming 30 years...various settlement areas have been established, each with a different role.' Docklands is identified as an 'existing urban renewal area' which is to '...provide a new mix of uses and higher density of development complemented by excellent provision for walking, cycling and public transport services'. Specifically, Docklands '...is a residential, commercial and visitor destination providing housing, office, industry, research, institutional, business, education, entertainment / leisure, marina and sporting uses and public spaces. As an extension to the Hoddle Grid, Docklands has become a vital urban redevelopment and activity hub.'

Clause 11.03-6L-03 (Docklands) of the Planning Scheme identifies that the Site is located within the Victoria Harbour precinct of Docklands and includes the following objectives and strategies for the area:

- Objectives
  - To provide a waterfront place of character and quality in which to live, work and visit.

- To encourage innovative, viable development built to the highest design and environmental standards.
- To strengthen Docklands relationship with the Hoddle Grid and the Yarra River Corridor.
- Housing strategies
  - Encourage medium to high density residential development.
  - Support residential development that complements other functions of Docklands, such as commercial, tourism and retail uses.
- Economic development strategies
  - 'Support mixed use development including office and commercial development in the Digital Harbour, Stadium, New Quay, Victoria Harbour, Yarra's Edge and Batman's Hill Precincts.
  - Encourage active uses fronting the waterfront to promote maximum activity.
  - Facilitate Victoria Harbour waterfront and Waterfront City as the primary retail precinct that complements retailing in the Hoddle Grid.
  - ...'
- Built environment strategies
  - 'Ensure Docklands is physically and visually linked with the west end of the Hoddle Grid.
  - Ensure buildings that provide weather protection, an attractive built form and active ground floor uses.
  - Encourage interim land uses, reuse of existing buildings, infrastructure and landscaping that is attractive and aesthetically pleasing.
  - Maintain views to the water from the Hoddle Grid, particularly along the Collins, Bourke and Latrobe Street corridors.
  - Ensure buildings on landmark sites that terminate views or mark key focal points are designed to the highest quality.'
- Urban design strategies
  - 'Ensure attractive and interesting building facades including through the use of windows and doors opening onto activities, displays or rich architectural detailing and avoiding blank walls.
  - Encourage contemporary architectural character reflecting the varied land uses and providing activity and interest, particularly at street level.
  - Ensure pedestrian entries are visible from the public realm.
  - ...
  - Support development that is constructed to the street boundary and creates continuous street frontages whilst allowing variations in individual buildings and uses.
  - Encourage continuous building edge where retail and service uses (such as cafes and restaurants) abut the footpath to enable continuous awnings, with arcades and /or colonnades where deeper setbacks occur.
  - ...
  - Ensure development maintains full public access to all waterfront and public areas.

- Provide safe, wide and attractive public pedestrian and cycle promenades along the waterfront and waterways as part of development.
- Allow waterfront promenades (the minimum distance from the wharf edge of a building fronting onto the waterfront) to accommodate small scale structures that contribute to the activity and interest of public spaces.
- Ensure sufficient space for maritime waterfront uses and activities, including active waterfront facilities.
- ...
- Ensure development provides protection from adverse wind conditions and creates comfortable conditions without compromising architectural character, views or sight lines.
- Support breezeways and cross-ventilation in residential and work spaces.
- Maximise opportunities within the site to reinforce view corridors or terminate axes via buildings, structures or landscape treatments.'
- Transport strategies
  - 'Strengthen pedestrian and cycling connections within Docklands, and between Docklands, Port Melbourne, West Melbourne and Southern Cross Station.
  - Ensure new development provides on-street car parking, bus and taxi parking adjacent to key public spaces and land uses.
  - ...
  - Minimise the impacts of vehicular access to parking and service areas on pedestrian movements.
  - ...'
- Policy guidelines:
  - 'Ground level frontages should provide active uses for a minimum of 50 per cent of the street frontage, or 80 per cent in key areas of pedestrian activity.
  - Areas of intense pedestrian activity, such as shops, and restaurants, should be provided with a minimum width of 14 metres of hard surface for pedestrian movement.
  - Waterfront promenades should include level changes or spatial differentiation, allowing 10 metres clear for pedestrian flow on any single level.
  - ...
  - Public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox (22 September / 20 March).
  - Shadow diagrams which illustrate the shading effects of development on public and private spaces.'

#### 1.4 Certificate of title

The registered search statement does not identify that the Site is burdened by any restrictive covenant or agreement under section 173 of the *Planning and Environment Act 1987 (Act)*.

Plan of Subdivision 545345Y indicates the Site is burdened by easements E-1 and E-20 which benefit Powercor Australia Ltd and City West Water Corporation. As discussed below, the City of Melbourne's land survey team has recommended conditions (should a permit issue) that evidence is provided that the easements have been removed, varied, or approval has been given to build over them prior to the commencement of development.

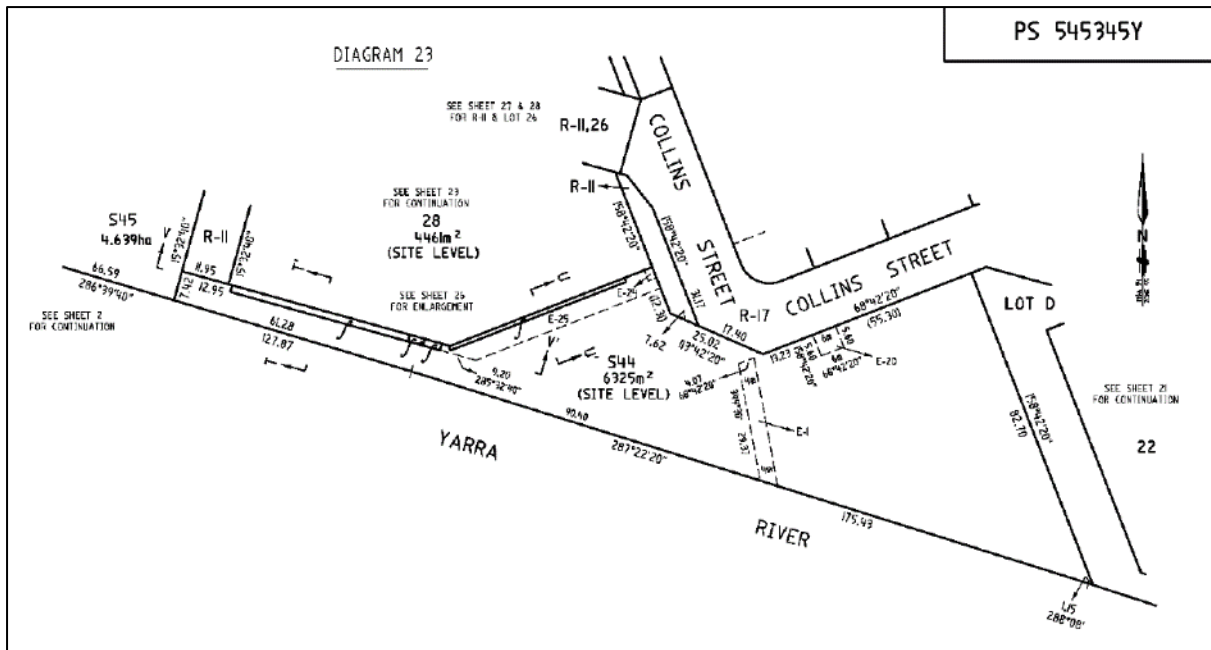


Figure 7 – extract of Plan of Subdivision 545345Y

## 1.5 Aboriginal Cultural Heritage

The Site is included in an area of legislated cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*, by virtue of the land being located within 200 metres of the Yarra River.

Section 52(1) of the *Aboriginal Heritage Act 2006* provides that the decision maker must not grant a statutory authorisation for an activity (the development or use of land), where the *Aboriginal Heritage Regulations 2018* specify a cultural heritage management plan (**CHMP**) is required for that activity, unless a CHMP is approved, or that the activity is exempt from requiring a CHMP.

The applicant has provided an Aboriginal Culture Heritage Statement prepared by Tardis Archaeology Pty Ltd that concludes that a CHMP is not required as the entirety of the Site has been subject to significant ground disturbance.

The Minister for Planning is responsible for ensuring the requirements of the *Aboriginal Heritage Act 2006* have been satisfied prior to granting a permit for the Application.

## 1.6 Victorian Heritage Inventory / Register

The Site is not included in the Victorian Heritage Inventory or the Victorian Heritage Register.

## 2 BACKGROUND AND HISTORY

### 2.1 Planning permit application history

#### 2.1.1 Pre-application meeting

On 21 December 2022, a pre-application meeting organised by the Department of Transport and Planning which included representatives from the City of Melbourne, Development Victoria, and the permit applicant. The following key matters were discussed at the meeting:

- Further details to be provided to ensure the form of the building is appropriate.
- The Development Plan calls for commercial and mixed uses to the ground floor.
- Further details on the proposed plans for Bourke Dock park and Australia Wharf to ensure the proposed development responds to these future interfaces.

- It is proposed that the Land Subject to Inundation Overlay, Schedule 3 be applied to the Site and the permit applicant was encouraged to consult with Melbourne Water.
- The requirements of the *Aboriginal Heritage Act 2006*.

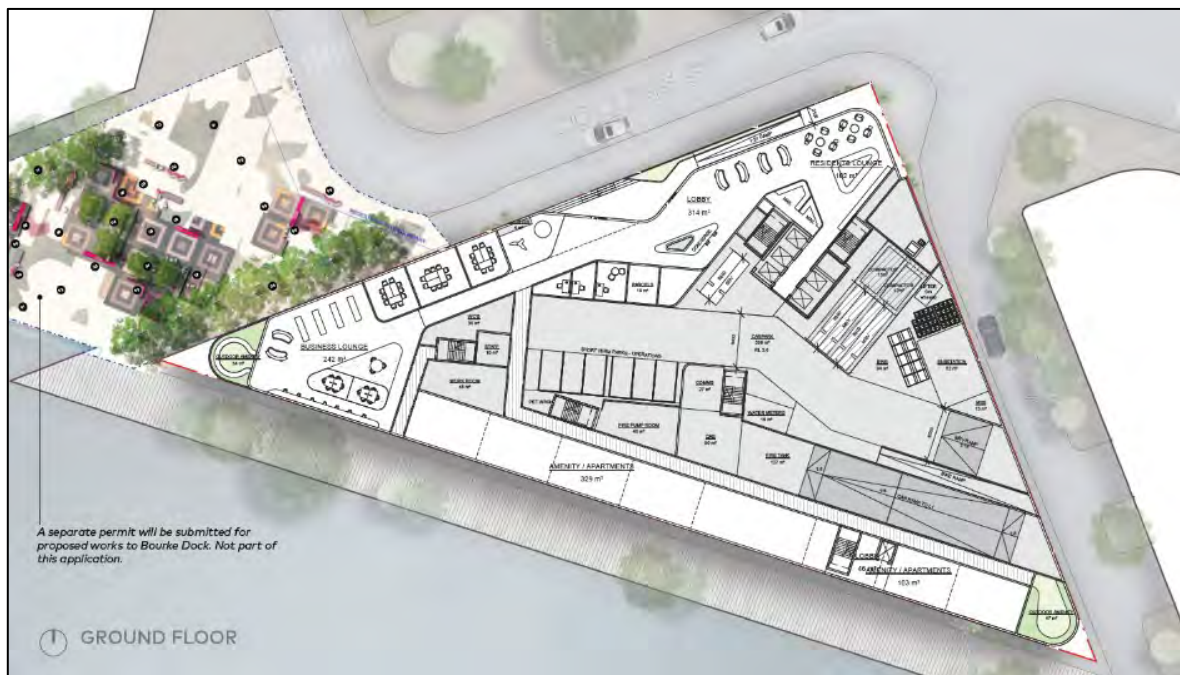


Figure 8 – excerpt of the pre-application package depicting the proposed ground floor (Source: Cox Architecture Pty Ltd)

### 2.1.2 Post-lodgement of the Application

On 8 May 2023, the City of Melbourne received notice of the Application under section 52(1) of the Act from the Department of Transport and Planning.

On 26 May 2023, assisted by a preliminary review of City of Melbourne's officers, the Department of Transport and Planning issued a Request for Further Information under section 52 of the Act.

The City of Melbourne sought advice on the Application from its internal experts and provided referral advice to the Department of Transport and Planning between May and September 2023.

Between July and September 2023, the applicant provided a response to the Request for Further Information and provided responses to the City of Melbourne's internal experts. As part of those responses, on 15 September 2023 the applicant provided (amongst other things) an updated ground floor discussion plan prepared by Cox Architecture Pty Ltd which nominated a food and drink premises within the ground floor of the proposed building to the corner of Collins Street and Tom Thumb Lane and the provision of public stairs and seating on the south-west corner at the corner to Bourke Dock park and Australia Wharf. The discussion plans were accompanied by the accompanying proposed condition:

'Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, an electronic set of plans drawn to scale, must be submitted to and approved by the Responsible Authority, in consultation with Melbourne City Council, generally in accordance with the plans prepared by Cox Architecture, dated 12 April 2023 but amended to show:

- a. Revised ground floor design strategy as shown in the drawings, labelled 'Discussion Plans', prepared by Cox Architecture dated 15 August 2023<sup>3</sup>, which is to include:
  - i. nomination of café space at the corner of Collins Street and Tom Thumb Lane; and
  - ii. provision of stairs and seating on the south-west corner at Bourke Dock and Australia Wharf'

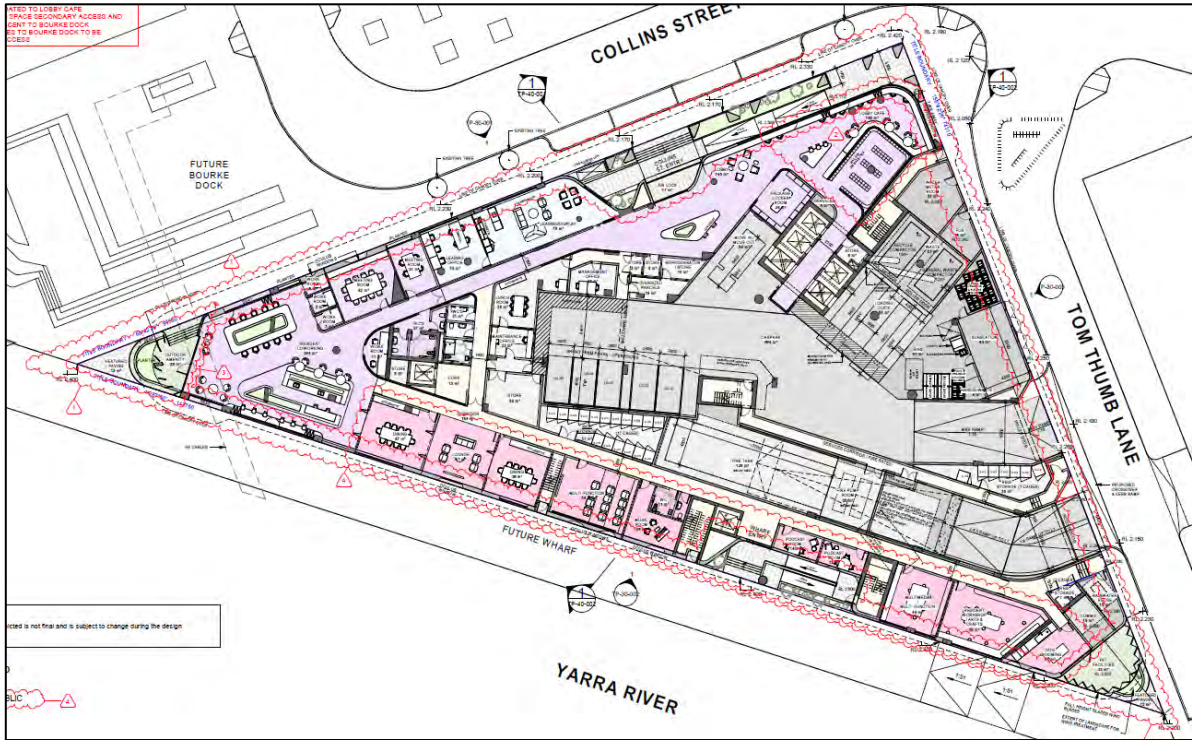


Figure 10 – excerpt of the Ground Floor Plan (TP-21-000) prepared by Cox Architecture dated 14 September 2023 (Rev. 2)

## 2.2 Relevant planning permit history

The following planning permits issued on the Site are considered relevant to the assessment of the Application:

Relevant planning permits		
Address	Description	Comment
899-913 Collins Street (the Wider Site)	Planning permit TP-2022-531 issued on 3 May 2023 for '[p]artial demolition and buildings and works associated with the reconstruction of the Australian Wharf East'.	The Application proposes to interface with the reconstructed Australian Wharf approved under TP-2022-531.

<sup>3</sup> The discussion plan circulated is dated 14 September 2023 (Rev. 2), not 15 August 2023. If the above condition is applied to a planning permit, the date 14 September 2023 (Rev. 2) will be used when referring to the discussion plan.

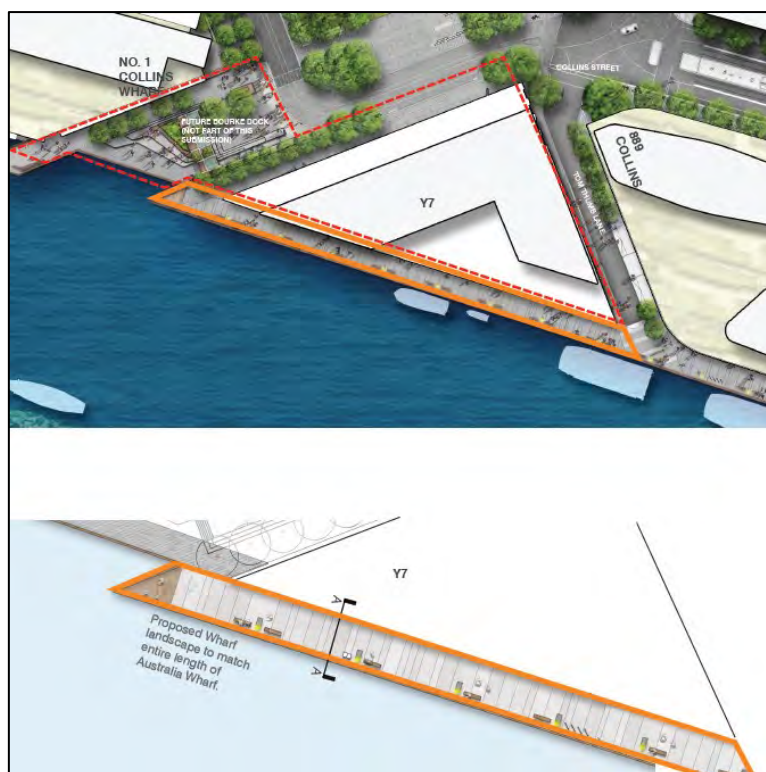


Figure 11 – excerpt of the endorsed plans under TP-2022-531

## 2.3 Relevant planning scheme amendments

### 2.3.1 Amendment C384

Amendment C384 to the Planning Scheme seeks to implement the Land Subject to Inundation Overlay, Schedule 3 over the entirety of the Site which will trigger the requirement for a planning permit assessment once gazetted.

The amendment has been publicly exhibited and a Planning Panel released its report to the public on 10 January 2023.

It is anticipated that the amendment will be presented to Future Melbourne Committee in due course and that the amendment is approaching the status of a 'seriously entertained' amendment to the Planning Scheme.

Through the Application process, the applicant has engaged with Melbourne Water on the matter who issued the following advice in its letter dated 23 June 2023:

'Melbourne Water, pursuant to Section 52 of the Planning and Environment Act 1987, does not object to the proposal, subject to the following conditions:

1. Finished floor levels of all retail, residential, and office spaces, including lobbies and lift lobbies, must be no lower than 3.0 metres to Australian Height Datum (AHD), which is 600 millimetres above the applicable flood level of 2.4 metres AHD.
2. Service rooms (e.g. water meter, substation) must be constructed with finished floor levels to the satisfaction of the relevant authority. If any service room is located lower than 3.0 metres AHD, the room must be flood-proofed to 3.0 metres AHD.
3. Stormwater discharge should be directed to the local council drainage network. Any new or modified connection to the Yarra River requires separate approval from Melbourne Water, as per Section 145 of the Water Act 1989. For a connection to be approved, council must



provide a Legal Point of Discharge letter, demonstrating why it is not possible to connect to the local council drainage system.'

The architectural plans illustrate the proposed finished floor levels are no lower than three metres to AHD which complies with the requirements. Notwithstanding, should a permit issue the conditions above should form conditions on the permit to ensure compliance.



Figure 12 – map showing extent of proposed Land Subject to Inundation Overlay, Schedule 3 under amendment C384melb over Site and surrounds (Source: CoMPass)

### 3 PROPOSAL

#### 3.1 Documents considered in assessment

The table below provides a summary of the key documents of the Application.

Documents considered in assessment				
#	Title	Author	Date	Date provided to City of Melbourne
1a	Application form	Urbis Pty Ltd	Undated	8 May 2023
1b	Metropolitan Planning Levy Certificate	State Revenue Office	3 May 2023	8 May 2023
2	Title documents	Landata	16 May 2023	8 May 2023
3	Survey plan	Madigan Surveying	2 February 2023	8 May 2023

<b>4a</b>	Architectural Plans	Cox Architecture Pty Ltd	12 April 2023	8 May 2023
<b>4b</b>	Ground Floor Discussion Plans	Cox Architecture Pty Ltd	14 September 2023	28 September 2023
<b>4c</b>	Urban Context Report	Cox Architecture Pty Ltd	April 2023	8 May 2023
<b>4d</b>	Three-dimensional model	Cox Architecture Pty Ltd	-	28 September 2023
<b>5a</b>	Planning Report	Urbis Pty Ltd	28 April 2023	8 May 2023
<b>5b</b>	Response to Request for Further Information letter	Urbis Pty Ltd	13 July 2023	28 September 2023
<b>5c</b>	Department urban design response and response to Council planning team referral letter	Urbis Pty Ltd	15 September 2023	28 September 2023
<b>5d</b>	ESD, landscaping and greenline Council referral response letter	Urbis Pty Ltd	22 September 2023	28 September 2023
<b>5e</b>	Additional Council referral response	Urbis Pty Ltd	30 October 2023	30 October 2023
<b>6</b>	Landscape Architecture Concept Design Report	Arcadia Landscape Architecture VIC Pty Ltd	13 April 2023	8 May 2023
<b>7a</b>	Transport Impact Assessment	One Mile Grid Pty Ltd	30 March 2023	8 May 2023
<b>7b</b>	Ground level – site access swept path analysis	One Mile Grid Pty Ltd	27 July 2023	28 September 2023
<b>8</b>	Town Planning Acoustic Assessment	Renzo Tonin & Associates Pty Ltd	4 July 2023	28 September 2023
<b>9a</b>	Sustainability Management Plan	Introba Consulting Pty Ltd	21 April 2023	8 May 2023
<b>9b</b>	Memorandum of: Water Sensitive Urban Design	Introba Consulting Pty Ltd	6 September 2023	28 September 2023
<b>9c</b>	Correspondence from Green Star	Green Star	2 February 2023	28 September 2023
<b>10</b>	Waste Management Plan	Leigh Design Pty Ltd	22 March 2023	8 May 2023
<b>11</b>	Pedestrian Wind Environment Study	Windtech Consultants Pty Ltd	5 April 2023	8 May 2023
<b>12</b>	Overshadow Analysis	ViPAC Engineers & Scientists Pty Ltd	20 March 2023	8 May 2023
<b>13</b>	External Reflected Glare Report	Inhabit Australasia Pty Ltd	15 March 2023	8 May 2023

14	Aboriginal Culture Heritage Statement	Tardis Archaeology Pty Ltd	28 June 2023	28 September 2023
15	Letter of Support for Lodgement of Planning Application	Development Victoria	19 April 2023	8 May 2023
16	Letter from Melbourne Water	Melbourne Water	23 June 2023	28 September 2023

### 3.2 Summary of the proposed development

The application proposes 499 dwellings within a 24-storey residential tower.

The dwellings are proposed to be delivered under a 'build-to-rent' model which typically means that the dwellings are owned and managed by a single entity to be rented out over mid to long-term periods. However, it is noted that this is not a land use within the Planning Scheme.

In summary, the proposal includes:

- 499 apartment dwellings with the following typologies:
  - Studio: 56 (11 per cent)
  - One bedroom: 198 (40 per cent)
  - Two bedroom: 224 (45 per cent)
  - Three bedroom: 21 (4 per cent).
- Four storey podium which include various uses, including indoor and outdoor amenities (for exclusive use of residents), dwellings, car parking, and buildings services.
- Main pedestrian access to the ground floor is provided by an entrance from Collins Street and an entrance to the future Australia Wharf.
- Vehicle access is provided via Tom Thumb Lane with parking within the podium levels including 103 car spaces, 412 bicycle spaces and 4 motorbike spaces.
- In addition to dwellings, communal facilities are provided on level four which include swimming pool, gym, sauna, treatment rooms, and outdoor dining.
- Above the podium, levels five to seventeen are dedicated to dwellings.
- In addition to dwellings, level twenty-three includes indoor and outdoor residential amenities including indoor and outdoor dining, and garden spaces.

### 3.3 Detailed information of the built form

#### 3.3.1 Site layout and floor area

<b>Site area:</b>	3,394 m <sup>2</sup>	<b>Site coverage:</b>	100 per cent
<b>Proposed gross floor area:</b>	57,089 m <sup>2</sup>		
<b>Deep soil planting:</b>	Nil	<b>Permeable area:</b>	Nil

<b>Floor Area Ratio (excluding basement areas):</b>	16.82:1	<b>Floor area / height uplift sought:</b>	Not applicable – complies with preferred height requirement, as discussed below
<b>Retail premises:</b>	Nil	<b>Leasing office:</b>	134 m <sup>2</sup>
<b>Indoor residential spaces:</b>	1,984 m <sup>2</sup>	<b>Outdoor residential spaces:</b>	1,245 m <sup>2</sup>

### 3.3.2 Building height

<b>Maximum number of storeys</b>	24 storeys	<b>Basement levels:</b>	Nil
<b>Maximum building height:</b>	80.64 metres <sup>4</sup>	<b>Floor to floor heights</b>	Varying between 1.9 metres (lift overrun) and 5.2 metres (ground floor)  Typical dwellings at 3.13 metres

### 3.3.3 Street wall

<b>Street wall (all interfaces)</b>	Four storeys (17.66 metres <sup>5</sup> )
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### 3.3.4 Setbacks

<b>North (Collins Street and Bourke Park)</b>	Level 5-22: varied between zero setback and 12.03 metre setback  Level 23: as above	<b>East (Tom Thumb Lane)</b>	Levels 5-22: varied between zero setback and 13.89 metre setback  Level 23: as above
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<sup>4</sup> Adopting RL 2.2 as the lowest level of natural ground provided on the architectural plans subtracted from RL 82.840, the spot height to the ridge-line of the parapet (with the exception of building services which extend to RL 87.240 under the Design and Development Overlay, Schedule 50, as discussed below).

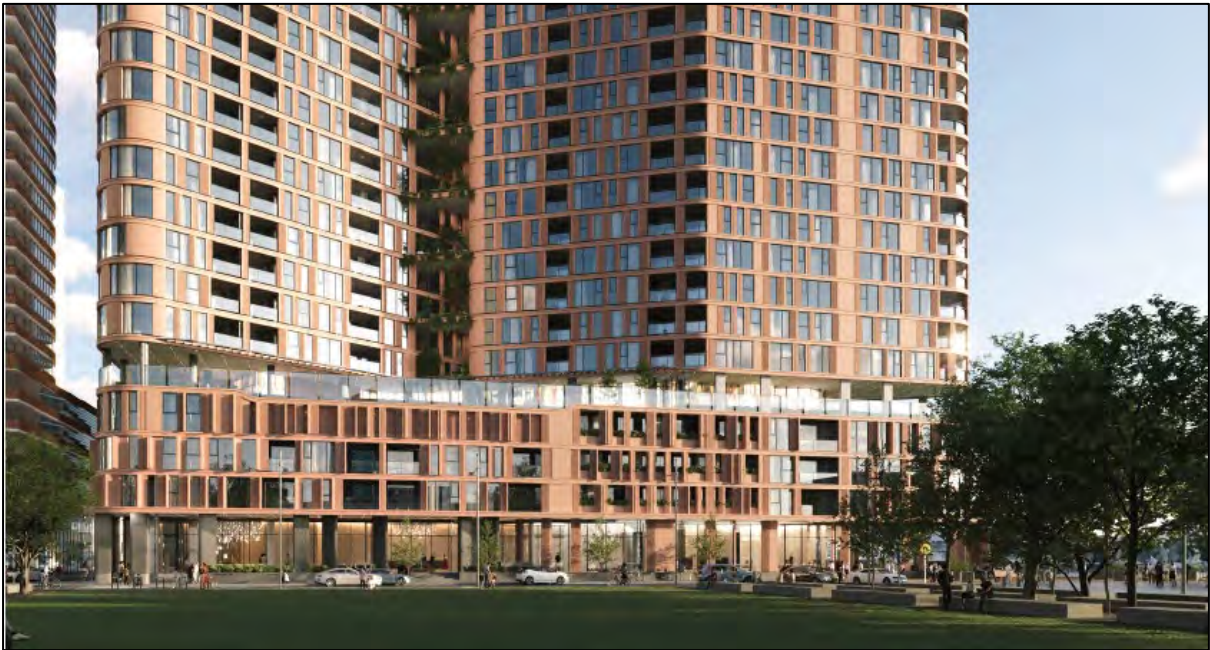
<sup>5</sup> Adopting RL 2.2 as the lowest level of natural ground provided on the architectural plans subtracted from RL 19.860, the spot height to the ridge-line of the parapet of the street wall.

<b>South (Australia Wharf)</b>	<p>Levels 5-22: varied between zero setback and 12.09 metre setback</p> <p>Level 23: varied between zero setback and 15.68 metre setback</p>
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### 3.3.5 Access, car parking, bicycle facilities and loading / unloading

<b>Car parking, bicycle facilities and loading and unloading</b>			
<b>Car parking spaces:</b>	103 (including eight electric vehicle spaces)	<b>Bicycle spaces:</b>	412
<b>Motorcycle spaces</b>	4	<b>Publicly accessible</b>	Nil
		<b>Bicycle changing room facilities:</b>	Nil
<b>Vehicle access:</b>	<p>Vehicular access into the development is proposed to be provided via two proposed crossovers to Tom Thumb Lane, being:</p> <ul style="list-style-type: none"> <li>Northern crossover – two way access to ground floor loading area, waste, and operations.</li> <li>Southern crossover – two way access to the podium levels where residential parking is located.</li> </ul>		
<b>Loading / unloading / waste:</b>	<p>The loading bay is capable of accommodating a single 6.4 metre Small Rigid Vehicle.</p> <p>The waste collection bay is capable of accommodating two 8.8 metre waste collection vehicles. Waste collection is proposed to occur by utilising the City of Melbourne’s waste collection service to collect waste internal to the building.</p>		
<b>Pedestrian / cycling access:</b>	<p>Pedestrians will have multiple entry points to the Site, with the main entrance to a lobby from Collins Street.</p> <p>The bicycle storage area is accessed via two different passenger lifts on the ground floor. In addition, a secondary pedestrian access is proposed adjacent to the podium ramp.</p>		

### 3.4 Renders



*Figure 13 – render of the proposal as seen from Buluk Park (Source: Urban Context Report prepared by Cox Architecture)*



*Figure 14 – render of the proposal as seen from the south-westside of the Yarra River (Source: Urban Context Report prepared by Cox Architecture)*



Figure 15 – render of the proposal as seen from the south-east side of the Yarra River (Source: Urban Context Report prepared by Cox Architecture)

## 4 PLANNING CONTROLS AND POLICIES

### 4.1 Zone, overlays and particular, general, and operational provisions

The table below summarises the key planning controls and requirements of the Planning Scheme.

Zone	
Clause 37.05	Docklands Zone, Schedule 2 (DZ2)

*Land use – no permit required*

The proposed development is composed of the following land uses:

- **Dwelling – no permit required**  
Use of the land for a ‘dwelling’ is ‘Section 1 – permit not required’ as the Site is not located on Central Pier.
- **Ancillary uses including ‘meeting rooms’, ‘dining’, ‘lounge’, etc. – no permit required**  
The proposed indoor and outdoor amenities for the future residents are ancillary to the primary land use ‘dwelling’ and therefore do not require planning permit pursuant to clause 64.01 of the Planning Scheme.
- **‘Leasing office’ and ‘leasing / display’ – no permit required**  
Use of land for an ‘office’ and ‘commercial display area’ is ‘Section 1 – permit not required’.
- **‘Food and drink premises’ – no permit required**  
Use of land for a ‘food and drink premises’ (proposed by the discussion plans as discussed above) is ‘Section 1 – permit not required’.

*Buildings and works – permit required*

A permit is required to construct a building or construct or carry out works and to demolish or remove a building or works as Schedule 2 to the Docklands Zone does not exempt a permit from being required.

Apartment developments must meet the requirements of clause 58.

The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited.

*Environmental audits – requirement*

Before the construction of a building in association with a sensitive use (which includes a residential use) environmental audit requirements must be satisfied. Should a planning permit issue, these requirements will form conditions.

<b>Overlays</b>	
<b>Clause 43.02</b>	<b>Design and Development Overlay</b>
Schedule 12: Noise Attenuation Areas <b>(DDO12)</b>	<p><i>Buildings and works – permit required</i></p> <p>DDO12 seeks to ensure that new residential developments constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building.</p> <p>DDO12 does not specify any exemption to obtain a permit to construct a building or construct or carry out works under the DDO head provision. As such, a permit is required.</p>
Schedule 50 (Area 6): Victoria Harbour Precinct <b>(DDO50)</b>	<p>As the figure below depicts, the proposal is affected in part by Area 6 and Area 7 of the DDO50.</p> <p><i>Buildings and works – permit required</i></p> <p>DDO50 sets out a number of built form requirements.</p> <p>DDO50 does not specify any exemption to obtain a permit to construct a building or construct or carry out works under the DDO head provision. As such, a permit is required.</p> <p>The proposed development has been assessed against the built form requirements of DDO63 in section eight of this report.</p>
Schedule 50 (Area 7): Victoria Harbour Precinct	<p><i>Buildings and works – permit required</i></p> <p>As above.</p>





Figure 16 – extract of CoMPass illustrating the Area 6 and Area 7 of the DDO50

<b>Clause 44.09</b>	<b>Parking Overlay</b>																
Schedule 6: Docklands – Victoria Harbour (PO6)	<p><i>No permit required</i></p> <p>A planning permit is required under the PO6 to exceed the car parking rates of clause 3.0 of the PO6. As the table below shows, a planning permit is not required under the PO6.</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Rate</th> <th>Measure</th> <th>Maximum no. of spaces</th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td>Two</td> <td>To each dwelling</td> <td>998<sup>6</sup></td> </tr> <tr> <td colspan="2">Total</td> <td><b>Provided:</b></td> <td>103</td> </tr> <tr> <td colspan="2"></td> <td><b>Exceed rate?</b></td> <td>No</td> </tr> </tbody> </table>	Use	Rate	Measure	Maximum no. of spaces	Dwellings	Two	To each dwelling	998 <sup>6</sup>	Total		<b>Provided:</b>	103			<b>Exceed rate?</b>	No
Use	Rate	Measure	Maximum no. of spaces														
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Total		<b>Provided:</b>	103														
		<b>Exceed rate?</b>	No														
<b>Clause 43.04</b>	<b>Development Plan Overlay</b>																
Schedule 3: Victoria Harbour Precinct (DPO3)	<p><i>Permit required</i></p> <p>A planning permit granted must be generally in accordance with the Development Plan.</p> <p>The proposed development has been assessed against the Development Plan in section eight of this report.</p>																
<b>Particular Provisions</b>																	
<b>Clause 52.06</b>	<b>Car Parking</b>																
<i>Design standards</i>																	
The design standards and decision guidelines of clauses 52.06-9 and 52.06-10 apply to the design of the proposed car parking at the Site.																	
<b>Clause 52.34</b>	<b>Bicycle Facilities</b>																
<i>No permit required</i>																	
A permit may be granted to vary, reduce or waive any requirement of clause 52.34-5 and clause 52.34-6. As the below table shows, the proposed development provides in excess of the required number of bicycle facilities and therefore does not require a permit under clause 52.34-5. A permit is not required under clause 52.34-6 as no employee spaces are required.																	

<sup>6</sup> Based on the proposed 499 dwellings (apartments)

Should a food and drink premises be introduced as discussed at section 2.1.2 this does not require bicycle spaces as the minimum leasable floor area is not met to trigger a bicycle requirement.

Use	No.	Statutory Requirement	No. of Spaces Required
Dwelling	499 dwellings	Resident: One to each five dwellings	100
		Visitor: One to each ten dwellings	50
<b>Total</b>		<b>Required</b>	150
		<b>Provided</b>	412
		<b>Reduction required:</b>	No

#### Clause 53.18 | Stormwater Management in Urban Development

Under Clause 53.18-3, an application to construct a building or construct or carry out works that does not meet the exemption criteria provided by this particular provision:

- Must meet all of the objectives of Clause 53.18-5 and 53.18-6.
- Should meet all of the standards of Clause 53.18-5 and 53.18-6.

Conditions recommended by the City of Melbourne's Civil Infrastructure department and Environmentally Sustainable Design (**ESD**) advisor will appropriately manage stormwater runoff from the development in a manner that meets the requirements of this clause.

#### General Provisions

##### Clause 65 | Decision guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider the matters set out in clause 65 of the Planning Scheme (including section 60 of the Act), as appropriate.

#### Operational Provisions

##### Clause 72.01 | Responsible Authority

The Minister for Planning is the Responsible Authority for this application as the gross floor area of the development exceeds 25,000 m<sup>2</sup>. The Minister for Planning has given notice of the application to the City of Melbourne under section 52(1) of the Act.

## 5 STRATEGIC FRAMEWORK

### 5.1 Planning policies

The most relevant policies of the Municipal Planning Strategy and Planning Policy Framework of the Planning Scheme are listed below. Regard has been given to key policies relevant to the proposed development at section eight of this report.

Planning policies	
Clause 2.03	Strategic Directions
Clause 2.04	Strategic Framework Plans
Clause 11	Settlement

• Clause 11.02	Managing growth
• Clause 11.03	Planning for places
• Clause 11.03-6L-03	Docklands
Clause 12	Environmental and landscape values
Clause 13	Environmental risks and amenity
Clause 15	Built environment and heritage
• Clause 15.01	Built environment
• Clause 15.01-2L-01	Energy and resource efficiency
Clause 16	Housing
• Clause 16.01	Residential development
Clause 17	Economic development
• Clause 17.01	Employment
• Clause 17.02	Commercial
Clause 18	Transport
• Clause 18.01	Land use and transport
• Clause 18.02	Movement networks
Clause 19	Infrastructure
• Clause 19.02	Community infrastructure
• Clause 19.03	Development infrastructure
• Clause 19.03-3L	Stormwater management (water sensitive urban design) <sup>7</sup>

## 6 PUBLIC NOTICE, OBJECTIONS AND REFERRALS

### 6.1.1 Public notice and objections

Any public notice is the responsibility of the Minister for Planning (through the Department of Transport and Planning) as the Responsible Authority.

Notwithstanding the above, all of the planning controls applicable to the Application exempt the proposed development from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

No objections have been received by the City of Melbourne.

### 6.1.2 Referrals

The schedule to clause 66.04 of the Planning Scheme requires a referral to Development Victoria as a determining referral authority.

External referrals are the responsibility of the Minister for Planning (through the Department of Transport and Planning) as the Responsible Authority.

<sup>7</sup> This policy is further supported by clause 53.18 of the Planning Scheme, which does not specify a permit requirement, but does specify requirements bearing on the proposed development whether to ensure that stormwater management objectives are met. Conditions recommended by the City of Melbourne's Civil Infrastructure and ESD experts will appropriately manage stormwater runoff from the development in a manner that meets the requirements of this clause.

Notwithstanding this, the applicant has provided a letter from Development Victoria dated 19 April 2023 which states the following (query, the letter uses the address 907 – 913 Collins Street which is presumed to be 899-913 Collins Street):

'Lendlease Development (LLD) have advised Development Victoria (DV) that they intend to submit a Planning Application for the use and development of the site located at 899-913 Collins St, Docklands. The land in this location is owned by Development Victoria.

This site at 907-913 Collins St, Docklands is known as Stage Y7 in the approved Victoria Harbour Development Plan (2011), as endorsed by the Minister for Planning on 7 March 2011.

Lendlease have proposed the development of a build-to-rent apartment building on the Y7 site. The development proposed is in accordance with the approved Victoria Harbour Development Plan.

Noting that this planning application does not cover two smaller portions of the Y7 site – being one section on the southern edge of the site, and one section on the western side of the site. The development of these two portions of the site will be covered under separate planning applications. Development Victoria confirm support for Lendlease to proceed with lodgment [sic] of the planning application for the Victoria Harbour Stage Y7 site.'

## 7 CITY OF MELBOURNE INTERNAL COMMENTS

The table below summarises the internal advice received and the City of Melbourne's planning department's response:

Comment	Planner's response
<b>City Design (urban design)</b>	
<p>The City Design team reviewed the materials provided to the City of Melbourne on 8 May and 28 September 2023. It generally supports the proposal and makes the following recommendations (summarised):</p> <ul style="list-style-type: none"> <li>Commercial activation and public access as part of the business lounge, including direct access to Australia Wharf.</li> <li>In regard to the Tom Thumb Lane interface, reduce the extent of vehicle crossovers and create a more active and public edge for at least 30 metres extending from the Collins Street corner of the building.</li> </ul>	<p>Refer to the discussion at section eight of this report.</p>
<b>City Strategy</b>	
<p>The City Strategy team reviewed the materials provided to the City of Melbourne on 8 May 2023. The City Strategy team is of the view that the proposal has not adequately demonstrated it is generally in accordance with the Development Plan for the following reasons (summarised):</p>	<p>Refer to the discussion at section eight of this report.</p> <p>In its letter dated 30 October 2023, the applicant has confirmed that a condition (should a permit issue) requiring the delivery of Australia Wharf and Bourke Dock park</p>

- The proposal does not provide for a mix of residential and non-residential uses.
- The proposal does not provide active building edges in terms of land use or built form outcomes.
- The proposal's ground floor uses are for exclusive use of the residents, with no public access.
- The redevelopment of Bourke Dock park and Australia Wharf should be included in the scope of this development, to ensure the design of these interfaces delivers high quality, activated and safe public realm.

prior to the occupation of the proposed 'Y7' building is acceptable.

### Transport Engineering

The Transport Engineering team reviewed the materials provided to the City of Melbourne on 8 May and provided the following comments (summarised):

- Support the provision of car parking and bicycle spaces.
- The internal layout of the car parking area and the design of the bicycle parking should generally comply with the Planning Scheme / relevant Australian Standards / Bicycle Network guidelines.
- As the 1:8 downwards grade over the first 6 metres from the car park is under 1:10. A narrow road hump must be installed close to the exit to encourage low speeds.
- B99 swept path diagrams must be provided.
- To ensure entering vehicles do not stop in the street and obstruct pedestrians and traffic while waiting for the car park entry door to open, the door should either be offset by six metres from the site boundary or be left open between 4-7pm Monday to Friday.
- While the swept path diagrams of the loading and servicing vehicles are acceptable in principle, a Loading Management Plan must be prepared, specifying how access of loading vehicles will be managed.
- As recommended in the Traffic Impact Assessment prepared by the applicant, two car share spaces must be provided.

The Transport Engineering team has not objected to the proposal and has requested further information to ensure the proposed traffic arrangements are appropriate. In response, the applicant has:

- Provided the B99 swept path diagrams.
- Confirmed that it can respond to all of the Traffic Engineering team's requests by way of planning permit condition including:
  - Introducing a road hump.
  - Offsetting the car park entry door six metres from the boundary.
  - Replacing two operational car spaces at ground floor with two car share spaces.

Subject to the conditions being included on any planning permit being granted giving force and effect to the advice and requirements, it is considered that the development will be acceptable, and comply with relevant requirements of the Planning Scheme.

- A formal independent desktop Road Safety Audit must be undertaken.
- The City of Melbourne will not change on-street parking restrictions to accommodate the development.

### City Infrastructure

Recommended that a number of standard planning permit conditions be included on any planning permit being granted to protect City of Melbourne's road-based assets and integrate the development with the stormwater drainage system.

Should a permit issue, these conditions will be required via condition.

The City Infrastructure team reviewed the materials provided to the City of Melbourne on 8 May and provided the following comments (summarised):

- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres should include the provision of a minimum of 2.0 metres long pedestrian refuge islands at 7.6 metre spacings.
- Planning permit TP-2022-531 has issued for the reconstruction of Australia Wharf adjacent to the proposed building. The proposed building must be structurally independent from the approved wharf. The approved wharf must be built prior to the occupation of the proposed building as it includes proposed entry points to the wharf.
- 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.
- The Site is subject to flooding inundation. The application should be referred to Melbourne Water.
- Prior to the occupation of the building, the area of Bourke Dock park must be formally vested with the City of Melbourne.

In response, the applicant has:

- Submitted that all crossovers are less than 7.6 metres. However, the City of Melbourne planning team notes that the ground floor plan (TP-21-000) depicts a circa 22 metre wide crossover. As such, a condition will be included requiring a refuge to the satisfaction of the City of Melbourne.
- As discussed above, the applicant has confirmed that a condition (should a permit issue) requiring the delivery of Australia Wharf and Bourke Dock park prior to the occupation of the proposed 'Y7' building is acceptable. The vesting of the park will also form a condition of permit (should one issue).
- Confirmed it can respond to all of the City Infrastructure team's requests by way of planning permit conditions.

Subject to the conditions being included on any planning permit being granted giving force and effect to the advice and requirements, it is considered that the development will be acceptable, and comply with relevant requirements of the Planning Scheme.

A note on planning permit (should one issue) will remind the permit holder of the requirement to accord with the Docklands Design and Construction Standards for Infrastructure Works.

As discussed earlier in this report, the proposal was referred to Melbourne Water who did not object subject to conditions.

- Prior to the occupation of the building, Bourke Dock park including all landscaping, street furniture, public lighting and finishes must be constructed in accordance with plans and specifications first approved by City of Melbourne – Infrastructure Development.

### Waste and Recycling

The Waste and Recycling department reviewed the Waste Management Plan prepared by Leigh Design dated 22 March 2023 and provided the following comments:

- Council will supply 16 x 240 L organic bins and 19 x 240 L glass bins to align with the development's entitlement. All additional bins used for internal circulation purposes will need to be supplied by the operator.
- Dimensions of the compactors need to be supplied to ensure that there will be no overhang on the 8.8 metre waste vehicle.
- Swept path diagrams will need to be updated using the most up-to-date architectural floor plan.
- Should the recycling compactor reach its end of lease or require replacement after Council commences its dedicated glass collection service, the compactor will need to be downsized to an 11 m<sup>3</sup> compactor in order to account for the absence of glass in the commingled recycling stream.

With further consultation with the Waste and Recycling department, dot point two is resolved as this detail is provided on the Waste Management Plan.

In response to the remaining comments, the applicant has confirmed that it can respond to all of the Waste and Recycling team's requests by way of planning permit condition. Subject to the conditions being included on any planning permit being granted giving force and effect to the advice and requirements, it is considered that the development will be acceptable, and comply with relevant requirements of the Planning Scheme.

### Land Survey

The Land Survey team reviewed the materials provided to the City of Melbourne on 8 May 2023 and provided the following comments (summarised):

- 899 Collins Street is not a currently approved address for the property.
- Encroachments outside the title boundary to be referred to City Infrastructure for comment.
- Recommended planning permit conditions with respect to the following:
  - Where storage cages 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

In response, the applicant has:

- Submitted that the City of Melbourne has since accepted the address range starts at 899 Collins Street.

In the view of the City of Melbourne planning officers, that the evidence provided does not confirm that the City of Melbourne accepts the future address as 899 Collins Street. Notwithstanding this, the street numbering process is not a consideration of the planning process. This process will be undertaken following the issuing of a planning permit (should one issue).

- o Where service areas are not independently accessed and relies on access over an adjoining car space and / or storage cage, the relevant car parking space and / or storage cage must be deleted. See the figure below.
- o Prior to commencement, the owner must provide evidence to the Responsible Authority that all easement which are impacted by the built form have been removed and / or varied to the satisfaction of the Responsible Authority.
- o Prior to commencement, the owner must provide evidence to the City of Melbourne that any required easements for access / light and air over the proposed abutting title boundary have been created to the satisfaction of the City of Melbourne.

- Confirmed it can respond to all of the Land Survey team’s requests by way of planning permit condition.

Subject to the conditions being included on any planning permit being granted giving force and effect to the advice and requirements, it is considered that the development will be acceptable, and comply with relevant requirements of the Planning Scheme.



Figure 17 – extract of the level one plan (TP-21-010) with highlight added by the City of Melbourne

### Environmental Sustainable Design

The City of Melbourne’s ESD officer reviewed the materials provided to the City of Melbourne on 8 May, 28 September 2023, and 30 October 2023.

In summary, it is advised that the development commits to a level of sustainability that meets the objectives of clauses 15.01-2L-01 and 19.03-3L of the Planning Scheme subject to providing further information via planning permit conditions.

In response, the applicant has:

- Provided proof of Star Green Star Building v1.0 registration.
- Provided a Water Sensitive Urban Design, prepared by Introba, dated 6 September 2023 which provides further information in regard to raingardens, water tanks, and reticulation.
- Provided a written response to the ESD officer’s advice.

Subject to the conditions being included on any planning permit being granted giving force and effect to the advice and



	<p>requirements, it is considered that the development will be acceptable, and comply with relevant requirements of the Planning Scheme. It is appropriate that the conditions be flexible to ensure that that can be suitably responded to, noting that the endorsement and detailed design phase of a development can affect which climate credits can be claimed.</p>
<b>Urban Forestry and Ecology</b>	
<p>The City of Melbourne's Urban Forestry and Ecology team reviewed the materials provided to the City of Melbourne on 8 May and provided the following comments (summarised):</p> <ul style="list-style-type: none"> <li>• Additional public tree plots to Collins Street should be provided.</li> <li>• The inclusion of standard permit conditions relating to the identification of impacts on street trees during the construction phase.</li> </ul>	<p>In response, the applicant has confirmed it can respond to all of the requests by way of planning permit condition.</p> <p>Subject to the conditions recommended being included in any permit being granted, it is considered that the proposed development will satisfactorily address potential impacts on street trees, and identify opportunities to increase the number of street trees.</p>
<b>Greenline</b>	
<p>The City of Melbourne's Greenline team reviewed the materials provided to the City of Melbourne on 8 May and provided the following comments (summarised):</p> <ul style="list-style-type: none"> <li>• The alignment of the Greenline promenade is along Australia Wharf and the proposed Bourke Dock park.</li> <li>• Encourage more publicly accessible and active ground floor uses, particularly around the south western corner of the proposed which, if made public, would improve connection between the future Bourke Dock park and Australia Wharf.</li> <li>• Encourage community infrastructure at the ground floor.</li> <li>• The Greenline <i>Project Draft Master Plan August 2023</i> includes the following on pages 80 and 81: <ul style="list-style-type: none"> <li>○ Explore the opportunity for a cultural node adjacent to Bourke Dock park.</li> <li>○ Explore opportunities to collaborate with developer of 899-913 Collins Street to improve public space and connectivity for all users.</li> </ul> </li> </ul>	<p>In response, on 15 September 2023, the applicant submitted:</p> <ul style="list-style-type: none"> <li>• The applicant actively participates in the Greenline project through the revitalisation of Australia Wharf.</li> <li>• The applicant is in the process of lodging a separate planning application for development of Bourke Dock park.</li> <li>• The proposal has been prepared with the development of Bourke Dock and Australia Wharf as a key consideration of the proposed design.</li> </ul> <p>The proposal includes ground floor interfaces with Australia Wharf and Bourke Dock park. As the letter from Development Victoria goes to, the applicant will deliver Australia Wharf and Bourke Dock park which align with the Greenline project. Further, as discussed at section 2.1.2 above, the applicant has proposed conditions to increase the amount of publicly accessible space within the ground floor.</p> <p>As such, subject to the conditions in section 2.1.2 recommended being included in any permit being granted, it is considered that the</p>

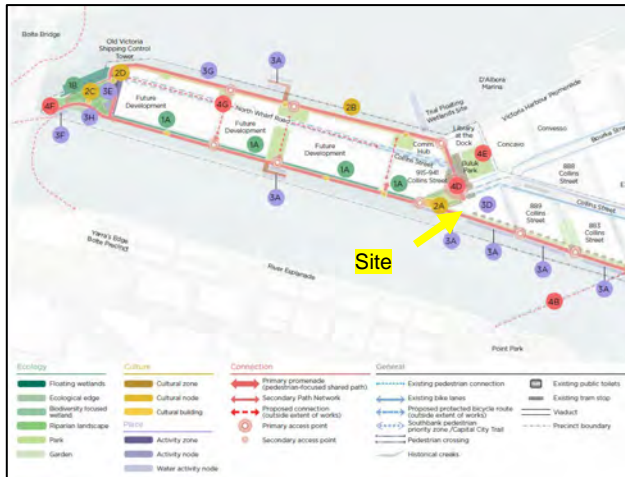


Figure 18 – extract of page 81 of the Greenline Project Draft Master Plan August 2023

proposed development will satisfactorily respond to the Greenline project.

### Parks and City Greening

The City of Melbourne’s Parks and City Greening department reviewed the materials provided to the City of Melbourne on 28 September 2023 and provided the following comments (summarised):

- Projections from the proposed building into Bourke Dock park may encumber the future use of the park.
- Windows to the boundary of the proposed Bourke Dock park may result in easements of light and air being required which may encumber the future park.
- Existing public gym infrastructure on the Site has been recently removed. It is desirable to discuss other suitable locations for public gym equipment.

In response, the City of Melbourne planning department provides the following comments.

The Development Plan identifies:

- that Bourke Dock park will include a pedestrian footpath abutting the Site (see the figures below);
- that a residential building podium will abut Bourke Dock park (see the figures in chapter eight of this report); and
- that ‘...Dock Square is...edged and activated by...residential and mixed use buildings...’<sup>8</sup>.

For these reasons, the proposed canopy (which projects 1.6 metres from the building and is above 5.0 metres from the footpath level) and the proposed windows on boundary will not unreasonably inhibit the development of Bourke Dock park and are acceptable.

It is not in the remit of this Application to consider another suitable location for the gym equipment, and will be considered as part of any future application for the balance of the land which is identified as a park in the Development Plan.

<sup>8</sup> Page 56 of the Development Plan

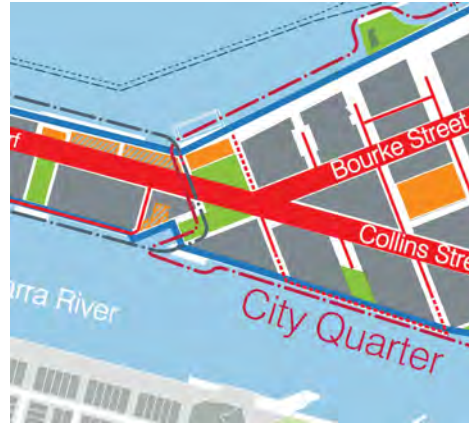


Figure 19 – extract of page 45 of the Development Plan



Figure 20 – extract of page 54 of the Development Plan

## Landscape

The City of Melbourne’s ESD officer reviewed the materials provided to the City of Melbourne on 8 May and provided the following comments (summarised):

- Increase greening on levels 4, 22 and 23, including pergolas and other growing structures to help increase shade on these exposed sites. Using large canopy tree planter boxes with seating underneath would also increase shade and help with cooling.
- Incorporating more planter boxes along the boundaries of levels 4, 22 and 23, which will also encourage environmental and socioecological benefits to these communal spaces.
- Ensure lawn on levels 22 and 23 is natural turf to reduce heat retention.
- Provide detailed plant species schedule for each level which should be developed by a qualified horticulturalist with proven experience in green roofs at this scale.

In response, on 15 September 2023, the applicant submitted that the following condition (should a permit issue) will resolve the comments:

- ‘Prior to the commencement of the development, the applicant must submit to the Responsible Authority for approval, in consultation with Melbourne City Council, electronic landscape plans drawn to scale generally in accordance with the plans prepared by Arcadia Landscape Architecture VIC Pty Ltd, marked ‘Rev C’, dated 13 April 2023, but amended to:
  - Consider potential for planter boxes along the southern lawn interface of level 22 and the northern interface of level 23, subject to consideration for safety, wind and façade maintenance.

- Consider potential for provision of a pergola on level 22, subject to consideration for safety, wind and lawn establishment / viability.
- Annotation showing 'natural turf' in respect to lawn on levels 22 and 23.
- A schedule detailing plant species developed by a qualified horticulturalist.

To the satisfaction of the Responsible Authority.'

The proposed condition will satisfactorily respond to the ESD officer's comments.

## 8 ASSESSMENT

The key issues for consideration in the assessment of the Application include the following:

- Consistency with the Development Plan
- Built form
- Apartment amenity
- External amenity
- Engineering
- Sustainability and landscaping.

### 8.1 Consistency with the Development Plan

The DPO3 requires a proposal to be 'generally in accordance with' the Development Plan.

It is an established planning principle that an assessment against a development plan requires an assessment of the development plan area as a whole, an appreciation that a development plan contemplates flexibility, and that a proposal does not need to be identical to a development plan.

The Development Plan identifies the following built form, land uses, and public realm offerings for the Site:

- A podium height of 20 to 35 metres with a tower of 85 to 95 metres.
- The tower be setback from Collins Street and from the south-east. Noting that tower locations are specifically identified as being 'indicative'.
- A residential / hotel building with retail to Collins Street and mixed use to Australia Wharf. Noting that the Site is identified as a 'flexible site – use may change subject to market'.
- Gross floor area of approximately 45,296 m<sup>2</sup>, with approximately 250 dwellings and 275 car spaces.
- Vehicle entrances provided to Tom Thumb Lane (identified as a secondary street).
- The future Bourke Dock park is located to the west of the Site.
- Street tree planting to the east side of Tom Thumb Lane (i.e. not the footpath adjacent the Site).

- Abutting the Site to the south, the Development Plan proposes 'Australia Wharf East', a 6.5 metre wide promenade; primarily a pedestrian and cyclist zone with vehicle access limited to service vehicles only.

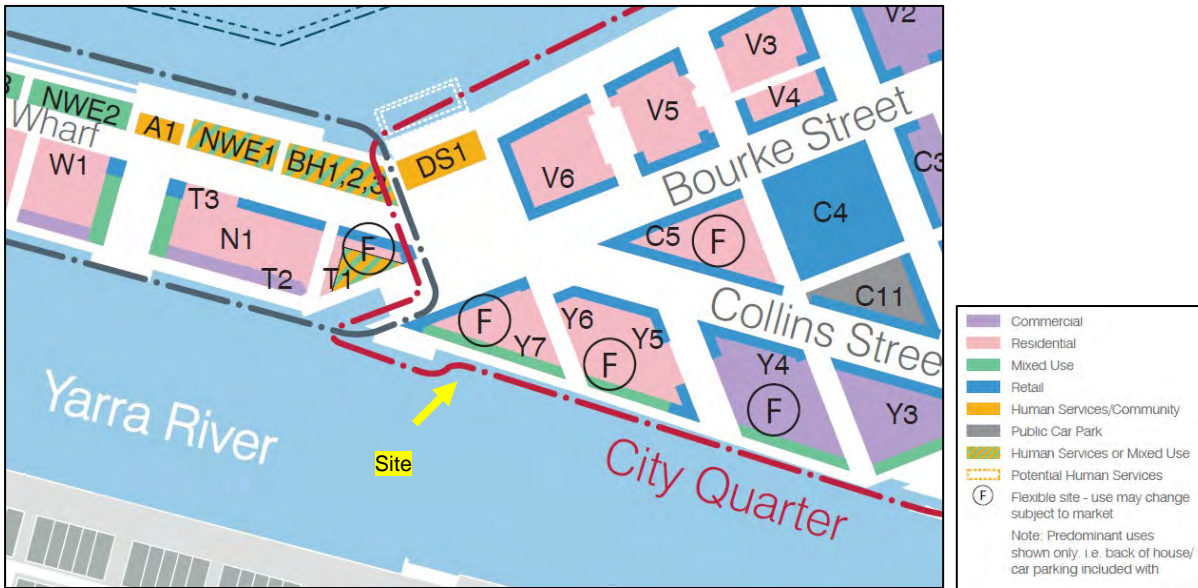


Figure 21 – extract of page 76 of the Development Plan



Figure 22 – extract of page 80 of the Development Plan

FUTURE PROJECTS (CONT'D)								
	Y6	Y7	N1 (T1, T2, T3)	N2 (W1, W2)	N3 (W3, W4)	Wharf Edge North	Wharf Edge South	Human Services
USE	Residential	Residential/ Hotel	Residential	Residential	Residential	Mixed Use	Mixed Use	Human Services
FLEXIBLE SITE	Yes (F)	Yes (F)	Yes (F)	No	No	No	No	No
GFA (m2)	16,701	45,296	49,813	24,696	32,045	14,470	4,801	4,600
BUILDING HEIGHT	90m	90m	110m	35m	35m	12m	12m	12m
APARTMENT No.	133	250	486	175	220	N/A	N/A	N/A
CARPARK No.	232	275	563	358	499	0	0	0

Note: This table is a guide. Numbers in the table referring to planned developments are approximate until detailed planning is complete  
Note: Predominate uses are shown only

(F) Flexible Site

VICTORIA HARBOUR | DEVELOPMENT PLAN | 79

Figure 23 – extract of page 79 of the Development Plan (highlight added by the City of Melbourne)

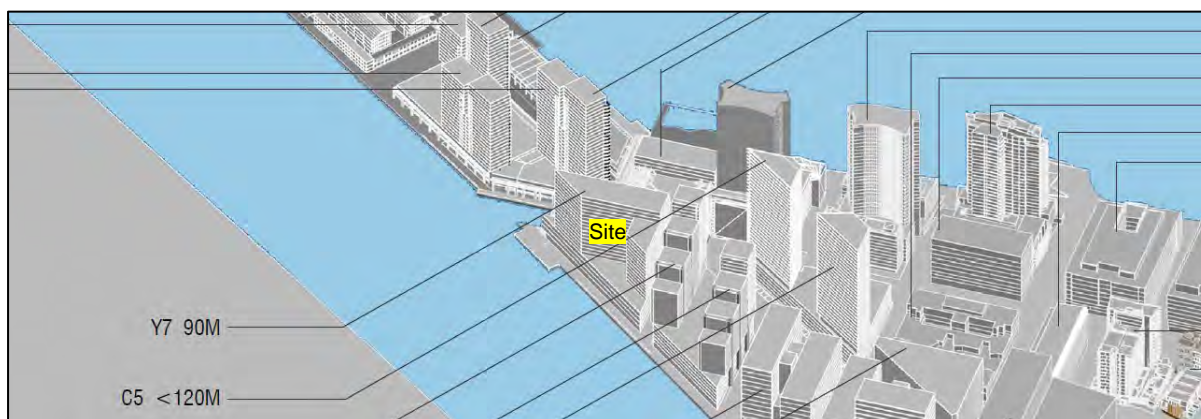


Figure 24 – extract of page 81 of the Development Plan

As described at section three above, the proposal seeks to provide the following:

- A maximum podium height of approximately 17.66 metres and a maximum building height of approximately 80.64 metres.
- Setbacks as described at section 3.3 above.
- A residential building comprising 499 apartments, 103 car spaces, 412 bicycle spaces and 4 motorcycle spaces.
- Gross floor area of approximately 57,089 m<sup>2</sup>.
- Vehicular access and services to Tom Thumb Lane.

The Development Plan identifies the Site within the City Quarter West area which includes the ‘...tallest buildings in the development, which include both residential and commercial towers supported by street-defining podia. The podia incorporate mixed-uses to enhance street address...[r]etail facilities are distributed throughout the area but are centred on Merchant Street.’

Recognising these guiding built form, land use, and public realm principles (which are furthered by clause 11.03-6L-03 and 15.01 of the Planning Scheme), the proposal is considered to be generally in accordance with the Development Plan, subject to conditions, for the following reasons:

- The proposed podium and overall maximum height are less than anticipated by the Development Plan. The proposed location of the tower is also located further towards the north-east and south-west corners than the Development Plan suggests. As discussed above, the Site is identified in

an area of the Development Plan which is to contain the tallest buildings in the precinct and the Development Plan notes that the tower locations for the Site are 'indicative only'.

- The proposal is consistent with the heights and built form pattern of surrounding developments which typically include a podium form with a clearly distinguishable tower above to approximately 80 metres in height and above (see the renders earlier in this report). As outlined above, the City Design department have not raised concern with the form and appearance of the podium, tower, and setback arrangement. As discussed further below, this is on the condition that the southern banks of the Yarra River are not overshadowed between 11.00am and 2.00pm on 22 June which is a mandatory provision of the DZ2.
- The proposed dwelling numbers and gross floor area exceed the Development Plan estimates. This is not unusual as the Development Plan is a guide, with the specifics of each buildings to be determined by a planning permit application and detailed design by an architect. As the table in section 1.1 of this report illustrates, all surrounding developments exceed the estimates of the Development Plan, and as described above the built form is within the building envelope parameters / metrics of the Development. The proposed increase is acceptable when considering the demand for housing in Melbourne has significantly increased than first anticipated when the Development Plan was incorporated into planning policy and the proposal achieves the Objectives of clause 58 (apartment developments) of the Planning Scheme (as discussed below). Further, the proposal offers excellent internal amenity, providing for high levels of communal indoor and external spaces.
- The Site is nominated as a 'flexible' site where the land use composition may change subject to circumstances, including market demand. The overarching objective is that a reasonable amount of active publicly accessible land uses are provided. For the below reasons, subject to conditions, the land use composition is acceptable:
  - As above, the Development Plan envisions retail and mixed use interfaces to Collins Street and Bourke Street. The proposal seeks to provide for indoor amenities (lounge, meeting rooms, dining areas, etc.) and a leasing office in lieu of providing for publicly accessible retail spaces within the ground floor. As the table in section 1.1 above shows, all recent developments include a form of publicly accessible retail / commercial offerings at the ground floor. As discussed above, the requirement for publicly accessible spaces within the ground floor was raised at the pre-application meeting and raised again post lodgement of the Application. The applicant has prepared draft conditions to introduce a food and drink premises offering within the ground floor of the proposed building. The proposed condition, which introduces a publicly accessible space into the proposed building, is considered acceptable and necessary subject to the following additional conditions:
    - 1) A review is conducted into the location of the pedestrian entrance to Collins Street to ensure the nominated café space has a sense of address to the street.
    - 2) Convert the 'LEASING OFFICE' and 'LEASING / DISPLAY' on the ground floor to a 'food and drink premises' (or another retail style use that does not require a planning permit).

This is considered to satisfactorily respond to the requirements of the Development Plan and the comments from the City Design, City Strategy, and Greenline teams. It is considered that the proposed food and drink premises combined with the interfaces with Bourke Dock park and Australia Wharf will provide for reasonable activation that is commensurate with the area and future proofs an additional area of publicly accessible space.

- The City Design department has raised concerns with the extent of building services and crossovers to Tom Thumb Lane. The Development Plan identifies that Tom Thumb Lane

will be the location for vehicle entrances<sup>9</sup>. Clause 11.03-6L-03 (Docklands) includes the following objective area '[g]round level frontages should provide active uses for a minimum of 50 per cent of the street frontage, or 80 per cent in key areas of pedestrian activity.' The frontage of the Site is Collins Street, which is provided an active ground floor façade above 80 per cent. The building's services and crossovers to Tom Thumb Lane make up approximately 20 per cent of the overall interfaces to Collins Street, Tom Thumb Lane, and Australia Wharf. The Development Plan includes a street hierarchy at section 6.3.1 which nominates Tom Thumb Lane as a secondary street. As such, this interface is consistent with the Development Plan and planning policy and is therefore acceptable.

- o The proposal provides for reasonable connections to the adjacent future Bourke Dock park and future Australia Wharf which are public spaces that will be suitably further activated by the ground level of the proposal. As identified in the Development Plan, active interfaces to the public spaces will create '...the potential for community activities to spill out into the park and provide a direct exchange between building and public realm'. It is considered that this objective is met.

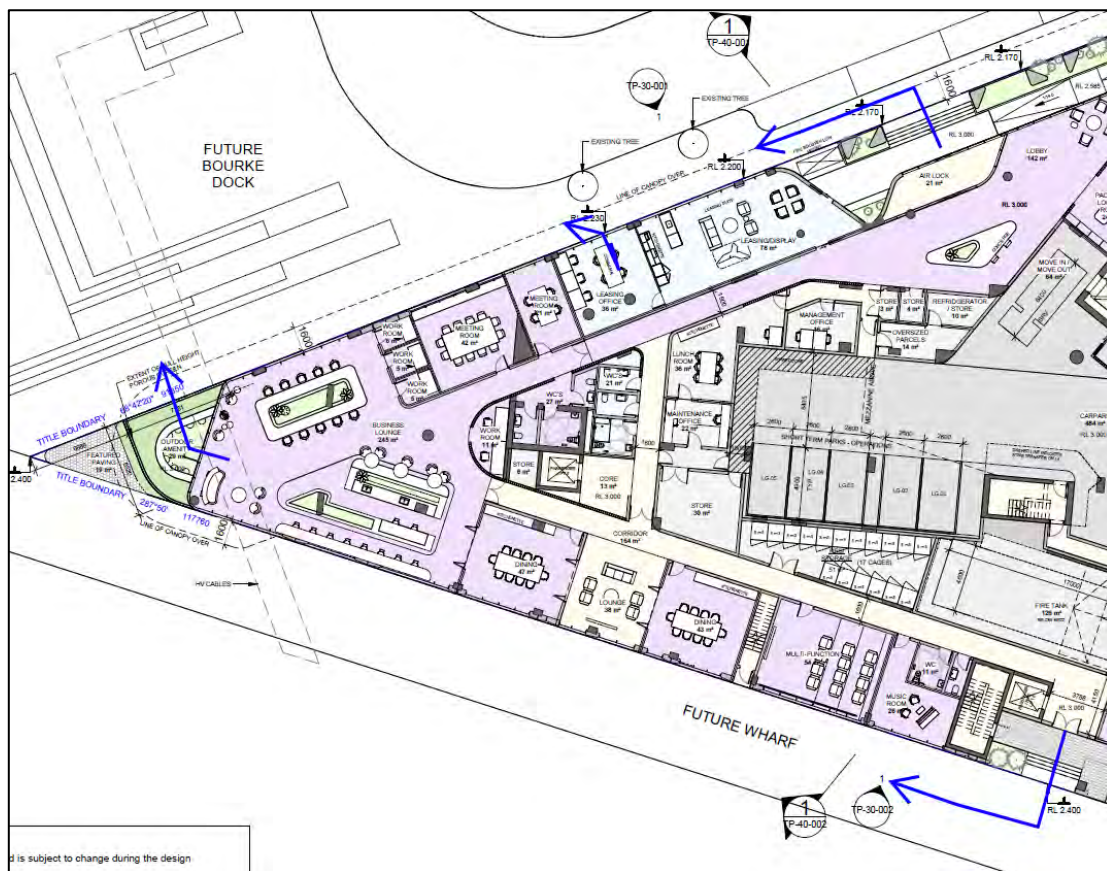


Figure 25 – extract of the proposed ground floor plan (TP-21-000) with proposed and potential (from the leasing office) connections to Bourke Dock park

- o The proposal responds to the proposed 6.5 metre public promenade abutting the Site to the south known as Australia Wharf. As discussed above, Australia Wharf has been approved by TP-2022-531 and will be delivered prior to the completion of this development (should a permit issue). While not being activated directly by businesses within the Site, Australia Wharf will nonetheless be subject to the visual surveillance

<sup>9</sup> See page 102 of the Development Plan



afforded by the indoor communal facilities. This is consistent with other developments within the precinct which typically face SOHO apartments to the Yarra River interface.

- There is no requirement in the Development Plan to provide for additional street trees to the western interface of Tom Thumb Lane or the north interface to Collins Street. Notwithstanding this, as discussed above, the applicant will provide additional public tree plots to Collins Street.

## 8.2 Built form

### 8.2.1 Building height

As discussed above, the building height is generally in accordance with the Development Plan and is acceptable. The proposed height is also consistent with the discretionary height controls for the Site specified in the DDO50 (outlined above).

### 8.2.2 Setbacks

#### *Building setbacks*

The Development Plan does not specify specific setbacks for a tower at the Site (see figure 20 above) and provides the following general guidance:

‘Scale, continuity and street alignment are used to create clarity and legibility along the principal streets. The facades of all buildings align with the lot boundaries on the south side of Collins Street and Collins Street Wharf. There is a similar alignment to the north although the width of Collins Street Wharf is reduced in the Wharf Quarter. The larger buildings on Collins and Bourke Streets are typically configured as a tower form over a podium structure. The podiums realign the developments to create a consistently ordered streetscape. The importance of the intersection of Collins and Bourke Streets will be marked with high-rise towers that will frame and define Dock Square and Bourke Dock.’

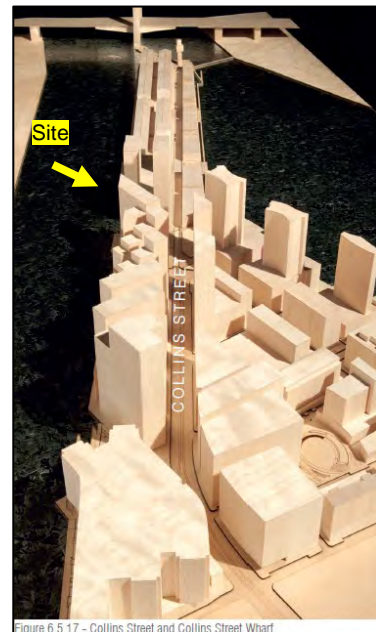


Figure 26 – extract of page 82 of the Development Plan

The proposed setbacks of the building are summarised at section 3.3.4 above.

The proposed ‘Y-shaped’ design above the street wall varies from the Development Plan. It is considered to be generally in accordance with the Development Plan by maintaining the vision for the legibility of Collins Street, a podium and tower form, and general guidance for setbacks from the Yarra River promenade (subject to the overshadowing discussion at section 8.4.2 below). The proposal opts for a more refined tower footprint, resulting in both greater and reduced setbacks from Collins Street, Yarra River and Tom Thumb Lane which reduces visual bulk from these key public interfaces, as well as assisting with wind mitigation.

The increased setbacks, in part, to the east, allows for a greater separation from the proposed tower to the approved buildings at 889-897 Collins Street to create a greater sense of openness through Tom Thumb Lane. The reduced setbacks for the Bourke Dock park interface are also supported, subject to no adverse wind implications for this future public open space (discussed at section 8.4.1 below).

From a design perspective, the alignment of the tower component with the three corners of reflects the triangular shape of the Site. The slender tower form, which steps in from the centre of the Site's three interfaces is considered an appropriate response to the shaped parcel of land. The tower has been designed 'in the round' and positively address Collins Street, Buluk Park, and the future Bourke Dock park.

#### *Setbacks to the Yarra River promenade*

The proposal is consistent with the promenade setback provisions of the DDO50 by providing for a minimum 6.5 metre width to Australia Wharf (approved under TP-2022-531 as discussed above).

### **8.2.3 Design**

The Development Plan identifies the Site as being a landmark building<sup>10</sup>. For a landmark site the Development Plan suggests that the building should be a high quality architectural response to reflect its prominent position.

Clause 11.03-6L-03 (Docklands) states that '...buildings on landmark sites that terminate views or mark key focal points are designed to the highest quality' and that buildings should include '...attractive and interesting building facades including through the use of windows and doors opening onto activities, displays or rich architectural detailing and avoiding blank walls.'

The City of Melbourne's City Design (urban design) department supports the three wings extending from a central core and are satisfied that the placement of balconies and the arrangement of solid to elements to voids (glazing) provides sufficient legibility to the building for the Docklands context.

A façade strategy will form a condition of permit (should one issue) to ensure detailed façade specifications are provided and are of a high quality.

## **8.3 Apartment amenity**

### **8.3.1 Clause 58 (apartment developments)**

The proposal has been assessed against the Objectives and Standards of clause 58.

The proposal achieves all of the Objectives and meets most of the Standards of clauses 58.

The following Standards of clause 58 are considered relevant for discussion.

#### *Clause 58.05-3 (private open space objective)*

Provides the following objective:

'To provide adequate private open space for the reasonable recreation and service needs of residents.'

The corresponding Standard D20 sets out minimum area size and dimensions for balconies.

84 per cent of the balconies meet the Standard. The shortfall apartments are typically non-linear shaped apartments (including apartment C04.1 as the figure below shows). These non-linear apartments are considered to meet the Objective of the clause given the areas remain useable and functional and there is an exceedance of the communal indoor and outdoor provisions of clause 58.

The detailed diagrams of the apartments provided by the applicant do not include cooling or heating units on the balconies. A condition is therefore recommended (should a permit issue) that requires a note on the plans to confirm cooling or heating units cannot be placed on the balconies.

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<sup>10</sup> See page 90 of the Development Plan

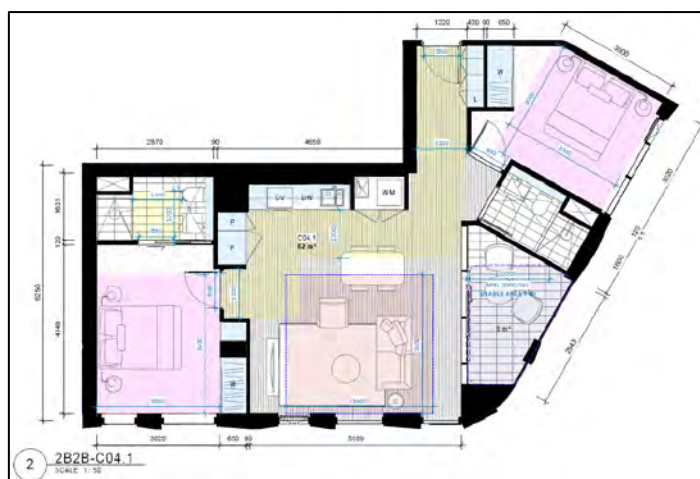


Figure 27 – apartment C04.1

*Clause 58.05-4 (storage objective)*

Provides the following objective:

‘To provide adequate storage facilities for each dwelling.’

The corresponding Standard D21 sets out minimum total area of storage volume internal and external to the dwelling.

The total minimum storage area has been provided in accordance with the Standard internally, however some apartments do not include external storage cages and as such do not meet the standard. The Objective is achieved as all of the dwellings meet the minimum standards and the majority include external storage. A condition of permit will require storage areas to be clearly noted with dwelling allocations.

*Clause 58.07-1 (functional layout objective)*

Provides the following objective:

‘To ensure dwellings provide functional areas that meet the needs of residents.’

The corresponding Standard D26 sets out minimum dimensions for bedrooms and living areas that the proposal should meet. To meet the Objective, the decision guidelines of the Standard require the Responsible Authority to consider the useability, functionality, and amenity of habitable rooms.

77 of the 499 apartments (or 15 per cent) do not meet the Standard.

Noting the decision guidelines, detailed room layouts with scaled furniture and queen beds have been provided which demonstrate how the apartments meet the needs of the future resident. Non-compliance is due to the curved shape of the proposed building with most non-compliant bedrooms meeting the minimum area standards, but failing short of the Standard in regard to width. As such, the proposal is considered to meet the Objective.

### 8.3.2 Noise

The proposal is supported by a Town Planning Acoustic Assessment prepared by Renzo Tonin and Associates which provides an acoustic assessment of the proposed building against the DDO12 and clause 58.04-03 (noise impacts objectives) of the Planning Scheme. The report confirms expected compliance with respect to these clauses of the Planning Scheme.

## 8.4 External amenity

### 8.4.1 Wind

The DZ2, DDO50, and the Development Plan consider the impacts of wind from a new building.

A wind study formed the basis of the location and form of the built form and location of open space within the Development Plan area. It also states that '[d]etailed wind studies will also be undertaken for the design of each building with the "Melbourne Wind Mitigation Guidelines 2008" providing the basis for analysis.'<sup>11</sup> The Development Plan includes mitigation strategies such as '[t]ower and podium forms to be used in conjunction with canopies throughout the City and Wharf quarters to prevent downdraft impacts on the public realm.'<sup>12</sup>

The proposal is supported by a Pedestrian and Wind Environment Study prepared by Windtech which assessed a scale model of the proposed building in a wind tunnel to measure wind impact on external areas of the proposed building and surrounding public areas (including Bourke Dock park). The report utilises the criteria of the Design and Development Overlay, Schedule 10 which requires both the safety limit criteria and wind comfort criteria to be achieved.

All recommendations from the report have been introduced to the proposed building. It concludes that '[t]he results of the study indicate that with the originally proposed design, wind conditions for the majority of trafficable outdoor locations within and around the development were suitable for their intended uses and / or were better than or equivalent to existing wind conditions. However, some areas required wind mitigation treatment to achieve the relevant criteria for comfort and / or safety.'

However, the report provides that the future Bourke Dock park fails the safety limit and the comfort criteria. Conditions such as this must be avoided for new public spaces. As such, by way of permit condition (should a permit issue), it is recommended that further review of wind impacts to future Bourke Dock park be undertaken to ensure the park meets relevant safety and comfort standards for future users.

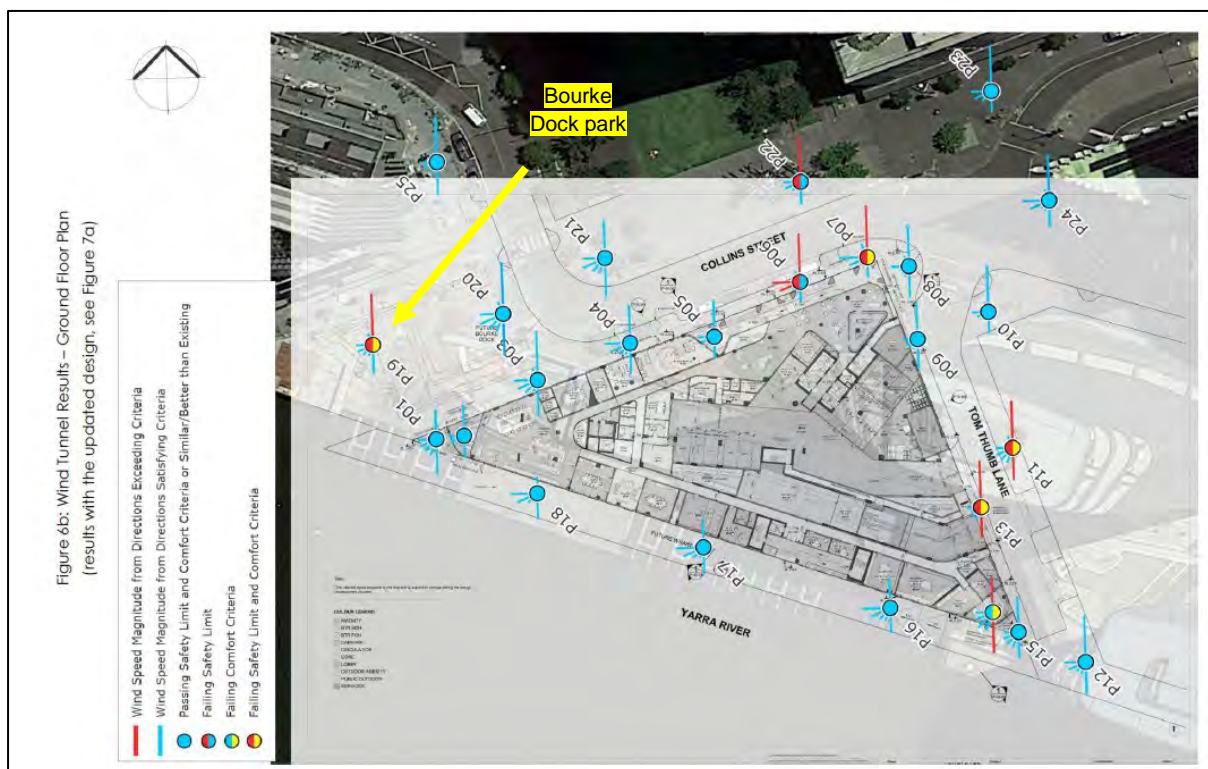


Figure 28 – Figure 6b: Wind Tunnel Results – Ground Floor Plan (Source: Pedestrian Wind Environment Study)

### 8.4.2 Shadows

<sup>11</sup> Page 93 of the Development Plan

<sup>12</sup> Page 93 of the Development Plan

### South bank of the Yarra River

Clause 4.0 of the DZ2 states that the following is prohibited: '[t]he construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited, excluding mooring poles, marinas and gangways.'

This requirement is consistent with the shadow requirements of the Development Plan.

The proposal is supported by a detailed Overshadow Analysis prepared by VIPAC Engineers and Scientists Pty Ltd which demonstrates the proposed shadow across the Yarra River at the required times. The analysis depicts shadows close to the south bank of the Yarra River between 11:00am and 11:15am which is accompanied by a written submission by Urbis Pty Ltd which states that '...the shadow falls under the boardwalk.<sup>13</sup> There are no sections accompanying the shadow assessment providing further information on this matter. Given that overshadowing of the south bank between 11:00am and 2:00pm on 22 June is prohibited, a planning permit condition will be recommended to ensure that the requirement is met.

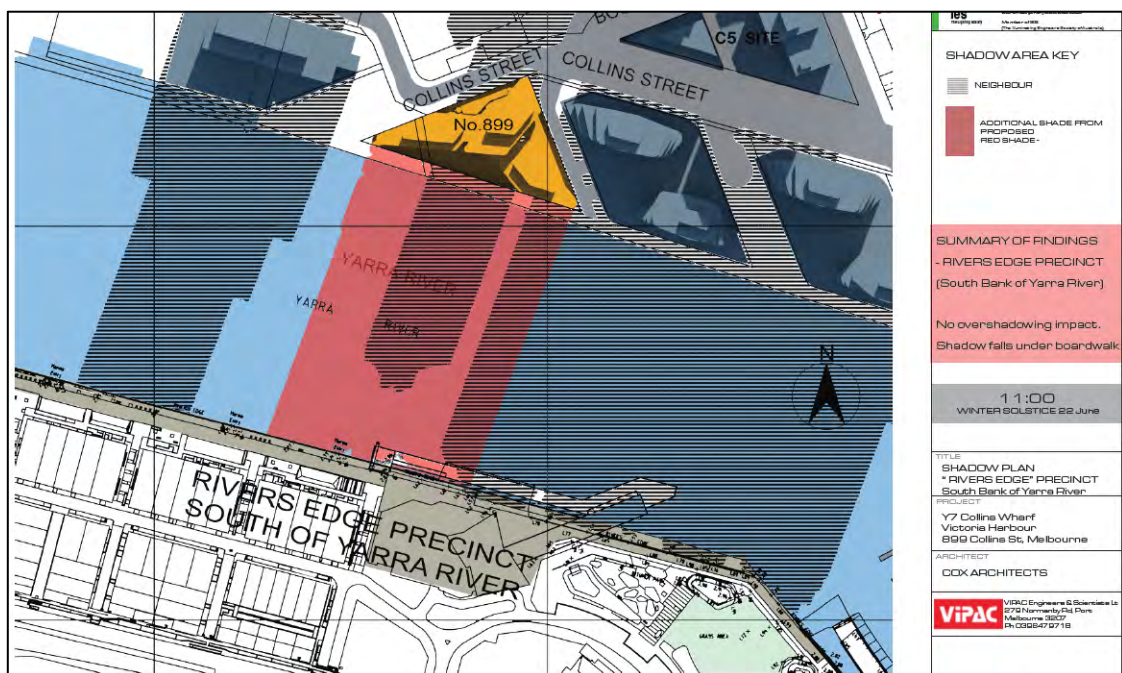


Figure 29 – proposed 11:00am shadow diagram

### Proposed Bourke Dock park

Based on an assessment of the three dimensional model in the City of Melbourne's CoMPass program, the proposal will not overshadow the proposed Bourke Dock park between 11:00am and 2:00pm on 22 June<sup>14</sup> or 22 September<sup>15</sup>.

### 8.4.3 Glare

The proposal is supported by an External Reflected Glare Report prepared by Inhabit which provides an assessment against the *Planning Practice Note 96: Planning Considerations for Reflected Sunlight Glare*. The report generally concludes that a glass reflectivity of 15 per cent reasonably mitigates the

<sup>13</sup> See page 15 of the Planning Report prepared by Urbis Pty Ltd

<sup>14</sup> The winter solstice

<sup>15</sup> The policy requirement of clause 15.01-1L-03 of the Planning Scheme, notwithstanding that it does not apply to the Docklands Zone

impact of reflective glare. It is recommended that a condition on permit (should a permit issue) ensure that all external glazing must be of a type that does not reflect more than 15 per cent of visible light.

## 8.5 Engineering, sustainability and landscaping

As discussed at section seven above, the relevant internal departments have not objected to the proposal subject to conditions being applied to the planning permit, should it issue. As such, it is considered that the proposal responds to the relevant engineering provisions of the Planning Scheme.

## 9 OFFICER RECOMMENDATION

Having considered all relevant provisions of the Planning Scheme, in addition to the matters required under Section 60 of the Act, it is recommended that the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the City of Melbourne does not object to the proposal subject to the following conditions:

### 9.1 Conditions

1. Prior to the commencement of the development (excluding demolition and bulk excavation), an electronic copy of plans, drawn to scale and fully dimensioned, must be approved and endorsed by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Cox Architecture Pty Ltd dated 12 April 2023 but amended to show:
  - a. In regard to the ground floor layout:
    - i. A revised ground floor layout generally in accordance with the layout shown on the drawings labelled 'Discussion Plans', prepared by Cox Architecture dated 14 September 2023 (Rev. 2), including: nomination of 'food and drink premises' to the corner of Collins Street and Tom Thumb Lane, and the provision of stairs and seating on the south-west corner to Bourke Dock park and Australia Wharf.
    - ii. Conduct a review into the location of the pedestrian entrance to Collins Street to ensure the nominated 'food and drink premises' space (identified in condition 1(a)(i) above) has a sense of address and identity to the street.
    - iii. Convert the 'LEASING OFFICE' and 'LEASING / DISPLAY' on the ground floor to a 'food and drink premises' (or another retail style use that does not require a planning permit).
  - b. In regard to the car park:
    - i. The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, etc. to generally comply with clause 52.06 of the Melbourne Planning Scheme or the relevant Australian Standard (AS/NZS 2890.1:2004).
    - ii. A notation that bicycle facilities are to be designed and dimensioned in accordance with the requirements of clause 52.34 (bicycle facilities) of the Melbourne Planning Scheme / comply with the relevant Australian Standards / Bicycle Network guidelines.
    - iii. A narrow road hump installed close to the exit of the car park.
    - iv. The car park entry door setback six metres from the title boundary.
    - v. The replacement of two operational car spaces with two car share spaces.
    - vi. The provision of a pedestrian refuge island between the vehicle crossover to Tom Thumb Lane, to the satisfaction of the Responsible Authority.

- c. Sections of all buildings canopies to ensure they comply with 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.
- d. Notations that the approved building is structurally independent from Australia Wharf.
- e. No shadows cast to the south bank of the Yarra River at any time between 11:00am and 2:00pm on 22 June in accordance with the Docklands Zone, Schedule 2.
- f. Where storage cages are not independently accessed and rely on access over an adjoining car space, they must be 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.
- g. Where service areas within the building are not independently accessed and rely on access over an adjoining car space and or storage cage, the relevant car parking space and / or storage cage must be deleted / relocated, to the satisfaction of the Responsible Authority.
- h. A note on the plans confirming that cooling or heating units cannot be installed on the apartment balconies.
- i. Nomination of storage areas for each dwelling in accordance with clause 58.05-4 (storage objective) of the Melbourne Planning Scheme.
- j. Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.

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

#### **Layout not altered**

2. The development as shown on the endorsed plans and reports must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

#### **Retention of architect**

4. Cox Architecture Pty Ltd must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans, except with the written consent of the Responsible Authority,

#### **Glare**

5. Glazing materials used on all external walls must be of a type that does not reflect more than 15 per cent of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
6. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

#### **Façade strategy**

7. Concurrent with the endorsement of plans under condition one of this permit, a façade strategy must be approved and endorsed by the Responsible Authority in consultation with the City of

Melbourne. The façade strategy must be generally in accordance with the development plans and must detail:

- a. A concise description by the architect of the building design concept and how the façade works to achieve this.
- b. Elevation details (generally at a scale of 1:50) illustrating street level elevations including key public realm interfaces, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
- c. Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
- d. Information about how the façade will be accessed and maintained and cleaned, including any planting.
- e. Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- f. Specification of glazing to ensure high levels of transparency and reflectivity to not exceed 15 per cent.
- g. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Once approved, the façade strategy will be endorsed and will form part of this permit. All materials, finishes and colours of the approved building must be in conformity with the approved Façade Strategy. The façade strategy must not be altered or amended without the written consent of the Responsible Authority in consultation with the City of Melbourne.

#### **Waste management plan (WMP)**

8. Concurrent with the endorsement of plans under condition one of this permit, an amended WMP prepared by a suitably qualified person must be approved and endorsed by the City of Melbourne – Waste and Recycling department. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design dated 22 March 2023, but amended to include or show:
  - a. Any changes required in condition one of this permit, including consideration of the proposed food and drink tenancies.
  - b. The City of Melbourne will supply 16 x 240 L organic bins and 19 x 240 L glass bins to align with the development's entitlement. All additional bins used for internal circulation purposes will need to be supplied by the operator.
  - c. Updated swept path diagrams using the most up-to-date floor plan.
  - d. Should the recycling compactor reach its end of lease or require replacement after Council commences its dedicated glass collection service, the compactor will need to be downsized to an 11 m<sup>3</sup> compactor in order to account for the absence of glass in the commingled recycling stream.

Once approved, the WMP will be endorsed and will form part of this permit. The building must operate in accordance with the endorsed WMP at all times. The WMP must not be altered or



amended without the written consent of the City of Melbourne – Waste and Recycling department.

### **Sustainability design assessment (SDA)**

9. Concurrent with the endorsement of plans under condition one of this permit, an amended SDA prepared by a suitable qualified person must be approved and endorsed by the Responsible Authority in consultation with the City of Melbourne. The amended SDA must be generally in accordance with the SDA prepared by Introba Consulting Pty Ltd dated 21 April 2023, but modified to include:
  - a. Any changes required in condition one of this permit.
  - b. An air barrier schematic as per the requirements of Credit 3.
  - c. Evidence of a risk and opportunities assessment and a responsible procurement plan.
  - d. A Climate Adaptation Plan for the project.
  - e. Confirmation that light coloured materials are compliant.
  - f. Evidence that the development can achieve the minimum requirements for up front carbon emissions, including modelling or calculations using the Upfront Emissions Calculator.
  - g. Incorporate the findings of the Memorandum of: Water Sensitive Urban Design prepared by Introba dated 6 September 2023, including:
    - i. The stormwater strategy, including the details of raingardens (if required) and reticulation.
    - ii. An appropriately sized water tank.

the Responsible Authority may alter the above requirements.

Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. Any change during detailed design which prevents or alters the attainment of the performance outcomes specified in the endorsed SMP must be documented by the author of the endorsed SMP in an addendum to the SMP which must be approved and endorsed by the Responsible Authority prior to the commencement of construction. The SMP must not be altered or amended without the written consent of the Responsible Authority in consultation with the City of Melbourne.

10. Prior to the occupation of the approved building, a report from the author of the endorsed SMP, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended SMP have been implemented must be approved by the Responsible Authority. The report must confirm and provide sufficient evidence that all measures specified in the approved and endorsed SMP have been implemented. Within twelve months of occupation of the building, certification must be submitted to the Responsible Authority that demonstrates that the building has achieved a minimum 5 Star Green Star Buildings V1 rating (or equivalent), to the satisfaction of the Responsible Authority.

### **Landscape plan**

11. Concurrent with the endorsement of plans under condition one of this permit, an amended Landscape Plan prepared by a suitably qualified person must be approved and endorsed by the Responsible Authority in consultation with the City of Melbourne. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia Landscape Architecture VIC Pty Ltd dated 13 April 2023 (Rev. C), but modified to show / include:
  - a. Any changes required in condition one of this permit.

- b. Detailed planter sections.
- c. Consider potential for planter boxes along the southern lawn interface of level 22 and the northern interface of level 23, subject to consideration for safety, wind and façade maintenance.
- d. Consider potential for provision of a pergola on level 22, subject to consideration for safety, wind and lawn establishment / viability.
- e. Annotation showing 'natural turf' in respect to lawn on levels 22 and 23.
- f. A schedule detailing plant species developed by a qualified horticulturalist.
- g. Maintenance tasks for the establishment period, including ongoing maintenance schedule for after the initial 52-week period following practical completion detailing weed and pest management, succession planting, re-mulching, plant nutrition, and re-planting.

Once approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must not be altered or amended without the written consent of the Responsible Authority.

- 12. Prior to the occupation of the approved building, the building must be landscaped in accordance with the endorsed Landscape Plan and the landscaping must be maintained thereafter, to the satisfaction of the Responsible Authority.

#### **Acoustic report**

- 13. Prior to the occupation of the approved building, the provisions, recommendations and requirements of the endorsed Acoustic Report Town Planning Acoustic Assessment prepared by Renzo Tonin & Associates Pty Ltd dated 4 July 2023 must be implemented, to the satisfaction of the Responsible Authority. The report must not be altered without the written consent of the Responsible Authority.

#### **Wind report**

- 14. Concurrent with the endorsement of plans under condition one of this permit, an amended Wind Report must be approved and endorsed by the Responsible Authority. The amended Wind Report must be generally in accordance with the Pedestrian Wind Environment Study prepared by Windtech Consultants Pty Ltd dated 5 April 2023, but modified to include:
  - a. Any changes required by condition one of this permit.
  - b. A review of the wind impacts to the future Bourke Dock park to ensure expected wind conditions meet the relevant wind safety and comfort standards, with consideration of the Melbourne Wind Mitigation Guidelines 2008, or as otherwise updated.
- 15. Prior to the occupation of the approved building, the provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented to the satisfaction of the Responsible Authority. The endorsed report must not be altered or amended without the written consent of the Responsible Authority.

#### **Construction management plan (CMP)**

- 16. Prior to the commencement of the development (excluding demolition and bulk excavation), a CMP must be approved by the City of Melbourne – Site Services department. The CMP must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to control the following (may not be an exhaustive list):
  - a. Management of public access and linkages around the site during construction.
  - b. Public safety, amenity and site security.

- c. Operating hours, noise and vibration controls.
- d. Air and dust management.
- e. Stormwater and sediment control.
- f. Waste and materials reuse.
- g. Traffic management.
- h. Include reference to the Tree Protection Plan required by this permit.

**Tree protection plan (TPP)**

17. Prior to the commencement of the development (excluding demolition and bulk excavation), a TPP must be approved by the City of Melbourne – Urban Forest and Ecology department. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
  - a. Reference to the City of Melbourne’s asset numbers for the subject trees.
  - b. Reference to the finalised construction management plan, including any public protection gantries, loading zones and machinery locations.
  - c. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
  - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
  - e. Full specifications of any pruning required to public trees with reference to marked images.
  - f. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
  - g. Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
18. Following the approval of a TPP and prior to the commencement of the development (excluding demolition and bulk excavation), a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by the City of Melbourne – Urban Forest and Ecology. Should any tree be adversely impacted by the works, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
19. Prior to the commencement of the development (excluding demolition and bulk excavation), a public tree plot plan must be approved by the City of Melbourne – Urban Forest and Ecology that shows new plots on Collins Street. The plans must be accompanied by confirmation that any below ground services do not exit, or can be relocated, to enable plot construction.
20. All works within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the City of Melbourne – Urban Forest and Ecology.
21. No public trees adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

### **Road safety audit (RSA)**

22. Concurrent with the endorsement of plans under condition one of this permit, a formal independent RSA prepared by a suitably qualified professional must be approved by the Responsible Authority in consultation with the City of Melbourne. The RSA must include assessment of the following:
- a. Internal layout and circulation throughout the site.
  - b. Access arrangements.
  - c. Loading arrangements.
  - d. Pedestrian and bicycle access and movements within the site and in the public realm.
  - e. Potential conflicts between vehicles / pedestrians / cyclists.
  - f. Road safety issues affecting all road users.

The findings of the RSA must be incorporated into the design to the satisfaction of the Responsible Authority in collaboration with the City of Melbourne.

### **Loading management plan (LMP)**

23. Concurrent with the endorsement of plans under condition one of this permit, a LMP must be approved and endorsed by the Responsible Authority in consultation with the City of Melbourne. The LMP must include the following:
- a. Confirm there are no obstructions in the path of the vehicles (kerbs, walls, etc).
  - b. Appropriate height clearances are provided for all required vehicles / manoeuvres.
  - c. Specify how the access / egress of loading vehicles is to be managed.
  - d. A Dock Manager should be employed, responsible for controlling the operation of the loading bay and unloading of goods.
  - e. The design of the loading areas, including all space dimensions, grades and height clearances should comply with Australian Standard AS2890.1:2018.

Once approved, the LMP will be endorsed and will form part of this permit. The building must operate in accordance with the endorsed LMP at all times. The LMP must not be altered or amended without the written consent of the Responsible Authority in collaboration with the City of Melbourne.

### **Environmental audit**

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

If the PRSA requires an Environmental Audit be undertaken, or if the permit holder decides to undertake an Environmental Audit, then prior to the commencement of the development (excluding demolition, bulk excavation, and works required to facilitate this condition), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division

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

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

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

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

#### **Land Survey**

25. Prior to the commencement of the development (excluding demolition and bulk excavation), or as otherwise agreed to by the Responsible Authority in collaboration with the City of Melbourne, the owner must provide evidence to the Responsible Authority that all easements which are impacted by the approved built form have been removed and / or varied, to the satisfaction of the Responsible Authority.
26. Prior to the commencement of the development (excluding demolition and bulk excavation), or as otherwise agreed to by the Responsible Authority in collaboration with the City of Melbourne, the owner must provide evidence to the Responsible Authority that any required easements for access / light and air over the proposed abutting title boundaries have been created, to the satisfaction of the City of Melbourne.

#### **Three dimensional model**

27. Prior to the occupation of the approved building, a three dimensional digital model of the development must be submitted to and approved by the Responsible Authority in consultation with City of Melbourne. The model must be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. The Melbourne City Council may derive a representation of the model which is suitable for viewing and use within its own modelling environment. In the event that substantial modifications are made to the building envelope a revised three dimensional digital model must be submitted to and approved by the Responsible Authority in consultation with City of Melbourne.

#### **Australia Wharf and Bourke Dock park**

28. The approved building must be structurally independent from Australia Wharf.
29. Prior to the occupation of the approved building, Australia Wharf and Bourke Dock park (including all landscaping, street furniture, public lighting and finishes) must be constructed in accordance with plans and specifications first approved by the City of Melbourne and must be formally vested in Council as a Reserve on the plan of subdivision to the satisfaction of City of Melbourne.

#### **City infrastructure**

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

31. Prior to the commencement of the development (excluding demolition and bulk excavation), a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – City Infrastructure department. 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.
32. Prior to the occupation of the approved building, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure department.
33. All portions of roads and laneways 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 the City of Melbourne – City Infrastructure department.
34. The footpath adjoining the site along Collins Street must be reconstructed together with associated works including the reconstruction of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure department.
35. The footpath adjoining the site along Tom Thumb Lane must be reconstructed together with associated works including the renewal of kerb to 300 mm wide bluestone and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure department.
36. 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 the City of Melbourne – City Infrastructure department.
37. 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 the City of Melbourne – City Infrastructure department.
38. Existing street furniture must not be removed or relocated without first obtaining the written approval of the City of Melbourne – City Infrastructure department.
39. Prior to the commencement of the development (excluding demolition and bulk excavation), or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of City of Melbourne – City Infrastructure department. The lighting plan should be generally consistent with the City of Melbourne’s Lighting Strategy, and include the provision of public lighting in the adjacent streets. The lighting works must be undertaken prior to the occupation of the approved building, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure department.

#### **Melbourne Water**

40. Finished floor levels of all retail, residential, and office spaces, including lobbies and lift lobbies, must be no lower than 3.0 metres to Australian Height Datum (AHD), which is 600 millimetres above the applicable flood level of 2.4 metres AHD.
41. Service rooms (e.g. water meter, substation) must be constructed with finished floor levels to the satisfaction of the relevant authority. If any service room is located lower than 3.0 metres AHD, the room must be flood-proofed to 3.0 metres AHD.

42. Stormwater discharge should be directed to the local council drainage network. Any new or modified connection to the Yarra River requires separate approval from Melbourne Water, as per Section 145 of the Water Act 1989. For a connection to be approved, council must provide a Legal Point of Discharge letter, demonstrating why it is not possible to connect to the local council drainage system.'

### **Expiry**

43. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within three (3) years of the date of this permit.
  - b. The development is not completed within five (5) years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

## **9.2 Notes**

### *Building approval required*

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

The permit holder must provide a copy of this permit and endorsed plans to the appointed Registered Building Surveyor. It is the responsibility of the permit holder and Registered Building Surveyor to ensure that all development approved by any building permit are consistent with this permit.

### *Other approvals may be required*

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

### *Construction standards*

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

### *Car parking restrictions*

The City of Melbourne will not change on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements.

### *Urban Forest and Ecology*

A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:

- Issued to City of Melbourne, ABN: 55 370 219 287
- From a recognised Australian bank
- Unconditional (i.e. no end date)
- Executed (i.e. signed and dated with the bank stamp).

If the bond is to be lodged as an EFT, Council's bank details will be provided on request.

An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.