

INDEPENDENT EXPERT EVIDENCE ADVICE

**AMENDMENT C171^{port} TO THE PORT PHILLIP PLANNING SCHEME
ST KILDA MARINA – 42 A-E MARINE PARADE ELWOOD**

March 2020



Source: Nearmap

Prepared by

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Our Ref: 20008

Directors
Eli Giannini
Chris Jones
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BACKGROUND

1. My name is Robert Allan McGauran. I have been a director of MGS Architects, Urban Designers and Interior Designers since 1985 and practice at 10-22 Manton Lane Melbourne.
2. In February I was asked by Maddocks, acting for the City of Port Phillip (Council) to provide evidence on urban design issues arising from Amendment C171port to the Port Phillip Planning Scheme.
3. My evidence is informed by research and investigations I have conducted into the role and configuration of Structure Plans and urban renewal projects, and successful examples of job intensive urban renewal in Melbourne and internationally.
4. In assessing the Amendment I have visited the site and environs. I have not been able to access the secure zones of the Marina west and east of the Dry Stores and hence made assessments regarding views from the Beacon promontory from alignments within Marine Reserve opposite.
5. I have also advised the Council and Maddocks that a relative occupies and owns a property on the south west corner of Dickens and Hood Streets and that I am a resident of the City of Port Phillip in Albert Park for the purposes of disclosure.
6. I have considered all matters that I think relevant to the matter and have not knowingly withheld any matters from the Panel.

STATEMENT OF EXPERIENCE

Qualifications

7. Qualifications include:
 - > Honours degree in Architecture from the University of Melbourne
 - > Bachelor of Arts majoring in Architectural History from the University of Melbourne
 - > Postgraduate Diploma in Business Management from the University of Melbourne Business School
 - > Registered Architect in Victoria and NSW
 - > Life Fellowship of the AIA
 - > Fellow VPELA
 - > Member PIA.

Professional Roles Architecture & Urban Design

8. Within the architectural & Urban Design disciplinary spheres, I have held or hold a range of senior roles arising from peer nomination including:
 - > Adjunct Professor of Architectural Practice Monash University (current)
 - > Professorial Fellow Urban Design and Architecture Melbourne University (current)
 - > Membership of the Victorian Design Review Panel (current)
 - > Membership of Fishermans Bend Ministerial Advisory Committee
 - > Chairperson of the Architects Registration Board of Victoria
 - > Ambassador- Future Melbourne 2026
 - > Vice-President of the Royal Australian Institute of Architects
 - > Chapter and National Councillor of the Royal Australian Institute of Architects
 - > Leadership and membership of accreditation panels for the Architectural programs at RMIT, UOM, UOQ, Curtin University, University of Canberra and Deakin University
 - > Jury membership and leadership of Awards Panels for the AIA and Local Government
 - > Victorian Convenor of the Residential Working Group for the AIA
 - > Ministerial Advisory Panel Reviewing The Good Design Guide
 - > Member of the Priority Development Panel
 - > Part-time Sessional Planning Panels Member
 - > Panel Member for the Phoenix Precinct for the Caulfield Station precinct and Village.

Professional Affiliations – Education, Urban Design and Planning

9. In Urban Design, I currently hold positions including the following:
 - > Chairperson Campus Design Advisory Committee ANU
 - > Member Campus Planning Committee ANU
 - > Member Building Estates and Infrastructure Committee UTAS
 - > Member Apartment Design Advisory Service for the Minister of Planning.
10. I have previously held positions including:
 - > Member – Victorian Priority Development Panel for the Minister of Planning
 - > Chairperson – Sullivan’s Cove Design Panel for the State Government of Tasmania to coordinate design resolution of major renewal and capital works program in the waterfront precinct
 - > Ministerial Advisory Panel appointed by the Minister for the Commonwealth Games to review the proposed Pedestrian Bridge Link to the MCG
 - > Research projects with the University of Melbourne, Monash University, DPCD, The City of Moreland and the City of Darebin, participation in Australian Research Council funded research project into transit oriented development intensification of Melbourne’s transport corridors, Affordable Housing for inner Melbourne and Smart Green Schools to name a few.
11. I have assisted in the evaluation of potential for the Arden Metro Precinct and developed a framework plan for MPA and the State Government and the redevelopment of the Geelong Yacht Club for the VDRP and have undertaken framework plans for the Portarlington and Williamstown Foreshores for Parks Victoria the upgrade of the award-winning Aquatic Drive Boating Precinct at Albert Park Lake for Parks Victoria.
12. I have prepared Urban Design Frameworks and Structure Plans for key precincts including the Cremorne precinct and Victoria Gardens precinct in the City of Yarra, the Toorak Village and Chapel Vision Structure Plans in the City of Stonington, City of Banyule Ivanhoe Structure Plan, Box Hill Activity Centre, and the Megamile Structure Plan and Tally Ho Structure Plan in Whitehorse.
13. I have also been on the DPCD Expert Panel for Activity Centres and DEWLP and acted as consultant on urban design matters and in particular major projects to Local Councils including City of Port Phillip, Hobsons Bay City Council, City of Banyule, City of Whitehorse, City of Kingston, City of Monash, City of Moonee Valley, City of Melbourne, and the City of Yarra.
14. In my role as a member of the Fishermens Advisory Committee, I undertook, private visits to best practice foreshore and port renewal precincts of particular relevance to this Amendment including the South Lake Precinct Seattle, the Mission Bay Precinct San Francisco, the Malmo, Copenhagen and the Amsterdam waterfront precincts.
15. I have been a Board member of Melbourne Affordable Housing and then Housing Choices Australia.

Relevant projects

16. Our design company MGS Architects has received numerous, architecture, urban planning, urban design and interior design awards for our work including:
 - > National and State awards for Urban Design for masterplanning of the Monash University Clayton Campus and Rosanna Station
 - > Major urban renewal masterplans include the plans for the former Alphington Mills, Delgany Portsea and the Fitzroy Gasworks.
 - > National and State awards for our affordable housing and public car park project in Balaclava and a new affordable higher density residential project in Altona.
 - > State AIA named awards for Commercial, Regional and Sustainable Architecture
 - > State Design Awards for waterfront and coastal projects for the Aquatic Drive Sailing

precinct in Albert Park, the Icon Restaurants at Docklands and the Delgany Estate Portsea.

- > State Planning awards in Victoria and Tasmania for areas of significant change
- > State Retail Architecture awards

THE PROPOSAL



17. Council has prepared Amendment C171port to the Port Phillip Planning Scheme, which proposes to facilitate the redevelopment of the St Kilda Marina at 42, A-E Marine Parade, Elwood. Specifically, the Amendment seeks to amend the planning controls for the Site to support the implementation of the St Kilda Marina Site Brief 2019.
18. The Site Brief (endorsed by Council on 15 May 2019) was prepared by Council to inform the grant of a new lease for the Site. It envisages that the use of the Site as a marina with some supporting commercial and retail uses will be retained and expanded, while the public realm will be improved through increased public access and improved walking and cycling connections.
19. The Site Brief translates the vision and objectives for the Marina into design criteria for the future redevelopment of the Site. It includes information on the Marina's future uses, and guidance on issues such as height, scale, location of new buildings, location and quality of publicly accessible open space and connections, views and movement, marina function and commercial space.
20. In summary, Amendment C171port (as exhibited) proposes to (among other things):
 - a) Rezone the Site from Public Park and Recreation Zone (PPRZ) to (new) Schedule 4 to the Special Use Zone (SUZ4)
 - b) Apply (new) Schedule 2 to the Development Plan Overlay (DPO2) to the Site; and
 - c) Extend Schedule 187 to the Heritage Overlay (HO187) (which currently applies to the beacon only) to the entire Site.
21. The Amendment was exhibited between 17 October 2019 and 18 November 2019. In response to exhibition, Council received 131 submissions. The submissions canvass a range of issues, including issues relating to urban design.
22. Council considered the submissions at a special meeting and an officers report thereon at a special meeting on the 29th January 2020 and accepted amendments for change comprising primarily the following:-
 - a) Building height in the DPO2: reducing the maximum allowable building height in the DPO2 for built form envelope 1 to no more than 11 metres, inclusive of roof structures.

- b) Tighter requirement for temporary building or use in the DPO2: including 'single storey' in the requirement allowing the granting of a planning permit for temporary buildings prior to the preparation of a Development Plan such that a permit may only be granted if the temporary building is a single storey building and no greater than 500 square metres.
- c) Activation of the end of the peninsula promenade adjacent to the Beacon via a kiosk or stand up paddleboard facility: Allow the provision of a single storey kiosk of a maximum of 50sqm plus storage for stand up paddleboards / canoes at the end of the Peninsula Promenade adjacent to the Beacon, as long as views to the Beacon are protected

SUBJECT LAND

23. In summary the Site:

- > Comprises a total area of 8.7 hectares
- > Is generally bound by Marina Reserve, Marine Parade, MO Moran Reserve and Port Phillip Bay
- > Includes the St Kilda Marina water
- > Is located within Crown Allotment 90D, Township of St Kilda and Parish of Melbourne South and is also located partly within Crown Allotment 90A, Township of St Kilda and Parish of Melbourne South.

EXISTING PLANNING CONTROLS

24. The Site is currently subject to a suite of planning controls, some of which are proposed to be amended or removed by Amendment C171port.

25. The current planning controls include:

- > The PPRZ, which seeks to recognise areas for public recreation and open space, conserve areas of significance and provide for commercial uses where appropriate. It is proposed that the Site will be rezoned to SUZ as part of Amendment C171port
- > Schedule 10 to the Design and Development Overlay (Port Phillip Coastal Area) (DDO10), which seeks to preserve existing beaches and the natural beauty of the foreshore. The DDO10 will be retained
- > HO187, which applies to the historic beacon in the north of the Site. It is proposed that HO187 will be extended as part of Amendment C171port to apply to the entire Site
- > Schedule 1 to the Special Building Overlay (SBO1), which applies to a small (eastern) portion of the Site. The SBO1 seeks to ensure development is compatible with flood hazard and local drainage conditions. The SBO1 will be retained.

AMENDMENT C171port

- 26. On 5 June 2019, Council resolved at its Ordinary Meeting to endorse the recommended planning scheme amendment process and suite of planning controls to support the delivery of the vision and objectives for the St Kilda Marina.
- 27. On 24 July 2019, Council resolved to request authorisation for the preparation and exhibition of Amendment C171port.
- 28. On 25 September 2019, the Minister for Planning (under delegation) provided authorisation to prepare and exhibit Amendment C171port with conditions.
- 29. Amendment C171port was exhibited between 17 October 2019 and 18 November 2019.
- 30. In response to exhibition, Council received 131 submissions. The submissions canvass a range of issues, including issues relating to urban design.
- 31. In summary, the key issues raised in submissions broadly relate to:
 - > Removal of third party appeal rights
 - > Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone

- > (SUZ)
 - > Approach to heritage
 - > Application of the Development Plan Overlay (DPO)
 - > Planning Scheme Amendment C171port is not justified
 - > Uncertainty over the future development outcome
 - > An alleged lack of consultation
 - > Procedural unfairness and Council's conflict of interest
 - > Removal of Service Station
 - > Increase in allowable commercial and retail floor space
 - > Built form impacts
 - > Impact on views
 - > Uncertainty over Moran Reserve
 - > Relocation of public boat ramp
 - > Traffic and parking impacts
 - > Public access and open space
 - > Environmental impacts
 - > Maintenance of the foreshore, Elwood Canal and Moran Reserve
32. At its meeting on 11 December 2019, Council heard verbal submissions in response to the exhibition of the Amendment C171port. At this meeting, Council resolved to:
- > receive and consider all submissions
 - > note that a further report will be presented to Council on 29 January 2020 that will provide consideration of and recommended response to each submission and the issues raised in submissions to form the basis of Council's position at the planning panel
 - > Provide a recommendation on whether to refer all submissions to an independent planning panel appointed by the Minister for Planning for consideration by the panel.
33. At its meeting on 29 January 2020 Council resolved to support the following changes to Amendment C1781port:
- a) Building height (DPO2):
- Reduce the maximum allowable building height in DPO2 for built form envelope 1 to no more than 11 meters (inclusive of roof structures).
34. Tighter requirement for temporary building or use (DPO2):
- Include 'single storey' in the requirement allowing the granting of a planning permit for temporary buildings prior to the preparation of a Development Plan (in DPO2) such that a permit may only be granted if the temporary building is a single storey building, no greater than 500 square metres.
35. Activation of the end of the peninsula promenade adjacent to the Beacon via a Kiosk /Stand up paddleboard facility (DPO2):
- Allow the provision of a single storey kiosk of a maximum of 50sqm plus storage for stand up paddleboards / canoes at the end of the Peninsula Promenade adjacent to the Beacon, as long as views to the Beacon are protected.

The Amendment (as exhibited)

36. In summary, Amendment C171port (as exhibited) proposes to (among other things):
- > Rezone the site from Public Park and Recreation Zone (**PPRZ**) to (new) Schedule 4 to the Special Use Zone (**SUZ4**)
 - > Apply (new) Schedule 2 to the Development Plan Overlay (**DPO2**) to the site

- > Amend and extend Schedule 187 to the Heritage Overlay (**HO187**) (which currently applies to the beacon only) to the entire site, and include a reference to *Permit Exemptions Incorporated Plan, St Kilda Marina, St Kilda (June 2019)*
- > Update the *Port Phillip Heritage Review* (Incorporated Document) to include a reference to the *St Kilda Marina Heritage Assessment*, prepared by Built Heritage (12 April 2018)
- > Update Citation 2057, which currently applies only to the beacon, to:
 - > apply to the entire site
 - > expand the Statement of Significance so as to state the cultural heritage significance of the whole site
 - > include guidelines for demolition and redevelopment
- > Update the City of Port Phillip Heritage Policy Map to extend the 'significant heritage place with a heritage overlay' grading (which currently applies to the Beacon only) to the entire site
- > Introduce the *Permit Exemptions Incorporated Plan, St Kilda Marina, St Kilda (June 2019)* (Incorporated Document) for the site to exempt minor buildings and works triggered under the Heritage Overlay, and to exempt demolition or removal of a building, or to construct a building or construct or carry out works, that are generally in accordance with an approved development plan
- > Amend clause 21.07 (Incorporated Documents) and clause 22.04 (Heritage Policy) to reference:
 - > the updated Port Phillip Heritage Review – Volumes 1-6 (Version 31, June 2019)
 - > the updated City of Port Phillip Heritage Policy Map (Version 31, June 2019)
 - > amend the Schedule to clause 72.03 (What does this Planning Scheme consist of?) to reference map 8DPO
- > Amend the Schedule to clause 72.04 (Documents Incorporated in this Planning Scheme) to reference:
 - > Permit Exemptions Incorporated Plan, St Kilda Marina, St Kilda (June 2019)
 - > updated Port Phillip Heritage Review – Volumes 1-6 (Version 31, June 2019)
 - > Updated City of Port Phillip Heritage Policy Map (Version 31, June 2019).

37. Under 'Why is the Amendment required?', the explanatory report states:

The Amendment is required to facilitate the redevelopment of the St Kilda Marina ("site") generally in the manner envisaged in the *St Kilda Marina Project Site Brief (endorsed by Council May 2019)* (the Site Brief). The Site Brief was prepared by the City of Port Phillip, to inform the grant of a new lease for the Marina. The Site Brief translates the Vision and Objectives for the Marina into design criteria for the future redevelopment of the site. It envisages that the use of the site as a Marina with some supporting commercial and retail uses will be retained and expanded, while the public realm is to be improved through increased public access, improved walking and cycling connections and potentially an increase in public open space.

The existing use of the site and the range of possible uses as envisaged in the Site Brief make the site stand out as being unusual meriting a relatively site-specific approach to the planning controls. The Amendment proposes to rezone the site to the Special Use Zone Schedule 4 (SUZ4) and apply the Development Plan Overlay Schedule 2 (DPO2) to ensure that the site is used and developed generally in accordance with an overall development plan as envisaged by the Site Brief.

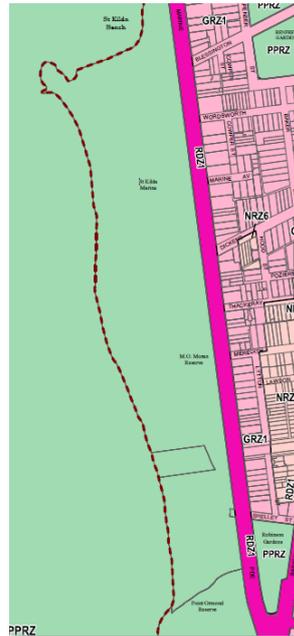
The site is currently zoned Public Park and Recreation Zone. (PPRZ) The existing zone does not properly reflect the existing use and the strategic direction envisaged for the site under the Site Brief.

SPECIAL USE ZONE SCHEDULE 4

- 38. The SUZ provides for the use and development of land for specific purposes as set out in the Schedule to the SUZ.
- 39. Amendment C171 proposes to introduce a new Schedule 4 to the SUZ which will apply to the Site.



Proposed Zoning

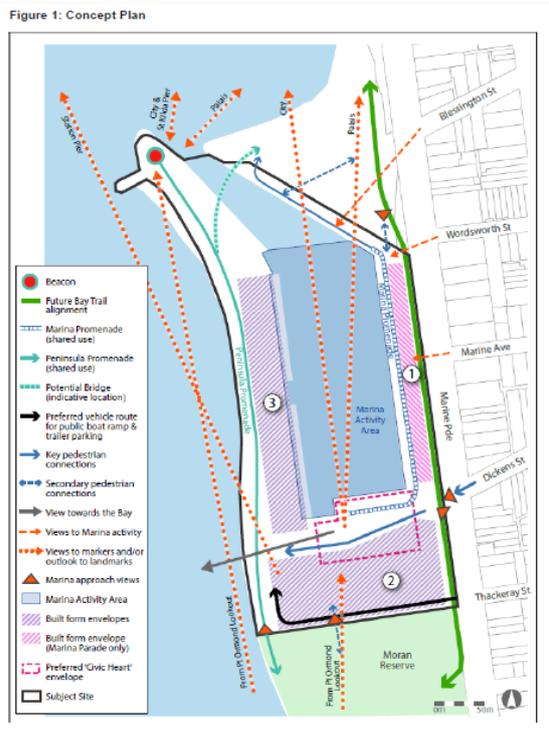


Current Zoning

40. As stated in the explanatory report:

The site is an unusual site with special characteristics of being a marine based commercial undertaking in the context of being located on publicly owned land. The proposed SUZ4 provides for the use and development of land for specific purposes consistent with *Planning Practice Note 3: Applying the Special Use Zone*. The schedule reflects the Site Brief by allowing, regulating or prohibiting as appropriate, uses as specified in the Site Brief. Council considers that the SUZ4 will provide for both increased certainty and transparency to support the redevelopment of the Marina.

DEVELOPMENT PLAN OVERLAY SCHEDULE 2



41. Amendment C171port proposes to introduce Schedule 2 to the DPO to the Site.

42. In general terms, a DPO seeks to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land, and exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.
43. Clause 1.0 of Schedule 2 sets out a number of specific objectives for the Site, including:
- > To enhance the long-term operational function of the Marina, promoting it as a destination for active public use and enjoyment.
 - > To ensure a master-planned approach to the redevelopment of the Marina.
 - > To ensure that the redevelopment achieves innovative and sustainable design excellence and high-quality public realm and landscaping outcomes.
 - > To ensure the redevelopment is responsive to the site's significant coastal landscape, biodiversity and environmental context.
 - > To ensure development respects and enhances the Marina's cultural and heritage significance.
44. As stated in the explanatory report:
- The proposed application of the DPO2 to the site will guide the future use and development of the land through a master planned approach. It is the appropriate planning 'tool' to translate the vision, design criteria and development parameters articulated in the Site Brief, into the Planning Scheme.
45. In section 4.0 the DPO schedule outlines a vision and series of requirements for the development plan that must be generally consistent with the plan.
46. The Vision sought for the site is, *"A special place on the foreshore for everyone, that welcomes a diversity of sustainable uses anchored by a working Marina'."*
47. The vision is to be realised through the application of a series of Principles and objectives:

Land use

- a) Ensure commercial uses demonstrate a coastal or tourism dependency reflecting the site's coastal foreshore location or recreational Marina function.
- b) Provide for a mix of uses, including community uses to activate the precinct year-round.
- c) Design spaces so that they are also suitable for temporary event.

Character and built form

- d) Require built form to achieve design excellence and respond to its prominent coastal location and significant historical context of the site.
- e) Encourage smaller interrelated built forms to create diversity of public spaces and to protect and enhance sightlines as shown on the Concept Plan (Figure 1).
- f) Design new buildings to be adaptable to a variety of future uses.
- g) Activate building frontages where they adjoin key public spaces.

Open space and public realm

- h) Allow for views of the activities of the Marina from public spaces.
- i) Encourage the provision of additional high quality publicly accessible open space and a diversity of public spaces including passive, active and viewing spaces.
- j) Improve the site's interface with MO Moran Reserve.
- k) Maintain and enhance the landmark role, destination and setting of the Beacon.
- l) Celebrate the cultural heritage and the history of the Marina through design, photographic material and the provision of public art.
- m) Design the Marina water edge to encourage a diversity of public uses, accessible to a range of users, including places for young people and places of quiet contemplation.
- n) Provide for clearly legible separated walking and cycling paths in high traffic areas, where appropriate.
- o) Encourage retention of vegetation identified as high value.

Parking and access

- p) Design for flexibility within the car parking and boat trailer parking area for alternative temporary uses in the boating low season.
- q) Ensure car and trailer parking areas are visually softened through the provision of suitable landscaping and/or screening, particularly when viewed from streets and pathways.
- r) Relocate the Bay Trail to remove existing conflicts with Marina operations.

Environmental design

- s) Apply Water Sensitive Urban Design (WSUD) principles to increase surface permeability and improve place amenity.
- t) Plan for sea level rise and incorporate flood mitigation techniques through an integrated water management approach.
- u) Maximise opportunities for innovate environmental sustainability design initiatives across the site.
- v) Identify methodologies for construction and uses to minimise environmental impact on surrounding coastal environment.

48. Table 1 of the Schedule then outlines a series of requirements for development.

Content of the Development Plan

49. The development plan in turn prescribes content that must be provided that includes:

- a) A Site Analysis Plan
- b) An Urban Concept Report that includes:
 - > Any proposed demolition works
 - > Proposed land uses across the site
 - > Conceptual elevations
 - > Building envelopes.
 - Fully dimensioned cross sections of all proposed building envelopes, showing any level changes across the site
 - Proposed movement networks through the site, including pedestrian, cycling, vehicle and boat launching and car and trailer parking
 - Details of any proposed reorganisation or changes to wet berths
 - Shadow diagrams between 9am and 3pm on 22 June and 22 September
 - Details of any infrastructure works required on adjacent land including traffic management works.

HERITAGE OVERLAY HO187

- 50. Amendment C171port also proposes to extend the existing HO187 to the whole of the Site. It presently only applies to the Beacon located in the north of the Site.
- 51. This is based on a Heritage Assessment prepared by Built Heritage (12 April 2018) which found that the Site is of local cultural heritage significance.
- 52. The Amendment also proposes to introduce specific permit exemptions for minor maintenance related to demolition and buildings and works of a building through the incorporated document – Permit Exemptions Incorporated Plan.
- 53. It also introduces an exemption from the need for a permit under the Heritage Overlay where a development is generally in accordance with the approved Development Plan.

THE ASSUMPTIONS UNDERPINNING THE DEVELOPMENT PLAN OVERLAY

54. The site occupies an area of 8.7 hectares:
- > Bound to the east by Marine Parade
 - > South by MO Moran Reserve
 - > West by Port Phillip Bay
 - > North by the Marina Reserve and at its entry and Point by Port Phillip Bay.

The Vision for the Marina Precinct

55. The Vision for the Project as stated in the DPO is to deliver, “*A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working marina.*”
56. This vision is underpinned by five themes in the DPO where I have underlined points of particular relevance to my evidence:
57. **Place identity**, with:
- a) Creation of a destination along the hay trail that compliments and strengthens the foreshore and local activity centres.
 - b) Creating welcoming and accessible spaces that strengthen connections to, through and within the site.
 - c) A scale of development that is appropriate to the context of the site.
 - d) Built form that respects the coastal open space and public views and contributes to the character of the area.
 - e) Showcasing the foreshore and the working marina through innovative design.
58. Improve the **Social and Cultural** contribution of the site thorough:
- a) Creating opportunities for flexible spaces for passive and active recreation
 - b) Acknowledging history and heritage in design and place experience
 - c) Balancing the relationship between public and commercial uses across the site.
59. Derive improved **Economic** benefit from the site through:
- a) Drawing people regionally and locally to the unique offer of foreshore work and play
 - b) Diversified and dynamic businesses and experiences
 - c) Increasing the St Kilda Marina’s foreshore contribution to recreational boating and improved infrastructure and services and increased opportunities for a range of water craft
 - d) Viable businesses and employment.
60. Ensure a net positive **Environmental** outcome for the site and environs through:
- a) Protecting and enhancing the natural environment
 - b) Incorporating progressive ESD principles in built form and land and bayside infrastructure and management
 - c) Embedding climate resilience into design responses
 - d) Flood mitigation through integrated water management approaches in design responses.
61. Achieving **Financial Sustainability** through:
- a) An appropriate financial return for Council that considers net community benefit versus commercial activity
 - b) Flexible contractual arrangements that consider future changes and the challenges and opportunities that may arise.

SITE BRIEF FOR THE PARALLEL TENDER PROCESS

62. A parallel brief has been prepared for the project that has underpinned what I understand to be a live tender process for the precinct. This brief is useful in understanding the ultimate design intent of the proposed Amendment in programmatic and user experience terms.
63. It is a process that sits separate from the Amendment process and has been included herein to help understand the likely form of development for which the Amendment will form the statutory assessment tool.
64. The brief adopts terminology of *mandatory* and *discretionary* deliverables that have a differing meaning from the understanding of this terminology in a statutory planning context.
65. According to the St Kilda Marina Project Brief the current facility provides for:
 - a) 1 public boat ramp
 - b) 2 private boat ramps
 - c) 125 wet marina berths
 - d) 135 dry dock boat and jet ski berths
 - e) 168 spaces for boats and trailers and
 - f) 79 public boat and trailer spaces.
 - g) These are supplemented by facilities for boat refuelling, Australian Volunteer Coast Guard boat sales, chandlery and shipwright and boat washing and maintenance
 - h) Current non marina commercial services occupy approximately 3600sqm of floor space
 - i) Additionally there are approximately 166 public car parks and a BP Petrol Station.
66. These arrangements are outlined on p29 of the Brief.
67. Elements of the existing site are considered meritorious from an architectural and urban design heritage perspective. The Fulton designed buildings all seek to speak to their function but also to each other as part of a coherent campus ensemble.

Design Criteria

68. The brief then outlines a set of design response themes for the project that go to matters of:
 - a) **Views and Movement** where key views and connections are identified for protection, delivery and strengthening.
 - > Recognises the fragmented nature of the foreshore functions and spaces and seeks a solution that rectifies these disconnects. Suggested measures include:
 - Showcasing the working marina through the establishment of views through and to the working marina
 - Establishing an active promenade along the marine edge and its character as an inviting destination and to Marina and MO Moran Reserves
 - Establishing a more open and permeable interface with the site to the adjoining north and south reserves
 - Effective management of potential movement conflicts with the Bay Trail
 - A fit-for purpose pedestrian bridge linking the beacon promontory with Marina Reserve
 - A revitalised Beacon Precinct as a marker and destination as part of an expanded foreshore open space network.

Views and Movement Core Deliverables

69. A series of “mandatory deliverables” are nominated under this theme that is outlined on pages 54 and 55. These include:
 - a) Protection and enhancement of some nominated views to and through the site from adjoining public parks and streets and marina promenade areas

- b) Creation of views into marina activities along intermediate street east west axial alignments.
- c) Activation of frontages along key interfacing streets parks and walks
- d) Reconfiguration, expanded capacity and redesign of the Bay Trail to remove conflicts with operational activity of the marina and parked cars
- e) Removal of fences and high quality links from the adjoining streets, promenades and reserves to the Marina
- f) Delivery of new primary walking gateways to the precinct on the Dickens Street alignment along with a high quality slow speed walking and sitting zone in the Marina Promenade inclusive of shaded seating areas
- g) Bicycle parking areas
- h) Investigation and demonstration of opportunities for a proposed bridge linking the Beacon to the Marina Reserve.

70. Further “discretionary opportunities” are also noted.

a) **Marina Function** seeks:

- > The enhanced long-term viability and operational function of the Marina including recognition of this site as one of few public trailer launch points to the bay
- > Enhanced dry storage upgrades for enhanced safety, weather protection, suitability of modern boats and expanded capacity for the expanded demand of a growing city.
 - The mandated maximum height for dry store facilities is 15m above ground level with a maximum, footprint of 6500sqm, building width of 40m and volume of 97,500 cubic metres. This storage is to be configured so as not to obstruct key views with Stage 1 to accommodate up to 300 boats
 - The facility owing to its high level of visibility is to demonstrate design excellence and constructed in durable, high-quality materials
 - Showcasing of elements of internal dry storage operation in site line approach locations that are nominated in the brief
 - Expanded small craft (e.g. sea kayak) storage
 - Demonstrated retained fitness for purpose for key external workplace and walking, standing and sitting zones through wind engineering reports
 - The footprint can be expanded by a further 500sqm to embed complementary uses and architectural features occupying up to 20% of the 7,000sqm footprint i.e. 1,400sqm can exceed the mandated maximum by up to 3m.
- > A best practice safe boat ramp with minimum four vessel capacity is prescribed along with safe high quality walking networks, 80 public trailer parks proximate the ramp and with safe walking interconnectivity.
- > Demonstrated repurposing opportunities for low season use of trailer storage zones and minimisation of areas for car parking through multi-deck arrangements
- > Enhancement of Trailer parking zones through landscaping and WSUD.

b) **Complimentary Uses**

- > Complimentary uses that enable year round public activity and engagement are sought. This might include improved F & B facilities
- > A maximum of 3600sqm of commercial and retail space
- > Enhanced Australian Volunteer Coast Guard Facilities (AVCG)
- > Coastal specific commercial uses
- > A facility suited to occupancy for up to 100 people for community and AVCG use
- > Facilities to support continued sky-diving activity
- > The brief outlines a set of allowable and prohibited uses. Interestingly a laundromat, (a common feature of many marinas) is a prohibited use
- > The brief provides for discretion for up to 1400sqm of additional commercial and leasable area subject to Council approval and demonstrated demand.

- The design criteria cap the height of this commercial space at 12m inclusive of all roof structures above ground level
 - Design excellence in execution is sought through quality of material selections, interface responses, program and activation of edges to key streets and spaces and setback of a minimum 15m from the crest of the sea wall (not defined on plan)
 - Built form between the Marina and Marine Parade is to occupy a maximum of 50% of the street frontage and be setback 4m from the revised Bay Trail interface.
- c) **Open space, Public realm and car parking**, seeks an outcome that provides:
- > Strong connections to the Marina and water via generously scaled and inviting public promenades
 - > A flexible and free civic heart that facilitates interaction and social gatherings in a waterfront setting and the Marina as a destination for a diverse array of context specific year round activities
 - > Consolidating of parking is seen as a core requirement and is seen as a measure through which an enhanced and safer public realm can be achieved.
- d) Key deliverables sought include:
- > A restored sea wall inclusive of high quality public access comprising as a minimum a peninsula promenade and open space incorporating the Beacon
 - > Restoration and maintenance of the Beacon
 - > Establish and improve habitat for native flora and fauna through planting of vegetation and the creation of a continuous vegetation corridor along the breakwater
 - > Maintenance and enhancement of the landmark role, destination and setting when viewed from coastal view lines
 - > Options for new shared pathways with and without a bridge option and investment of the outcome with an integrated strategy of wayfinding activation, infrastructure, information and art that is invested with a narrative describing the marine heritage significance, and Aboriginal cultural heritage and biodiversity knowledge
 - > A publically accessible open space equivalent to 20% of the total unencumbered land area within the Marina dedicated to the needs of a diverse user population including activity based, events and quiet places
 - > A minimum 700sqm civic heart as an inclusive free core zone with linkages to the water and boating activities and inclusive of weather protected and shaded areas
 - > Activated interfaces to public places
 - > Clear and legible wayfinding and links to the adjoining Marina and MO Moran Reserves
 - > Accessible Public toilets and associated amenities for use by the public, independent of those provided by commercial operations.
- e) Desirable outcomes include:
- > A publicly accessible open space network of complimentary spaces describing the journey from St Kilda Resort Beach to Elwood Coastal Parkland
 - > Additionally it is desirable that marine activities are visible from public spaces, that there are places available for temporary events, that open space above the minimum of 20% of unencumbered space is realised and that that the micro-climatic conditions of the coastal location are considered in the response of each space.
- f) Key **Car parking** criteria include:
- > A shared-user car park management system to maximise efficiency of utilisation to achieve a minimum 30% reduction on car parking below planning scheme standard provisions
 - > Configuration, construction and floor to floor heights that facilitate a range of future flexible uses and design that invests the finished outcome with design excellence and effective screening

- > A desirable outcome would be for all or some of the car parking to be below grade and designed to avoid future inundation and where above ground to be sleeved with other active uses when addressing key spaces
 - > Design of at-grade parking for off-season alternate activities and inclusive of soft landscaping elements.
- g) **Environmental Design and Coastal resilience.** The final and essential outcome is the design to respond to anticipated sea-level rise of over 0.8m by 2100.
- > Innovation in new habitat enabling design solutions and reintroduction of endemic coastal vegetation and enhanced biodiversity are sought in the solution with benchmark best practice environmentally sustainable design in buildings, operations and placemaking.
- h) **“Mandatory provisions” include:**
- > Repair or replacement of the seawall to address the design level requirements noted above
 - > Water quality management systems for water outfalls in the Marina environs and protection of the surrounding waters, parklands and air from pollutants arising from the site’s operations
 - > Effective litter control
 - > Minimisation of environmental impact arising from the construction and works
 - > 100% electrical power fully resourced via onsite renewable energy covering a minimum of 50% of roof area
 - > Comprehensive Waste management systems
 - > Low carbon footprint building design and operation
 - > Sustainable plan demonstrating attainment or exceedance of Council’s targets
 - > An environmental Management Plan to Council approval
 - > Bicycle facilities to exceed 5 Star Green Star for staff, marina users and visitors
 - > Less than 5% up light ratio spill from external lighting.
- i) Desirable measures include 5 Star Green Star communities’ equivalence or higher, closed loop systems for integrated water waste and energy, waste treatment and reuse on site and a virtual power plant.

SUBMISSIONS TO THE AMENDMENT

71. I noted earlier in the introduction a summary commentary on submissions to the amendment where they fall within my areas of expertise in urban design and architecture.
72. A useful summary of key issues was provided in the Council Officer’s report Appendix 2 to the Council Meeting of 29 January 2020.
73. Key Urban Design matters raised by submitters can be summarised as follows:

Land Use and Capacity

- a) Potential conflicts between Public, Marina User and Commercial ambitions and inappropriate prioritisation of uses
- b) Insufficient consideration of core Marina and Bay safety organisational needs
- c) Insufficient evidence of economic demand for commercial space uplift given related diminution of retail activity in nearby highly valued centres such as Acland and Fitzroy Streets
- d) Concern regarding capacity and fit.

Built form and heights

- e) Lack of urban design justification for proposed building heights
- f) Insufficient supporting urban context analysis, evidence of alignment with built form character and policy and physical context and testing and options for responses expressed through documents such as an Urban Design Framework, Masterplan or detailed DPO provisions
- g) Inappropriate scale and footprint for new development

- h) Insufficient guidance regarding the form and expression that should inform new built form and public spaces
- i) Absence of a robust governance process to secure design excellence through both the design brief and assessment of tenders and ongoing provisions.

Impacts on adjoining public parks and streetscapes

- j) Off-site amenity impacts on MO Moran Reserve and its valued landscapes and character arising from height, footprint and inappropriate marina related activity uses
- k) Concerns regarding safety and amenity arising from site organisation and capacity of designated cycle and pedestrian networks
- l) Off-site impacts arising from activities including traffic and noise.

Views

- m) Loss of key views to and through the precinct to the bay and city and landscapes.

Interface resolution

- n) Insufficient design guidance and controls regarding urban design outcomes for key interfaces with parks, Marina, streets and beacon connection
- o) Excessive height to key interfaces
- p) Visual impacts on key adjoining park and foreshore character.

Public links and spaces

- q) Concerns regarding the level of detail, anticipated design quality and extent of public open spaces
- r) Insufficient clarity regarding required levels of access to key places and spaces.

THE PHYSICAL CONTEXT

74. As our metropolis grows the role and quality of our shared places and spaces can only grow in importance.
75. Over more than a decade foreshore areas and major parklands have curated more rigorously land uses and design quality around principles of strong natural associations with the particular attributes of the place and higher expectations for design quality and public amenity therein. Controls have included:
- a) **Amenity protection from overshadowing** at key times of the day sometimes throughout the year and in other instances at the equinox. This has included streets and parks in Port Phillip such as the Upper and Lower Esplanade, and seen similar and more comprehensive regimes later adopted in the revised planning provisions for the City of Melbourne and Stonnington for example for their key places and spaces.
 - b) **Amenity protection through prescribed standards for micro-climate**, particularly wind speeds in key places and abutments to buildings in locations such as Southbank.
 - c) **Removal of uses that do not demonstrate particular and direct relationships with the special and valued attributes of the place** and the activities therein. Under this regime motor boat activity for example was removed from Albert Park Lake and boat storage was prescribed to be exclusively in multi-stack configuration to minimise their footprint.
 - d) **Incentives and prescriptive controls to diminish the footprint of non-permeable and car-focussed infrastructure to provide an enhanced pedestrian realm and opportunities for tree canopy cover, higher and better built form uses and habitat expansion.** Measures in Port Phillip have included building over parking such as affordable housing and government services facilities, building car parking below ground in examples such as the St Kilda Sea Baths and prescribing that all parking be operated under commercial models in places with high prescribed shared value to ensure maximum efficiency in utilisation.

e) **Enhancing the waterfront experience and engagement for all users and visitors with the waterfront and the working marina or port.**

- > Examples as large as Hobart's Sullivan's Cove waterfront and examples such as the Geelong Yacht Club precinct have seen recalibration to enable foreshore visitors to experience the working marinas and ports as part of their foreshore experience through carefully designed high quality responses that retain the authenticity of core activities, provide management regimes for peak activity times for core use, whilst enabling a broader group to be able to engage with the precinct.
- > Whilst much of the St Kilda Foreshore has been the subject of progressive and integrated high quality investment over three decades that has created destination areas for a diverse range of users, the Marina area has remained largely the domain of core users only, with fences, control gates and barriers constraining public access to the southern edge of the Marina and to the eastern edge for pedestrians between a members car park and a fenced perimeter linking the Dickens Street arrival point with the northern skate park and Marine Reserve.

76. The foreshore context and beachside communities that address them has been the subject of contested positions and necessary bespoke statutory and strategic planning guidance for many years. The Esplanade Hotel renewal, St Kilda Triangle, St Kilda Sea Baths, the St Kilda Foreshore upgrade, the new Stokehouse and new Life Saving Clubs at South Melbourne and St Kilda, and the adjoining Marina Park and Skate Park to which the precinct intersects, have all been the subject of considerable scrutiny and varied success as they have balanced designed quality, budgets, governance and partnership approaches and commercial viability with community and user expectations of outcome. Hence it is both unsurprising that the community and Marina stakeholder groups are each seeking that clear guidance and certainty are articulated around core deliverables and how these might be reconciled in the amendment. On one hand these go to matters of coherence with the broader foreshore program where urban design and built form quality and connectivity (both ecologically and physically) have been progressively delivered and on the other provision of certainty that the ongoing role of the Marina as a key whole-of-bay safe boating and watercraft facility and services hub are understood and reconciled.

77. Into this mix are added in this instance the requirement for these matters to be delivered by third party development groups. These groups will be responsible for:

- a) Undertaking the necessary upgrade of the underlying core Marina walls, Beacon, operations and safe harbour zone and then to provide the necessary boat storage, access, marine safety and services and operational capacity and parking and access provisions as well as the expanded, integrated and enhanced public spaces that enable the foreshore to operate cohesively and to overcome the current barrier arising from the configuration and land use arrangements of the Marina.
- b) The DPO provides for both an expanded commercial and boat storage capacity within the Marina precinct with obvious implications for interfaces with Marine Parade, the two adjoining reserves to the north and south and the views to and through the site from adjoining streets and spaces and also from the bay itself.
- c) The case for change is obvious beyond the trigger of the end of a commercial use as seen in the images below.



78. Expansive hostile car dominated environments within what is otherwise a typically pedestrian and recreationally oriented context.
79. Ageing and remnant unsuccessful commercial areas, poorly designed and finished, siting of buildings and fencing that diminish the capacity of the adjoining public shared path networks, gravelled and graded boat and vehicle storage areas oriented to waterways and with direct bayside interfaces, petrol refuelling station, the public boat ramp and vehicle crossing areas at a primary access point to the foreshore parks and reserves breaching the walking networks and creating a hostile interface to the foreshore for pedestrians and cyclists, poorly resolved interfaces with adjoining parklands, ageing buildings and infrastructure are some of the innumerable and obvious reasons why change and renewal should be supported.

Views

80. The connectivity of the foreshore reserve and Bay to hinterland areas, the role of landmarks in this order as well as to local and city skyline views and destinations have been raised in submissions and embedded in the DPO objectives.
81. Within the Foreshore and along the Bayside Trail views of the city skyline and Beacon to the north and Point Ormond to the south are important precinct and regional view relationships in my view.



82. Within the precinct the views to and across the Marina to local and regional landmarks are similarly important in linking place and broader context with mid-ground Esplanade Hotel and Palais views and background city view against a foreground harbour and active boating zone.



83. From the eastern side of the harbour views between and to the Dry Store areas across the harbour and activity provide an engaging experience for those traversing the popular eastern promenade. At the northern gateway from Marine Reserve, the open aspect to the theatre of boating activities and the potential this establishes for the future is obvious with the existing eastern promenade capable of substantial enhancement.



The street views

84. The site sits across Marine Parade from a number of streets connecting to hinterland areas and to which the site has historically sometimes specifically engaged and to which new development is sought to respond in the DPO in a number of instances. These are described below from north to south with Dickens Street and Blessington Street being the primary streets linking to hinterland with both interconnecting the foreshore through Elwood and St Kilda respectively to Nepean Highway and hinterland key destinations such as Blessington Gardens , Acland Street, Peanut Reserve and St Kilda Town Hall.

Blessington Street axis

85. The northernmost intersecting street is Blessington Street where views to the Marina across the foreground Marina Park and integrated skate park are anchored by the Beacon at the northern end. The northern end of the dry store building is seen at the southern end of the frontage whilst the single level coast guard and open peninsula boat storage areas are not visible. The DPO envisages an unchanged view from this aspect save for the increased height potential of the southern Dry Store buildings by 5m.



Wordsworth Street Axis

86. The Wordsworth Street axis sits at the interface between the south end of the Marine Park and the subject site with a small plaza making the interface to the park and shared cycle pedestrian

network and the existing Marina Promenade. Views exist albeit via a screening perimeter fence to the harbour area and the backdrop of dry storage. Views are anticipated to change from this aspect with the background dry store able to be developed up to 50% higher and the foreground pavilion retail forms to grow by up to 8.5m in height or 3 effective floors.



Marine Avenue axis

87. Marine Avenue has a framed gated view into the Marina harbour and background dry storage and activity flanked by low scale pavilion forms with little engagement to the Marine Parade frontage.
88. The DPO anticipates that this view corridor will be retained whilst permitting taller built form to either side of up to two additional two levels.



Dickens Street

89. Whilst both Blessington Street and Thackeray Street provide pedestrian pathways in the central median linking pedestrian networks across Marine Parade to the parklands opposite together end of the subject site only Dickens Street provides a signalised crossing of Marine Parade to the foreshore. The street interconnects through Elwood connecting Barkly Street, Mitford Street, Tennyson Street and Nepean Highway. Despite flanking Café and Service Station forms an expansive axial view is afforded to the horizon broken only by a small number of trees with the built form setback north of the northern boundary alignment of the Dickens Street axis across the Marina from east to West. The proposed built form north of the axis could be developed to a more prominent additional two levels whilst to the south built form could extend substantially closer to the pedestrian crossing and the foreshore reserve to the south with the realignment of the western half of the envelope perpendicular to Marine Parade resulting in the extended bay edge changed to a termination into built form.



Thackeray Street

90. The Thackeray Street interface and median crossing terminate in the view towards the junction of the subject site and the adjoining MO Moran Reserve. A former left turn only exit from the hinterland car park has been closed but landscape interfaces and built form solutions have largely been in the first instance screening interface solutions and in the latter standard industry template responses. This axis is not identified in the DPO and would with the Dickens Street axis, would be the most potentially disrupted by the proposed DPO, with built form twice the height of the existing petrol station able to extend past the alignment to the north and south at a continuous scale of up to 12m in height.



Interfaces with parklands Bay and streets

91. The MO Moran Reserve to the south has an expansive open space zone popular with parachutists, kites and fitness groups. The southern interface to the Marina zone sees screening trees and an elevated grassed dune edge together screening the adjoining parklands from the adjacent car parking, trailer and service station zones. Formal access through the interface is restricted to the Marine Parade footpath to the east and foreshore shared trail to the west although an informal route immediately west of the Petrol Station has been formed by walkers linking to the marina promenade.
92. The interface of the Marina to the Bay is largely neglected with a partially unsealed and poorly maintained bayside interface with bins, surplus storage items and boats in trailers against a backdrop of a patched dry store building and relocatable building structures. No public pedestrian access is possible to the Beacon and harbour mouth interface, the toilet block area is poorly maintained and locked and surrounded by a somewhat ramshackle collection of picket fences, coloured barriers, artificial grass surfaces and parking zones.

93. The Marine Parade interface is similarly poorly resolved with wide crossovers to the petrol station seeing cars exiting and entering the roadway at speed across pedestrian and cycle movement immediately south of an intersection with entry and exit left-right and axial movements. North of the intersection the siting of gateway buildings establishes a sharp right angle corner for the shared bicycle and pedestrian coastal trail and pedestrians moving along the road reserve interface with the setback from Marine Parade substantially less than that further north with the DPO seeking a more generous setback zone for new development that delivers an enlarged shared cycle and pedestrian network emulating the characteristics of that which exists further to the north in the recently completed Marina Reserve. The fencing treatments and building interface responses have been generally poorly handled providing little engagement with Marine Parade and a generally unattractive interface resolution between a major public promenade and adjoining coastal use.
94. The same can be said for the the interface with Marine Reserve to the north. The reserve and its elevated skate park zone enjoy for visitors what could be an attractive connection to the Marina save for the general lack of engagement and fence treatments and poorly configured landscape interfaces .



95. The southwestern edge of Marine Reserve enjoys a peninsula link to what could be a future bridge link to the adjoining iconic beacon harbour gateway.

THE PROPOSED DPO RESPONSE

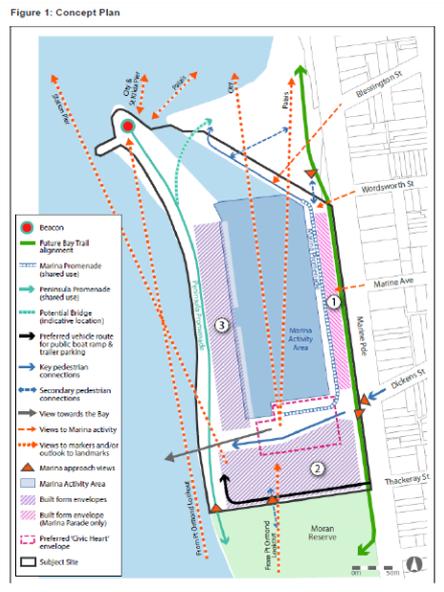
96. The proposed DPO response recognises many of the shortcomings of the current arrangements and the changed nature of both its abutments and the role of this facility within an expanding Melbourne.
97. The views towards the Foreshore are preserved from all of the adjoining streets save Thackeray Street to the south.
98. Views to the Beacon are preserved from the MO Moran Reserve shared coastal path interface although views from the Elwood Canal Bridge currently available would be lost. Views to the

Beacon from the adjoining Marine Reserve are preserved. A view line is also established from the Point Ormond Lookout to and through the site to the Palais to the north via a proposed zone for a new publically accessible Civic Heart terminating the southern end of the safe harbour.

99. Within this space and at the southern harbour edge a second axis describing a view arc to city views is described. The image below taken from the current boat ramp describes the intent of this more local view albeit marginally west of the intended viewpoint.



100. A new formally described Pedestrian Promenade is indicated to the north-eastern, eastern and southern edges of the Harbour linking to a new Civic heart and primary Marine Parade to Bay pedestrian east west link to the bisecting the built form to the north of the Dickens Street alignment and a development envelope to the south. The promenade section is described as a shared use zone.
101. At the northern end a secondary link is indicated to the Marina Reserve in the current location of the Marina entry with a primary link to the north-western termination of the marina walk.
102. Complimenting this through marina pedestrian network is an expanded Bayside Trail along the Marine Parade interface along the eastern interface with the Marina and connecting onto the existing network within MO Moran Reserve to the south.
103. A new shared use Peninsula Promenade to the west of the proposed core boat storage facilities is connecting to the established Bayside Trail to the south terminating at the Beacon with the possibility of a bridge link across to the Marina Reserve.
104. The preferred vehicle access point to the site for the public boat ramp and trailer parking is suggested at the interface between the adjoining MO Moran Reserve and to the west of the proposed new built form in Built Form Envelope 2 well separated from the primary Civic Heart.
105. The plan indicates that Built Form Area 1 provides for a development footprint that cannot exceed 50% of the area identified for development. The 11m scale allowed providing for a potential maximum 3 level commercial development in this precinct.
106. North of Dickens Street new residential development opposite Building Envelope Area 1 cannot exceed 11m in height. Overshadowing controls have similar ambitions to DDO7 and invested with visible roofs and orientation towards the street.
107. South of Dickens Street residential development opposite Building Envelope Area 2 north is typically constrained to 9m in height and constrained from impacting on the western footpath of Marine Parade at the winter solstice through overshadowing between the hours of 10am and 4pm on the 22nd June.



SUMMARY OF FINDINGS

108. Generally speaking I am supportive of the direction outlined in the Amendment from an urban design perspective. I have assessed the proposed Amendment and its content particularly in the DPO against other DPO's in which I have been recently involved including the Alphington Mills Precinct and the Fitzroy Gasworks to also determine if there is value in any amendments to the document and have made recommendations where appropriate below.
109. The areas of change identified for guidance of new development in areas of the site where development has previously existed is a logical starting point for built form.
110. The development of an expanded public pedestrian network through the site connecting to established parks to the north and south, an increased setback to the eastern interface to enable an appropriately scaled Bayside Trail interconnection and a shared zone linking the trail to the harbour mouth beacon are all welcome and logical initiatives that build on precedents elsewhere.
111. The establishment of key view corridors through and within the site to inform the positioning of built form, public spaces and pathways is also logical.
112. The development of a major new Civic Heart and public space of substantial capacity (700sqm minimum) at a preferred location anchoring the southern end of the harbour foregrounding iconic views to the city and Palais is also strongly supported.
113. Also logical is the alignment of breaks in built form in Building Envelope Area 1 with intersecting streets and the restricting of built form in this Area to no more than 50% of the footprint indicated.
114. Similarly the provision of a potential expansion of the Building Envelope Area 3 footprint in height and dimension is soundly based in changing technology, lifting and storage methodologies and the strategic role of the Marina within the broader Bayside boating strategy with diversification for smaller craft also logical and recognising the changing nature of boating and watercraft activity. The setting aside of the eastern side of this built form as an exclusively operational area is similarly logical.
115. The aspirational aspects of the plan are also supported with the potential for a bridge link connecting the beacon to Marina Reserve a logical expansion of the network subject to financial viability or support funding and the submissions have generally supported this provision.
116. Ambitions for Design Quality for built form and the public realm and for ESD excellence are also supported however the absence of performance measures is questioned with suggestions made in the following sections.

117. The height of proposed built form in the Building Envelope Area 1 zone is equivalent in height to development opposite and in my view is supportable in principle subject to the necessary robustness of guidelines for development being invested with similar gravitas to that established for its residential neighbourhoods opposite as a minimum. I will go into this further in my recommendations.
118. The shift of trailer and boating vehicle access to the south of principle public activity areas at the southern edge of the Marina is also logical in principle but will require changes to the current signalisation and traffic access to achieve this outcome.
119. Similarly the prescriptive nature of the ramp capacity for the public ramp is supported.
120. The prescriptions regarding indicative boat and boat trailer storage requirements with the provision of evidence necessary for any increase in number is supported.
121. The inclusion of a schedule tailored to facilitate place specific uses, prohibit inappropriate uses and establish approval hurdles for Section 2 –Permit required uses is also supported in principle. That said I do not support take away food premises as a Schedule 1 use. Equally whilst I note that there have been representations in support of its retention a Service Station is similarly not a use that logically meets this test.
122. The inclusion of a setback requirement for new Building Envelope Area 2 and Building Envelope Area 3 development from the Bay is also supported and the use of a setback control of 15m from the crest of the sea wall is supported in principle. That said given the many hours spent arguing a similar issue for the Yarra River controls and setbacks, a valuable addition to the controls would be the provision indicating the coordinates of this line so that its alignment is unambiguous.

Building Envelope Area 2 footprint and controls

123. Building Envelope Area 2 has been the subject of the greatest level of concern from submitters and remains the area of greatest need for review. In my view the footprint of the development and the controls regarding its development outcomes require review. (Refer mark-up Map at the end of my report) Key recommendations include the following:
 - a) The footprint should be reduced to extend the Dickens Street alignment south- westwards to the bay and Peninsula Promenade interface without the crank as currently proposed to enable expansive bay views on this alignment from the proposed Civic heart and Dickens Street gateway.
 - b) The footprint should not extend west of the building Footprint for Building Envelope Area 3.
 - c) The footprint should be shown with a clear visual break between the east and west sections that ensure the required clear views from Point Ormond to the Palais can be achieved.
 - d) Guidelines should be upgraded with a mandatory provision that new built form in this zone does not result in overshadowing of the new Peninsula Promenade, MO Moran Reserve or eastern footpath of Marine Parade between 10am and 4pm on 22nd June.
 - e) Preferred zones for built form to the Marine Parade interface should be indicated with engagement with the northern Marine Reserve and southern Dickens Street gateways priority zones for new development where there is opportunities for engagement and support for adjoin parklands and pedestrian networks.
 - f) The inclusion of provisions in the plan that seek to consolidate carparking and to design parking to be either invisible through sleeving or below ground provision or through well designed sleeving and consideration of future flexibility of these spaces for retrofitting is logical and consistent with approaches taken in other areas of high ascribed urban value. The relative elevated nature of MO Moran Reserve provides further opportunities for its location in semi basement arrangements that ensure the parking sits both above water level and below this elevated ground level.

SUGGESTED MEASURES FOR CHANGE

DPO02 St Kilda Marina Redevelopment

A Masterplan

124. In my view the DPO should be upgraded to provide for clearer direction regarding the performance outcomes for the development:-
- a) Currently only a development plan is required although the Schedule notes as an objective, *“To ensure a master planned approach to the redevelopment of the marina.”*
 - In my view a masterplan document would be a useful consolidating document bringing together the development plan and the underlying reports with a physical vision that provides the community with a greater certainty as to the design quality and intent of the project.
125. The masterplan would extend the content of the Urban Concept report to describe:
- a) The interface responses of built form, movement networks and landscapes both externally with the adjoining Bay, MO Moran Reserve and Marine Reserve and internally with the harbour, civic heart, promenades and walks that:
 - Enhances the foreshore character of the bayside corridor;
 - Responds in Areas 1 and 2 to the significance of Marine Parade with built form that considers the design, height and visual bulk of the development in relation to residential neighbourhoods opposite with uses and development and contributes to its significance as a formal boulevard.
 - In Area 3 and in the abutment to Marine Reserve protects significant stands of remnant and native vegetation present in various locations abutting the site;
 - Integrates with planting along the foreshore parkland north and south of the site and;
 - Identifies the location, size and arrangements, Street furniture, shading and weather protection and planting, materials and finishes palette for open space, pedestrian, shared and cycling networks and recreation facilities to be provided on the site, including areas available to the public;
 - Minimise over shadowing effects within the site and on adjoining parklands and Marine Parade.
 - Design public open spaces to have good solar amenity and good passive surveillance.
 - Provide landscaping to reduce the visual impact of development and enhance the micro-climate within and abutting the development.
 - b) The location of heritage buildings and infrastructure and significant vegetation to be retained.
 - c) Design quality of proposed built form and the servicing network for the site of roads, pathways, work platforms and promenades.
 - d) Profile design for the proposed Marina Promenade shared zone, bayside trail development interface, primary and secondary walking networks and Peninsula Promenade shared zone that demonstrates alignment with controls.
 - e) A plan clearly illustrating the areas accessible to the public and the percentage of open space described therein.

Development Guidelines

126. Typically the provision of a Development Plan is supported by development guidelines that establish the standards against which the project response might be assessed.
127. In this instance whilst requirements are established for the inclusion of Shadow Diagrams, Wind engineering, Arboreal report the outcomes against which they are assessed is not. Similarly whilst quality and excellence are spoken about the measures of quality are not. In order to make an enduring contribution of quality to the precinct, the harsh marine environment into which

development is to be put requires quite high quality materials and finishes and these criteria are useful to establish in advance of assessment.

128. Recommended inclusions include the following:-

Overshadowing

- a) Logically consistency should be implemented with the criteria established for other development that engages with the foreshore wherein protection from additional overshadowing of key streets and parklands is protected between key hours at the winter solstice June 22nd. I note the Development Plan requires the inclusion of Shadow Diagrams between 9am and 3pm at the equinox and winter solstice.
- b) In this case this would logically result in the following guidelines:
 - New development must not cast additional nett shadow over MO Moran Reserve or the eastern footpath of Marine Parade between 10am and 3pm on 22nd June.
 - New development must ensure that at least 50% of the primary Civic Heart enjoys access to sunlight between 10am and 3pm at the winter solstice.
 - New development must not overshadow the new Marina Promenade and Peninsula Promenade between the hours of 10am and 2pm on 22 September.

Wind speed

129. Whilst it is acknowledged that the amenity of waterfront areas is governed to a degree by the extreme conditions that can arise in a bayside interface, the experience and its safety can be assured through careful design and the amenity of waterfront areas can be significantly enhanced through coordinated and thoughtful choices around built form and design, canopy protection, landscaping and orientation of walks and spaces. Hence it is recommended that:-

- New development will be configured to provide wind speed standards for sitting and standing in the Civic Heart and for walking in primary walking networks.

Materiality

130. Consistent with the ambitions for a response that achieves architectural excellence and urban design and ESD excellence, choices around building systems, materiality and their application are in my view essential to establish at an early time. Hence it is my view that guidelines are provided that require the Development plan to describe:-

- a) The design language of building systems, building materials, treatments, including reflectivity details, and architectural styles throughout the site and the benchmarks of best practice guiding these choices;
- b) Treatments for key interface areas – between adjoining parklands and Marine Parade, proposed promenades, key and secondary pedestrian connections and open space areas and proposed development.

View lines

131. The DPO has established key criteria for the protection and enhancement of key view lines to and through the site. Logically submissions to the Plan should demonstrate compliance to these criteria through the provision of views from locations identified as significant in the Figure 1 Concept Plan.

Waste Management & Services

132. Whilst the current content of the Development Plan includes the necessary provision of a Waste Management Plan it does not establish how and where decisions regarding indicative waste storage and collection points and how these choices should be guided. Logically these core storage and collection points should not be located on primary walks or promenades and should be integrated within built form wherever possible rather than in freestanding enclosures.

- a) It is recommended that a Guideline be established noting the following:-
 - That the core infrastructure services storage and collection points identified in the Waste Management Plan should be fully contained within new building envelopes and located away from parkland, pedestrian spaces, walks and promenades, Marine Parade interfaces and not visible in key views to and through the site identified in Figure 1 Concept Plan.

Interfaces

133. Interfaces between the site and foreshore parklands and streetscapes have been correctly identified in the DPO as critical to project success;
134. The Guidelines must be consistent with the Vision for the site and the following objectives:
 - a) To promote urban legibility and public access to and through the site;
 - b) To demonstrate high quality built form outcomes that contribute to the built form character of the neighbourhood and its surrounds;
 - c) To ensure that building heights consider and respond to the over shadowing effects within the site and on adjoining land;
 - d) To ensure that building heights provide an appropriate transition to site interfaces;
 - e) To ensure street, promenade, walk and park level interface treatments contribute to high levels of pedestrian amenity and safety;
 - f) To provide wind climate design to ameliorate adverse wind conditions at ground level on publically accessible spaces both within and abutting the site.
 - g) To provide acoustic design treatments that addresses the impact of proposed land uses and their siting on adjoin residential and parkland areas.
 - h) To provide for safe and convenient vehicular and pedestrian access;
 - i) To minimise, where practical, the impact of vehicles on public space;
 - j) Buildings must be set within a landscaped setting which allows for effective integration with adjoining parklands and Marine Parade
 - k) Treatment of the interface with the Port Phillip Bay, MO Moran Reserve and Marine Reserve and environs must demonstrate:
 - Maintenance and enhancement of the contributory and valued natural landscape and native vegetation along Parkland edges

Landscape Concept Plan

135. In addition to the matters already outlined in the Landscape and Public Realm Plan I would recommend the following be added:-
 - a) Typical street, promenade, primary and secondary walk and Bayside Cycle trail cross-sections;
 - b) The management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities; and
 - Details of how the Landscape Concept Plan responds to the Sustainable Management Plan.

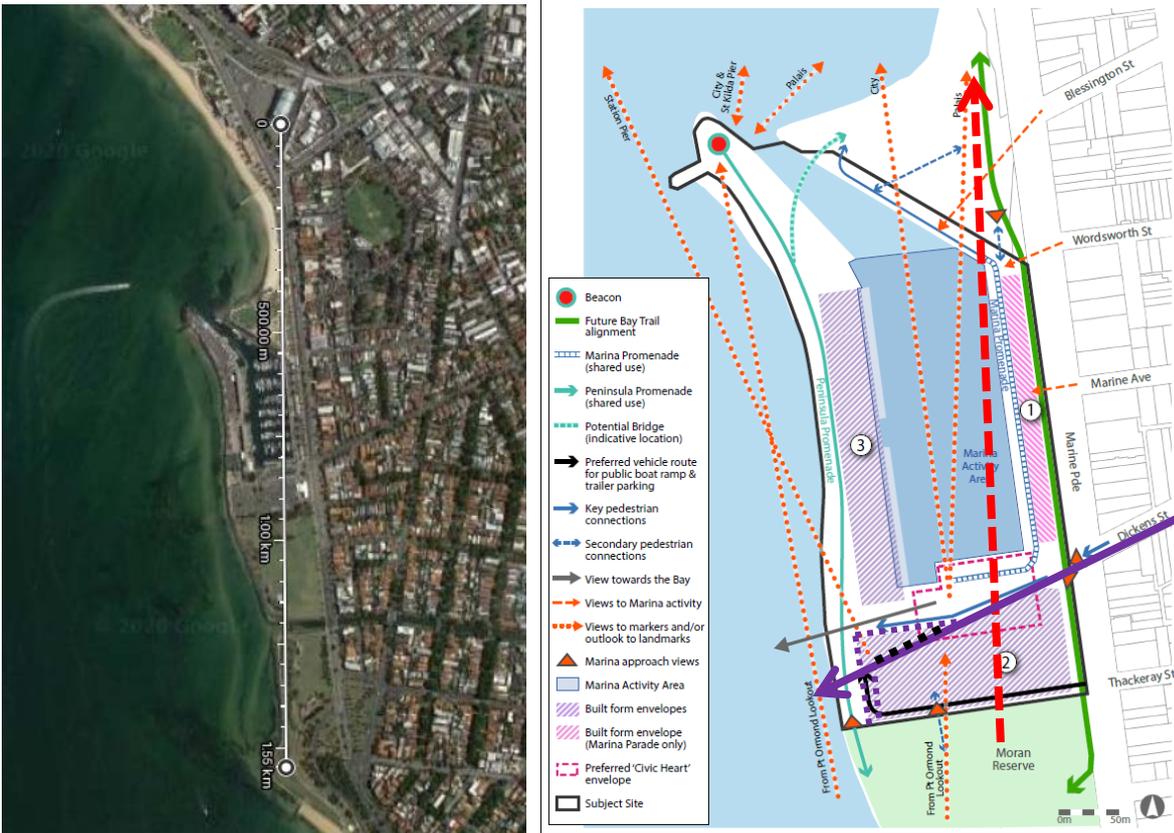
Green Travel

136. As a recreation and environmental area of high local and regional value minimising unnecessary vehicular travel to the precinct is desirable. The provision of exceptional amenity for alternative uses is therefore not only desirable but necessary. Whilst the proposed controls both encourage and require the current wording for outcomes could be both strengthened and clarified.
137. I would recommend either that a guideline be established defining the performance measures to be adopted or that the second dot point of the Development Outcome be updated to require the following:-
 - a) That bike share facilities be provided for marina visitors in key arrival points both for visiting vessels and visitors to the precinct.

- b) That short stay bicycle facilities are provided adjacent key hospitality destinations within the precinct.
- c) That secure bike storage areas are provided for marina users and staff of all uses within the development at benchmarks that demonstrate leadership in green travel solutions.
- d) That bicycle repair station facilities are provided for the use of visitors, employees and marina users.

Additional footprints for development

138. Logically the plan should be upgraded to provide for a small footprint near the current location for a new Volunteer Coastguard facility near the mouth of the harbour with floor levels that enable surveillance to the Bay and harbour mouth in particular preferably views to the foreshore and harbour.
- I am not persuaded by the submission 11 (a tenderer) that a footprint of the dimension sought in yellow or anything close to this is warranted for this key purpose.
 - Similarly I am not persuaded of the viability of a permanent hospitality premises co-located in this location without the mandated inclusion of a pedestrian bridge other than the small kiosk and stand-up paddle board facility proposed by council of 50 sq.m. Mapping
139. Whilst I support the principles of the proposed mapping to incorporate views through and within the site, the current drafting might benefit from a more accurate alignment with the aerial photo for in particular the Point Ormond to Palais vista to avoid future disputation.
140. The aerial view shown below would appear to indicate the arc extends further to the NE than indicated on Figure 1 Concept Plan in the DPO. Similarly as noted area the inclusion of the location of the sea wall crest line on plans would be a useful addition to the maps.
141. I would amend the proposed Figure 1 Concept Plan to realign the view line for the Point Ormond to Palais vista (shown in red dashed line below) and amend the Precinct 2 Footprint to align with the Dickens Street south boundary (shown in purple) continuously through to the bay interface and the north south western alignment with the western alignment of Precinct 2 (shown in purple) See below.
142. This would result in the purple dotted area being deleted from this Area as an area for development.



Existing Ariel relationship of Pt Ormond and the Palais

Proposed changes to view position and north & west extent of Area 2 envelope with dotted purple area deleted

-  **Key** View line Pt Ormond to Palais
-  Envelope to be deleted
-  Dickens St View- north edge Building Envelope 2

Schedule of Uses

143. As noted earlier on Schedule 4 to Clause 37.01 Special Use zone I would make the following recommendations for change.

- a) I would suggest that Take Away Food Premises be a section 2 use rather than a section 1 use as drive-through facilities for example would not deliver an outcome consistent with the priorities sought for such a location.

Governance

- 144. A number of submitters have raised concerns around governance of the implementation of the plan within zone and its interpretation. I note and support the inclusion of an independent Design Review Panel for the assessment of tender responses as an important first step.
- 145. There is a case for a design review process particularly given the availability of the Design Review Panel within the Government Architects Office and the success of similar measures in the implementation of large scale urban renewal.
- 146. Typically these processes have a multidisciplinary input regime that is independent of local government and government. This may be a particularly valuable resource in the finalisation of the masterplan for the site and the agreed key elements of the project.

CONCLUSION

147. Subject to these amendments, I am satisfied that the proposed development is logical in its organisation. I am similarly of the view that a development balancing the site's ongoing role in contributing to the future marine and boating needs of the bay can be achieved and that a case can be made for aligned uses and activities that both further enable the role of the adjoining foreshore areas but also reimagine their interconnectivity and coherence as an entire foreshore precinct. A key in this will be through the protection of the amenity of the adjoining streets and places, investing the new development with standards of excellence in resilience, sustainability, inclusion and architectural and urban design quality and with some additional safeguard measures through amplification of both the proposed DPO and Zone, and its ongoing implementation governance I am satisfied this can be achieved.

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Prepared By

A handwritten signature in black ink, appearing to read 'R. McGauran', with a large, stylized flourish at the bottom.

Prof. Robert McGauran

B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, Architect

DOCUMENTS FORMING THE BASIS OF THIS REPORT

1. Letter from Planning Panels Victoria to Council (regarding pre-set panel hearing dates)

Site Brief

2. St Kilda Marina Site Brief

Authorisation for Amendment C171

3. Letter of authorisation from DELWP for the preparation and exhibition of Amendment C171 25 September 2019

Amendment C171 Documentation (As Exhibited)

4. Notice of Amendment
5. Explanatory Report
6. Instruction Sheet
7. Clause 21.07 – Incorporated Documents
8. Clause 22.04 - Heritage Policy
9. Clause 37.01 – Schedule 4 – Special Use Zone
10. Clause 43.01 – Heritage Overlay and Schedule
11. Clause 43.04 - Development Plan Overlay Schedule 2
12. Schedule to clause 72.03
13. Schedule to clause 72.04
14. Zoning Map
15. Heritage Overlay Map
16. Development Plan Overlay Map

Incorporated Documents (Proposed as part of Amendment C171)

17. Port Phillip Heritage Review – Volume 1, Version 31 (extract) – St Kilda Marina (Citation No. 2057) June 2019
18. Port Phillip Heritage Policy Map
19. Port Phillip Permit Exemptions Incorporated Plan - St Kilda Marina, St Kilda (version 1.0) June 2019

Council Reports

20. Council Meeting Agenda & Minutes (Endorsement of Site Brief) 15 May 2019
21. Council Meeting Agenda & Minutes (Endorsement of recommended planning scheme amendment process) 5 June 2019
22. Council Meeting Agenda & Minutes (Request for authorisation of Amendment C171) 24 July 2019
23. Council Confidential Ordinary Meeting Minutes and Agenda (Endorsement of EOI Evaluation Panel Report) 4 September 2019
24. Council Meeting Agenda & Minutes (Receiving and considering submissions to Amendment C171), including the following attachments:
 - > Attachment 1 - Summary of submissions
 - > Attachment 2 - Summary of key themes of submissions 11 December 2019
25. Council meeting agenda and minutes January 29th 2020 and officers reports

Submissions

26. Submissions

Other Documents

Project Documents

27. St Kilda Marina Project Site Vision and Objectives

28. St Kilda Marina Project Opportunities and Constraints Paper
29. St Kilda Marina New Lease Project Approach
30. St Kilda Marina New Lease Project - Place Assessment (prepared by CoDesign Studio) January 2018
31. St Kilda Marina – Marina Market Research and Viability Assessment (prepared by Essential Economics) 2 February 2018
32. St Kilda Marina - Environmental and Coastal Hazard Assessment (prepared by Water Technology) 7 February 2018
33. St Kilda Marina - Waterfront Precedent Study (prepared by TLC) April 2018
34. St Kilda Marina - Comparative Study (prepared by SJB) 6 April 2018
35. St Kilda Marina - Heritage Assessment (prepared by Built Heritage) 12 April 2018
36. Cultural Heritage Due Diligence Assessment for St Kilda Marina (prepared by Biosis) 12 April 2018
37. St Kilda Marina Project - Stage Three Community Engagement Report April 2019
38. St Kilda Marina Project Probity Plan September 2017 (revised May 2019)
39. St Kilda Marina Project Procurement Plan May 2019

Other Policy Documents

40. DELWP Draft Marine and Coastal Policy:
 - > Policy
 - > Summary Paper
 - > Fact Sheet
41. Victorian Coastal Strategy 2014
42. Victorian Coastal Strategy Implementation Plan
43. Recreational Boating Facilities Framework 2014 (Central Coastal Board) February 2014
44. Integrated Transport Strategy 2018-2028 (City of Port Phillip)

Guide to Expert Evidence

45. Guide to Expert Evidence