

1-7 Waterfront Place, Port Melbourne

February 2025



Town Planning & Urban Context Report

1-7 Waterfront Place, Port Melbourne

February 2025

Contents

1	Introduction	3
2	Subject Site and Surrounds.....	7
3	Statutory Planning Framework (Port Phillip Planning Scheme)	10
	3.1 Planning Policy Framework.....	10
	3.2 Zoning	14
	3.3 Overlays	15
	3.4 Particular Provisions	17
4	Amended Proposal	19
5	Planning Assessment.....	22
	5.1 Preamble	22
	5.2 Planning Policy Assessment	22
	5.3 Built Form	23
	5.4 Traffic and Car Parking	26
	5.5 Waste Management	28
	5.6 Wind Impacts	28
	5.7 Environmentally Sustainable Design	28
6	Conclusion	30

Attachment 1	Amended Permit (tracked changes)
Attachment 2	Clause 58 Assessment
Attachment 3	DDO23 Assessment

1 Introduction

This report has been prepared on behalf of *GFM Group Pty Ltd (ACN 675 440 730) in its capacity as trustee of the GFM BTS Trust Subtrust No.4 (ABN 12 757 352 180) (GFM Group)* to accompany an application to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 87A of the *Planning and Environment Act 1987* (the Act).

The proposal is an amendment to Planning Permit 490/2020/A issued by the City of Port Phillip at the direction of VCAT on 3 August 2021.

Background

Planning Permit Application 490/2020 was lodged with the City of Port Phillip and approved at a Council meeting on 3 August 2021 subject to several conditions.

The Permit applicant sought a review of conditions pursuant to Section 80 of the Act.

The amendments sought by the Applicant for Review in that review application are set out below.

Condition 1(n)	<i>Reduction in height of the podium (likely including the reduction or removal of the parapet) to ensure the podium does not exceed 3 storeys or 12m at any point.</i>
Condition 1(o)	<i>The development does must not exceed 10 storeys (inclusive of the podium and exclusive of rooftop services); including the deletion of the rooms upon roof level which are considered to be an 11 storey.</i>
Condition 1(q)	<i>Details that demonstrate that architectural features, such as building services, that exceed the maximum building height, do not exceed the height by more than 4 metres and do not exceed 10% of the gross floor area of the top building level; and, any associated reduction in roof top services. Furthermore, rooftop services to be sites and designed so as not to cast shadows to the bicycle paths along Waterfront Place at the June solstice, between the hours of 12 midday and 3pm, and are not visible from Beach Street.</i>

In *Waterfront Place Pty Ltd v Port Phillip CC [2022] VCAT 1157*, the Tribunal directed that Planning Permit 490/2020 issue, and contain conditions as originally determined by the Responsible Authority but with the following modifications:

- Deletion of Condition 1(dd) which concerned:

The reduction in the built form of the development above the podium, so as not to cast shadows onto the bicycle paths along Waterfront Place, between the hours of 12 midday to 3pm at the June solstice.;

- Amendment of Condition 1(n) and 1(o) and 1(q) as noted above.



1 Introduction

The final form of Planning Permit 490/2020 was that issued at the direction of VCAT and allowed:

Use and development of the land, to carry out works and construct a 10 storey mixed use building over two basement levels, comprising dwellings, retail (shop, food and drink premises, wellness centre), a restricted recreation facility (gymnasium) and a reduction in car parking requirements, generally in accordance with the endorsed plans and subject to the following conditions.

This permit was dated 27 October 2022.

The permit was amended pursuant to Section 72 of the Act on 20 January 2023 (Planning Permit 490/2020/A). That amendment related to changes to conditions of the permit.

The permit was later corrected pursuant to Section 71 of the Act on 30 May 2024. The date of issue was corrected from 27 October 2022 to 3 August 2021, being the date that the original Planning Permit was issued.

An extension to the permit was approved on 31 May 2024, and the development is required to be commenced by 3 August 2026, and completed by 3 August 2030.

The new owners of the land have commissioned Woods Bagot to prepare an alternative development design for the site.

This report assesses the amended proposal, and specifically the proposed changes to the approved development pursuant to the relevant provisions of the Port Phillip Planning Scheme.

The project team comprises:

Woods Bagot
Architects

Contour Consultants
Town Planner

Oculus
Landscape Architect

GIW
Environmentally Sustainable Design

Ratio
Traffic and Waste Engineering

RWDI
Wind Engineer

1 Introduction

Greenwood

Arborist

E-Lab

Acoustic Engineer

1 Introduction

Figures 1.1 & 1.2
3D Render prepared by Woods Bagot



2 Subject Site and Surrounds

The subject site and surrounds are described in paragraph 11 – 17 of *Waterfront Place Pty Ltd v Port Phillip CC [2022] VCAT 1157* as follows:

11. *The subject land is an irregular shaped parcel of land that abuts both Waterfront Place and Princess Street. It is located on the western side of the roundabout at the intersection of Beach Street, Waterfront Place and Princess Street (the **roundabout**).*
12. *To the west, the subject land immediately abuts the route 109 tram stop and the historic railway station building which now houses a medical centre and café.*
13. *To the east of the roundabout, are buildings located in the Mixed Use Zone, including 92 Beach Road that has recently been developed with a mixed use building of eight storeys.*
14. *Land to the north of the subject land is developed with low rise dwellings and is included within the General Residential Zone.*
15. *Land to the south of the subject land on the southern side of Waterfront Place comprises the Station Pier which is located in the Port Zone. It is the subject land's interface with the public pedestrian path located on the southern side of Waterfront Place (the **Bay Trail**) that is the focus of the conditions under challenge.*
16. *The subject land (and interfaces) is shown in the figure below.*



Figure 2.1 - Extracted from Design Guidelines 1-7 Waterfront Place (City of Port Phillip 2014)- Figure 2 at p.3.

2 Subject Site and Surrounds

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17. *The subject land is a distinctive 'island' site, in a significant waterfront location, with complex interfaces and proximate to a working port.*

The existing conditions are relatively unchanged since the issue of Planning Permit 490/2020, although it is noted that the site has been cleared.

Insofar as the context, the following is noted:

- Approval and commencement of construction of a 5 storey mixed use building at 103 Beach Street, Port Melbourne.
- Relocation of the Spirit of Tasmania operations from Station Pier to Geelong, and reduction in associated traffic volumes.



(Figure 2.2 – Subject site – taken December 2024)



(Figure 2.3 – Subject site – taken December 2024)

2 Subject Site and Surrounds



(Figure 2.4–Aerial imagery –Landchecker dated 12/10/2024)

3 Statutory Planning Framework (Port Phillip Planning Scheme)

3.1 Planning Policy Framework

Since the issue of Planning Permit 490/2020/A, Amendment C203port was gazetted, and the Port Phillip Planning Scheme has been translated into the new statewide format.

Therefore the current relevant provisions of the current Planning Policy Framework are:

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

And more specifically having regard to the proposed design changes, the following applicable policy provisions are noted:

Clause 15.01-1S (Urban Design) seeks:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Relevant strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-1L-02 (Urban Design) includes objectives relevant to the site relating to landmarks, views and vistas, building form, public realm, street level frontage, landscape, foreshore environs and large sites. These include:

- *To maintain the visual prominence of and protect primary views to valued landmarks in Port Phillip*
- *To facilitate high quality urban design and architecture that integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area.*

Relevant strategies include:



3 Statutory Planning Framework (Port Phillip Planning Scheme)

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- *Support development that protects and enhances views of key landmarks from the public realm, including (but not limited to):*
 - *Port Phillip Bay, the coastline and maritime structures such as St Kilda Pier, Kerferd Road Pier and Station Pier.*
 - *Avoid concealed areas along exterior walls abutting the public realm and internal walkways.*
 - *Encourage buildings that present a human scale and visual interest to the street frontage.*
 - *Support the design of buildings as well as public and communal spaces that are safe, inclusive, functional, flexible, legible and provide dignified access for all.*
 - *Encourage developments to contribute towards streetscape improvements, such as weather protection in retail and commercial areas, urban art and improved pedestrian amenity.*
 - *Provide opportunities for social interaction at interfaces between the public and private realms, and within multi-storey residential developments.*
 - *Minimise adverse micro-climatic impacts created by development such as overshadowing of the public realm (footpaths, open space) and wind tunnelling.*
 - *Avoid excessive visual bulk and massing that create unsafe and negative amenity impacts in pedestrian and communal areas.*
 - *Design building frontages at footpath level to support visual interest, transparency, interaction with the street, safety, shelter and convenience.*
 - *Promote pedestrian entrances to buildings that:*
 - *Are safe, secure and legible from streets and other public areas.*
 - *Provide shelter, a sense of address and a transitional space between the public and private realms.*
 - *Support windows, door openings, terraces and balconies at lower building levels to offer surveillance of and visual connections to surrounding public areas.*
 - *Locate vehicle access to avoid the removal of existing street trees and public landscape elements and to ensure their*

3 Statutory Planning Framework (Port Phillip Planning Scheme)

ongoing survival and health.

- *Encourage designs that respect the established cultural, heritage, recreational and environmental values of the foreshore public realm.*
- *Encourage innovative approaches to development, landscape design and construction, including greater use of indigenous plant species, plant species responsive to climate and conditions and structures and furniture using recycled materials.*
- *Create well-articulated development on larger or consolidated sites (with a frontage over 10 metres) through:*
 - *Variations in form and materials.*
 - *Openings.*
 - *Vertical design elements.*

Clause 15.01-2L-01 (Building Design) contains strategies relating to landscape, pedestrian and cyclist access, carparking and vehicle access, sunlight access to public open space, private open space and communal areas and fences. Relevant strategies include:

- *Support innovative approaches to landscape design and construction that:*
 - *Includes vegetation resilient to future climate conditions.*
 - *Provides adequate soil depth for canopy tree planting.*
- *Encourage all new developments to provide landscaping to setback areas, ground floor open spaces and outdoor car parking areas.*
- *Provide mid-block pedestrian permeability through large sites rather than just public access around the perimeter. This may include public laneways or vehicle and pedestrian linkages across the site.*
- *Maintain sunlight access to key public open space areas through the sensitive design and siting of new development.*
- *Site and design vehicle access and egress to preserve visual amenity and minimise conflict with pedestrians and cyclists, ideally by locating to the side or rear of sites.*
- *Encourage vehicle access points in non-residential development to be via a single crossover or, if appropriate, from an existing crossover.*
- *Site and design private open space and communal areas to:*

3 Statutory Planning Framework (Port Phillip Planning Scheme)

-
- *Avoid direct views from nearby dwellings and the public realm.*
 - *Take advantage of solar access.*
 - *Maximise opportunities for surveillance and informal interaction by providing an outlook and access to communal areas for as many occupants of the development as practicable.*
 - *Design front fences to be responsive to the design of other fencing in the surrounding area, including height and materials, and architectural style.*

Clause 15.01-2L-02 (Environmentally Sustainable Development) seeks:

- *To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Relevant strategies include:

- *Facilitate development that minimises environmental impacts.*
- *Encourage environmentally sustainable development that:*
 - *Is consistent with the type and scale of the development.*
 - *Responds to site opportunities and constraints.*
 - *Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.*

Clause 15.01-2L-03 (Urban Art) seeks:

- *To encourage the integrated urban art in new developments that reflects the identity of place, community values and innovation and creativity.*

Clause 16.01-1S (Housing Supply) seeks:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

Clause 16.01-1L-02 (Location of Residential Development) seeks:

- *To direct housing growth to designated locations that have the greatest capacity for change, and that offer highest accessibility to public transport, shops, and social infrastructure while maintaining the heritage, neighbourhood character and amenity values of established residential areas that have limited potential for housing growth.*

3 Statutory Planning Framework (Port Phillip Planning Scheme)

Clause 17.01-1S (Diversified Economy) seeks:

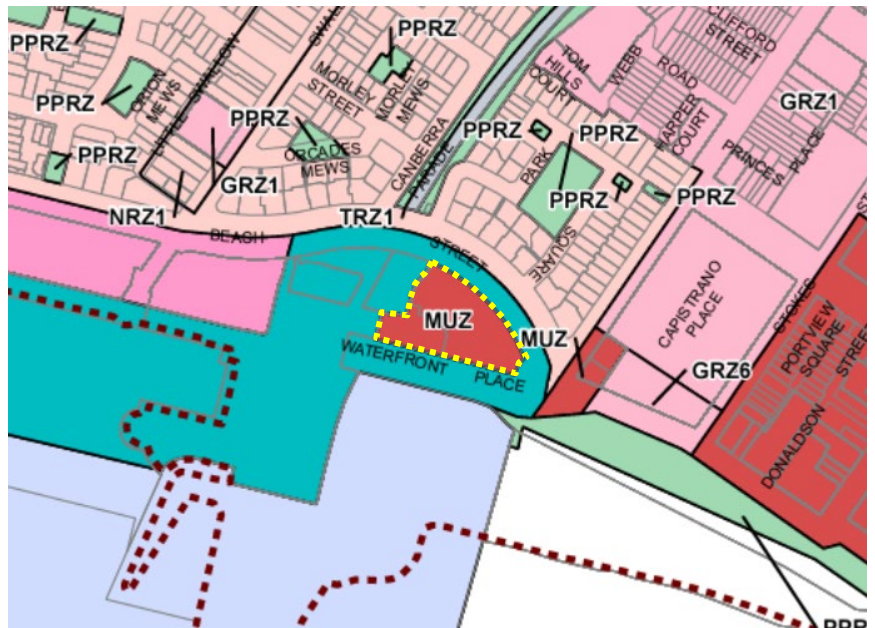
- *To strengthen and diversify the economy.*

Clause 17.02-1L (Mixed use and office areas) includes objectives relevant to mixed use and office areas, including:

- *To support the strategic role, function, viability and vibrancy of Port Phillip's office and mixed-use areas.*

3.2 Zoning

The zoning of the site has not changed since the issue of Planning Permit 490/2020/A, and the site continues to be within the Mixed Use Zone (MUZ).



The purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

3 Statutory Planning Framework (Port Phillip Planning Scheme)

3.3 Overlays

The Overlays affecting the site have not changed since the issue of Planning Permit 490/2020/A, and relevant to the proposed design changes, the following is noted:

Environmental Audit Overlay (EAO)

The site continues to be affected by the EAO. The purpose of the DDO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination*

The use of the land continues to be primarily residential, and therefore existing Conditions 35, 36 and 37 remain relevant and applicable.

Environmental Significance Overlay (ESO4)

The site continues to be affected by the ESO. The purpose of the ESO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.*

ESO4 relates to the Port of Melbourne Environs and the environmental objective to be achieved are:

- *Minimise the potential for future land use conflicts between the port and port environs.*
- *Ensure that any use and intensity of development in the overlay does not constrain the ongoing operation and development of the commercial port.*

Again the use of land continues to be primarily residential and therefore, the assessment of the land use and potential conflicts between it and the Port of Melbourne undertaken in Planning Permit 490/2020/A remains relevant, and no change to existing Conditions 35 and 36 are proposed.

Heritage Overlay (HO46)

The site continues to be partially affected by the HO46. This relates to the Port Melbourne railway station heritage place. The purpose of the HO is:

3 Statutory Planning Framework (Port Phillip Planning Scheme)

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- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To conserve and enhance heritage places of natural or cultural significance.*
 - *To conserve and enhance those elements which contribute to the significance of heritage places.*
 - *To ensure that development does not adversely affect the significance of heritage places.*
 - *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place*

Given the Port Melbourne Railway Station is included on the Victorian Heritage Register (Ref No. H983), no heritage permission is required pursuant to the Heritage Overlay. Instead, any works, including landscaping, must be the subject of a heritage permit application.

To this end, and similar to the current approval, only landscaping is proposed within the part of the site affected by H046. It is also noted that there has been preliminary discussions with Heritage Victoria in relation to the proposed design changes.

Design and Development Overlay (DDO23)

The site continues to be affected by the DDO23. The purpose of the DDO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule 23 relates to the 1-7 Waterfront Place Design and Development Area, and contains a range of design objectives, categorised into key themes:

- Theme A – ‘engaging, accessible’
- Theme B – ‘responsive’
- Theme C – ‘mixed’
- Theme D – ‘contributory’
- Theme E – ‘quality’
- Theme F – ‘adaptable’

3 Statutory Planning Framework (Port Phillip Planning Scheme)

The relevant Background Documents are:

- Design Guidelines 1-7 Waterfront Place (City of Port Phillip, 2014)
- Port Development Strategy 2035 Vision (Port of Melbourne Corporation, 2009)

An assessment of the amended proposal against these provisions is provided in detail in Section 5.3.

3.4 Particular Provisions

The relevant particular provisions applicable to the assessment continue to be:

- Clause 52.06 (Car Parking)
- Clause 52.34 (Bicycle Parking)
- Clause 53.18 (Stormwater Management)
- Clause 58 (Apartment Developments)
- Clause 65.01 (Decision Guidelines – Approval of an Application or Plan)

Clause 52.06 – Car Parking & Clause 52.34 – Bicycle Facilities

Car parking and bicycle facilities are considered and assessed in the report prepared by Ratio and submitted with the application.

Clause 53.18 – Stormwater Management in Urban Development

Stormwater considerations are assessed in the Sustainability Management Plan prepared by GIW and submitted with the application. The measures to address stormwater are summarised as follows:

- *A 25,000-litre rainwater tank is to be connected to all retail toilets and pool backwash and make-up.*
- *A second 35,000-litre rainwater tank is to be connected to the landscape irrigation with a total annual demand of 1,145kL/yr.*
- *A compliant MUSIC model result is achieved with the following WSUD initiatives:*
 - *Rainwater collection off all roof areas is to be directed to a 25,000 litre tank connected to all retail WC's, pool backwash and makeup.*
 - *Rainwater collection off all terraces is to be directed to a 35,000 litre tank connected to landscape irrigation.*
 - *Prior to the LPOD an Atlan EcoCepter followed by Atlan FlowFilter will need to be installed to filter the rainwater before entering the stormwater system.*
- *The development demonstrates an improvement on the stormwater quality performance objectives as outlined in the Urban Stormwater Best Practice Environmental Management*

3 Statutory Planning Framework (Port Phillip Planning Scheme)

Guidelines (Victoria Stormwater Committee, 1999) for reduction in total suspended solids (TSS), total phosphorus (TP) and total nitrogen (TN) loads.

- *Prevention of litter, sediments and pollution entering the stormwater system in the construction phase is to be addressed through introduction of the following initiatives:*
 - *Buffer strips to pervert stormwater runoff.*
 - *Gravel sausage filters at stormwater inlets to prevent silt, mud or any other site contaminant from entering the stormwater system.*
 - *Silt fences under grates at surface entry inlets to prevent sediment from entering the stormwater system.*
 - *Temporary rumble grids to vibrate mud and dirt off vehicles prior to leaving the site.*
 - *The site is to be kept clean from any loose rubbish or rubble.*
 - *Introduction of offsite construction for building elements where deemed appropriate.*
- *Maintenance requirements are addressed.*

Clause 58 – Apartment Developments

Compliance with the purpose of Clause 58 and the relevant standards and objectives remains relevant and the amended design is detailed in Attachment 2 (and in the material prepared by Woods Bagot Architects).

4 Amended Proposal

The built form composition continues to include a podium and tower arrangement with two separate tower forms that reach a maximum building height of 10 storeys. Pedestrian walkways, courtyards and public spaces are provided at ground level to complement the built form proposition.

Key elements of the amended proposed plans are described below:

Basement

- Two levels of basement, containing 164 car parking spaces, and 6 motorcycle parking spaces;
- 90 bicycle parking spaces;
- Two lift cores;
- Services and storage areas.

Ground floor

- Introduction of a porte cochere access from Beach Street;
- Access to the basement and loading areas from the porte cochere;
- Reconfiguration of the internal lobby and core areas;
- Relocation of the communal facilities including wellness area, gym, swimming pool and external zones;
- Reconfiguration of the retail premises, and the introduction of small office tenancies;
- Introduction of residential apartments at the eastern end of the Waterfront Place ground floor frontage;
- A north-south pedestrian link along the western boundary of the site, linking Beach Street and Waterfront Place;
- A standalone two storey retail premises building;
- An east-west pedestrian link to the north of the detached retail building connecting the heritage railway to the central public courtyard;
- Three dwellings fronting Beach Street (in-lieu of previously proposed 6 dwellings) with access from Beach Street;
- Reconfiguration of the substation and other services.

Podium levels



4 Amended Proposal

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- Introduction of a communal area with landscaping on Level 1;
 - Two central cores;
 - Introduction of communal storage areas.

Tower levels

- Two central cores;
- Rearrangement of dwelling mix and layouts.

Rooftop

- Services.

Having regard to the existing approval, the following amendments are sought:

Amendments to the preamble

Current preamble:

- *Use and development of the land, to carry out works and construct a 10 storey mixed use building over two basement levels, comprising dwellings, retail (shop, food and drink premises, wellness centre), a restricted recreation facility (gymnasium) and a reduction in car parking requirements., generally in accordance with the endorsed plans and subject to the following conditions*

Proposed preamble:

- *Use and development of the land, to carry out works and construct a 10 storey mixed use building over two basement levels, comprising dwellings, retail premises (shop, food and drink premises, wellness centre), a restricted recreation facility (gymnasium), office and a reduction in car parking requirements, generally in accordance with the endorsed plans and subject to the following conditions*

Amendments to plans

To date, the following plans have been endorsed:

- Arboricultural Impact Assessment (Condition 23);
- Tree Protection Management Plan (Condition 24); and
- Early Works Plan (Condition 46).

4 Amended Proposal

Given that plans to comply with Conditions 23 and 24 are endorsed, these conditions have been reworded to refer to continued compliance with these plans/documents.

Amendments to conditions

Amendments to conditions are detailed in the track changed Permit within Attachment A.

5 Planning Assessment

5.1 Preamble

Having regard to the applicable provisions of the Port Phillip Planning Scheme, and the ambit of discretion having regard to the proposed changes, a detailed assessment is provided relating to the following matters:

- Strategic planning considerations having regard to the elements of the proposal subject to change by way of the State and local planning policy framework as set out in the Port Phillip Planning Scheme;
- The proposed design response and built form considerations having regard to the guidance provided through State and Local Planning Policy, and DDO23; and
- Local amenity considerations associated with the amendments having regard to overshadowing and wind conditions.

5.2 Planning Policy Assessment

In policy terms, the subject land continues to be a relatively large strategic site where change and renewal is supported by policy and the applicable Design and Development Overlay provisions.

In response, the proposal builds on and improves the outcome associated with the current approval.

More specifically:

- Whilst the proposal generally adopts the approved building envelope, the architectural and general programming of uses is improved.
- The amended proposal continues to provide a meaningful contribution to housing supply and will add to the mix of housing within a well serviced inner urban area.
- In addition to the residential uses, an appropriate mix of non-residential activities are proposed, and these interface positively with the adjacent public realm areas and generally serve to activate the ground plane.
- All local amenity and environmental considerations are managed, specifically with regard to potential overshadowing and wind impacts.

We also note the following:

- The site continues to be within the Station Pier / Port Melbourne Foreshore area in terms of its Housing Profile (Clause 02.01-2), and in the Port Melbourne Neighbourhood (Clause 02.03-1).
- State and local planning policy seeks to facilitate housing in appropriate locations, proximate to transport, services and social infrastructure (Clause 16.01-1L-02). The subject site continues to be well placed to achieve these objectives.



5 Planning Assessment

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- The extent of amendments would have minimal impact on the Port Phillip coastline (Clause 12.02-1L).
 - Amenity conflicts between commercial and residential activities have been assessed under Planning Permit 490/2020/A and have been considered appropriate. To this end an amended Acoustic Impact Assessment is submitted with the application (Clause 13.07-1L-03).
 - Heritage impacts are unchanged, and there are no buildings and only landscape works within the part of the site impacted by the Heritage Overlay.
 - The proposal meets sustainable design objectives within the Port Phillip Planning Scheme, and the amended Sustainability Management Plan which addresses the amended proposal's compliance with relevant sustainability measures (Clause 15.01-2L-02).
 - Local planning policy (Clause 17.02-1L) seeks to support the strategic role, function, viability and vibrancy of Port Phillip's office and mixed use areas, and to support retail use and development in the Mixed Use Zone. The proposal would continue to deliver on these objectives.
 - The introduction of the porte-cochere along Beach Street would improve vehicle ingress and egress onsite, and mitigate queuing along Beach Street, which would provide safer access for pedestrians, cyclists and vehicles (Clause 15.01-2S).

Overall, the amended proposal would continue to deliver in relation to the strategic objectives of State and local planning policy within the Port Phillip Planning Scheme.

5.3 Built Form

There are overarching and general built form and urban design considerations within State and Local Planning Policy, however the provisions of Clause 15.01-1L-02 (Urban Design), Clause 15.01-2L-01 (Building Design) and the DDO23 are most relevant in respect of the amendments proposed.

The amended plans prepared by Woods Bagot illustrate an improved urban design and built form outcome and an assessment of the proposal against the above policies follows:

Clause 15.01-1L-02 (Urban Design)

- Given the built form proposition is contained generally within the same envelope as approved, the impact on the visual prominence of valued landmarks (Port Phillip Bay, the coastline and maritime structures including Station Pier) is unchanged.

5 Planning Assessment

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- The external presentation of the building and its architecture including materiality are high quality, more responsive to the place, and an improvement having regard to the existing approval.
 - Facades are articulated by way of balconies, building breaks and curved elements that reference the maritime character of the area, and 3D renders are provided which demonstrate how the proposal contributes positively to the built form character of the area.
 - The public realm response prioritises key views through the site, safety and activation. The publicly accessible north-south walkway also allows views through the site and is an improved safety outcome.
 - A widened footpath along Waterfront Place is provided, and weather protection of this space proposed by way of projecting balconies at the upper levels.
 - Pedestrian amenity is prioritised along all key interfaces, and links through the site.
 - Solar panels and services are located away from the public realm.
 - At footpath level, buildings are active, and pedestrian entrances to the site including through the lobby, from the central courtyard space, and private entrances to dwellings are legible, safe and secure.
 - Windows, balconies and openings are provided at all levels to offer surveillance of and visual connection to public spaces.
 - Vehicle accessways are landscaped along Beach Street.

Clause 15.01-2L-01 (Building Design)

- Pedestrian linkages through the site comply with the requirements of DDO23, and improved pedestrian and cycle access is provided via several connections through and around the site.
- The provision of a porte-cochere along Beach Street improves queuing and minimises conflict between pedestrians and cyclists, and its impact on the public realm is managed by way of planting, planters and vertical screening elements which integrate the porte-cochere with the upper levels of the building and screens parking from the public realm.
- Overshadowing impacts are compliant having regard to the provisions of DDO23.

5 Planning Assessment

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- Private open space areas are sited to allow for solar access where possible, and maximise opportunity for surveillance of the public realm. Each private open space area has outlook to open space.
 - Communal spaces are located within the building, and occupants are also able to use the public walkways and courtyards within the development.

Design and Development Overlay (Schedule 23)

A detailed assessment of each provision within DDO23 is contained within Attachment 3. The proposal's compliance with the key themes within the design objectives of DDO23 is summarised below:

Theme A – 'engaging, accessible'

- Pedestrian permeability through the site is improved and there are north-south and east-west connections, and ground floor frontages include active program (retail, office and residential) with openings.

Theme B – 'responsive'

- The proposal continues to provide an open space at the easternmost point of the site, and overshadowing impacts are generally consistent with the previous approval.
- The building mass is responsive to its interfaces and the requirements of the DDO23, including the heritage railway station building.
- The amended proposal utilises curved design elements to reference the coastline of the bay.
- Significant views along the Port Melbourne waterfront would be generally unchanged by way of the amendments.
- Wind impacts are managed, reference is made to the Wind Impact Assessment prepared by RWDI.

Theme C – 'mixed'

- A range of land uses continue to be provided, including retail, office and residential.
- Residential diversity is achieved by way of a mix of apartments between 1 and 3 bedrooms each.
- Ground floor frontages prioritise activation and openings to both residential and retail premises.

5 Planning Assessment

Theme D – ‘contributory’

- Pedestrian connections through the site are improved having regard to the previous approval.
- The design of the building at the lower levels enhances streetscape amenity by providing landscaping and planting along all frontages.
- Passive surveillance and activation is provided by way of balconies and openings at ground and upper levels.

Theme E – ‘quality’

- The design response is driven by the maritime heritage character of the precinct by way of contoured forms and materiality.

Theme F – ‘adaptable’

- Large floorplates for the retail uses are proposed, which would be capable of adaptation over time.
- Office space is provided within the development for community uses.

5.4 Traffic and Car Parking

A Transport Impact Assessment has been prepared by Ratio and is submitted with the application. The assessment concludes:

- *The amended application has a statutory requirement to provide 179 car parking spaces on-site;*
- *The proposed car parking provision is considered appropriate for the following reasons:*
 - *The proposed allocation of 164 spaces to residents of the site exceeds the statutory requirement for residents;*
 - *The proposed non provision of any parking spaces on-site for residential visitors is consistent with the statutory requirement. There is also ample capacity within the surrounding publicly available car park supply to accommodate the estimated peak visitor car parking demand of eight (8) spaces;*
 - *There is ample capacity within the surrounding publicly available car park supply to accommodate the anticipated demand associated with retail customers. Moreover, the non-provision is consistent with the proposed car parking approach for the approved scheme (noting that the approved scheme was*

5 Planning Assessment

expected to generate a higher level of off-site car parking demand) and is in line with the objectives of various local planning policies;

- *The surrounding publicly available car park supply is primarily ticketed and subject to short term time restrictions. As such, it is not considered appropriate for use by external users of the office suites or retail employees; and*
- *This arrangement is considered acceptable in this instance as the subject site location is considered to be afforded an appropriate level of transport amenity to support these users travelling to/from the site via alternate transport modes that do not require the use of their private vehicle.*
- *90 bicycle parking spaces are proposed within a secure bike store at Basement 01 for residents and staff. This provision is more than five (5) times higher than the statutory requirement for residents and staff;*
- *14 bicycle parking hoops are proposed to be provided in accessible areas on the ground floor level to meet visitor bicycle parking demands;*
- *The proposed bicycle parking spaces have been designed appropriately, in accordance with the requirements set out within AS2890.3:2015;*
- *The proposed access arrangements and car park layout have been designed in accordance with the requirements set out within Clause 52.06 of the Port Phillip Planning Scheme and/or relevant sections of the Australian Standard (AS/NZS 2890 series);*
- *The proposed loading and waste collection arrangements for the site are considered acceptable;*
- *The site is expected to generate up to 34 vehicle movements during the AM and PM peak hours and 336 vehicle movements per day on the surrounding road network; and*
- *Noting that the estimated level of traffic generation that was estimated and modelled for the approved scheme is more than 1.5 times higher than the estimated level of traffic generation for the amended scheme, it is expected that the traffic generation associated with the amended scheme can be comfortably accommodated by the surrounding road network in a safe and satisfactory manner without the creation of any traffic safety or operational impacts.*

5 Planning Assessment

On the basis of the preceding assessment, the proposed development of the site is considered to be acceptable from a transport engineering perspective.

5.5 Waste Management

A Waste Management Plan has been prepared by Ratio and is submitted with the application. It details that waste impacts can be managed onsite.

5.6 Wind Impacts

A Pedestrian Wind Assessment prepared by RWDI is submitted with the application. It assesses pedestrian wind comfort conditions, and a range of findings are provided.

Based on the findings, recommendations and design advice are provided within the report, and wind tunnel testing is currently underway to confirm the predicted conditions. The wind control measures recommended would be further refined subject to the findings of the wind tunnel study.

5.7 Environmentally Sustainable Design

A Sustainability Management Plan prepared by GIW is submitted with the application, and details the implementation ESD initiatives. These include:

- A 70% BESS score with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
- 70% (59 out of 87) of apartments naturally cross ventilated.
- Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:
 - 90% of living floor area achieves >90% above DF 1
 - 86% of bedroom floor area achieves >90% above DF0.5.
- 7.0 Star average NatHERS Energy Rating result.
- 30kW Solar PV system, and rainwater tanks provided.
- Water efficient fittings and fixtures applied throughout, and heat pump hot water system.
- Non-residential areas aim to reduce heating and cooling energy consumption.
- Individual cold water and electricity metres provided to the apartments, commercial tenancies and communal areas.
- Landscaping is to be a combination of native vegetation with no irrigation demand after the initial establishment period. Where irrigation is required, irrigation system would be connected to rainwater tank.
- Provision of 84 bicycle parking spaces for residents, 17 spaces for residential visitors, 6 spaces for employees and 2 spaces for

5 Planning Assessment

non-residential visitors.

- 1068sqm of communal space provided, and communal food production area provided at ground level.

6 Conclusion

In summary, the proposal refines and generally improves the town planning, urban design and architectural outcome for the following reasons:

- The proposal is consistent with the objectives of state and local housing policy.
- The proposal maintains a genuine mix of residential and non-residential uses.
- An improved response to the ground plane and the public realm more generally is illustrated within the submitted material.
- The proposed architectural response and building design is an improvement in comparison to the existing approval.
- All traffic, car parking and servicing is appropriately managed.
- Potential local amenity impacts, including overshadowing, are managed.



Attachment 1

Amended Permit (tracked changes)

A1

Attachment 2

Clause 58 Assessment

A2



**Clause 58 Assessment
Better Apartments Design Standards**

1-7 Waterfront Place, Port Melbourne

February 2025

Better Apartments Design Standards

Table of Contents

58.01 URBAN CONTEXT REPORT AND DESIGN RESPONSE	4
58.01-1	Application requirements	4
58.01-2	Urban context report	4
58.01-3	Design response.....	5
58.02	URBAN CONTEXT	6
58.02-1	Urban context objectives	6
58.02-2	Residential policy objectives.....	6
58.02-3	Dwelling diversity objective.....	7
58.02-4	Infrastructure objectives	7
58.02-5	Integration with the street objective.....	8
58.03	SITE LAYOUT	9
58.03-1	Energy efficiency objectives	9
58.03-2	Communal open space objective	10
58.03-3	Solar access to communal outdoor open space objective	11
58.03-4	Safety objective	11
58.03-5	Landscaping objectives	12
58.03-6	Access objective	14
58.03-7	Parking location objectives	14
58.03-8	Integrated water and stormwater management objectives	15
58.04	AMENITY IMPACTS	15
58.04-1	Building setback objectives	15
58.04-2	Internal views objective	16
58.04-3	Noise impacts objectives.....	16
58.04-4	Wind impacts objective	17
58.05	ON-SITE AMENITY AND FACILITIES	19
58.05-1	Accessibility objective.....	19
58.05-2	Building entry and circulation objectives	20
58.05-3	Private open space objective	20
58.05-4	Storage objective	21
58.06	DETAILED DESIGN.....	23
58.06-1	Common property objectives	23
58.06-2	Site services objectives	23
58.06-3	Waste and recycling objectives.....	24
58.06-4	External walls and materials objective.....	24

Clause 58 Assessment - Better Apartments Design Standards

58.07	INTERNAL AMENITY	26
58.07-1	Functional layout objective	26
58.07-2	Room Depth Objective	26
58.07-3	Windows objective	27
58.07-4	Natural ventilation objectives	28

58.01 URBAN CONTEXT REPORT AND DESIGN RESPONSE

58.01-1 Application requirements

Requirements	Complies / Does Not Comply / Variation required
<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> • An urban context report • A Design Response 	<p>✓ Complies</p> <p>The urban context is relatively unchanged since the issue of Planning Permit 490/2020/A.</p>

58.01-2 Urban context report

Requirements	Complies / Does Not Comply / Variation required
<p>The urban context report may use a site plan, photographs or other techniques and must include:</p> <p>An accurate description of:</p> <ul style="list-style-type: none"> – Site shape, size, orientation and easements. – Levels and contours of the site and the difference in levels between the site and surrounding properties. – The location and height of existing buildings on the site and surrounding properties. – The use of surrounding buildings. – The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. – Solar access to the site and to surrounding properties. – Views to and from the site. – Street frontage features such as poles, street trees and kerb crossovers. – The location of local shops, public transport services and public open spaces within walking distance. – Movement systems through and around the site. – Any other notable feature or characteristic of the site. <p>An assessment of the characteristics of the area including:</p> <ul style="list-style-type: none"> – Any environmental features such as vegetation, topography and significant views. – The pattern of subdivision. – Street design and landscape. – The pattern of development. – Building form, scale and rhythm. – Connection to the public realm. 	<p>✓ Complies</p> <p>Refer to the architectural package prepared by Woods Bagot.</p>

Clause 58 Assessment - Better Apartments Design Standards

Requirements	Complies / Does Not Comply / Variation required
<ul style="list-style-type: none"> – Architectural style, building details and materials. – Off-site noise sources. – The relevant NatHERS climate zones (as identified in Clause 58.03-1). 	

58.01-3 Design response

Requirements	Complies / Does Not Comply / Variation required
<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> – Responds to any relevant planning provision that applies to the land. – Meets the objectives of Clause 58. – Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. – Selects materials and finishes for the external walls. – Derives from and responds to the urban context report. <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>	<p>✓ Complies</p> <p>The design response is detailed in the Town Planning and Urban Context Report and architectural package prepared by Woods Bagot.</p>

58.02 URBAN CONTEXT

58.02-1 Urban context objectives

- To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
- To ensure that development responds to the features of the site and the surrounding area.

Standard D1	Complies / Does Not Comply / Variation required
The design response must be appropriate to the urban context and the site.	✓ Complies
The proposed design must respect the existing or preferred urban context and respond to the features of the site.	✓ Complies

58.02-2 Residential policy objectives

- To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
- To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2	Complies / Does Not Comply / Variation required
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	✓ Complies Refer to Town Planning and Urban Context Report.

Clause 58 Assessment - Better Apartments Design Standards

58.02-3 Dwelling diversity objective

- To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3	Complies / Does Not Comply / Variation required
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	✓ Complies The development provides for an appropriate range of dwelling types including 1-4 bedroom dwellings.

58.02-4 Infrastructure objectives

- To ensure development is provided with appropriate utility services and infrastructure.
- To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard D4	Complies / Does Not Comply / Variation required
Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available.	✓ Complies The development will be compliant with this requirement, and there would be no change having regard to the existing approval.
Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.	✓ Complies There would be no change having regard to the existing approval.
In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	✓ Complies There would be no change having regard to the existing approval.

58.02-5 Integration with the street objective

- To integrate the layout of development with the street.
- To support development that activates street frontage.

Standard D5	Complies / Does Not Comply / Variation required
Development should be oriented to front existing and proposed streets.	✓ Complies The development continues to be oriented toward all streets and has balconies/openings along all frontages.
Along street frontage, development should: <ul style="list-style-type: none">– Incorporate pedestrian entries, windows, balconies or other active spaces.– Limit blank walls.– Limit high front fencing, unless consistent with the existing urban context.– Provide low and visually permeable front fences, where proposed.– Conceal car parking and internal waste collection areas from the street.	✓ Complies There are several pedestrian entries to the site, and at least one for each frontage. Balconies and openings are along each frontage of the building, which affords passive surveillance. Car parking is concealed within the building, and waste collection is proposed to occur internally.
Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.	✓ Complies New public open spaces to the east and west would be delivered by way of the proposal, and the building is designed to complement these spaces. Passive surveillance to these spaces is provided at ground and upper levels.

58.03 SITE LAYOUT

58.03-1 Energy efficiency objectives

- To achieve and protect energy efficient dwellings and buildings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- To ensure dwellings achieve adequate thermal efficiency.

Standard D6	Complies / Does Not Comply / Variation required
Buildings should be: <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	✓ Complies Solar access continues to be provided to all dwellings.
Living areas and private open space should be located on the north side of the development, if practicable.	✓ Complies Where possible, living areas and private open spaces are oriented toward the north side of the site.
Developments should be designed so that solar access to north-facing windows is optimised.	✓ Complies There are several windows and balconies on the north side of the building.
A dwelling located in a climate zone identified in Table D1 should not exceed the specified maximum NatHERS annual cooling load specified in the following table.	✓ Complies Refer Sustainability Management Plan prepared by GIW and submitted with the application.

Table D1 Cooling load

NatHERS CLIMATE ZONE	NatHERS MAXIMUM COOLING LOAD MJ/M ² PER ANNUM
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

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

Clause 58 Assessment - Better Apartments Design Standards

58.03-2 Communal open space objective

- To provide communal open space that meets the recreation and amenity needs of residents.
- To ensure that communal open space is accessible, practical, attractive, easily maintained.
- To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Standard D7	Complies / Does Not Comply / Variation required
A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.	✓ Complies The external courtyard and landscaped area are 186sqm overall and located outdoors.
If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.	✓ Complies An indoor entertaining zone is provided and is 426sqm in area.
Each area of communal open space should be: <ul style="list-style-type: none"> - Accessible to all residents. - A useable size, shape and dimension. - Capable of efficient management. - Located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. 	✓ Complies
Any area of communal outdoor open space should be landscaped and include canopy cover and trees.	✓ Complies

Clause 58 Assessment - Better Apartments Design Standards

58.03-3 Solar access to communal outdoor open space objective

- To allow solar access into communal outdoor open space.

Standard D8	Complies / Does Not Comply / Variation required
The communal outdoor open space should be located on the north side of a building, if appropriate.	✓ Complies Communal outdoor open space is provided within the central walkway by way of an external courtyard at first floor level. This would receive daylight access from the north.
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	✓ Complies Refer overshadowing diagrams submitted with the application.

58.03-4 Safety objective

- To ensure the layout of development provides for the safety and security of residents and property.

Standard D9	Complies / Does Not Comply / Variation required
Entrances to dwellings should not be obscured or isolated from the street and internal accessways.	✓ Complies The amended proposal includes additional ground level dwellings with access from the street, and safe residential access to the building is provided from the north, south and west.
Planting which creates unsafe spaces along streets and accessways should be avoided.	✓ Complies
Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	✓ Complies
Private spaces within developments should be protected from inappropriate use as public thoroughfares.	✓ Complies

Clause 58 Assessment - Better Apartments Design Standards

58.03-5 Landscaping objectives

- To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.
- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

Standard D10	Complies / Does Not Comply / Variation required
Development should retain existing trees and canopy cover.	✓ Complies The amendments would have no impact on existing trees.
Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	✓ Complies There are no significant trees onsite.
Development should: <ul style="list-style-type: none"> - Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. - Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. - Consistent with the canopy diameter and height at maturity specified in Table D4. - Located in communal outdoor open space or common areas or street frontages. - Comprise smaller trees, shrubs and ground cover, including flowering native species. - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. - Protect any predominant landscape features of the area. - Take into account the soil type and drainage patterns of the site. - Provide a safe, attractive and functional environment for residents. - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting. 	✓ Complies The building includes space for canopy tree planting as per the requirements of the standard.

Clause 58 Assessment - Better Apartments Design Standards

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 6.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

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

Table D4 Tree type

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

Clause 58 Assessment - Better Apartments Design Standards

58.03-6 Access objective

- To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.
- To ensure the vehicle crossovers are designed and located to minimise visual impact.

Standard D11	Complies / Does Not Comply / Variation required
Vehicle crossovers should be minimised.	✓ Complies The proposal continues to comply with this standard.
Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.	✓ Complies Car parking entries are integrated with the building and its upper levels by way of landscaping, planter boxes, fencing and vertical rods to connect the ground level planters with the upper levels.
Pedestrian and cyclist access should be clearly delineated from vehicle access.	✓ Complies Pedestrian and cyclist access is clearly delineated from vehicle access by way of planters between the porte-cochere and main pedestrian access from Beach Street. There is no potential for vehicle/pedestrian conflicts from the south, east and west, given that all vehicle access is provided from Beach Street.
The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.	✓ Complies
Developments must provide for access for service, emergency and delivery vehicles.	✓ Complies

58.03-7 Parking location objectives

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments.

Standard D12	Complies / Does Not Comply / Variation required
Car parking facilities should: <ul style="list-style-type: none"> - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. 	✓ Complies
Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	- N/A There are no habitable room windows proximate to car parking areas.

Clause 58 Assessment - Better Apartments Design Standards

58.03-8 Integrated water and stormwater management objectives

- To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
- To facilitate stormwater collection, utilisation and infiltration within the development.
- To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13	Complies / Does Not Comply / Variation required
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.	✓ Complies Refer Sustainability Management Plan prepared by GIW and submitted with the application.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.	✓ Complies Refer Sustainability Management Plan prepared by GIW and submitted with the application.
The stormwater management system should be: <ul style="list-style-type: none">– Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee 1999).– Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.–	✓ Complies Refer Sustainability Management Plan prepared by GIW and submitted with the application.

58.04 AMENITY IMPACTS

58.04-1 Building setback objectives

- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings.
- To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14	Complies / Does Not Comply / Variation required
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.	✓ Complies The built form continues to be responsive to its context.
Buildings should be set back from side and rear boundaries, and other buildings within the site to:	✓ Complies

Clause 58 Assessment - Better Apartments Design Standards

Standard D14	Complies / Does Not Comply / Variation required
<ul style="list-style-type: none"> – Ensure adequate daylight into new habitable room windows. – Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. – Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. – Ensure the dwellings are designed to meet the objectives of Clause 58. 	The amended building envelope is generally consistent with the approved envelope.

58.04-2 Internal views objective

- To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15	Complies / Does Not Comply / Variation required
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.	<p>✓ Complies</p> <p>Overlooking between private open spaces and habitable room windows is managed appropriately.</p>

58.04-3 Noise impacts objectives

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external and internal noise sources.

Standard D16	Complies / Does Not Comply / Variation required
Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.	✓ Complies
The layout of new dwellings and buildings should minimise noise transmission within the site.	✓ Complies
Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	✓ Complies
New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.	<p>✓ Complies</p> <p>A Noise Impact Assessment has been prepared by E-Lab and is submitted with the application.</p>
<p>Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> – Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. – Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. 	- N/A

Clause 58 Assessment - Better Apartments Design Standards

Standard D16	Complies / Does Not Comply / Variation required
Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.	- N/A
Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	✓ Complies A Noise Impact Assessment has been prepared by E-Lab and is submitted with the application.

Table D5 Noise influence area

Noise Source	Noise Influence Area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

58.04-4 Wind impacts objective

- To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17	Complies / Does Not Comply / Variation required
Development of five or more storeys, excluding a basement should: <ul style="list-style-type: none"> not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.	✓ Complies Refer to Pedestrian Wind Assessment prepared by RWDI. Further information in respect to the outcome of Wind Tunnel testing is to be provided.
Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas,	✓ Complies

Clause 58 Assessment - Better Apartments Design Standards

Standard D17	Complies / Does Not Comply / Variation required
where trees and landscaping may be used to supplement fixed wind mitigation elements.	
Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.	✓ Complies

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	<p>Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:</p> <ul style="list-style-type: none"> - 3 metres per second for sitting areas, - 4 metres per second for standing areas, - 5 metres per second for walking areas

58.05 ON-SITE AMENITY AND FACILITIES

58.05-1 Accessibility objective

- To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D18	Complies / Does Not Comply / Variation required
<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. A main bedroom with access to an adaptable bathroom. At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7. 	<p>✓ Complies</p> <p>The apartment mix is accessible in accordance with D18 as detailed in the architectural package prepared by Woods Bagot.</p>

Table D7 Bathroom design

	Design Option A	Design Option B
Door Opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door design	<p>Either:</p> <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges 	<p>Either:</p> <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation Area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum area of 1.2m x 1.2m Located in front of the shower and the toilet Clear of the toilet, basin and the door swing <p>The circulation area for the toilet and shower can overlap</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum width of 1m The full length of the bathroom and a minimum length of 2.7m Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room	A toilet located closest to the door opening and clear of the circulation area.

Clause 58 Assessment - Better Apartments Design Standards

58.05-2 Building entry and circulation objectives

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D19	Complies / Does Not Comply / Variation required
<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> – Be visible and easily identifiable. – Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>✓ Complies</p> <p>The residential entrances to dwellings and buildings from the street are via Waterfront Place and Beach Street.</p> <p>All entrances are identifiable via building design elements, are sheltered and provide transitional space around the entryway.</p>
<p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> – Clearly distinguish entrances to residential and non-residential areas. – Provide windows to building entrances and lift areas. – Provide visible, safe and attractive stairs from the entry level to encourage use by residents. – Provide common areas and corridors that: <ul style="list-style-type: none"> ▪ Include at least one source of natural light and natural ventilation. ▪ Avoid obstruction from building services. ▪ Maintain clear sight lines. 	<p>✓ Complies</p> <p>The ground floor residential and commercial entries are clearly identifiable. All residential corridors include a source of natural light and clear sight lines, and corridors are short in length owing to the inclusion of two lift cores.</p>

58.05-3 Private open space objective

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

Standard D20	Complies / Does Not Comply / Variation required
<p>A dwelling should have private open space consisting of at least one of the following:</p> <ul style="list-style-type: none"> – An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room – A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room – An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room <p>An area on a roof of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.</p>	<p>✓ Complies</p> <p>Dwellings have private open space areas in accordance with the minimum depth and area requirements. Refer BADS drawings prepared by Woods Bagot.</p>

Clause 58 Assessment - Better Apartments Design Standards

Standard D20	Complies / Does Not Comply / Variation required
If an air conditioning/heating/condenser unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.	✓ Complies There are no air conditioning/heating units sited on balconies.
If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.	✓ Complies There are no dwellings above 40m.

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 30 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

58.05-4 Storage objective

- To provide adequate storage facilities for each dwelling.

Standard D21	Complies / Does Not Comply / Variation required
Each dwelling should have convenient access to usable and secure storage space.	✓ Complies Each dwelling has access to usable and secure storage space.
The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.	✓ Complies Each dwelling has access to storage in accordance with the minimum storage volume. Refer BADS

Clause 58 Assessment - Better Apartments Design Standards

	schedule prepared by Woods Bagot and submitted with the application.
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Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

58.06 DETAILED DESIGN

58.06-1 Common property objectives

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

Standard D22	Complies / Does Not Comply / Variation required
Developments should clearly delineate public, communal and private areas.	✓ Complies
Common property, where provided, should be functional and capable of efficient management.	✓ Complies

58.06-2 Site services objectives

- To ensure that site services are accessible and can be installed and maintained.
- To ensure that site services and facilities are visually integrated into the building design or landscape.

Standard D23	Complies / Does Not Comply / Variation required
Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.	✓ Complies
Meters and utility services should be designed as an integrated component of the building or landscape.	✓ Complies Utility services, meters and the building's substation are accessible and integrated into the façade.
Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	✓ Complies

Clause 58 Assessment - Better Apartments Design Standards

58.06-3 Waste and recycling objectives

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

Standard D24	Complies / Does Not Comply / Variation required
Developments should include dedicated areas for:	
<ul style="list-style-type: none"> – Waste and recycling enclosures which are: <ul style="list-style-type: none"> – Adequate in size, durable, waterproof and blend in with the development. – Adequately ventilated. – Located and designed for convenient access by residents and made easily accessible to people with limited mobility. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
<ul style="list-style-type: none"> – Adequate facilities for bin washing. These areas should be adequately ventilated. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
<ul style="list-style-type: none"> – Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
<ul style="list-style-type: none"> – Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. 	N/A
<ul style="list-style-type: none"> – Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
<ul style="list-style-type: none"> – Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:	
<ul style="list-style-type: none"> – Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>
<ul style="list-style-type: none"> – Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	<p>✓ Complies</p> <p>Refer to the Waste Management Plan prepared by Ratio.</p>

58.06-4 External walls and materials objective

- To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

Clause 58 Assessment - Better Apartments Design Standards

- To ensure external walls endure and retain their attractiveness.

Standard D25	Complies / Does Not Comply / Variation required
External walls should be finished with materials that: <ul style="list-style-type: none">- Do not easily deteriorate or stain.- Weather well over time.- Are resilient to the wear and tear from their intended use.	✓ Complies
External wall design should facilitate safe and convenient access for maintenance.	✓ Complies

58.07 INTERNAL AMENITY

58.07-1 Functional layout objective

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

Standard D26	Complies / Does Not Comply / Variation required
Bedrooms should: <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table D11. Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	✓ Complies All apartments meet the minimum internal room dimensions specified – refer BADS assessment within the architectural package prepared by Woods Bagot.
Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.	✓ Complies All apartments meet the minimum internal room dimensions specified – refer BADS assessment within the architectural package prepared by Woods Bagot.

Table D11- Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3.0 metres

Table D12 - Living area dimensions

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

58.07-2 Room Depth Objective

- To allow adequate daylight into single aspect habitable rooms.

Standard D27	Complies / Does Not Comply / Variation required
Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.	✓ Complies All apartments meet the minimum room depth dimensions specified – refer BADS assessment within the architectural package prepared by Woods Bagot.
The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:	✓ Variation required Apartments 02.1A.1, 02.1A.2, 02.1A.3 and 03.2E present marginal non-compliances, and on balance

Clause 58 Assessment - Better Apartments Design Standards

<ul style="list-style-type: none">- The room combines the living area, dining area and kitchen.- The kitchen is located furthest from the window.- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	given that compliance is demonstrated for all other apartments, this should be considered acceptable.
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58.07-3 Windows objective

- To allow adequate daylight into new habitable room windows.

Standard D28	Complies / Does Not Comply / Variation required
Habitable rooms should have a window in an external wall of the building.	✓ Complies Habitable rooms have external windows and would receive adequate daylight access.
A window may provide daylight to a bedroom from a smaller secondary area within the bed room, where the window is clear to the sky.	- N/A
The secondary area should be: <ul style="list-style-type: none">- A minimum width of 1.2 metres.- A maximum depth of 1.5 times the width, measured from the external surface of the window.	- N/A

58.07-4 Natural ventilation objectives

- To encourage natural ventilation of dwellings.
- To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29	Complies / Does Not Comply / Variation required
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.	✓ Complies
<p>At least 40% of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none">- A maximum breeze path through the dwelling of 18 metres.- A minimum breeze path through the dwelling of 5 metres.- Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>✓ Complies</p> <p>The proposal continues to comply with this requirement. Refer BADS schedule provided in the architectural package prepared by Woods Bagot Architects.</p>

Attachment 3

DDO23 Assessment

A3

Theme A | 'engaging, accessible'
Design requirements A1: Pedestrian connections

Requirement	Assessment
<p><i>Development of the site must provide a direct pedestrian laneway linking Beach Street and Waterfront Place, between the heritage Station building and new built form on the western edge of the site.</i></p> <p>(MANDATORY)</p>	<p>A direct pedestrian laneway is located along the western boundary of the site (between the heritage station building and new built form on the western boundary) as well as directly through the site to Waterfront Place.</p> <p>Clear view lines are now provided between Beach Street and Waterfront Place which is an improved safety outcome.</p>
<p><i>Building frontages to Waterfront Place must be set back 2 metres from the property boundary, to allow for widening of the footpath.</i></p> <p>(MANDATORY)</p>	<p>All building frontages are setback 2 metres from Waterfront Place to allow for widening of the footpath.</p>
<p><i>Buildings located at the western boundary of the site must provide for a ground level east-west pedestrian access way that creates a visual connection between the tram stop, the central courtyard space and the north/south pedestrian laneway.</i></p> <p>(MANDATORY)</p>	<p>A ground level east-west pedestrian accessway is provided, and a visual connection between the tram stop, the central courtyard space and north-south pedestrian laneway is provided.</p>
<p><i>Pedestrian linkages through the site must be designed so as to provide unrestricted access to the public on a 24-hour basis. They should be straight and direct, providing a clear line of sight through the walkways and must be a minimum of 5 metres in width.</i></p> <p>(MANDATORY)</p>	<p>Pedestrian linkages through the site are the north-south laneway linking Beach Street and Waterfront Place, and the east-west link between the tram stop, central courtyard and north-south pedestrian laneway.</p> <p>These are designed so as to provide unrestricted access on a 24 hour basis, the paths are direct and a clear line of sight is provided in a north-south and east-west direction.</p> <p>Both the north-south and east-west connection are a minimum of 5 metres in width.</p>

Design requirements A2: Access

Requirement	Assessment
<p><i>Built form should provide multiple pedestrian entries to all street frontages.</i></p> <p>(NON-MANDATORY)</p>	<p>The key street frontages are Beach Street and Waterfront Place. Both interfaces have built form interfacing with the street and multiple pedestrian entrances to either the building itself (lobby, internal circulation spaces), residential dwellings, or retail spaces.</p>
<p><i>Ground floor level of new built form should be at the same level as the outside ground level, or no more than 300 millimetres higher, to allow</i></p>	<p>The previous approval included variations to this standard, given that it is not practicable for the entire ground floor to be at the same level</p>

<p><i>easy transition between buildings and the abutting footpaths.</i></p> <p>(NON-MANDATORY)</p>	<p>as the outside ground level, or no more than 300mm higher than the outside ground level.</p>
<p><i>Vehicle entrances, loading/delivery area and utilities/infrastructure along the building frontage should be minimised, and where provided, these elements should be subtly integrated into the building facade.</i></p> <p>(NON-MANDATORY)</p>	<p>Vehicular access to the site is provided from Beach Street, and a porte-cochere is proposed. This will alleviate traffic impacts associated with queuing along Beach Street, and the porte-cochere structure is appropriately minimised by way of landscaping and planters along the Beach Street boundary, so that the entry/exit points are less prominent.</p>
<p><i>Vehicle access to any on-site car parking or loading bays should be from Beach Street and should allow for all turning movements to/from the vehicular entry to the site.</i></p> <p>(NON-MANDATORY)</p>	<p>All vehicle access continues to be provided from Beach Street, and all turning movements can now be undertaken onsite.</p>
<p><i>Frontages to Beach Street, between the roundabout and north/south pedestrian link should be set back between 1 metre and 3 metres from the street frontage, to allow for a small verandah or terrace space between the building frontage and the street boundary.</i></p> <p>(NON-MANDATORY)</p>	<p>This is provided for all residential properties fronting Beach Street. A small terrace space is provided along Beach Street for each dwelling.</p>
Design requirements A3: Public spaces	
Requirement	Assessment
<p><i>The layout of buildings on the site must provide for the creation of a ground level courtyard space.</i></p> <p>(MANDATORY)</p>	<p>A ground level central courtyard space is provided to the west.</p>
<p><i>New public spaces must be open to the sky and visible from the surrounding streets, while being mindful of wind and other microclimate considerations. Spaces should be located and oriented to receive reasonable direct sunlight access.</i></p> <p>(MANDATORY)</p>	<p>New public spaces to the east and west are open to sky and have visibility from surrounding streets. Both spaces would receive reasonable direct sunlight from the east, west and north.</p>
<p><i>A small public space should be provided at the eastern 'point' of the site, close to the roundabout. This public space should be activated by public art or a small kiosk/pavilion building to define the site's 'point' or edge to the roundabout.</i></p>	<p>A public space, identified as an 'eastern parklet' on the plans, is provided at the eastern point of the site. There is space for an urban art installation, and Condition 21 of Planning Permit 490/2020/A ensures that this will be delivered.</p>

(NON-MANDATORY)	
<i>All public space should be within 0.5 metres of natural ground level.</i>	Public spaces to the east and west of the site are accessible and where possible, within 0.5 metres of natural ground level adjacent to the space.
(NON-MANDATORY)	
Design requirements A4: Connections	
Requirement	Assessment
<i>Ground floor building frontages should be designed to maximise interactions between the buildings and the public realm.</i>	Ground floor building frontages include openings to either retail, office, residential or internal apartment building program, so that interactions between the building and the public realm are maximised.
(NON-MANDATORY)	

Theme B 'responsive'	
Design requirements B1: Podium height and massing	
Requirement	Assessment
<i>As shown in Figure 1 to this Schedule, building height for the podium must not exceed 3 storeys and 12 metres.</i>	The podium does not exceed 3 storeys and 12 metres.
(MANDATORY)	
<i>Massing and location of built form must generally be in accordance with Figure 1 of this Schedule.</i>	The massing and built form is generally consistent with Map 1 to Schedule 23 to Clause 43.02.
(NON-MANDATORY)	
Design requirements B2: Tower height, siting and massing	
Requirement	Assessment
<i>Development must not exceed a maximum height of 10 storeys and 35 metres (inclusive of the podium and exclusive of rooftop services).</i>	The building does not exceed 10 storeys and 35 metres (inclusive of the podium and exclusive of rooftop services).
(MANDATORY)	
<i>Development above 3 storeys (and 12 metres) must be set back a minimum of 8 metres in addition to any ground level setback.</i>	All development above 3 storeys (and 12 metres) is setback a minimum of 8 metres in addition to any ground level setback.
(MANDATORY)	
<i>The maximum height and siting of any tower form must be generally in accordance with Figure 1 of this Schedule.</i>	The maximum height and siting of the tower form is generally consistent with Map 1 to Schedule 23 to Clause 43.02.
(NON-MANDATORY)	
<i>Any tower form should use design techniques to avoid a monolithic or bulky appearance. This</i>	The upper levels are split into two separate forms, and a 10 metre setback is provided. The

<p><i>should include separation into two tower forms with an average separation of 10 metres.</i></p> <p>(NON-MANDATORY)</p>	<p>architecture of the building includes curved projected forms, to avoid a monolithic or bulky appearance.</p>
<p><i>Adequate separation between towers must be provided to achieve visual privacy and sufficient daylight to habitable room windows, reduce visual dominance and building bulk, and ensure wind impacts are minimised.</i></p> <p>(NON-MANDATORY)</p>	<p>A 10 metre setback is provided between the tower forms. Apartment layouts are designed to achieve visual privacy and sufficient daylight to habitable room windows.</p> <p>Wind impacts are addressed in the Pedestrian Wind Assessment prepared by RWDI and submitted with the application.</p>
Design requirements B3: Railway station interface	
Requirement	Assessment
<p><i>The scale and massing of any new development must be sensitive to the heritage rail station and must demonstrate minimal visual impact when viewed from the 109 tram terminus.</i></p> <p>(MANDATORY)</p>	<p>The various renders illustrate an appropriate scale and massing arrangement with the heritage railway station.</p>
<p><i>The location and form of the new buildings must reinforce the heritage rail station as a 'standalone' building and provide a clear separation in building mass.</i></p> <p>(MANDATORY)</p>	<p>All built form continues to be separate from the heritage rail station, and there is a clear separation between the westernmost building and the heritage rail station.</p>
Design requirements B4: Maritime heritage	
Requirement	Assessment
<p><i>Building design, materials and public art should reflect and respond to the maritime heritage and character of this location in a refined and authentic way, and avoid 'themed' or pastiche techniques.</i></p> <p>(NON-MANDATORY)</p>	<p>There is space for an urban art installation at the easternmost point of the site, and Condition 21 on Planning Permit 490/2020/A ensures that detail will be submitted to Council for assessment and approval.</p>
<p><i>Public art must be integrated with new built form and public spaces on the site, to reflect and respond to the history, heritage and character of the location in accordance with Clause 22.06 of this planning scheme.</i></p> <p>(NON-MANDATORY)</p>	<p>There is space for an urban art installation at the easternmost point of the site, and Condition 21 on Planning Permit 490/2020/A ensures that detail will be submitted to Council for assessment and approval.</p>
Design requirements B5: Activation and integration	
Requirement	Assessment
<p><i>Where car parking is contained within the podium levels, it must be sleeved with activated spaces or the facade designed with high quality architectural screening to completely disguise the car park use of the areas.</i></p>	<p>There is no car parking contained within podium levels.</p>

(MANDATORY)	
<i>The design of ground level frontages, including frontages to through site pedestrian links, should provide for activated frontages for at least 80 per cent of frontages.</i>	Ground level frontages are active, and where there are through-site pedestrian links (north-south and east-west), these are activated by office and retail program.
(NON-MANDATORY)	
<i>Building design should incorporate weather protection for pedestrians on the Waterfront Place frontage.</i>	Building overhangs ensure appropriate weather protection is provided along Waterfront Place.
(NON-MANDATORY)	
Design requirements B6: Port Melbourne Waterfront	
Requirement	Assessment
<i>Built form massing should be configured to provide differing visual experiences when viewed from different locations in the Port Melbourne waterfront area. Development must demonstrate complexity, variation and layering of forms, rather than simplistic, bold or bulky forms. This may be achieved through the use of building stepping, recesses, and bends or folds in facades.</i>	Confirm assessment once final views are provided.
(NON-MANDATORY)	
Design requirements B7: Station pier interface	
Requirement	Assessment
<i>Any development intended for residential or other sensitive uses must include acoustic protection for future occupiers and be designed and constructed to ensure noise levels do not exceed:</i> <ul style="list-style-type: none"> - 30dBA in any bedrooms; and - 45dBA in living areas <i>when the port facilities are in full operation.</i>	Refer to Noise Impact Assessment prepared by E-Lab Consulting. This assesses the DDO23 requirements, as well as the requirements of Condition 33 and 34 of the Permit, and concludes that the building is compliant with the relevant noise criteria controls.
(MANDATORY)	
<i>A report prepared by a suitably qualified acoustic specialist must be provided to demonstrate that this requirement has been achieved.</i>	Refer to Noise Impact Assessment prepared by E-Lab Consulting.
(MANDATORY)	
Design requirements B8: Sunlight and shadows	
Requirement	Assessment
<i>Development must not cast a shadow beyond the southern kerb line of Waterfront Place between the hours of 9:00am and 3:00pm at the September equinox.</i>	The development does not cast a shadow beyond the southern kerb line of Waterfront Place between the hours of 9:00am and 3:00pm at the September equinox.
(MANDATORY)	

<i>Development should minimise overshadowing beyond the southern kerb line of Waterfront Place between the hours of 9:00am and 3:00pm at the June solstice.</i>	This is demonstrated on the plans submitted with the application. The development minimises shadows, consistent with the existing approval.
(NON-MANDATORY)	
<i>Public spaces on the site should be located to maximise opportunities for optimal solar access.</i>	There are public spaces located to the east and west of the site, and both would receive solar access throughout the day.
(NON-MANDATORY)	
<i>Buildings should be configured and designed to minimise negative amenity impacts of shadows on the public realm and other publicly accessible areas.</i>	Refer to overshadowing diagrams prepared by Woods Bagot. The plans demonstrate that negative impacts by way of overshadowing on the public realm and publicly accessible areas are improved.
(NON-MANDATORY)	
<i>Solar access to key building frontages should be maximised, such as areas identified for outdoor dining, community uses and residential outdoor spaces.</i>	Key building frontages that include outdoor dining and community uses are located at the western end of the site, and solar access to these spaces is maintained as they have a north-west orientation. Outdoor residential spaces along Beach Street would receive solar access by way of their north-eastern orientation.
(NON-MANDATORY)	
<i>Direct solar access to residential dwellings should be maximised.</i>	There is residential program along all interfaces of the building at all levels, and each would receive solar access.
(NON-MANDATORY)	
Design requirements B9: Wind and microclimate	
Requirement	Assessment
<i>Building forms should be designed to minimise wind impacts on the public realm and other outdoor spaces. Enclosing publicly accessible spaces is an appropriate design solution to wind mitigation.</i>	Wind impacts are addressed in the Pedestrian Wind Assessment prepared by RWDI and submitted with the application.
(NON-MANDATORY)	

Theme C 'mixed'	
Design requirements C1: Constructing flexible spaces	
Requirement	Assessment
<i>Development on the site should be designed to accommodate a broad range of land uses, including:</i> <ul style="list-style-type: none"> - retail and food and beverage spaces - community uses, such as meeting rooms, gymnasium, childcare or other facilities - small commercial office/studio spaces - townhouses or home/office units 	A broad range of land uses continue to be accommodated onsite, including retail, office, residential and shared amenities. Meeting room spaces for the community continue to be provided, and the management of this space would be guided by Condition 40 of the permit.

<ul style="list-style-type: none"> - residential apartments - shared amenities - accessible green roof spaces. 	
(NON-MANDATORY)	
Design requirements C2: Dwelling diversity	
Requirement	Assessment
<i>Any residential development must provide a mix of dwelling sizes, including 1, 2 and 3-4 bedroom dwellings, within the development to encourage a diversity of household types, including families.</i>	A mix of apartment types and dwelling sizes are provided, including 1, 2, 3 and 4 bedroom dwellings.
(MANDATORY)	

Theme D 'contributory'	
Design requirements D1: Pedestrian safety	
Requirement	Assessment
<i>Built form at the laneway entrances should be sited to ensure clear and inviting view lines into laneway space.</i>	Built form surrounding the east-west public realm laneway is sited so as to ensure that there are clear view lines into the space from the north, south and west.
(NON-MANDATORY)	
Design requirements D2: Streetscape	
Requirement	Assessment
<i>Built form must be set back a minimum of 2 metres from the property boundary at Waterfront Place to create a widened footpath.</i>	All built form is setback 2m from the property boundary at Waterfront Place.
(MANDATORY)	
<i>Built form to the western site boundary (adjacent to the historic rail station) must be configured to enable the creation of a widened pedestrian space running north- south.</i>	A north-south pedestrian space is provided along the western boundary of the site. The space is a minimum of 5m in width and provides a link between Beach Street and Waterfront Place.
(MANDATORY)	
<i>Building design and interface with Waterfront Place (the southern site boundary) should contribute to the public realm by creating an appropriately shaded, high quality, and activated streetscape.</i>	The upper level cantilever over the 2m ground level setback along Waterfront Place achieves appropriate shading of the public realm, and the residential entries and retail premises provide activation.
(NON-MANDATORY)	
<i>The pedestrian space to the western boundary is to be activated at ground floor and may enable intermittent service vehicle access to the rear of the historic rail station building. The pedestrian space should to create a direct line of sight from Beach Street (north) to the Waterfront Place and the landscaped buffer of the Station Pier environs to the south.</i>	The north-south link along the western boundary is activated by office, courtyard and retail program. To the north of the space are services which are architecturally treated, and the intermittent use of the space for service vehicles can continue.

(NON-MANDATORY)	
Design requirements D3: Greening buildings	
Requirement	Assessment
<i>Buildings should include façade planting or 'green walls' to enhance the appearance and thermal/water conservation performance of new buildings.</i>	The building includes landscaping at ground and upper levels contained within planters and would assist in the building integrating with the context where landscaping and planting is common.
(NON-MANDATORY)	
<i>Significant rooftop and/or podium spaces should incorporate appropriate landscaping/planting, that are visible from the street where possible.</i>	There are no rooftop spaces, and the podium levels include landscaping in planters that would be visible from the street.
(NON-MANDATORY)	
Design requirements D4: Balconies	
Requirement	Assessment
<i>Balconies may extend beyond the building line along the Waterfront Place frontage, if the ground floor is set back 2 metres from the site boundary.</i>	The proposal demonstrates compliance with this requirement.
(NON-MANDATORY)	
<i>At the Beach Street frontage, balconies should be contained within the site boundaries. A permit cannot be granted to vary this requirement.</i>	All balconies are contained within the site boundaries.
(NON-MANDATORY)	
<i>Upper level balconies should not overhang or protrude more than 0.5 metre into new pedestrian laneways through the site.</i>	The proposal demonstrates compliance with this requirement.
(NON-MANDATORY)	
<i>Balcony designs and profiles should help to add interest, detail and human scale to the facades.</i>	Balconies along all interfaces create visual interest by way of curved architecture, projecting elements and landscaping provided within planters.
(NON-MANDATORY)	
<i>Balcony balustrades should provide for views out from internal spaces, as well as appropriate privacy for residents.</i>	The proposal demonstrates compliance with this requirement.
(NON-MANDATORY)	
<i>Balconies and terraces on the lower 3-5 floor levels should contribute to opportunities for passive surveillance and visual interaction with the public realm.</i>	Balconies within the podium would contribute to passive surveillance and visual interaction given the size of balconies and the anticipated level of activity within these spaces.
(NON-MANDATORY)	

Theme E 'quality'	
Design requirements E1: Local maritime feel	
Requirement	Assessment
<i>Built form should ensure the development is 'of' the locality and relates to its heritage, function and the complex nature of the site.</i> (NON-MANDATORY)	The built form response continues to be responsive to its context.
<i>Built form should respond to the maritime heritage and character of the area in a way that is subtle, refined and authentic.</i> (NON-MANDATORY)	The built form response continues to be responsive to its context.

Theme F 'adaptable'	
Design requirements F1: Adaptable floor plan	
Requirement	Assessment
<i>Development should provide dwelling layouts and spaces which are flexible and adaptable to accommodate changing needs and demographics over time.</i> (NON-MANDATORY)	The proposal demonstrates compliance with this requirement.
<i>Development should ensure a mix of dwellings types and sizes are provided to accommodate a range of household types (singles, families, children, students, group share houses etc.) and to contribute to the creation of a diverse community.</i> (NON-MANDATORY)	The proposal demonstrates compliance with this requirement. A range of dwelling types and sizes are provided.
Design requirements F2: Flexible spaces	
Requirement	Assessment
<i>The size, area and shape, structural elements, access and delivery arrangements, and building services of ground floor spaces should be configured for adaptability.</i> (NON-MANDATORY)	The proposal demonstrates compliance with this requirement.
<i>Floor-to-floor heights, floor levels and threshold details should be designed to allow for a range of uses over time.</i> (NON-MANDATORY)	The proposal demonstrates compliance with this requirement.
<i>Any above ground car parking areas should be designed to be adaptable to other uses in the future, through the use of appropriate ceiling heights, the location of service equipment, access and structural configuration.</i> (NON-MANDATORY)	There is no above ground car parking proposed.

