

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.3

**Draft Development Plan: TP-2019-246  
156-232 Kensington Road, West Melbourne****18 August 2020****Presenter:** Evan Counsel, Director Planning and Building**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of the submission of the West Melbourne Waterfront Development Plan (WMWDP) affecting the land at 156-232 Kensington Road, West Melbourne (refer Attachment 2 – Locality Plan). The submitted WMWDP seeks to establish future land use and built form guidance for the development of this land. The WMWDP must be to the satisfaction of the Council.
2. The applicant is WMW Developments Pty Ltd and the site is owned by a consortium that includes Scalzo Kensington Pty Ltd. Foster + Partners and Fender Katsalidis are the project designers.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by the Development Plan Overlay Schedule 13 (DPO13: West Melbourne Waterfront – 156-232 Kensington Road, West Melbourne), the Land Subject to Inundation Overlay (LSIO) and Environmental Audit Overlay (EAO). Council is the Responsible Authority for determining this application.
4. The WMWDP represents a staged development and built form envelopes, with a mixture of land uses and public open space configured to activate the Maribyrnong River waterfront, and multiple pedestrian / cycling connections from Kensington Road through to the Maribyrnong River. A central road loop will provide the primary vehicle movement network within the site.

**Key issues**

5. The key considerations for the proposed WMWDP are whether the vision; principles and objectives; and requirements of DPO13 have been met; and whether the views of relevant authorities identified in DPO13 have been addressed.
6. The proposed layout and mix of land uses in the WMWDP will ensure the future West Melbourne waterfront precinct functions as an active and vibrant precinct capable of attracting a diverse range of accommodation, commercial and community uses to support its planned future population.
7. The building envelopes proposed in the WMWDP transition downward in scale toward the Maribyrnong River, addressing the *Maribyrnong River Valley Design Guidelines 2010*. A maximum height of 14 storeys is sought and is permissible under DPO13 (varying the preferred height requirement of 10 storeys). Taller form is appropriately separated from the Maribyrnong River. A street wall height of four to six storeys will be maintained to Kensington Road, which complies with DPO13.
8. The WMWDP represents an appropriate response to clause 3 (Requirements for development plan) of DPO13, including the indicative framework plan. It is noteworthy that future planning applications must provide the next level of detail and demonstrate how the built form elements and outcomes sought will be met where discretionary requirements are sought to be varied.
9. Key recommended updates to the WMWDP include incorporating a framework for assessing the impact of built form on pedestrian experience, consideration of an alternative unsignalised access in the event that VicRoads in-principle support, and a professional survey of vegetation within the site and along the Kensington Road and Maribyrnong River reserves.
10. Subject to recommended updates, the WMWDP will provide a comprehensive vision and concept scheme for the West Melbourne waterfront site capable of guiding future land use and development in accordance with the stated Vision of DPO13.

**Recommendation from management**

11. That the Future Melbourne Committee resolves that the West Melbourne Waterfront Development Plan has been prepared to the satisfaction of the Responsible Authority and is approved subject to the requirements and updates outlined in the delegate report (refer to Attachment 4 of the report from management).

**Attachments:**

1. Supporting Attachment (Page 3 of 176)
2. Locality Plan (Page 4 of 176)
3. Selected Plans (Page 5 of 176)
4. Delegate Report (Page 74 of 176)

## Supporting Attachment

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### Legal

1. Melbourne City Council is the Responsible Authority for administering and enforcing the scheme for land included in DPO13 under the Schedule to Clause 72.01 of the Melbourne Planning Scheme
2. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

### Finance

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

### Conflict of interest

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

### Health and Safety

5. Relevant planning considerations such as environmental protection, transport, waste and potential amenity impacts that could impact on health and safety have been considered within the development plan addendum and assessment process.

### Stakeholder consultation

6. Noting the WMWDW is exempt from the notice and decision requirements, and review rights of the *Planning and Environment Act 1987*, Council officers have not notified residents of the application.
7. The WMWDW has been referred to VicTrack, VicRoads, the Port of Melbourne Authority, the Department of Environment, Land, Water and Planning, Melbourne Water, Maribyrnong City Council and the Environment Protection Authority.

### Relation to Council policy

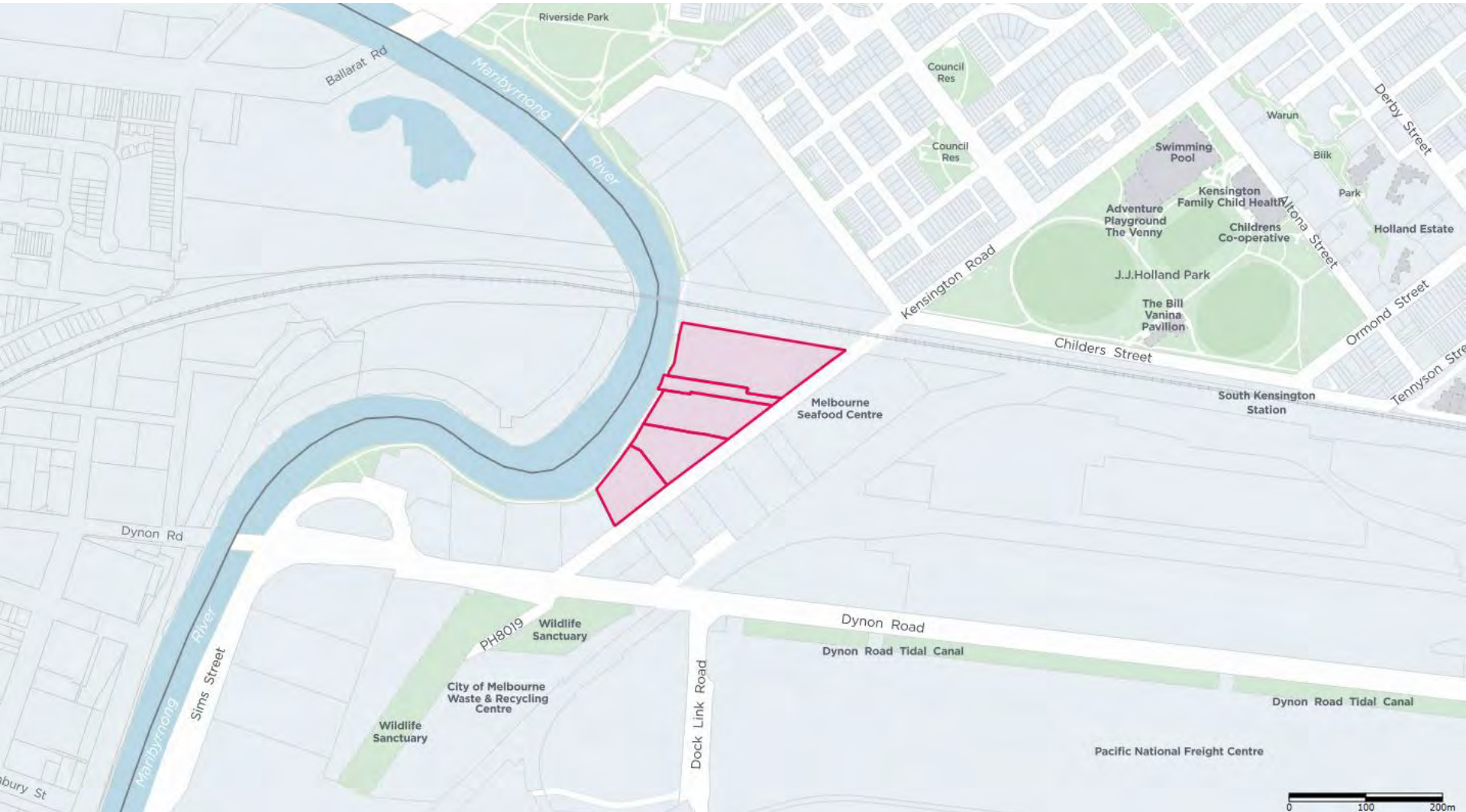
8. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

### Environmental sustainability

9. Any future developments on the subject site would need to obtain a planning permit. Such applications would require the submission and approval of an Environmentally Sustainable Design (ESD) Report that demonstrates how the development(s) would achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

# Locality Plan

## 156-232 Kensington Road, West Melbourne



An aerial photograph of the West Melbourne waterfront in Melbourne, Australia. The image shows a dense urban area with a mix of residential, commercial, and industrial buildings. A large river, the Yarra River, flows through the center of the area, with a major port facility and container terminal on the right bank. The city skyline is visible in the background under a clear sky.

PERRI PROJECTS  
**WEST MELBOURNE WATERFRONT**  
DEVELOPMENT PLAN  
AUGUST 2020



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The development plan has been prepared in accordance with the following specialist reports that accompany the development plan:

- Public Realm and Landscape Plan prepared by Oculus dated February 2019
- Integrated Transport and Access Plan dated February 2019 prepared by Traffix Group
- Preliminary Storm water and Flood Management Plan dated January 2019 prepared by GHD
- Buffer Constraints Assessment dated November 2016, Buffer Assessment - Revised Master Plan dated April 2018 and Site Risk Assessment - Industrial Air Emissions Advice dated 6 July 2018 all prepared by GHD
- Updated Buffer Assessment dated August 2020 from GHD
- West Melbourne Waterfront - Rail Noise Impact Review dated 25 January 2019 prepared by Arup
- Town Planning ESD Statement dated 25 January 2019 prepared by Arup
- Environmental Wind Speed Measurements on a Wind Tunnel of the West Melbourne Waterfront Development, West Melbourne dated January 2019 prepared by Mel Consultants
- Services Infrastructure Report dated January 2019 prepared by Norman Disney Young

# INTRODUCTION

The West Melbourne Waterfront Development Plan has been prepared in response to the requirements of Schedule 13 to the Development Plan Overlay pursuant to the provisions of the Melbourne Planning Scheme.

The renewal of the West Melbourne Waterfront (WMW) is underpinned by the vision to deliver "An exemplary mixed use development including a number of visually complementary buildings, which enhance the Maribyrnong River frontage and provide opportunities for riverside activity consistent with the Maribyrnong River Valley Design Guidelines 2010".

The WMW is envisaged to comprise a mixed use precinct that creates new opportunities to connect and engage with the Maribyrnong River and provide additional public open space adjacent to the waterfront as part of a comprehensive public realm plan.

The WMW has a history of commercial and light industrial land uses and the redevelopment of the land includes opportunities for employment generating uses.

The mix of uses will include residential development at increased densities, encouraging people to work and reside within the precinct and reduce reliance on private motor vehicle transport.





# URBAN CONTEXT AND EXISTING CONDITIONS

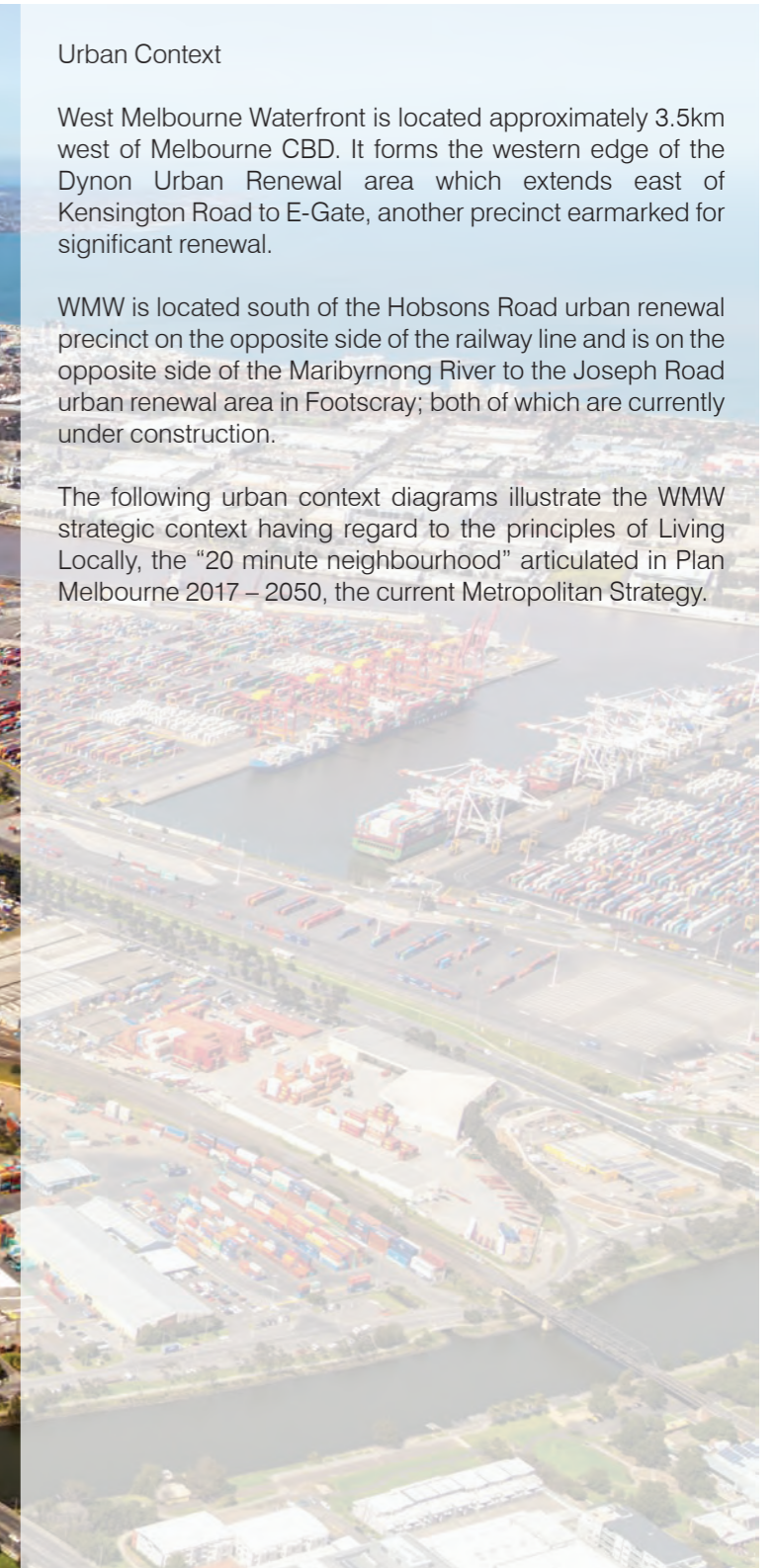


## Urban Context

West Melbourne Waterfront is located approximately 3.5km west of Melbourne CBD. It forms the western edge of the Dynon Urban Renewal area which extends east of Kensington Road to E-Gate, another precinct earmarked for significant renewal.

WMW is located south of the Hobsons Road urban renewal precinct on the opposite side of the railway line and is on the opposite side of the Maribyrnong River to the Joseph Road urban renewal area in Footscray; both of which are currently under construction.

The following urban context diagrams illustrate the WMW strategic context having regard to the principles of Living Locally, the "20 minute neighbourhood" articulated in Plan Melbourne 2017 – 2050, the current Metropolitan Strategy.



# URBAN CONTEXT - NEIGHBOURHOOD ANALYSIS

## TRANSPORT INFRASTRUCTURE WALKING DISTANCES

- Public Transportation Access Points
- Train Stations



WMW has access to an extensive network of public and private transport options. WMW is:

- 450m (average) from South Kensington train station to the north-east;
- 1200m from Footscray train station;
- Accessible to key road infrastructure (e.g. CityLink) via Dynon Road;
- Adjacent to key pedestrian and cycle routes along the Maribyrnong River;
- Adjacent to existing public bus routes; and
- A short walk from Kensington and Footscray Central Activity Districts.

The future of the area is also influenced by multiple major projects proposed in and around the area including:

- Western Distributor
- Melbourne Metro
- Melbourne Airport Rail Link

This major infrastructure investment will increase the demand for dwellings and employment within immediate access to such improvements. A complete list of the site's connectivity is provided within the Integrated Transport and Access Plan prepared by Traffix Group dated January 2019.

Figure 1.

# URBAN CONTEXT - NEIGHBOURHOOD ANALYSIS

## GREEN NETWORK & RECREATIONAL ACTIVITY WALKING DISTANCES

- Park / Recreational Zones
- Bicycle paths
- Walking paths



WMW is proximate to and well served by a wide range of public open spaces ranging from regional scale spaces such as JJ Holland Park and Footscray Park providing opportunities for active recreation, to smaller more passive spaces throughout Kensington Banks and Newells Paddock.

WMW is located at a key transition point of the Maribyrnong River where the reach of the river turns its focus to an 'urban waterfront'. The river is a key underutilised open space and recreation asset adjacent to WMW. The river provides opportunities for: fishing, canoeing, rowing, cycling, walking.

Figure 2.

# URBAN CONTEXT - NEIGHBOURHOOD ANALYSIS

## COMMERCIAL & COMMUNITY SERVICES WALKING DISTANCES

- Medical / Healthcare Services
- Commercial / Community Amenities

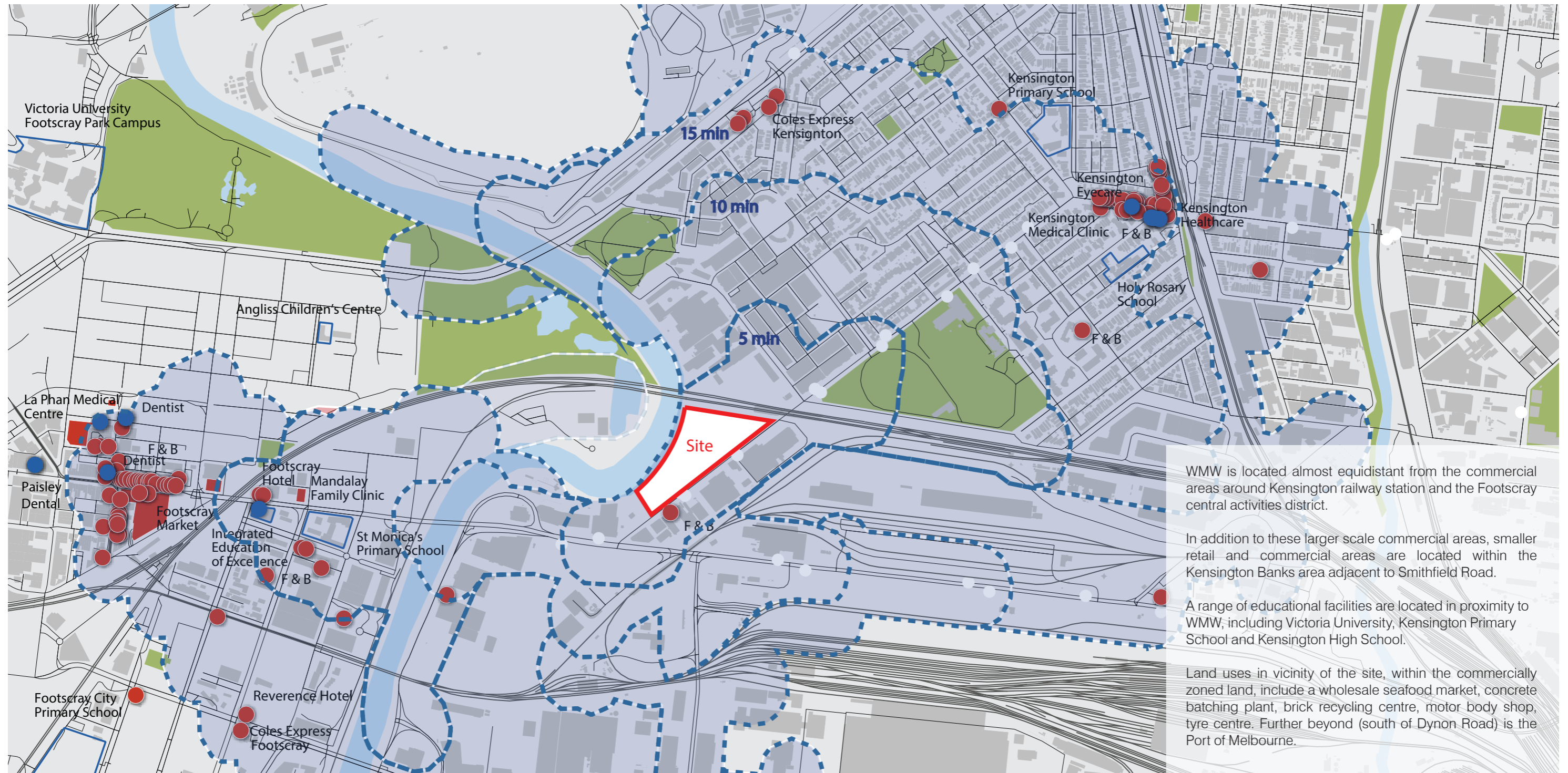


Figure 3.

# VIEW ANALYSIS

AERIAL VIEW TOWARDS NORTH WEST



# VIEW ANALYSIS

## A. VIEW TO NORTH



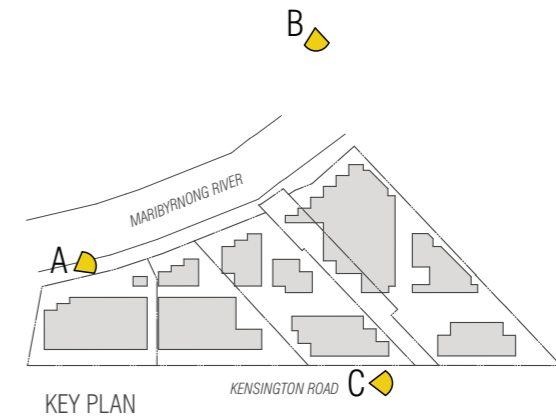
Being at a key bend in the Maribyrnong River, WMW is in a unique position to capitalise on key views in all directions.

To the northwest are expansive views up the river toward Flemington Racecourse and Footscray Park.

To the east there are views back toward Melbourne's Central Business District.

To the south there are elevated views to Port Phillip Bay in the distance.

To the southwest and west down the river toward Footscray, the industrial Port of Melbourne and renewal of Footscray and the Joseph Road precinct.



B. VIEW TO EAST



C. VIEW NORTH EAST DOWN KENSINGTON ROAD

# SITE FEATURES PLAN & LOCAL BUILT FORM ANALYSIS

WMW comprises five allotments known as:

156 – 174 Kensington Road,  
176 – 178 Kensington Road,  
180 – 194 Kensington Road,  
196 – 215 Kensington Road, and  
216 – 232 Kensington Road.

## Site Background

The Scalzo Group owns and occupies the land at 156–184 Kensington Road, West Melbourne. The land is currently occupied by the Head Office of Scalzo Foods, as well as a warehousing and manufacturing facility.

Qanstruct owns the land at 196 – 232 Kensington Road. Qanstruct (Aust) Pty Ltd is a privately owned company with more than 28 years of experience purely in the design and construction of industrial and commercial buildings.

## Site Description

The site, inclusive of existing levels, built form, and property boundaries is depicted on Figure 5. The WMW land is irregular in shape, it is partly vacant, partly occupied by commercial buildings and it has a total area of approximately 2.8 hectares.

With the exception of some trees in the north east of the site, the balance of the site is devoid of existing vegetation. It is proposed to demolish all buildings and remove all vegetation on-site as part of the redevelopment as depicted at Figure 4.

The subject land is generally bound by land managed by VicTrack to the north inclusive of the elevated railway line that services both passenger and freight services, Kensington Road to the east, a commercial property to the south and the Maribyrnong River to the west.

It is at its widest adjacent at the northern interface, being approximately 199 metres and narrows to approximately 53 metres the southwest.

## Maribyrnong River

The subject land has a frontage of approximately 230 metres to the east bank of the Maribyrnong River. This section of the Maribyrnong River includes a shared path that runs north-south river bank.

Beyond the river to the west is the Heavenly Queen Temple.

This length of the Maribyrnong River is characterised by a mix of land use and built form outcomes, and it is designated as an 'urban river' in the Maribyrnong River Valley Design Guidelines 2010.

## Kensington Road

The subject land has a frontage to Kensington Road of approximately 353 metres inclusive of 5 vehicle crossovers, street trees and footpaths. Kensington Road currently accommodates a single vehicle carriageway in each direction, bicycle lanes and on-street parking. There are two bus stops located in front of the WMW land on the west side of Kensington Road.

On the east side of Kensington Road are commercial properties including warehouses. Built form on the east side of Kensington Road up to four storeys in height. Key existing commercial development in the vicinity of the site include:

- The Melbourne Seafood Centre (wholesale seafood market) and Tasmanian Pacific Oyster Co. on the opposite side of Kensington Road.
- Paddy's Bricks to the south.
- Concrete batching plant to the south-west also adjacent to the river.
- The Port of Melbourne.

A Buffer Constraint Assessment prepared by GHD dated 2016 and letter of advice prepared by GHD dated April 2018 has assessed the potential implications of odour and dust emissions of nearby land uses and concludes the amenity implications are manageable.

The railway overpass at the north-east corner of the site is a significant feature and constraint. An assessment of the noise emitted by the railway line has been undertaken by ARUP and the findings detailed in the accompanying West Melbourne Waterfront - Rail Noise Impact Report dated 25 January 2019. The report concludes that while acoustic attenuation measures may be required, they will be resolved at the planning permit application stage depending on the detailed design of the proposed development.

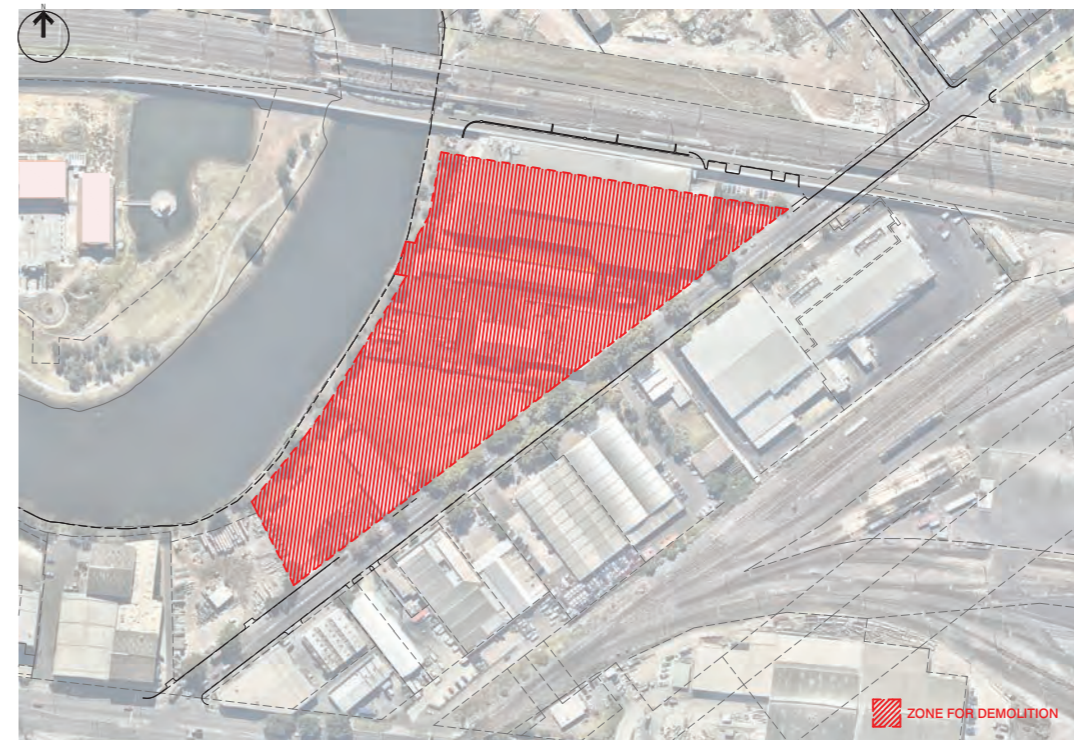


Figure 4. Extent of Demolition





# OPPORTUNITIES & CONSTRAINTS ANALYSIS

The WMW presents a unique opportunity realise a true mixed use development along one of Melbourne's most important waterways. The site benefits from a range of locational and physical characteristics, while also facing some challenges to its redevelopment. These considerations include:

- Extensive frontage to the Maribyrnong River.
- The potential to create new connections to, from and along the waterfront.
- Provide for additional public open space adjacent to the waterfront.
- Consolidated land ownership enabling an integrated approach to master planning.
- The need to manage hydrology, including potential inundation associated with storm events.
- The need to manage acoustic implications of the rail line to the north and other nearby noise sources through the site planning strategy.
- Given the scale of the proposed development, the opportunity to consider innovative and precinct-wide sustainable initiatives.
- The efficient utilisation of existing infrastructure at the site and the potential need to augment infrastructure to meet future needs.
- Provide a built form typology that responds positively to the Maribyrnong River Valley Design Guidelines.
- Manage existing wind conditions to ensure public spaces are comfortable to occupy and move through.
- Prioritise pedestrian, cycling and public transport utilisation over private motor vehicle use.
- Provide a mix of employment generating uses, particularly to Kensington Road to support local jobs for the existing and future resident population on and around the WMW site.
- The need to consider the potential future redevelopment of the land on the east side of Kensington Road, having regard to the Dynon Urban Renewal Precinct.
- Pursue a built form typology that can be adapted to a range of land uses over time.
- Manage the unique dimensional constraints of the irregular shape of the site.
- Protect the site from potential flooding meaning changes in levels will need to be managed across the site.



Artist Impression (Indicative only)

# SITE PLANNING STRATEGY - LEVEL CHANGES

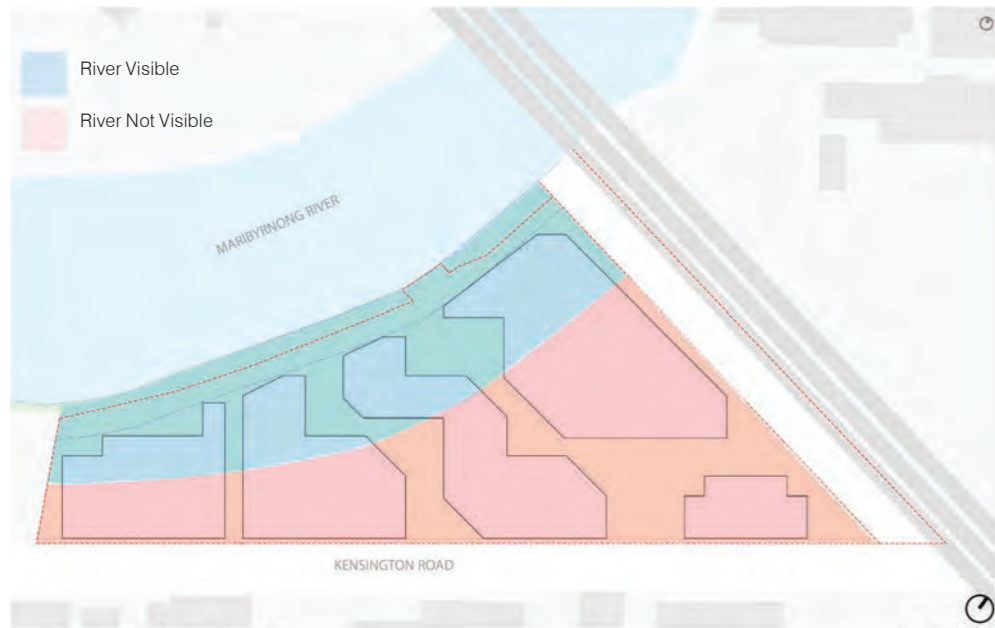
One of the key challenges for the redevelopment of the site is the need to manage level changes across the site to ensure future residents and workers will be protected in the event of a major (1 in 100 year) flood event. The top of the Maribyrnong River bank is nominated at 1.55m to AHD.

The established flood level for a 1 in 100 year event is 2.44m to AHD. Therefore the finished floor level of all residential buildings needing to be a minimum 3.10m to AHD. In addition to on-site mitigation measures, the proposed development will require the raising of a section of Kensington Road to enable safe access and egress for future occupants of the site in the event of a 1 in 100 year flood.

The Preliminary Stormwater and Flood Management Plan prepared by GHD identifies the inundation and stormwater management requirements for the development. A copy of the GHD report accompanies the Development Plan.

The report also notes that the site, currently being impermeable, does not perform a storage function during a flood event and therefore the redevelopment of the land will not impact conveyance during a flood event.

Figure 7.1 demonstrates the views of the Maribyrnong River from Kensington Road as a result of the change in levels.



IMPROVED VIEWS TO WATER

Figure 6.1

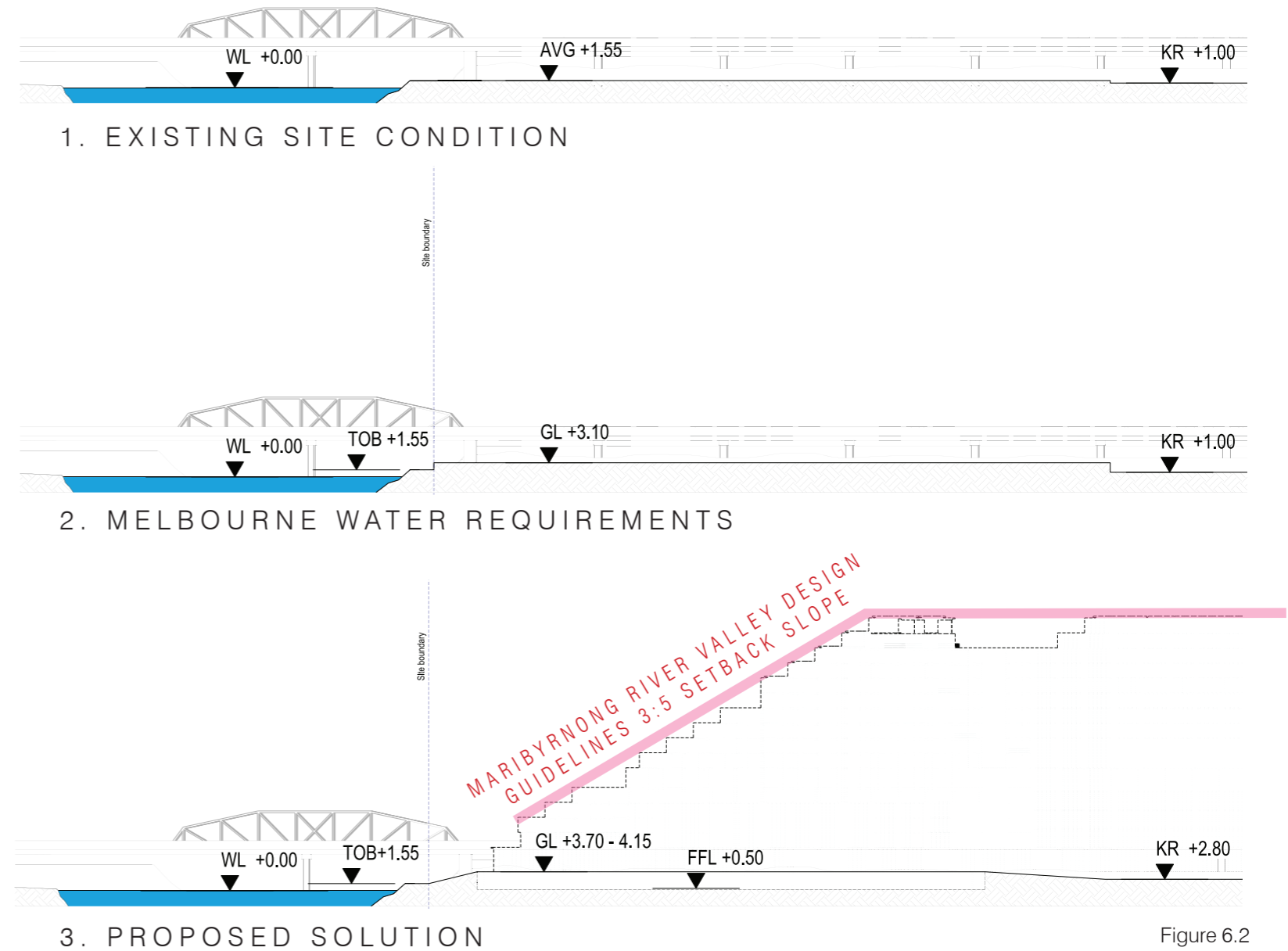


Figure 6.2

# LEVEL CHANGES - MARIBYRNONG RIVER INTERFACE

Over the 200m+ of river frontage the changes in levels changes dealt with in various segments to provide change in form and use based on the way in which the river bank is formed. The typical sections provided in here are examples of the ways in which this level change can be treated subject to detailed design and agreement with the public land manager.

Section A largely retains the existing site levels which allows for the retention of some key vegetation pockets where possible. Due to the elevated floor level the building will sit within the canopy.

Section B provides for largely open space with a typical sloping lawn treatment, blurring the boundaries and creating a seamless transition entering or exiting the site.

Section C uses rocks and retained sections of land to terrace the levels, providing pockets of vegetation and places to sit next to the water or even above the flooding.

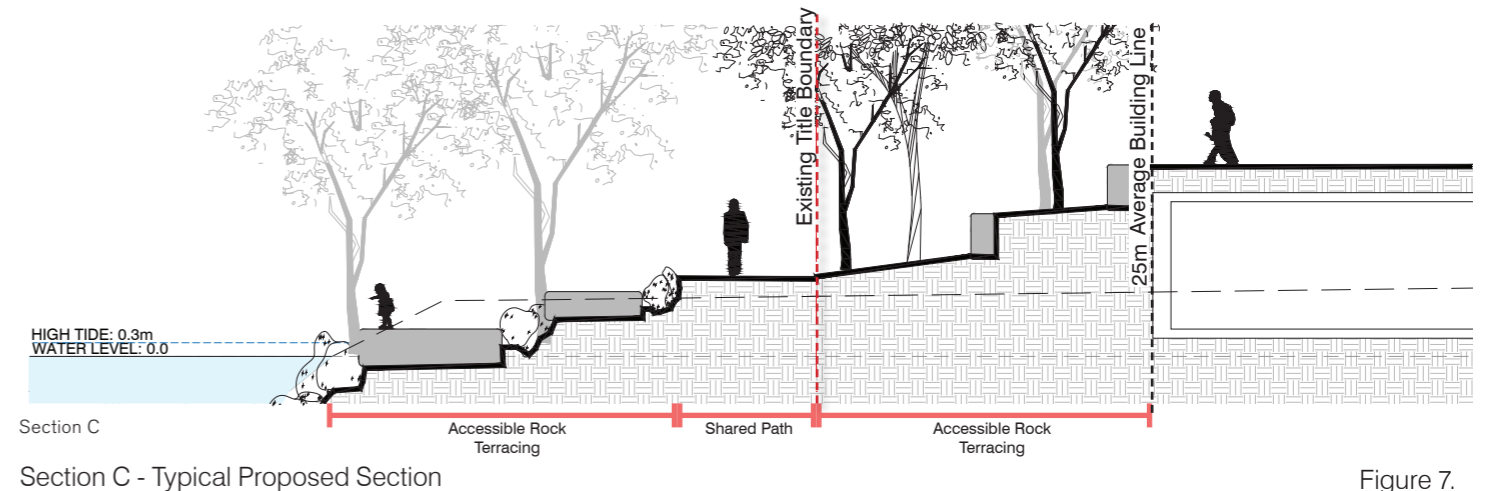
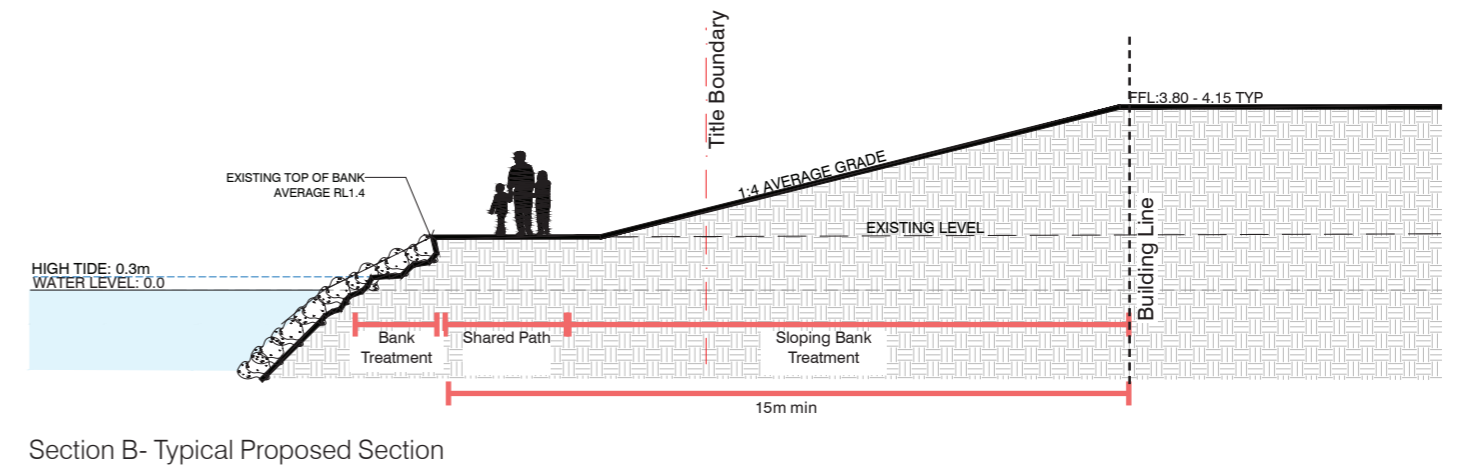
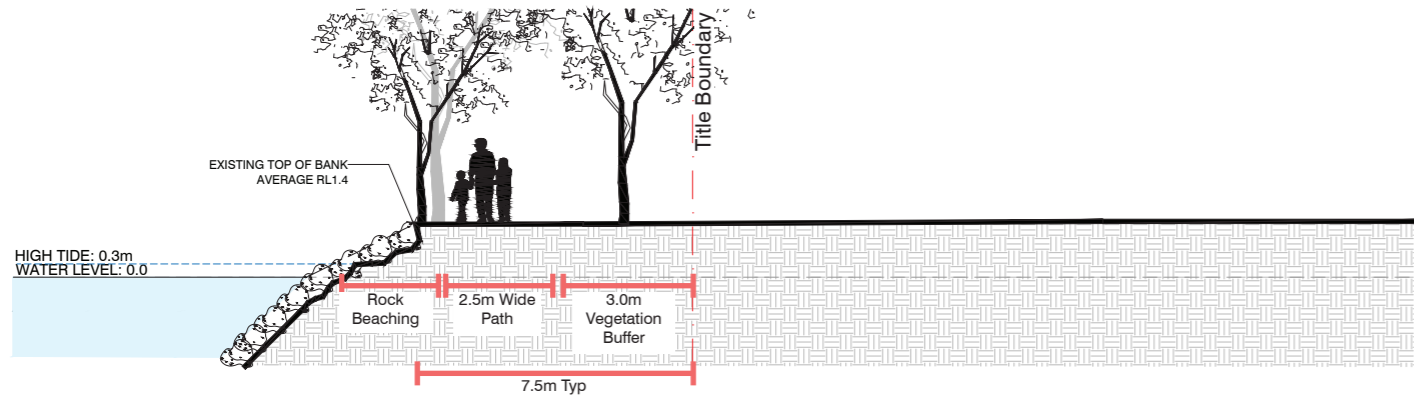
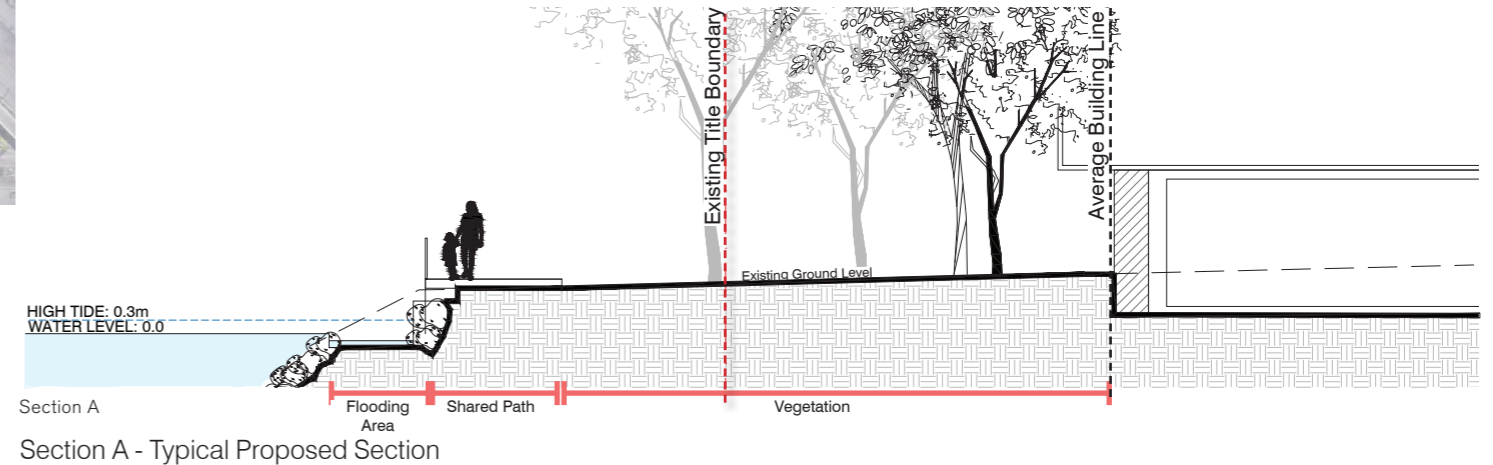
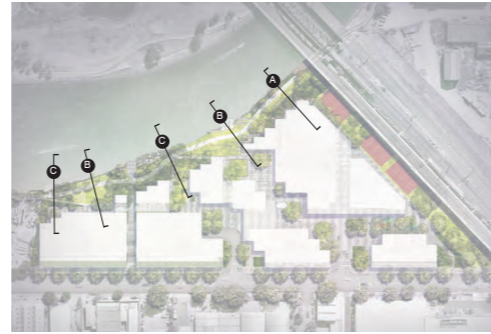


Figure 7.

# THE FRAMEWORK PLAN

In response to the requirements of DPO13, the Framework Plan has been developed to create a permeable movement network that prioritises pedestrian and cycle connectivity between Kensington Road and the Maribyrnong River. The frontage to the Maribyrnong River is enhanced through the provision of a new public open space reserve that includes enhancements to the pedestrian and cycle network.

Sequence of Spaces & Connections

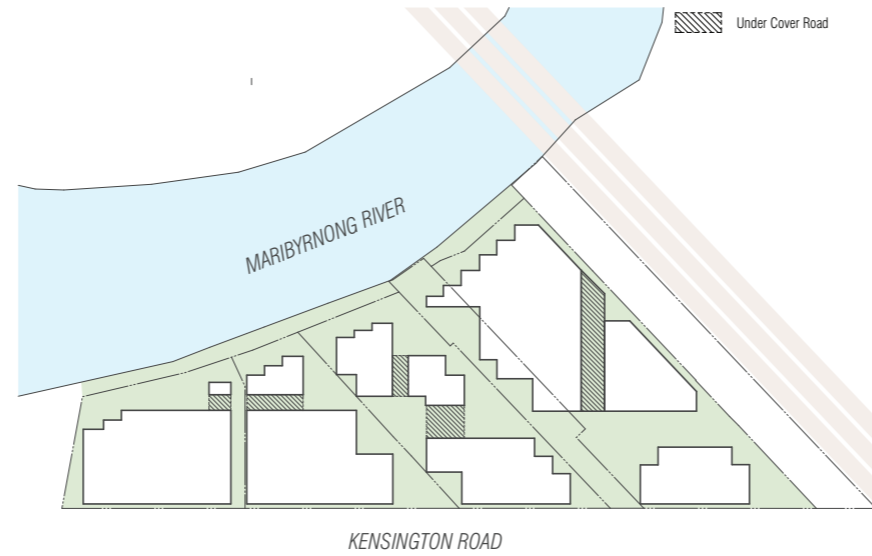


Figure 8.1

Waterfront Connections

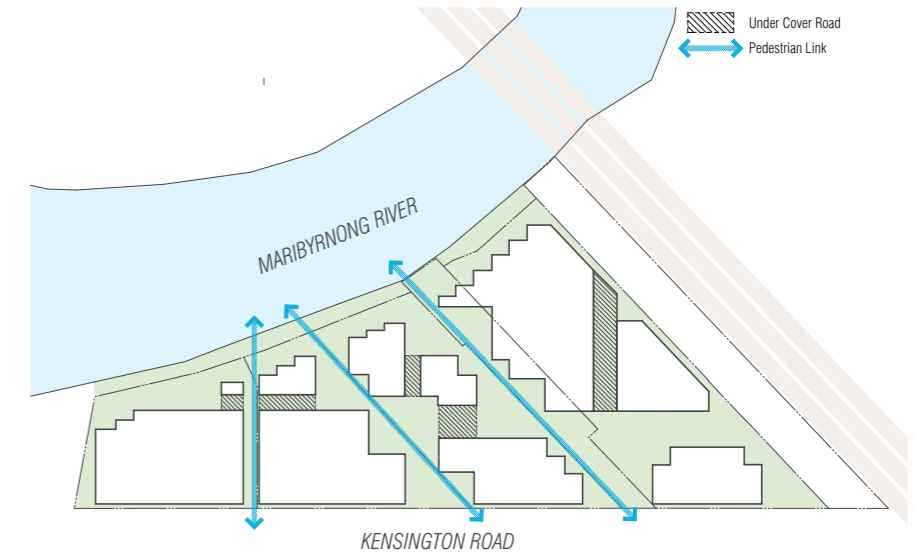


Figure 8.2

Site Access

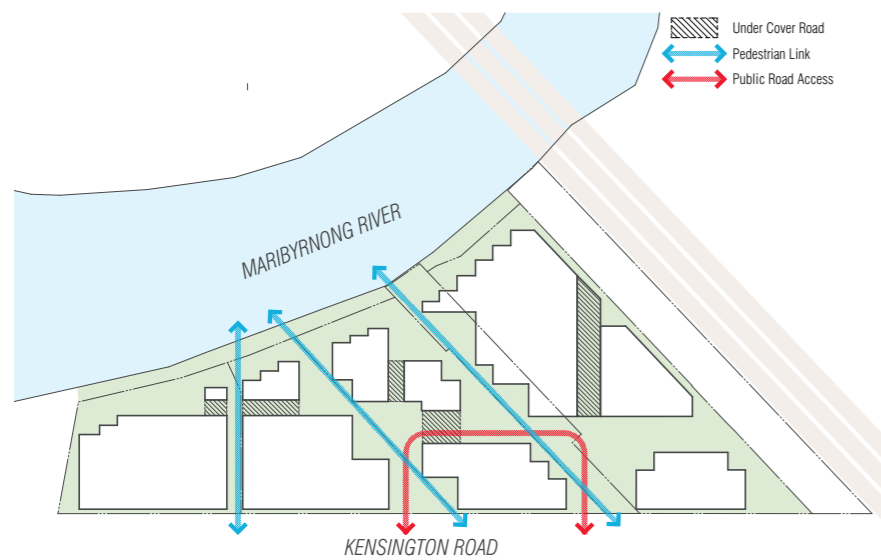


Figure 8.3

Site Movement

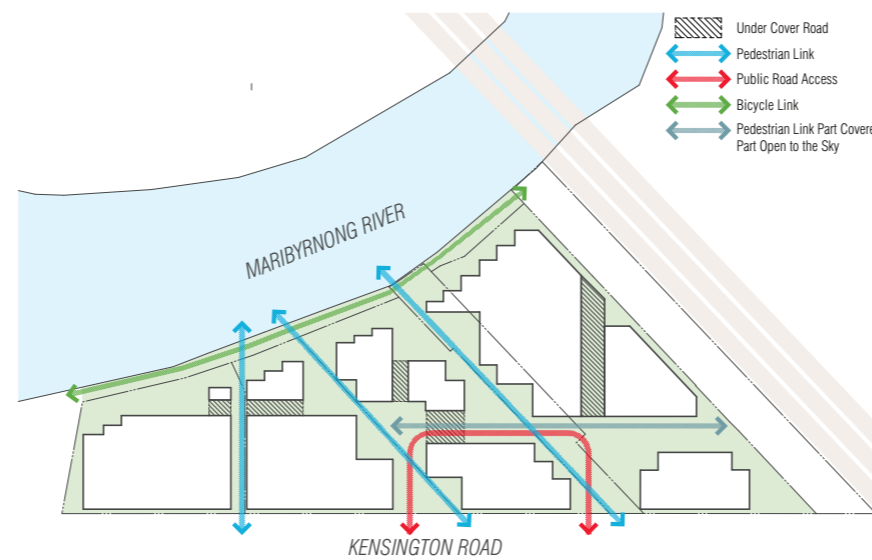


Figure 8.4

Public Realm

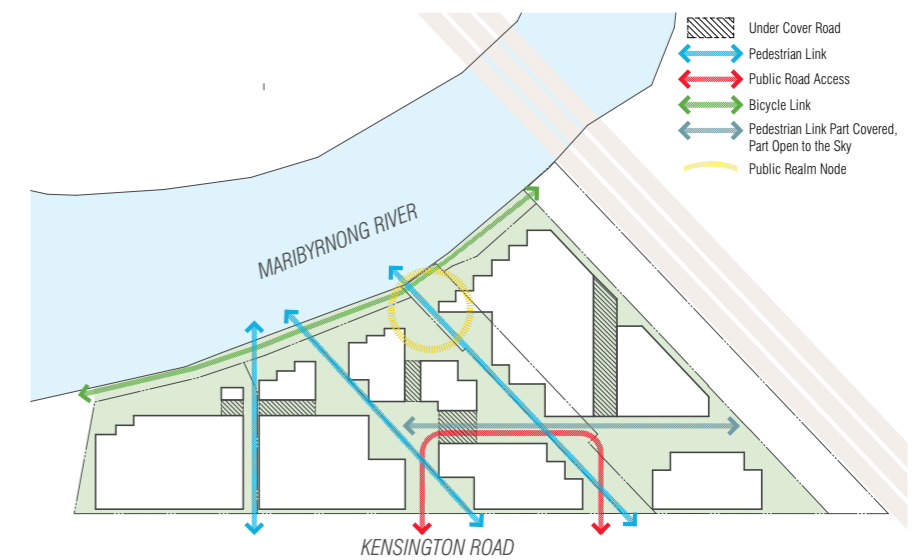


Figure 8.5

# INDICATIVE FRAMEWORK PLAN

The site planning strategy has been developed to be generally in accordance with the Indicative Framework Plan (Figure 1 – Development Plan Overlay Schedule 13, Melbourne Planning Scheme).

Key elements of the site planning strategy illustrated on the indicative framework plan (Figure 9) include:

- Provision of a minimum 7.06% of the land (2002m<sup>2</sup>) adjacent to the Maribyrnong River being transferred as Public Open Space.
- A minimum of three (3) publicly accessible connections from Kensington Road to the Maribyrnong River.
- Creation of new public realm spaces focused on activating the waterfront.
- A clearly defined movement network that prioritises pedestrian and cycle movement over private motor vehicle usage.
- Create north-south links within the development plan area.
- Establishing building envelopes capable of being developed in accordance with the built form requirements set out at Table 1 to DPO13.

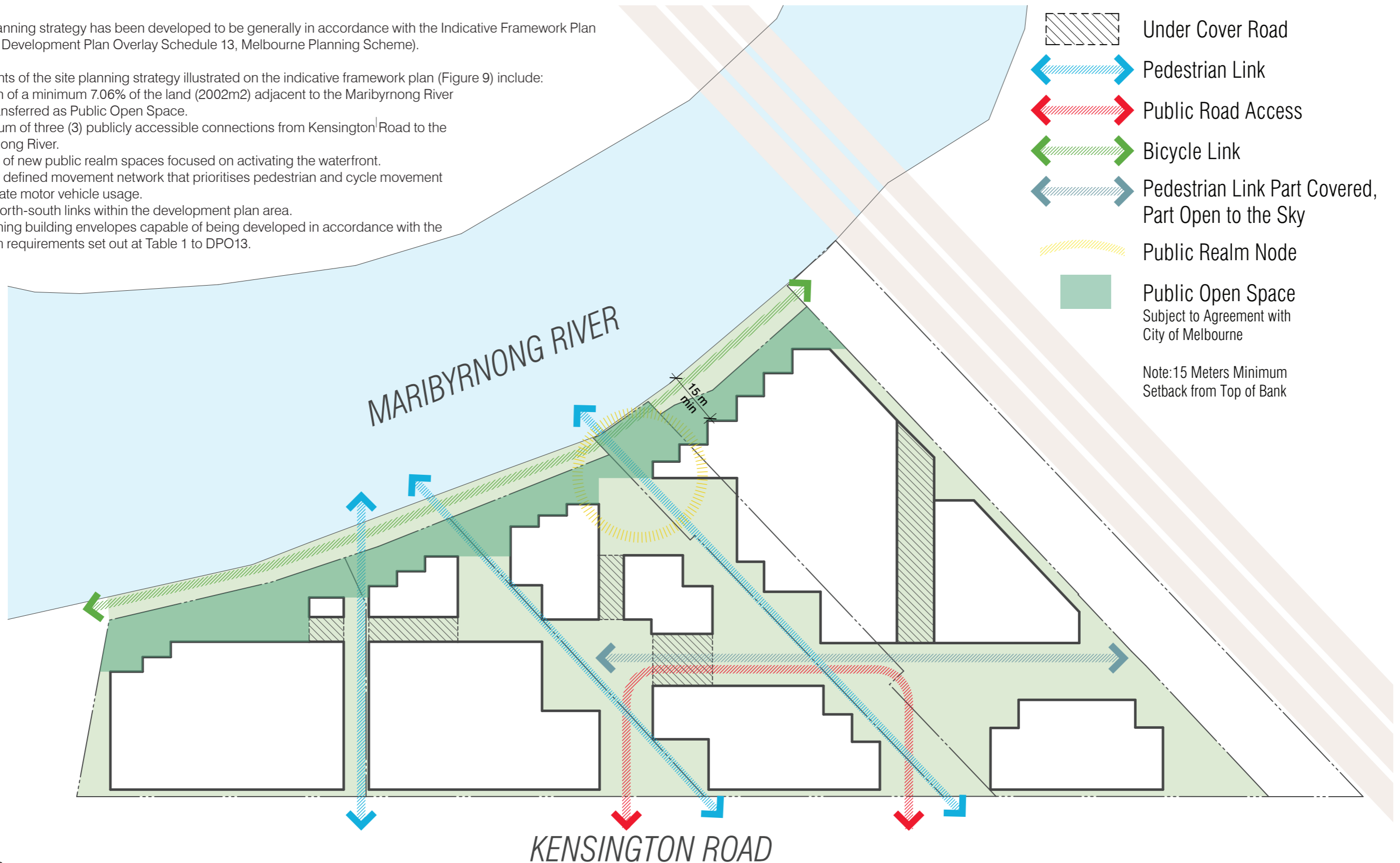


Figure 9.

# INTEGRATED TRANSPORT & ACCESS PLAN

The integrated access and movement plan at Figure 10 sets out the preferred movement and access prioritising pedestrian and cycle movements through and adjacent to the WMW.

Along the waterfront, a new shared path will be established to enhance the experience of pedestrians and cyclists.

A minimum of three public pedestrian connections are provided from Kensington Road to the River and vary in experience as set out in the Public Realm Plan. Pedestrian movement is also encouraged north-south through the site via a new part-covered, part open to the sky connection.

Vehicle access will be via three crossovers to Kensington Road. The main vehicle access will be via a new signalised intersection to Kensington Road opposite the Melbourne Seafood Centre.

A second crossover to Kensington Road forms a 'loop' road that seeks to maximised vehicle access to the development while removing cars from the street network at the earliest opportunity.

The northernmost crossover is proposed to provide access to service vehicles. Car parking will be provided via basement and podium levels.

The result is a movement network that presents as a shared space that encourages walking and cycling over private motor vehicle movements.

The typical cross sections of the movement network are provided at Figure 11.

The movement network will:

- Consider existing traffic access requirements for the Melbourne Seafood Centre located opposite the northern part of the site including access for 19.0m articulated vehicles
- Allow for manoeuvrability of emergency and service vehicles
- Is of sufficient width to accommodate footpaths, street trees, and water sensitive urban design
- Street blocks including the northern interface with the railway line should not exceed 100 metres in length on any side
- Secondary streets or laneways should be included in blocks over 70 metres in length
- Ensures direct pedestrian and cycle access is provided from Kensington Road to the Maribyrnong River shared path at intervals of at least every 100 metres

Further detail is provided in the Integrated Transport and Access Plan (ITAP) prepared by Traffix Group dated February 2019 accompanying the Development Plan.

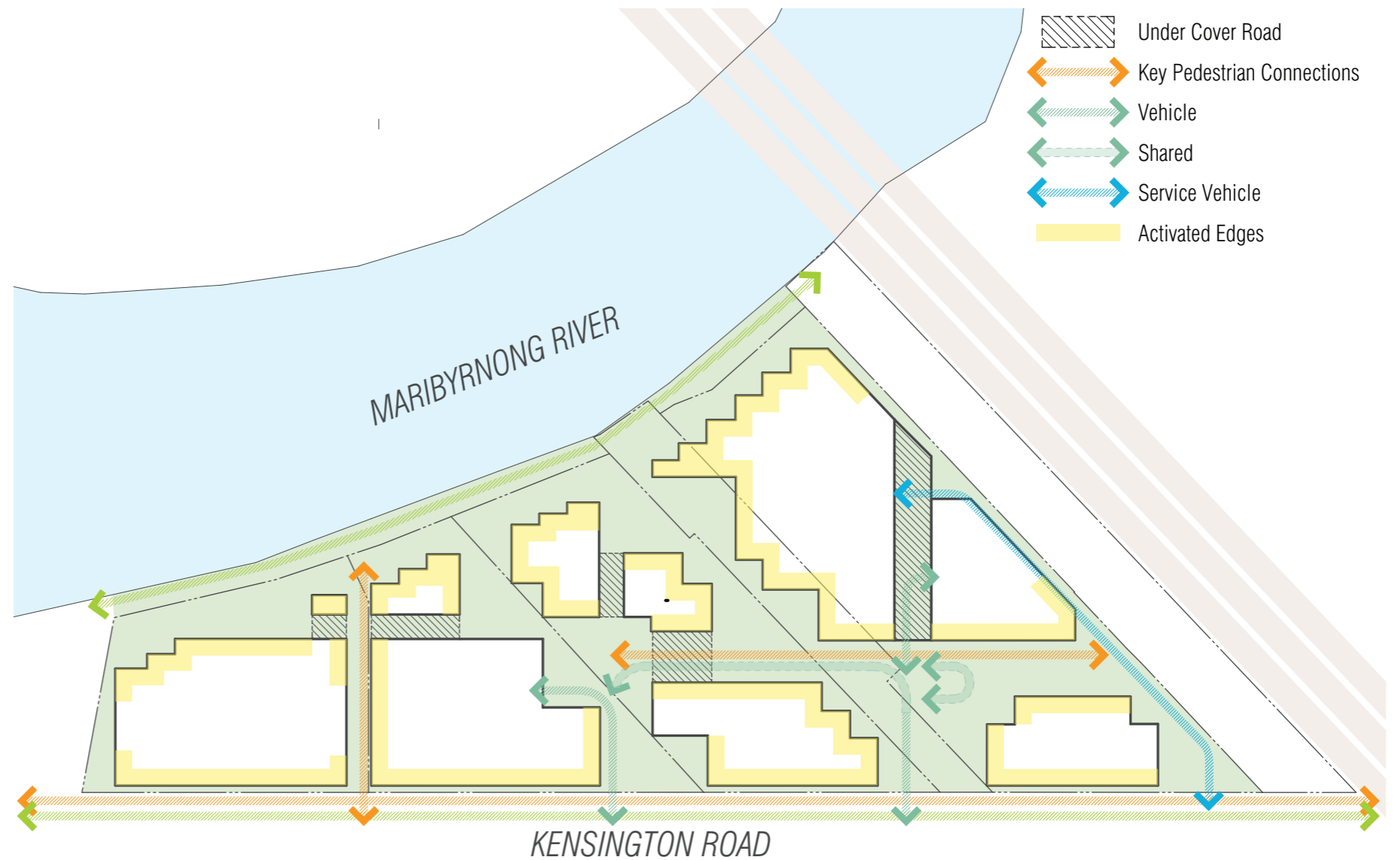
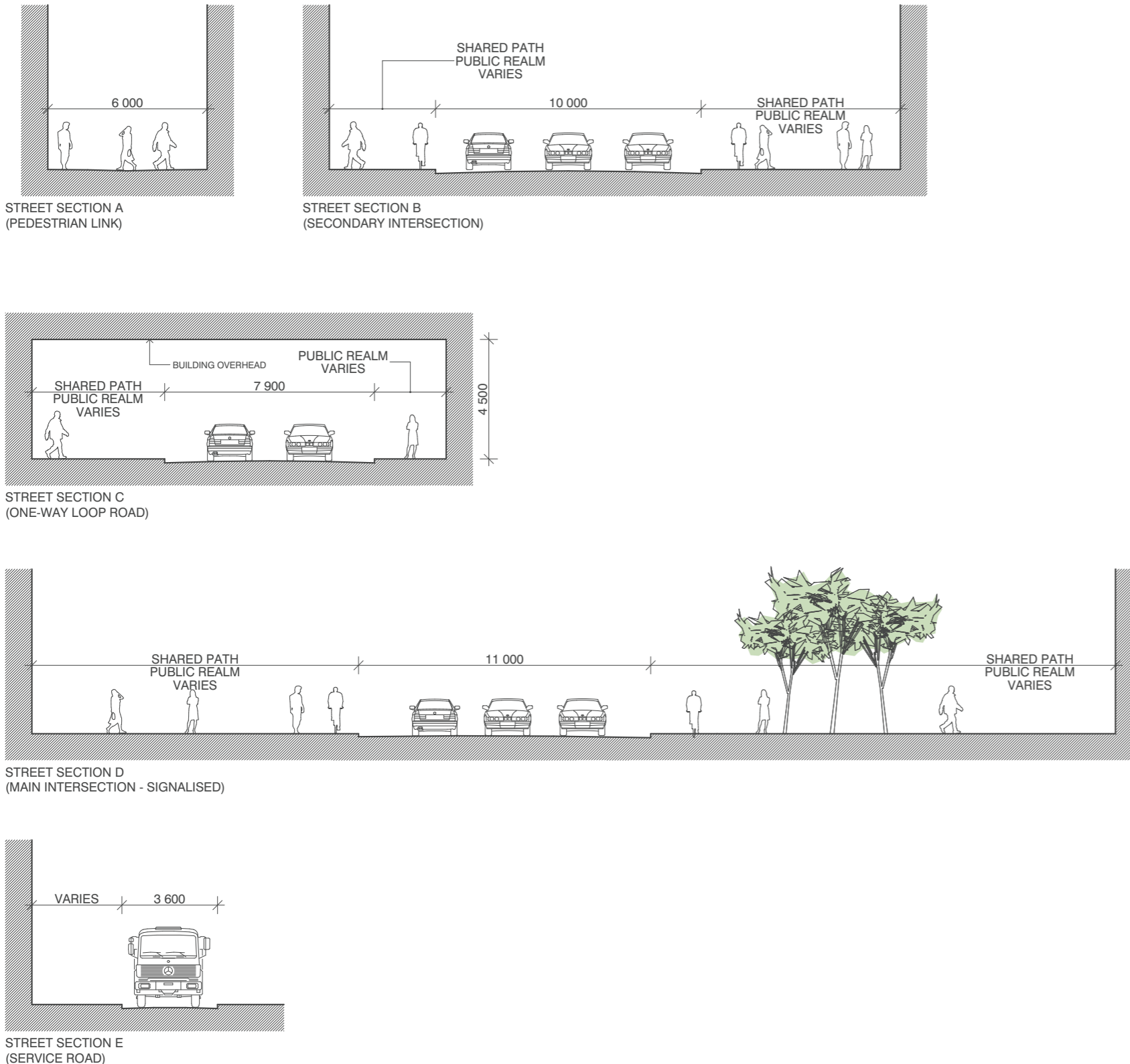


Figure 10.

# INTEGRATED TRANSPORT AND ACCESS



The movement network seeks to encourage pedestrian and cycle movement over vehicle movements. This is achieved by maximising the proportion of road reserve set aside for non-vehicle use.

The maximum carriageway width proposed is 9 metres and occurs at the main vehicle entrance to the site near Kensington Road (depicted on typical street section D). It is anticipated that this intersection will accommodate larger volumes of vehicle movements associated with the mix of commercial uses proposed at the northern part of the WMW.

The typical street sections are described as follows:

- Section A: pedestrian link to be finished in accordance with the public realm plan and is envisaged to incorporate a mix of finishes.
- Section B: Includes two-way vehicle access with pedestrian access on both sides.
- Section C: Allows for single directional vehicle access with pedestrian spaces either side. The road may be partly covered as part of the north-south link through the WMW land.
- Section D: As noted above, represents a potential configuration in proximity to the main vehicular access to the site. The road reserve allows for potentially three lanes of vehicles and generous pedestrian spaces adjacent.
- Section E: Indicates width of service vehicle access being typically 3.5m wide

It is noted that the final access and movement strategy will be determined through town planning design. The typical sections are indicative only and future road widths and non-vehicular links will be resolved through consideration of final built form and swept path analysis.

Further detail is provided in the Integrated Transport and Access Plan (ITAP) prepared by Traffix Group dated February 2019 accompanying the Development Plan.

Figure 11.

# PUBLIC REALM PLAN

Central to the site planning strategy is the creation of a comprehensive Public Realm Plan. The Public Realm Plan has been prepared by Oculus and is detailed within the Masterplanning Support Document: Public Realm and Landscaping dated February 2019.

The Public Realm Plan (refer Figures 12 & 13 and the accompanying report) includes:

- A minimum 7.06% (2,002m<sup>2</sup>) of the land adjacent to the waterfront being transferred as public open space.
- Managing significant level changes across the site.
- Provide a tree canopy consistent with the City of Melbourne Urban Forest Strategy 2012-2032.
- Provide a cohesive response across the precinct to enhance connections from Kensington Road to the Maribyrnong River responding to the sites features and context.
- Public shared path adjacent to the Maribyrnong River frontage.
- Details of potential river bank treatments.
- Enhancements to the boulevard character of Kensington Road
- Consider how landscaping can be incorporated above the ground floor.

The Public Realm Plan prepared by Oculus accompanies the Development Plan



Figure 12.

## Key Spaces



**1 Entry Plaza**  
The entry plazas are the gateway from Kensington Rd, the final arrival experience at the plaza from the ground is marked by specimen trees framing views to an activated vertical gallery space.

- Key Features
- Large Specimen Trees
  - Clear View lines to active facades
  - Level Change
  - Potential amphitheater space
  - Formal



**2 The Sculpture Garden**  
The Sculpture garden is a place to meet or just be, to enjoy curated pieces or art surrounded by a grove of trees and gardens. Mixes of furniture provide for singles or groups of people to pause within the space and take in the highly activated ground plane and building facades which surround the space.

- Key Features
- Formal appearance
  - Avenue of Deciduous trees
  - Water feature
  - Highly activated by adjacent building uses



**3 Kensington Rd Interface**  
Large deciduous trees will line the Kensington road interface, along with upgraded roadworks and cycling infrastructure connecting the site via road networks. The interface will take advantage of the level change providing lush planting and small terraced areas.

- Key Features
- Large Deciduous Street Trees
  - Level Change
  - Shaded
  - Formal



**4 The Everyday**  
Day to day life occurs in this area from morning coffees to weekend groceries. It is the heart of the site and is deliberately simplified to allow for a community to take ownership of the spaces and evolve over time with peoples needs. Connected directly to the water with a sloping lawn the two spaces seamlessly linking the open space waterfront corridor to the internal public open space.

- Key Features
- Open and uncluttered
  - Programmable
  - Highly activated by adjacent building uses
  - Active waterfront



# PUBLIC REALM PLAN

## Key Spaces



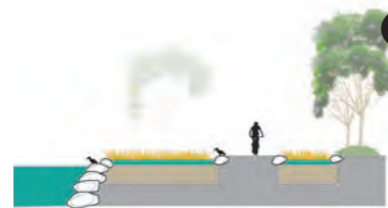
5

### Secret Gardens

Just outside of the central plazas the experience is calmer as the spaces contract, the planting is looser and moments are more intimate. Natural rock terraces and steps connect the spaces to the water. Makers studios, small retail and grocery stores give life but does not dominate the spaces.

#### Key Features

- Dense native tree clusters
- Loose native planting mixes
- Intimate spatial qualities
- Small lawn pockets
- Rock terracing



6

### The Flooding Gardens

Celebrating the water and the sites existing flood conditions, there is opportunity for the remediation of stormwater through bio retention while creating a spectacle for people to appreciate the experience of rising waters after they have receded.

#### Key Features

- Bio-retention
- Reveal / Gateway
- Heritage Bridge
- Native
- Enclosed



7

### Southern Lawn

A relaxed open lawn occupies the majority of the southern area, lined by native trees and small studio spaces along the building edge. The area is a quieter relief for people to enjoy the less intensive public space.

#### Key Features

- Large sloping open lawn
- Open
- Quiet



Figure 12.

# PUBLIC REALM PLAN

- LEGEND
- 1. Entry plaza
  - 2. The sculpture garden
  - 3. The everyday
  - 4. Secret gardens
  - 5. Southern lawn
  - 6. The flooding gardens
  - 7. Kensington Road interface

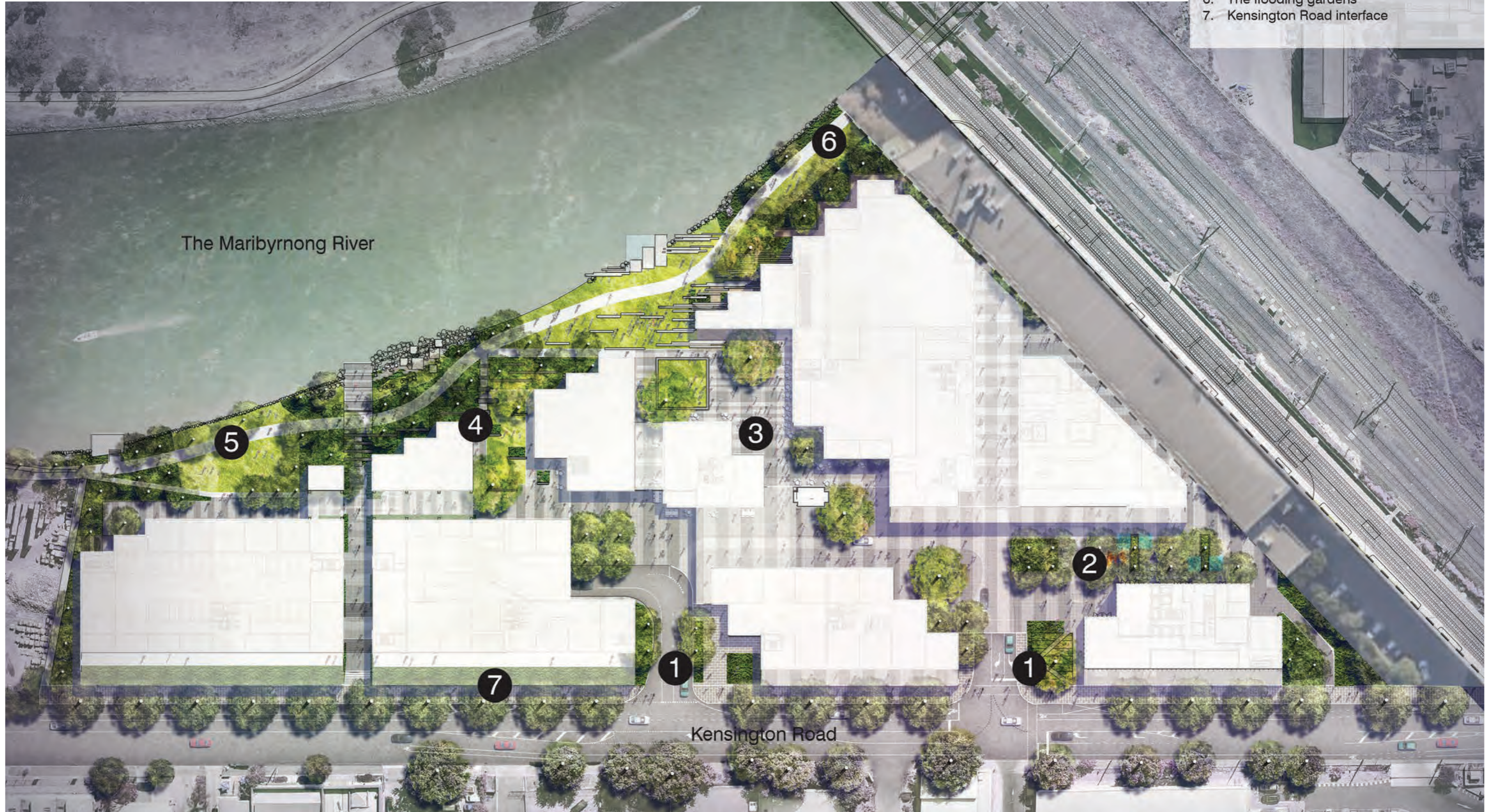


Figure 13.

\*Indicative only

# PUBLIC REALM PLAN - TREE CANOPY PLAN

The proposed tree canopy plan aims to establish the principles in which the trees help to provide various spaces and markers within the site. The planting is intended to

- Increased overall tree canopy and assist in meeting biodiversity targets
- Improve health and wellbeing of people
- Reduce urban heat island effect

Where possible deep soil planting will be provided and tree species carefully selected in consideration of the Urban Forest Diversity Guidelines.

## THE WATERFRONT

An arborist assessment of the trees value is to be carried out through the planning process to viability of retention.

Loose clusters of proposed natives will compliment the current site and contextual conditions providing a mix of densely shaded areas and open spaces which continue along the length of the river

## INTERNAL GARDENS & PLAZAS

Large specimen trees are located at key points within the site drawing people through and framing views to the water. Tree clusters provide areas with continuous canopy and shade and help anchor spaces between buildings

## STREETScape

Kensington Rd street trees have been nominated to be replaced within the next 10 years as per North West Melbourne UPP. Plane trees are proposed to replace them.



Figure 14.

# PUBLIC REALM PLAN - PLANTING CHARACTER

The site features two key planting characters which intrinsically help tie the site together which inform all things through spatial compositions, planting arrangements and maintenance.

From the 'wild' of the Maribyrnong River to the more structured and formal boulevard presentation to Kensington Road, the Public Realm Plan enables these two themes to be integrated across the precinct.

No invasive species will be used throughout the development precinct to ensure that no undesirable seeding occurs along the Maribyrnong river banks or within the subject site.



Formal



Loose

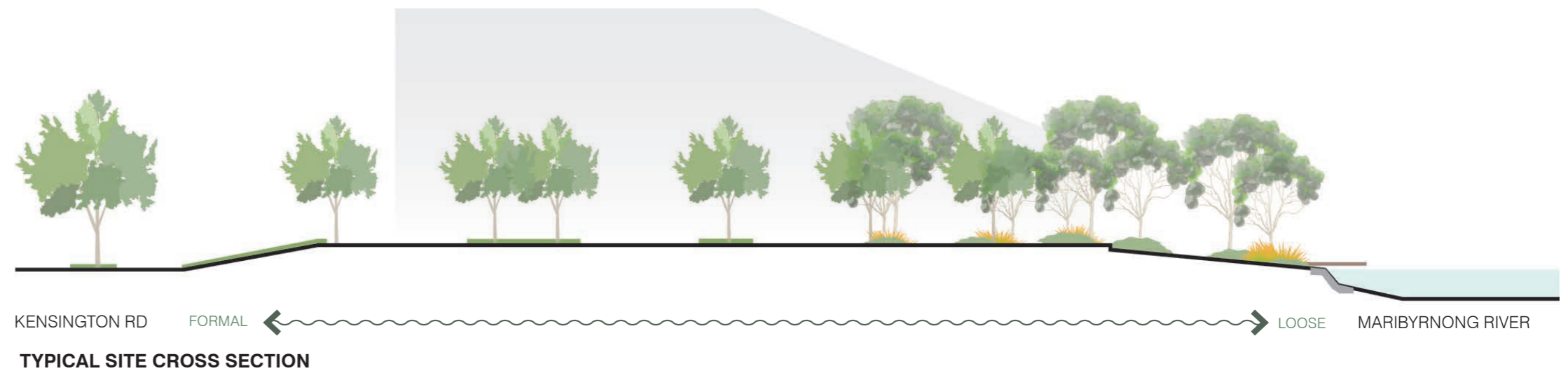


Figure 15.

# PUBLIC REALM PLAN - WATERFRONT ACTIVATION

Currently the bank is treated with the same condition along the entire length of the site using a large rock retaining wall rising around 1.0-1.4m above the top of water level. The proposed condition maintains the same hard edge only lowering in areas to a minimum of 0.3m above the natural water level allowing for 300mm of tidal fluctuation.

Our aim is to celebrate the Maribyrnong River, creating memorable experiences by letting people engage with it in many ways. The proposed diagrammatic sections gives an indicative idea of what some of these edges might look like and where they could be located.

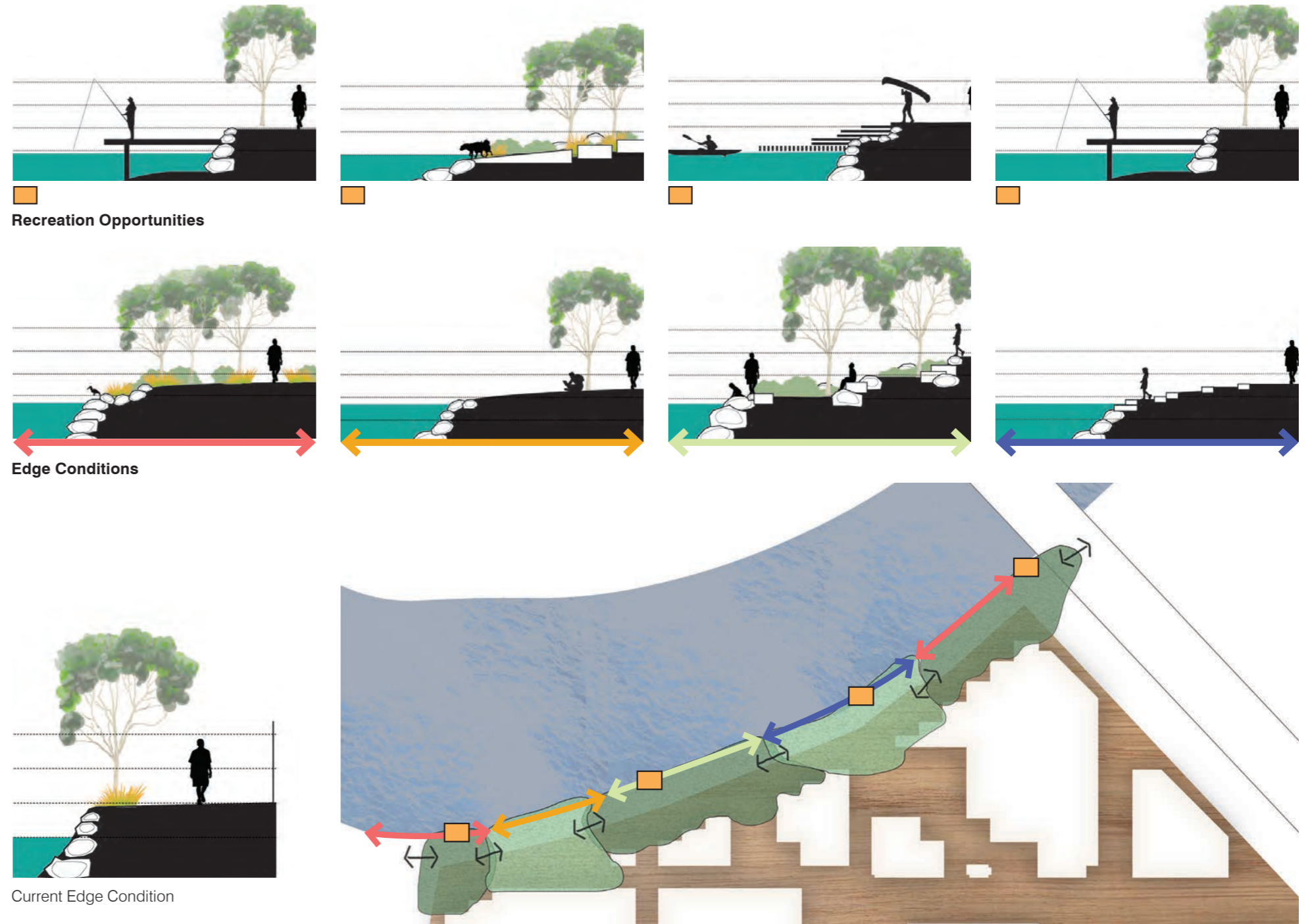


Figure 16.

# TYPICAL LAND USE PLANS

Having established a clear public realm framework for the site, the proposed WMW development includes:

- Activate the waterfront and key public spaces.
- Predominantly commercial uses at the ground floor. Uses envisaged may include: community uses, office, retail, residential hotel, and supermarket.
- Providing active frontages to the primary movement network.
- Limiting the amount and screening of car parking and service areas.
- Ensuring a commercial interface to Kensington Road to integrate with existing nearby development.
- Ensuring car parking areas within podiums can be converted to alternate uses over time.
- Creating a clear sense of address for different land uses.
- Incorporating a mix of uses, including residential, above the streetwall to Kensington Road.
- Incorporate less sensitive land uses at the lower levels adjacent to the railway line to assist in managing potential acoustic implications.

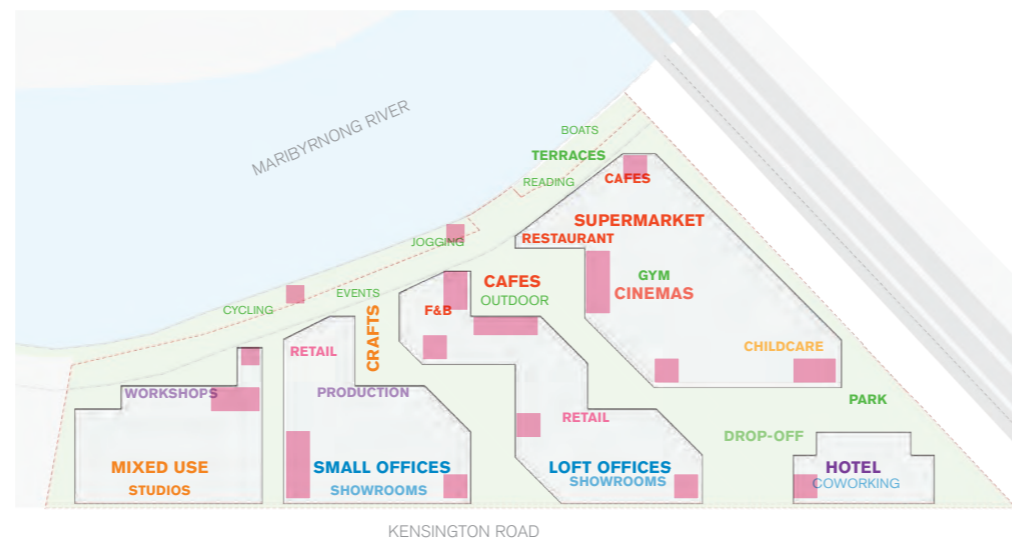
The relationship of the land use to the built form is depicted on the typical sections.

A mix of employment generating land uses is encouraged to activate the ground and upper levels as depicted at Figure 17.

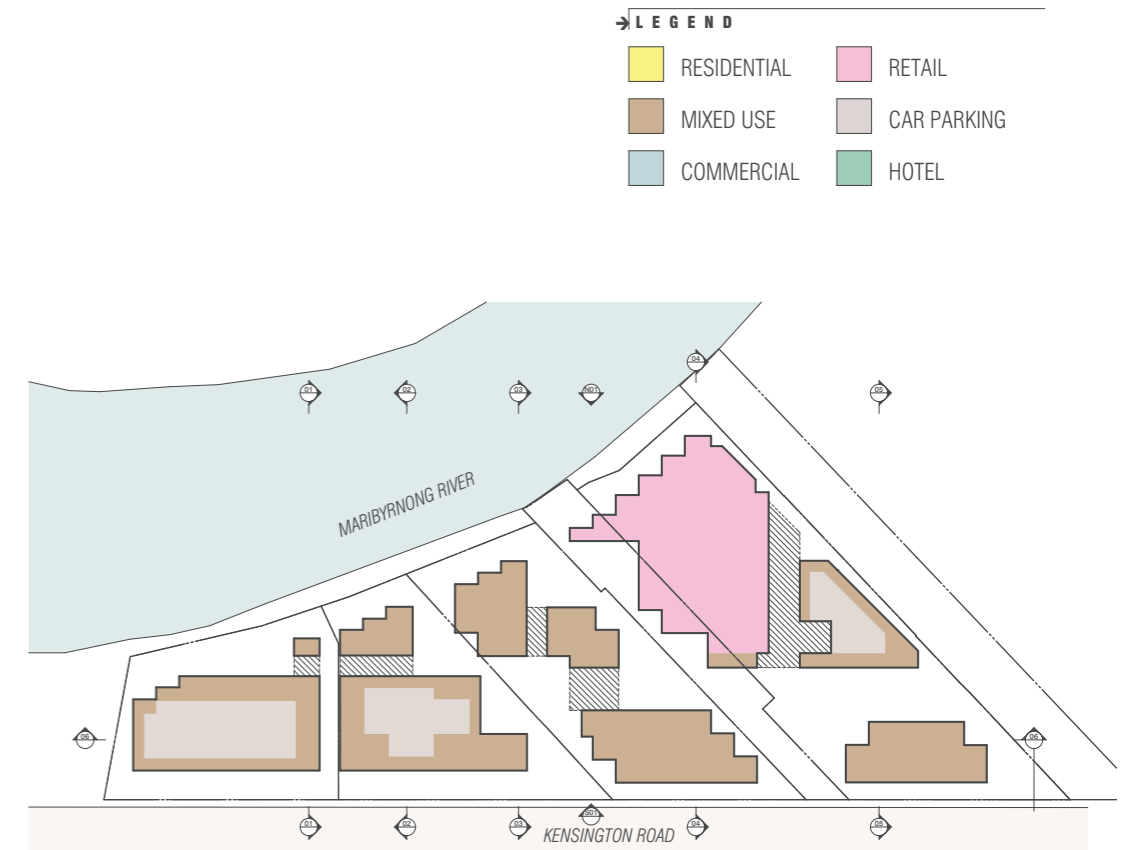
The mix of uses will support the new resident population and the existing community, generating local employment opportunities.

A range of accommodation is proposed that will complement the employment uses on the land.

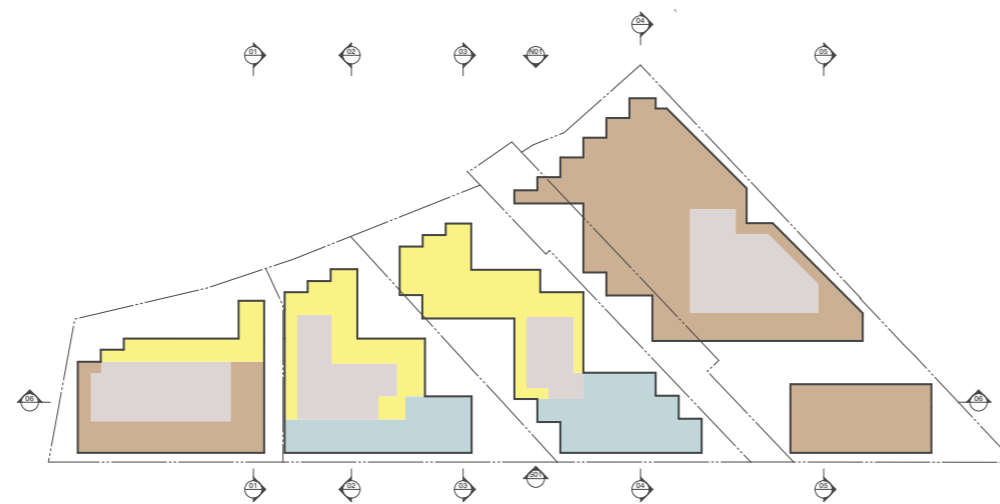
The typical sections show how a building may be accommodated within the building envelope allowed by DPO13. The sections are indicative only and development within the building envelopes is subject to detailed design and future planning permit applications.



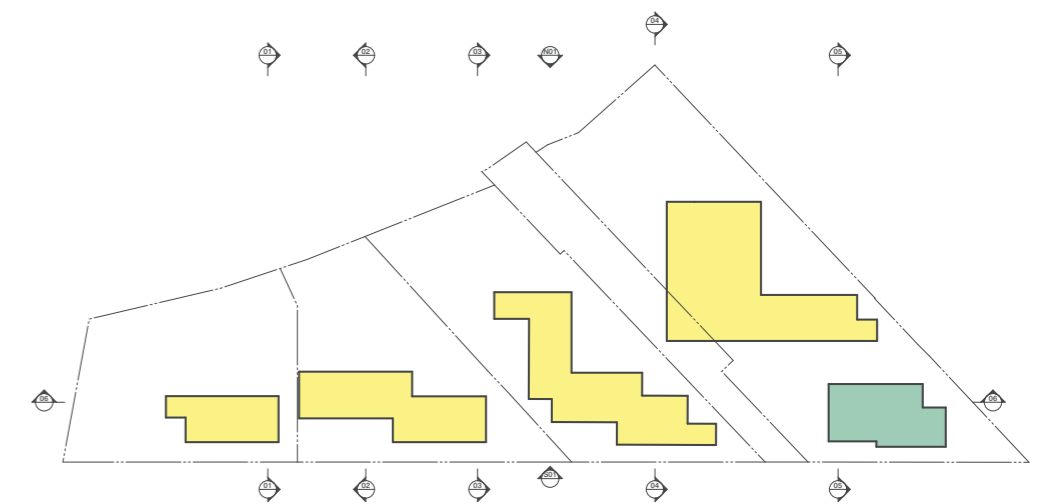
A Rich Mix of Activities. 24hr Development



Ground Floor Plan



Typical Lower Floor Plan



Typical Upper Floor Plan

Figure 17.

*Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.*

## ESTABLISHING THE BUILDING ENVELOPE

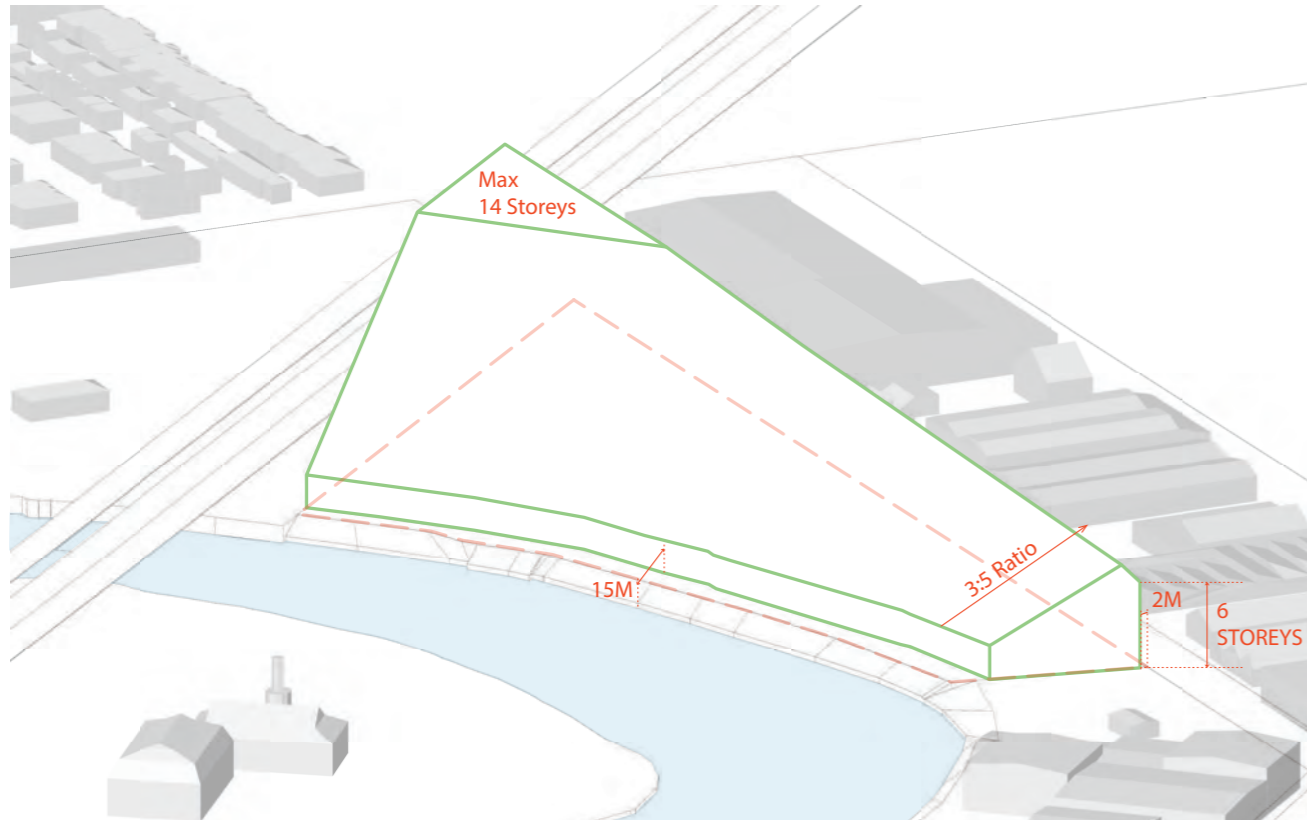


Figure 18.1

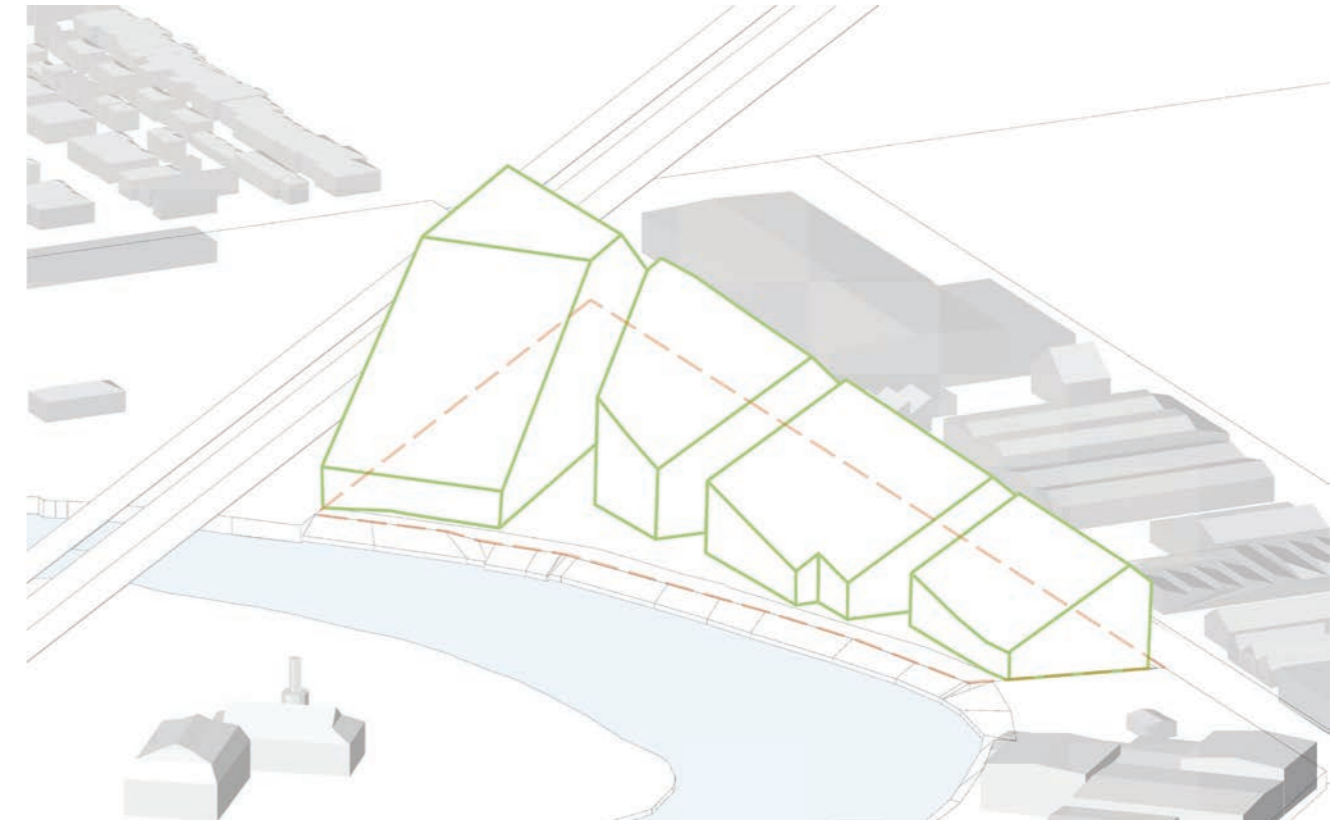


Figure 18.2

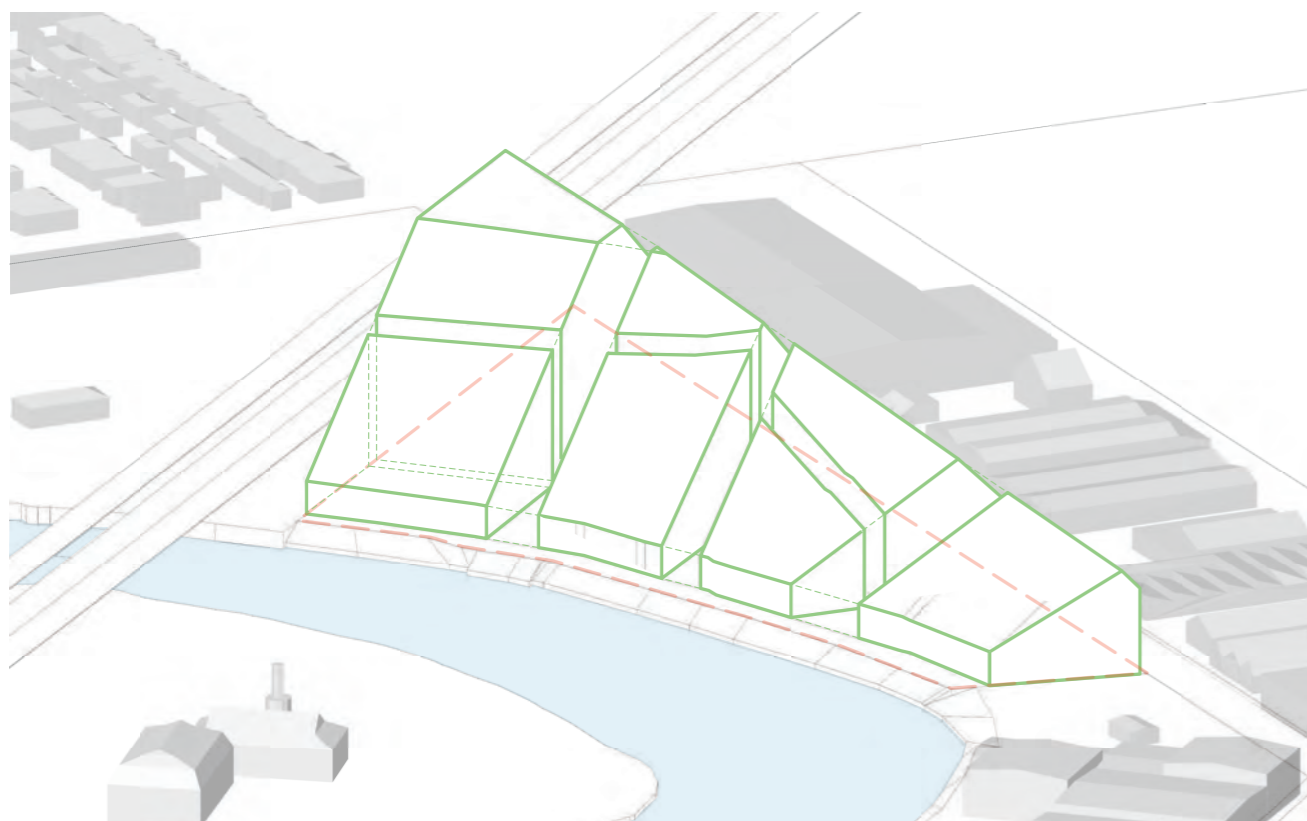


Figure 18.3

The DPO13 sets out a range of key items to inform appropriate building envelopes which future planning permit applications will need to generally accord with. A visual representation of mandatory requirements is shown on Figures 18.1-18.3 and include:

- Minimum 15m and average 25m setback of built form from the top of the riverbank.
- Buildings to be setback at a ratio of 3(high):5(setback) measured at 1.6m above the top of the river edge.
- Buildings setback a minimum 2m from Kensington Road.
- A maximum streetwall height to Kensington Road of 6 storeys.
- An overall maximum building height of 14 storeys.
- A minimum of three new publicly accessible connections from Kensington Road to the Maribyrnong River.
- A part covered, part open to the sky north-south connection.

Street blocks generally will not exceed 100m in length, allowing for pedestrian links through the site. Building setbacks and the depth of buildings will be varied within the defined building envelopes and resolved through planning permit applications.

The principles of the preferred building typology are set out in Figures 19.1-19.6 and depict a stepped built form that is activated by land use where possible, able to be adapted to a range of uses over time and respond positively to the environmental characteristic of the site. positively to the environmental characteristic of the site.





# BUILT FORM TYPOLOGY PRINCIPLES

New Building Typology  
Engagement with the Waterfront, River & City Views

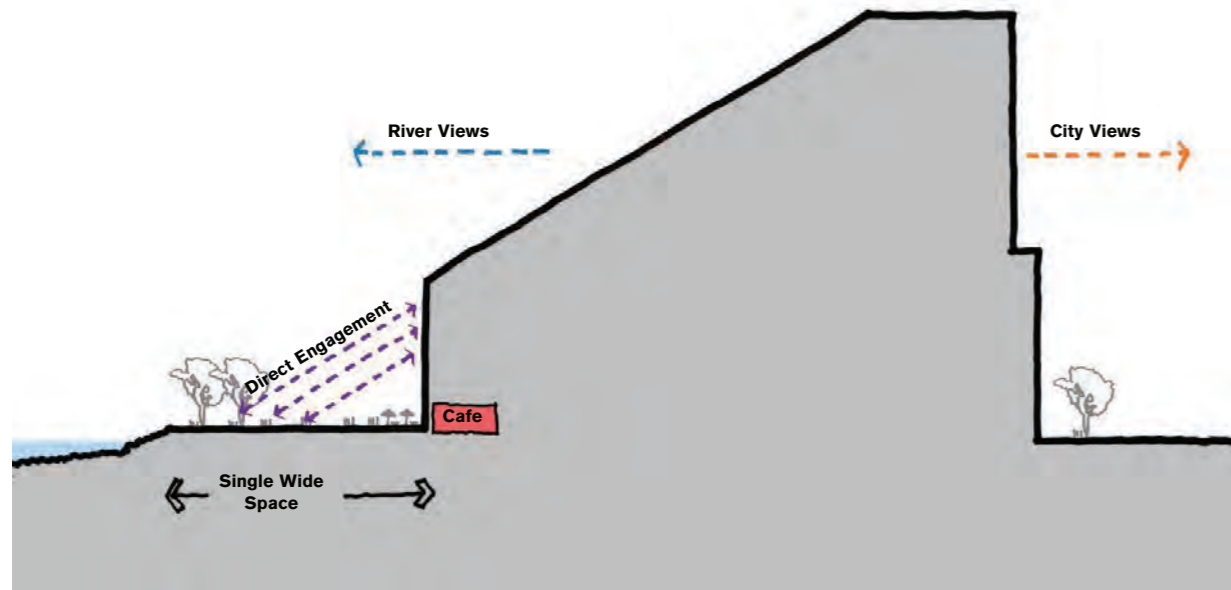


Figure 19.1

Environmental Considerations

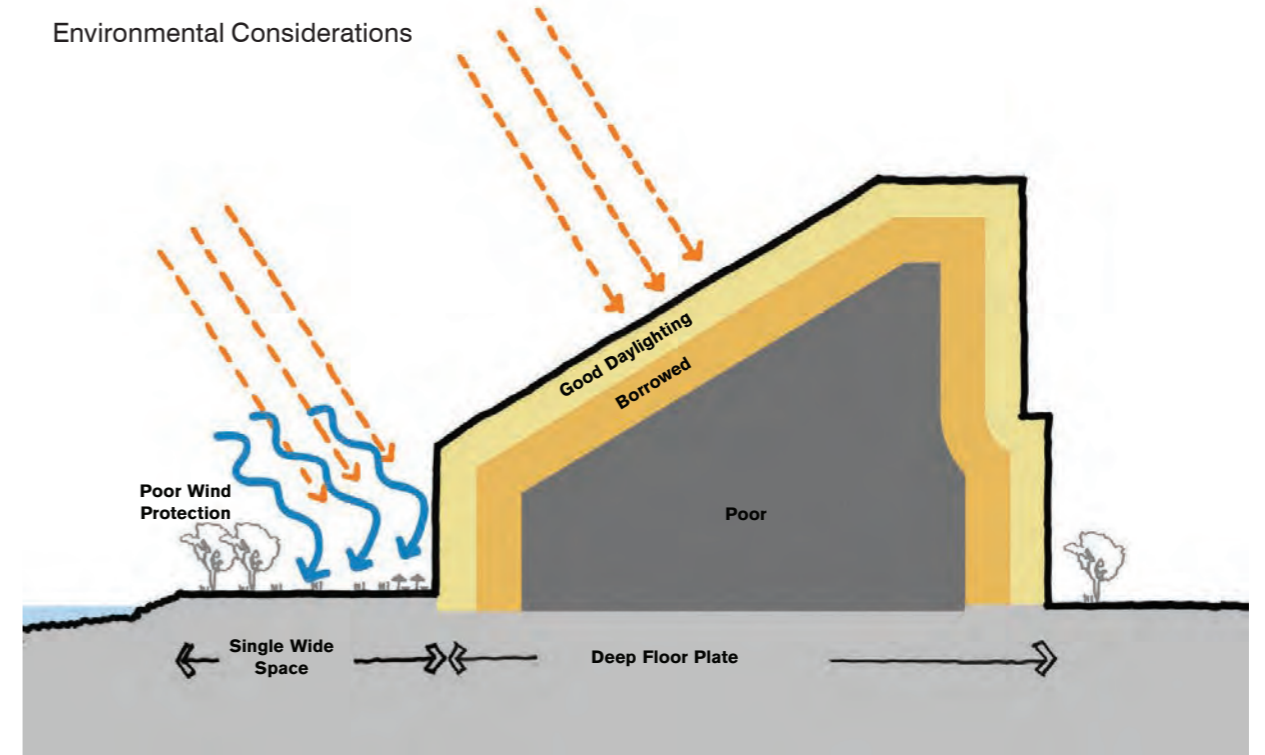


Figure 19.2

Improving Building Conditions  
Allowing Sufficient Daylight Into Buildings

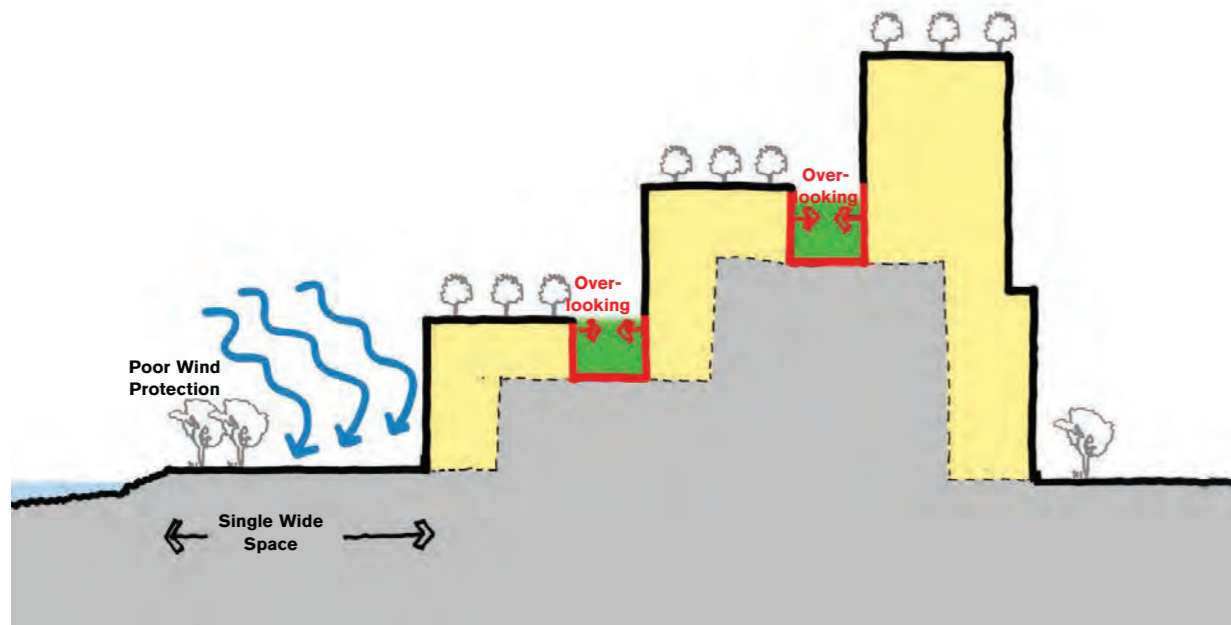


Figure 19.3

A Variety of Green Spaces  
Improving Outdoor Comfort

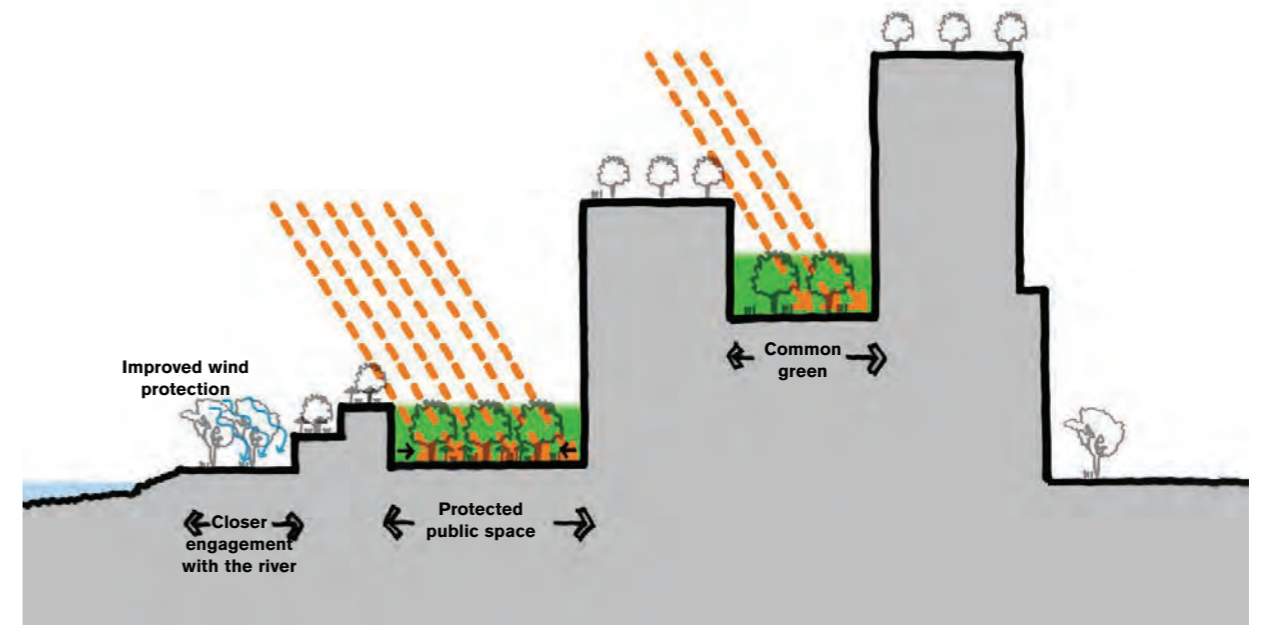


Figure 19.4

# BUILT FORM TYPOLOGY PRINCIPLES

Layered Green Platforms  
Adding Visual Complexity & Interest

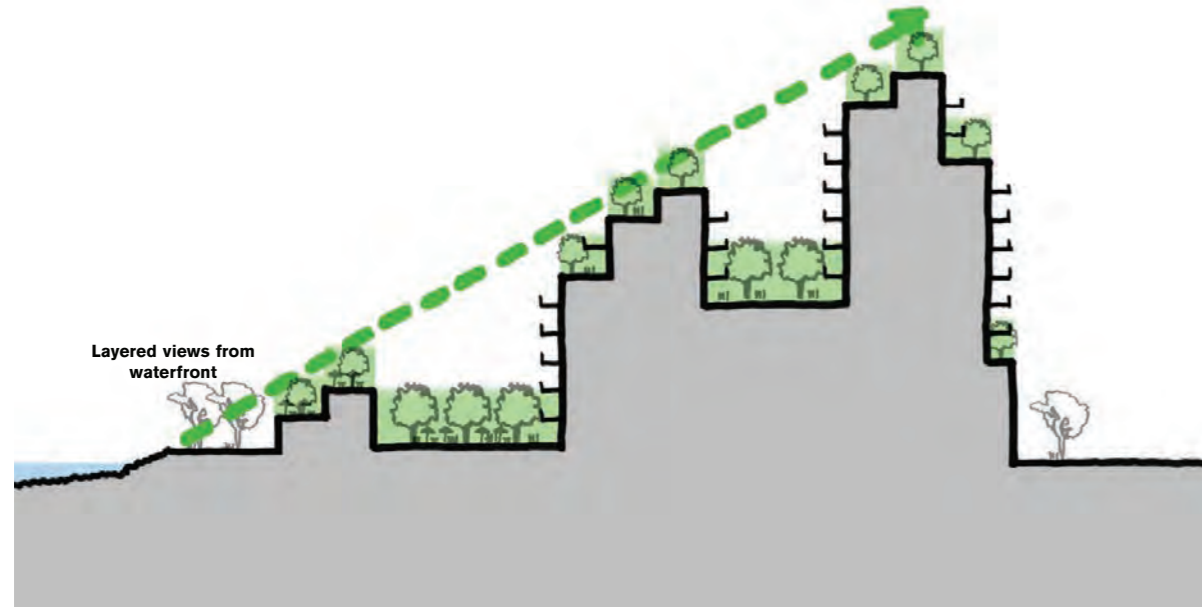


Figure 19.5

Activating Public Streets & Spaces  
Varied Ground Floor Programming



Figure 19.6

A Rich Mix of Uses Throughout the Building  
Multiple Functions Allowing a 24Hr Development



Figure 19.7

The development plan establishes a built form typology that can be adapted to a range of uses to meet the needs of the surrounding community. The development plan focuses on the delivery of a mix of employment generating and accommodation uses.

As depicted at Figure 19.7, the vision for the development allows for a range of uses within a single building. The building typology seeks to respond to emerging trends of flexible working arrangements, adapt to disruptive technology, encourage creative spaces and the sharing economy.

# ACCOMMODATION TYPOLOGIES

A range of accommodation is to be provided on the land. The indicative building envelopes established in the Development Plan provide for a range of sizes and types of housing and anticipates up to 600 new dwellings on the land.

The Development Plan anticipates a mix of dwelling sizes per the below table.

Dwelling Size	Target % of overall dwellings
1 Bedroom	45-55%
2 Bedroom	35-45%
3+ Bedroom	5-15%

Residential floor plates have been designed to incorporate flexibility for changes to accommodation types over time. The floor plates can be arranged in a number of different ways to accommodate:

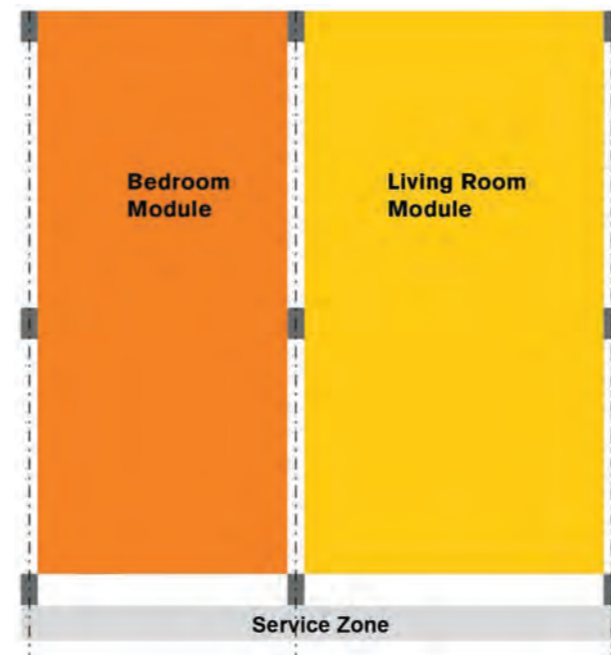
- Varied dwelling sizes.
- Multi-generational living.
- Home offices.

The indicative building envelopes have been formulated to deliver high quality and flexible dwelling layouts by focusing on the key components of the primary living spaces: the bedroom and the living room. The functional requirements and amenity considerations of these spaces creates modules that can be utilised to deliver a mix of dwellings that respond to market demand over time (See Figure 19.8).

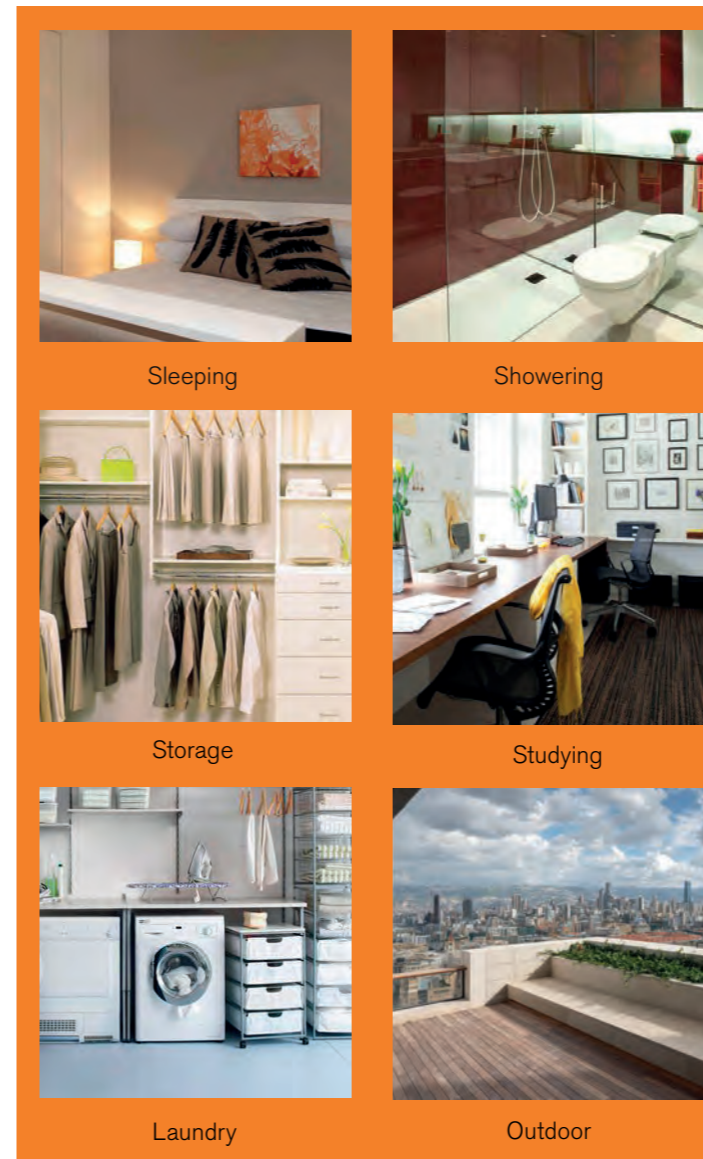
The modules of a dwelling can be arranged to deliver a high level of amenity and adapt to the changing needs of future occupants over time. For example, a three bedroom dwelling could be adapted to a two-bedroom plus home office or vice versa as depicted at Figure 19.8.

Examples of typical dwelling floor layouts that can be applied under this arrangement are shown at Figure 19.8. The design of each dwelling will be resolved as part of future permit applications and need to respond to relevant Planning Scheme standards and requirements to the satisfaction of the Responsible Authority.

The Development Plan provides for buildings up to a maximum 14 storeys in height. Any proposal in excess of ten storeys in height must set aside 15% of the gross floor area above ten storeys within the building or another part of the site for affordable housing.



## Bedroom Module



## Living Room Module

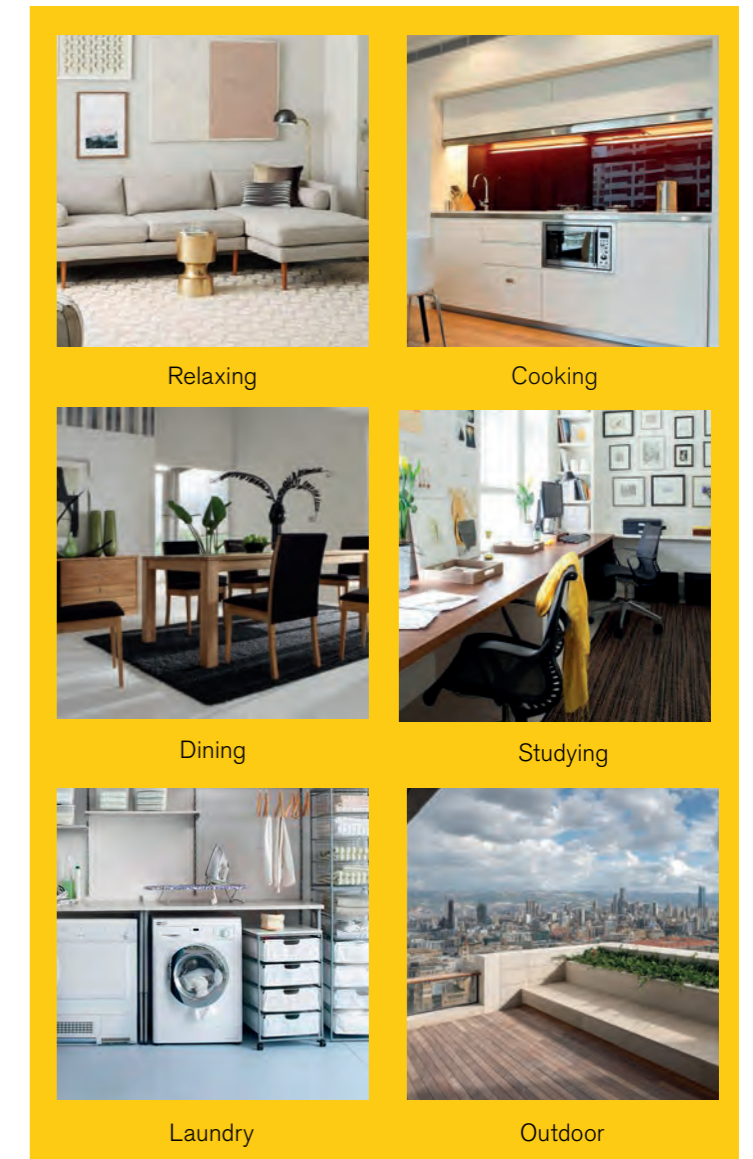
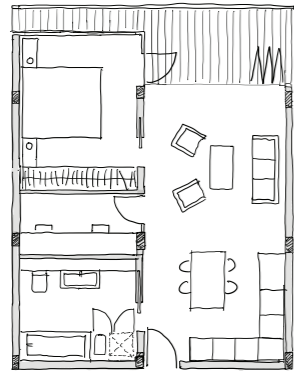


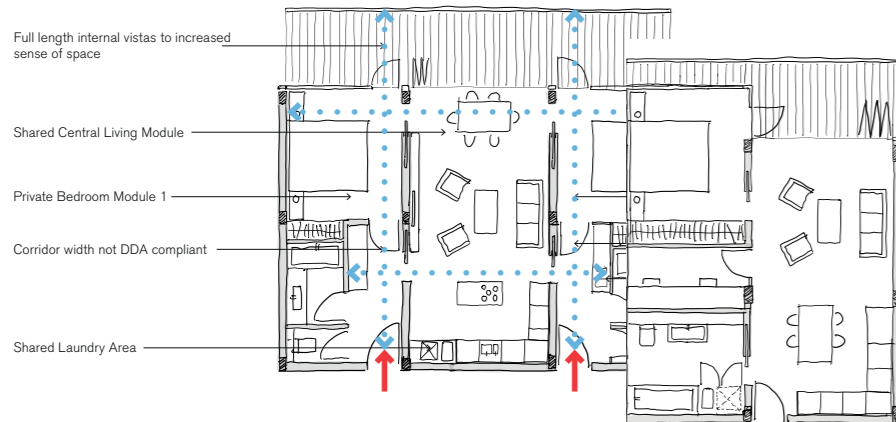
Figure 19.8.

**Flexibility - 1 Bedroom Single Aspect**



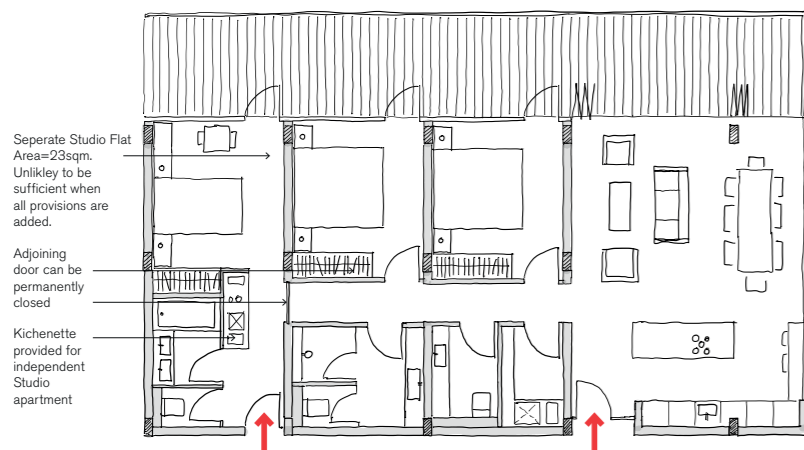
**Flexibility - 2 Bedroom Single Aspect**

Co-Living

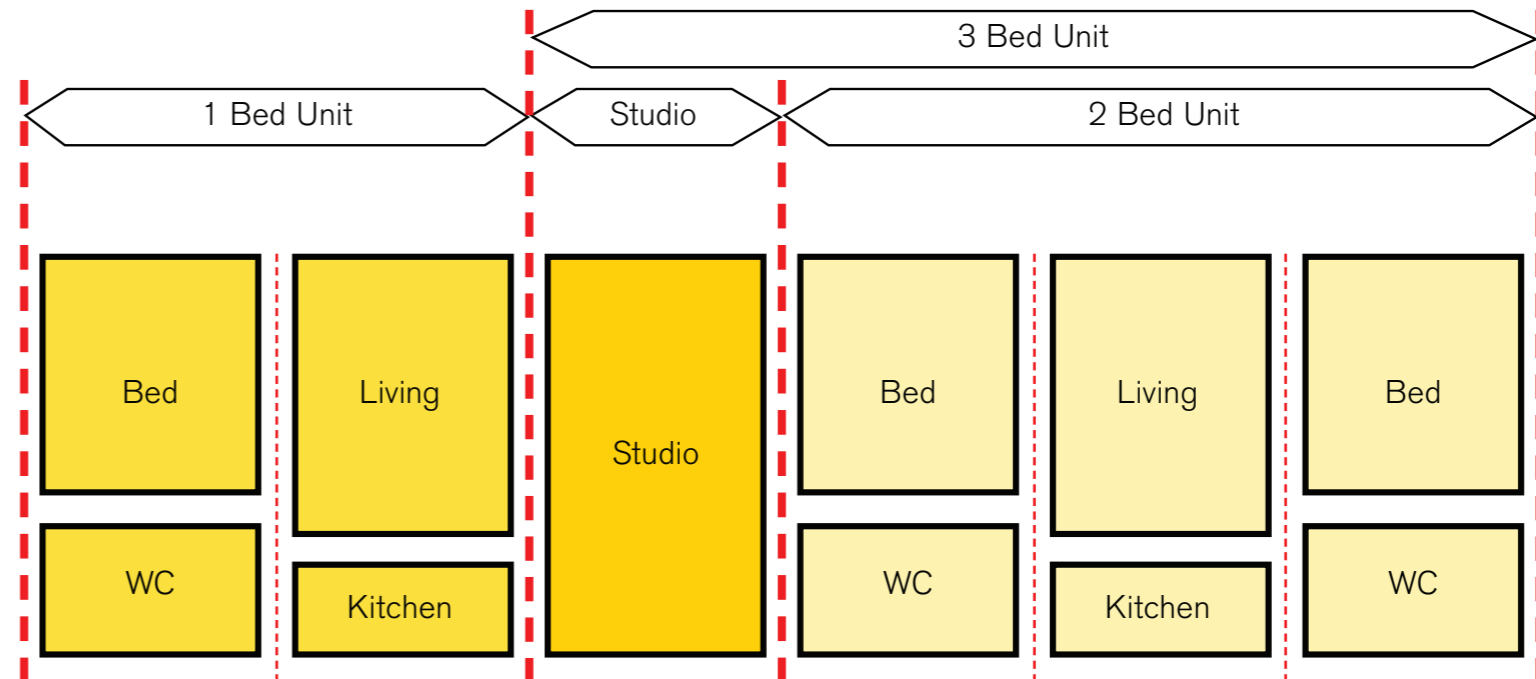


**Flexibility - 3 Bedroom Corner Aspect**

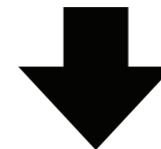
Dual Occupancy Layout



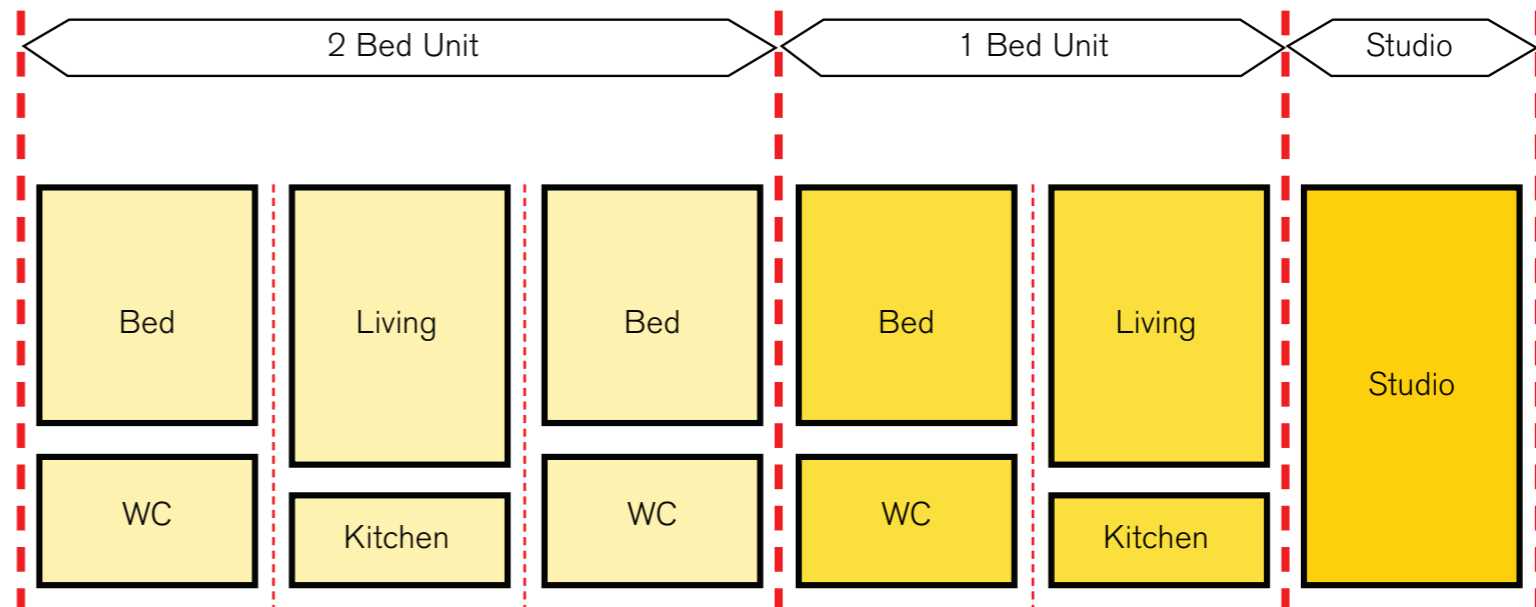
Long term flexibility on apartment mix built into design



**Adaptability**



During design and construction  
Over lifetime of building



# SECTION 01

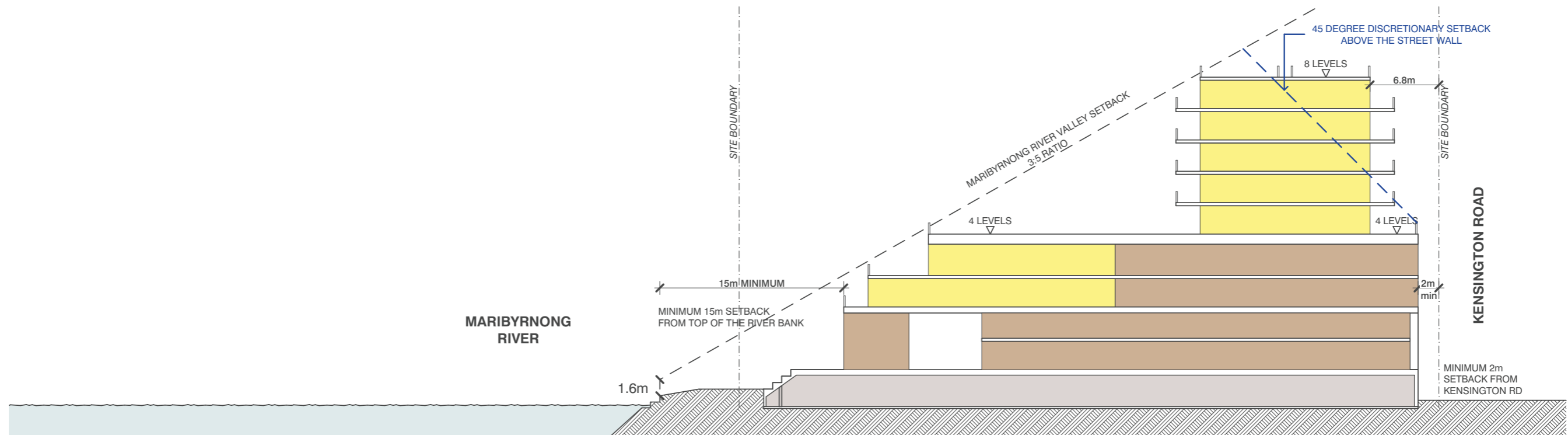
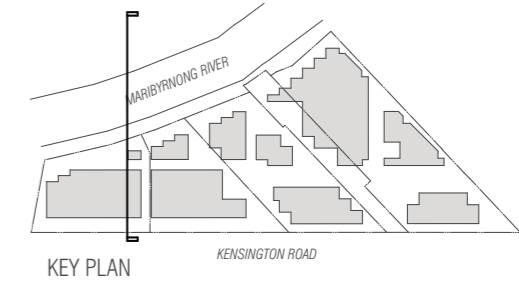


Figure 20.

Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.

LEGEND

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> RESIDENTIAL	<span style="display:inline-block; width:15px; height:15px; background-color:lightpink; border:1px solid black;"></span> RETAIL
<span style="display:inline-block; width:15px; height:15px; background-color:lightbrown; border:1px solid black;"></span> MIXED USE	<span style="display:inline-block; width:15px; height:15px; background-color:lightgrey; border:1px solid black;"></span> CAR PARKING
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> COMMERCIAL	<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> HOTEL

# SECTION 02

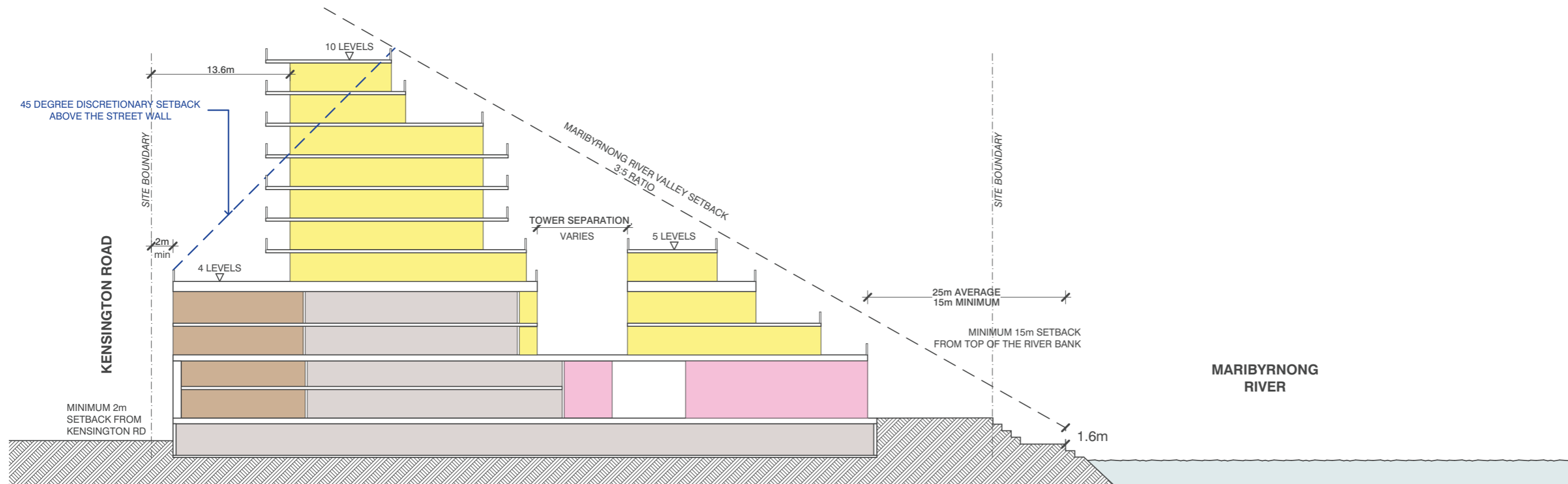
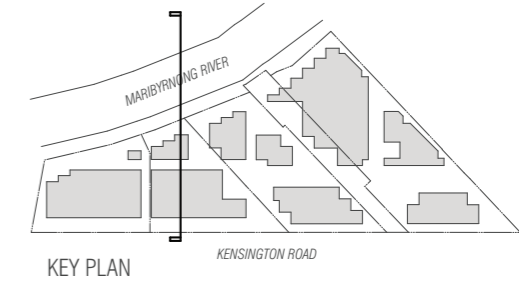


Figure 21.

Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.

LEGEND

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<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> MIXED USE	<span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black;"></span> CAR PARKING
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> COMMERCIAL	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> HOTEL

# SECTION 03

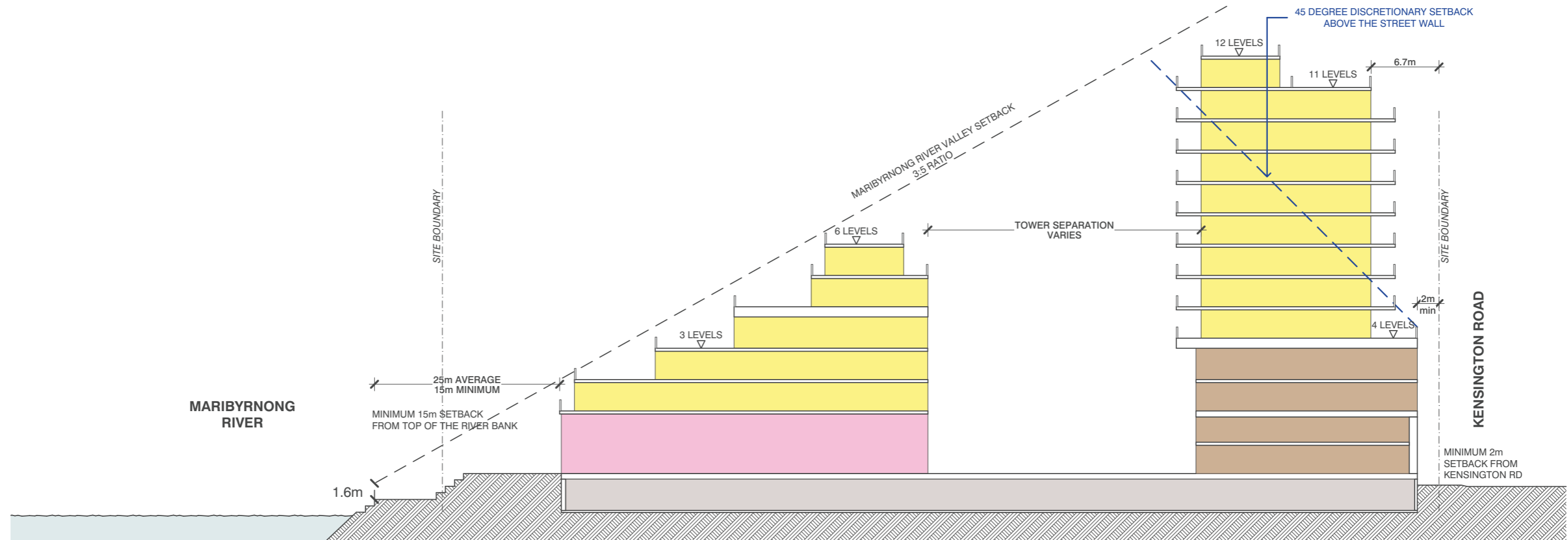
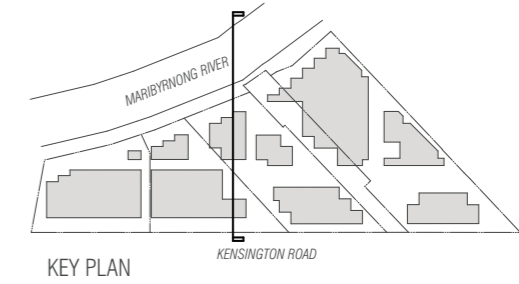


Figure 22.

Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.

LEGEND

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<span style="display:inline-block; width:15px; height:15px; background-color:brown; border:1px solid black;"></span> MIXED USE	<span style="display:inline-block; width:15px; height:15px; background-color:grey; border:1px solid black;"></span> CAR PARKING
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> COMMERCIAL	<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span> HOTEL

# SECTION 04

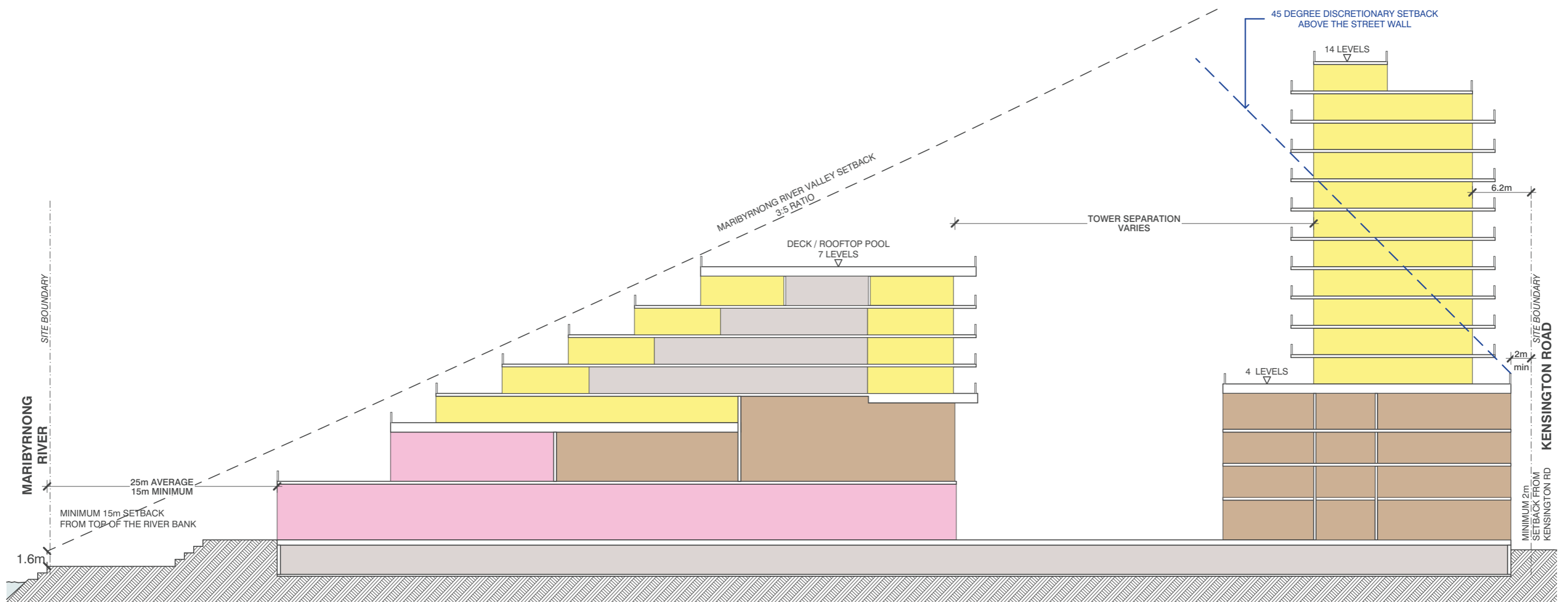
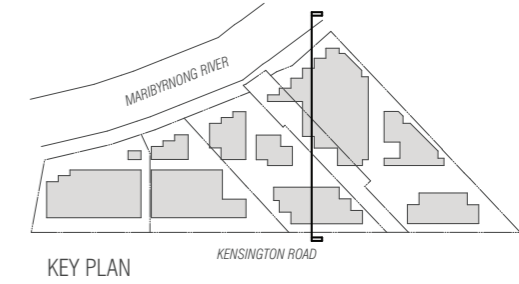


Figure 23.

Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.

LEGEND

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> RESIDENTIAL	<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> RETAIL
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# SECTION 05

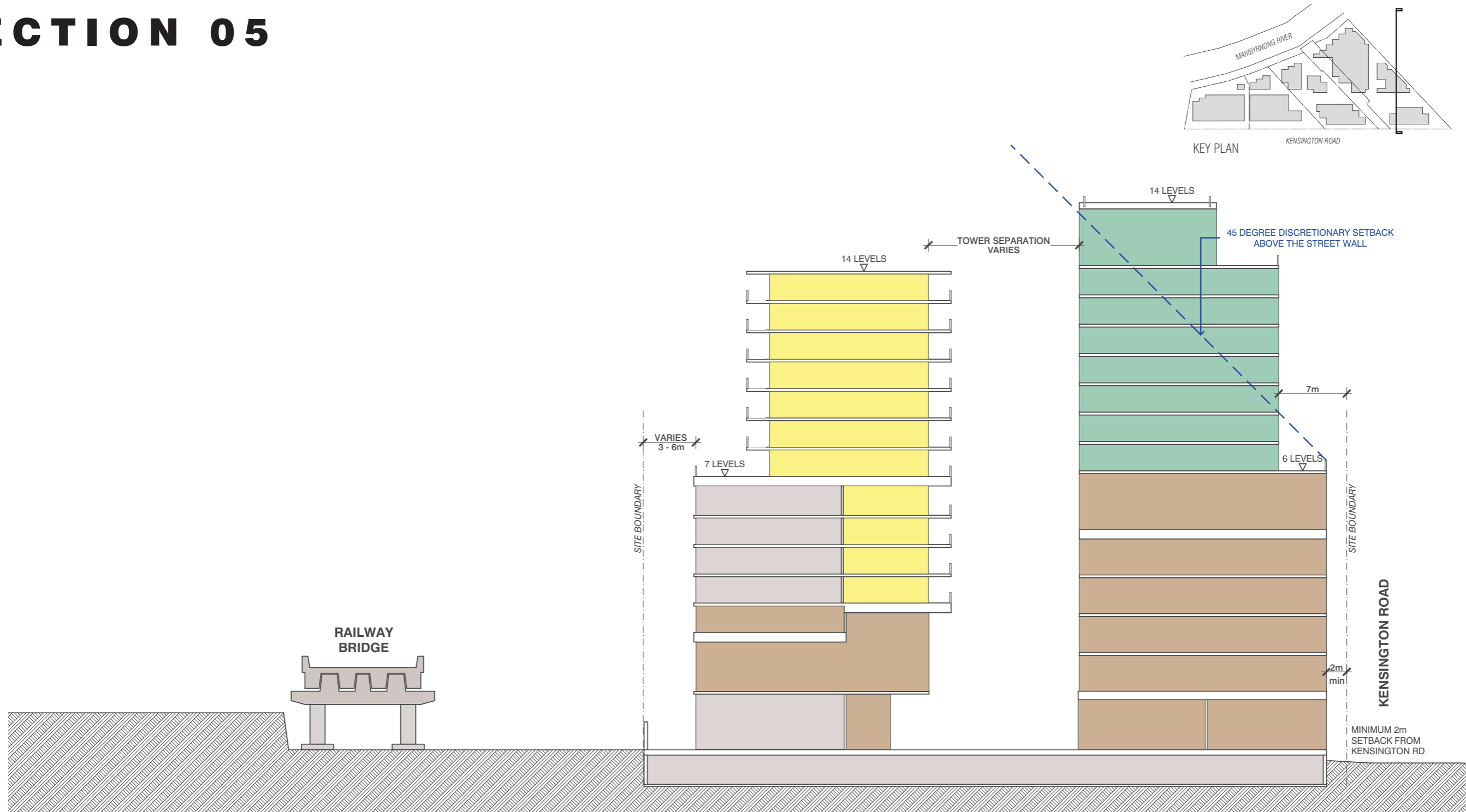


Figure 24.

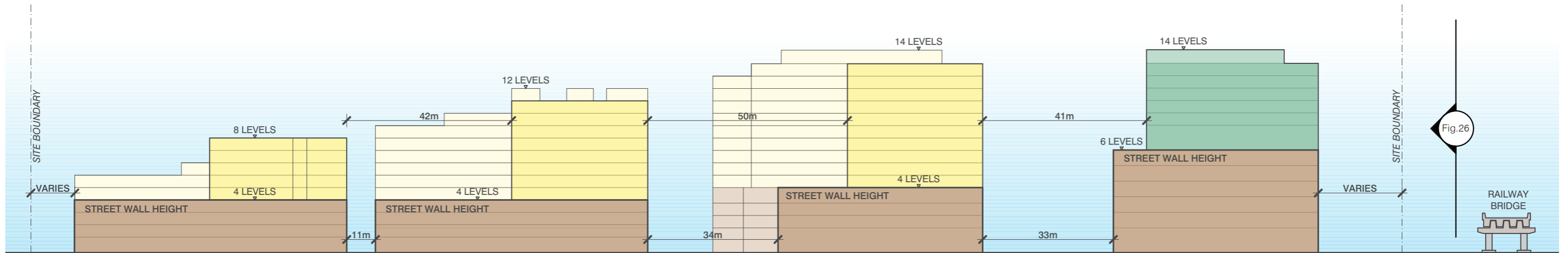
Note: Final mix uses to be determined through detailed design. The typical sections are indicative only and the future built form will be resolved at the planning permit application stage.

LEGEND	
RESIDENTIAL	RETAIL
MIXED USE	CAR PARKING
COMMERCIAL	HOTEL

# CONCEPTUAL ELEVATIONS

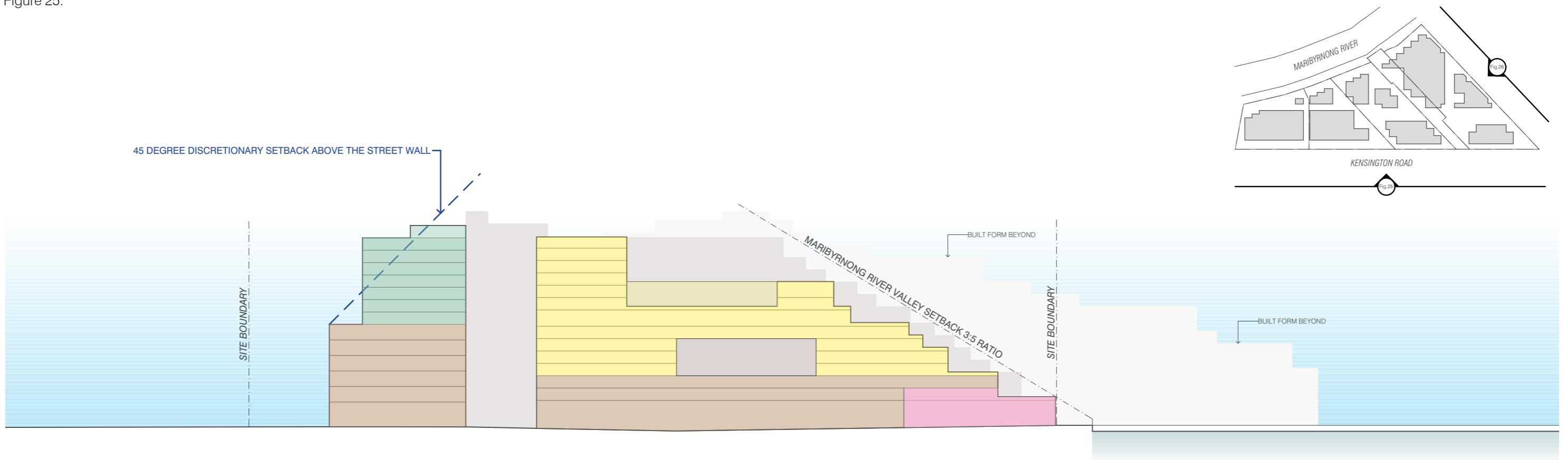
→ LEGEND

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> RESIDENTIAL	<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> RETAIL
<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> MIXED USE	<span style="display:inline-block; width:15px; height:15px; background-color:lightgrey; border:1px solid black;"></span> CAR PARKING
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> COMMERCIAL	<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> HOTEL



## KENSINGTON ROAD ELEVATION

Figure 25.



## RAILWAY BRIDGE ELEVATION

Figure 26.

# KENSINGTON ROAD ELEVATION

The conceptual elevation to Kensington Road illustrates the transition in built form from the south (left hand side) to the north (right hand side). As the scale of built form increases so too does the separation between the potential buildings within the envelopes.

The separation of buildings commensurate to their scale enables will ensure appropriate levels of daylight are achieved within the public realm.

The testing of the environmental conditions of the site direct an outcome that seeks to maximise solar orientation while minimising the impacts of wind on the land. These two key considerations result in an innovative offset building form that responds specifically to the conditions of the site.

The formation of the buildings including orientation and massing has been derived from a detailed analysis of the sites environmental conditions. Studies undertaken by the project team showed that to offer protection from wind on the ground level whilst maximising solar access and views a varied ground plane building orientation to upper levels was most appropriate. A summary of outcomes of this analysis is provided on the following pages.

The development plan ensures appropriate daylight will be achieved within the public realm and the wind conditions will be managed to meet the criteria set out in DPO13.

The proposed development seeks to maximise northern, easterly and westerly aspect to ensure acceptable amenity for future occupants and visitors to the site.

The proposed building envelopes ensure development complies with the built form requirements of the DPO13.

There are three locations that upper levels of the indicative building envelopes is not within the preferred (discretionary) setback above the Kensington Road streetwall. The design outcome sought for the setback above the Kensington Road streetwall is "To minimise the impact of upper levels on the pedestrian experience". The building envelopes responds to the attributes affecting the pedestrian experience, being:

- Ensures appropriate levels of daylight to Kensington Road footpath and to key publicly accessible spaces within the site.
- Is visually interesting and contributes to activation of the public realm.
- Enhances the boulevard character of Kensington Road.
- Meets relevant wind comfort criteria is met on Kensington Road.
- Ensures the presentation of the upper levels is not visually bulky.

Key mandatory requirements include the protection of new public open space adjacent to the Maribyrnong River

- ensuring no additional shadow is cast by buildings:
- After 10am on September 22 (to ensure a minimum 5 hours sunlight).
  - After 11am at the winter solstice (to ensure a minimum 3 hours sunlight)

The shadow diagrams at Figures 28.1-28.11 demonstrate compliance with the above requirements.



Figure 27.

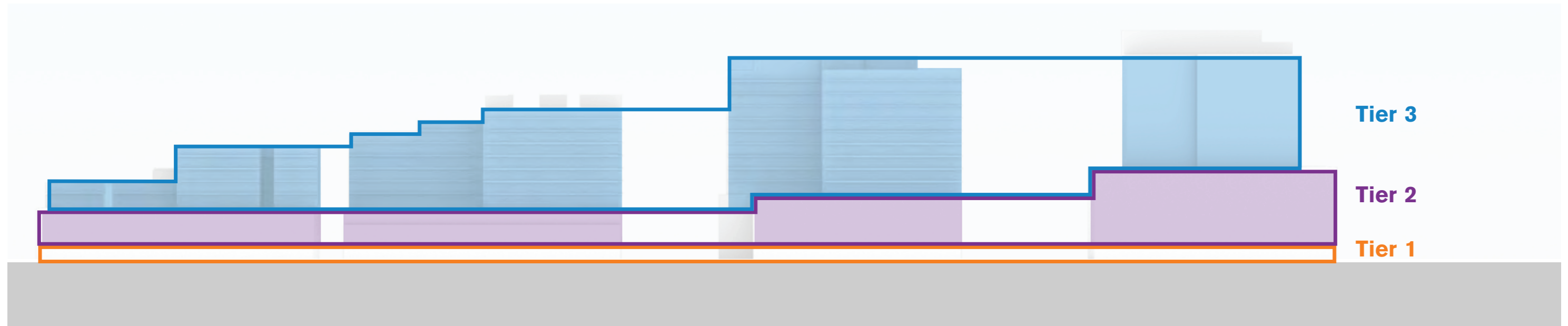


Figure 28.

# ARCHITECTURAL INTENT AND FAÇADE STRATEGY

## THREE TIERS OF ELEVATION

The architectural intent focuses on delivering buildings relevant to their context in terms of its scale, materiality and interaction with the public realm.



### TIER 1 - GROUND FLOOR

Focuses on how the built form interacts with streets and spaces to create a vibrant and active ground plane.

The spaces that are most successful often rely on comfortable scales, being porous and having many nodes of connectivity. One of the most successful example of vibrant outdoor spaces is the **Melbourne Laneways**.

### TIER 2 - STREET WALL

Visual activation and on a district level is key to this tier. Integral to this community memory.

The site as with the district as a whole has been traditionally **industrial**. We drew inspiration on materiality and scale from these buildings around and on the site itself.

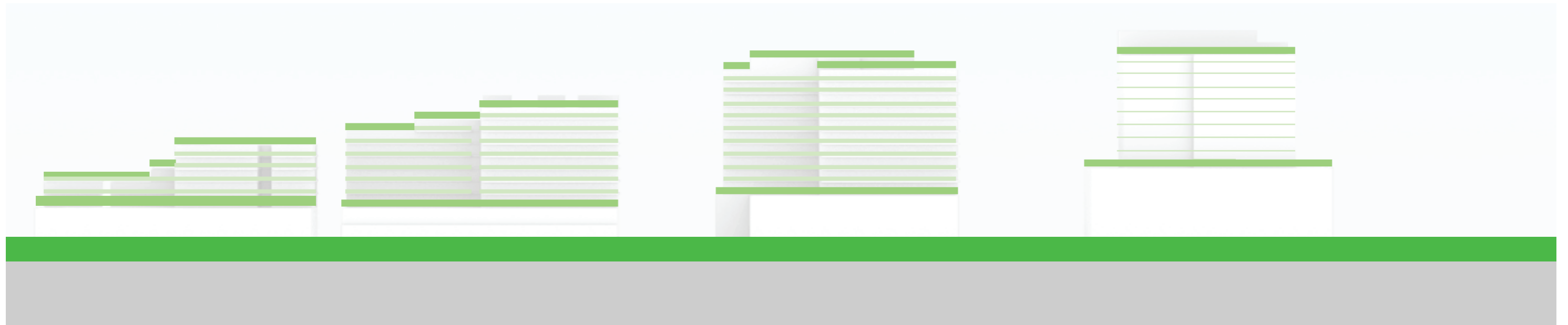
### TIER 3 - UPPER LEVELS

This last tier of building will reflect the aspiration of the project.

Drawing on the many techniques displayed by Victorian houses to mitigate Melbourne's weather, we have developed the buildings as a response to the environment, a sustainable green development.

# BUILDING RESPONSES TO ITS ENVIRONMENT

## THE FOURTH TIER



### TIER 4

Multiple layers of greenery is planned throughout the development. From a constant row of street trees, to terraces and balconies.

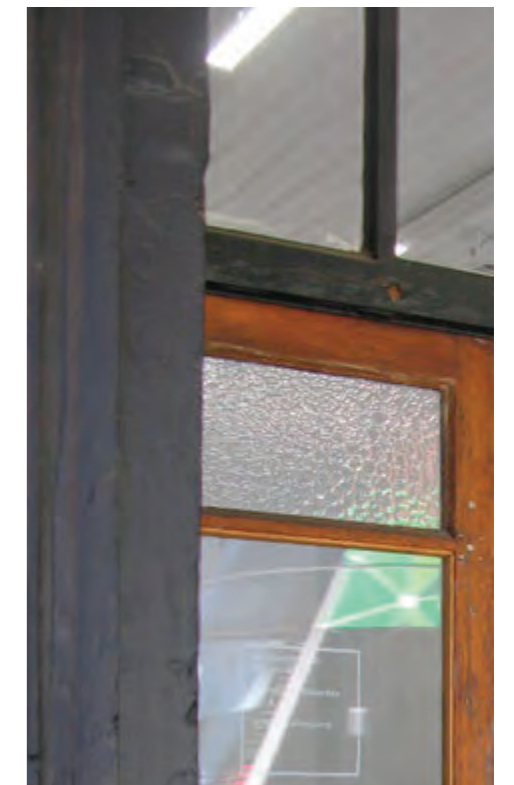
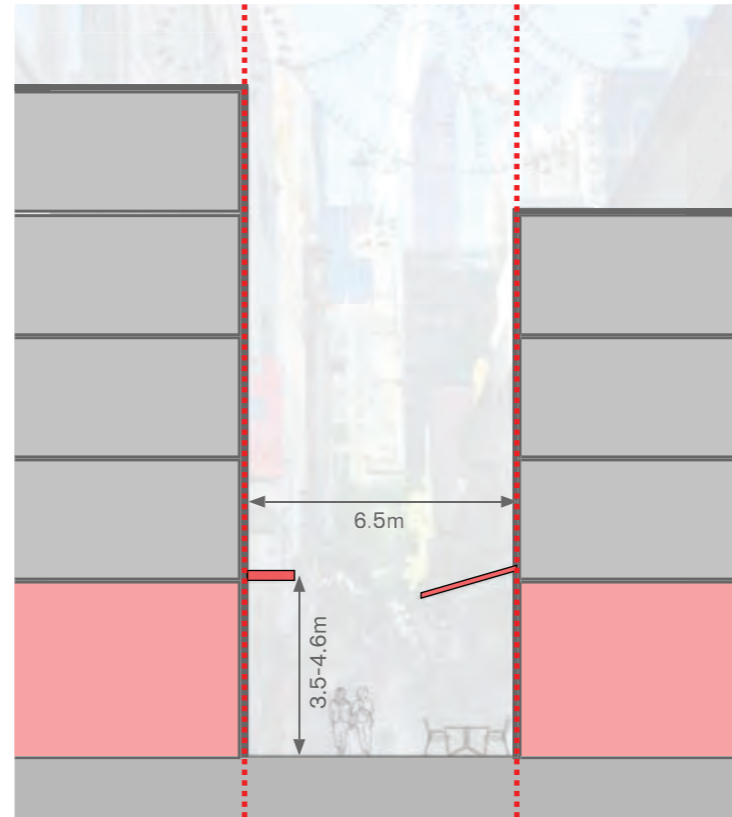
# TIER 1: STREET ACTIVATION

## MELBOURNE LANEWAYS

The vibrancy and liveliness of streets and the concept of "street life" is largely driven by the scale of spaces and the intricacy of the street fabric.

The Development Plan and supporting Public Realm Plan, creates a sequence of linked spaces such that intense streets leads to plazas and open spaces of different scales.

The selection of materials of buildings and the public realm should reference the immediate Melbourne context, such as blue stone, brickwork, steel/metal.



# TIER 2: COMMUNITY MEMORY

## INDUSTRIAL HERITAGE

The site has a strong industrial heritage that we would look to preserve as part of the community memory. Future development should investigate opportunities to re-use and adapt materials that have been traditionally used in the area.

The design intent is not to imitate but to emulate qualities such as the expression of structure and envelope in our re-interpretation. Another important consideration in the design of this level is its visual porosity to and engagement with Kensington Road.



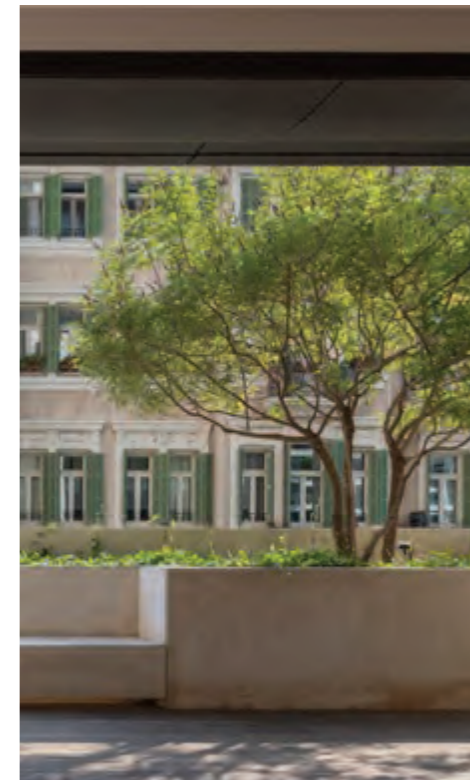
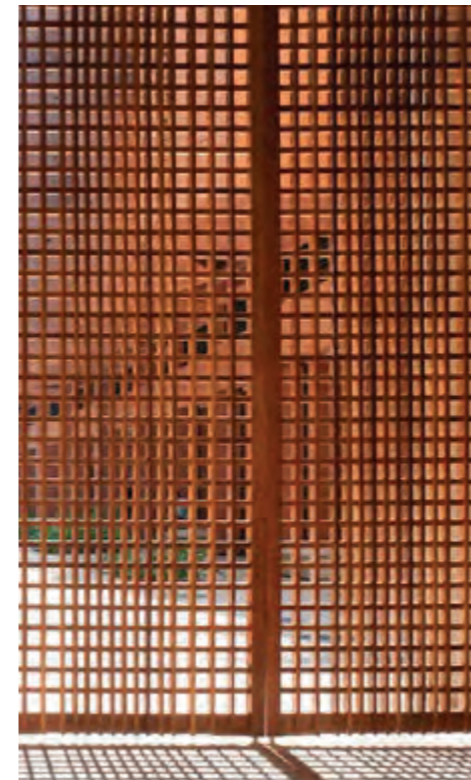
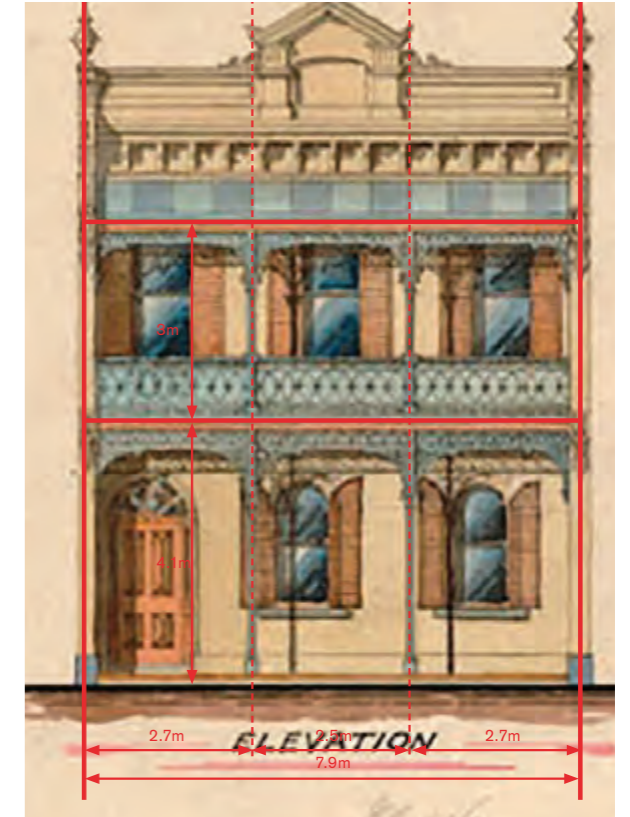
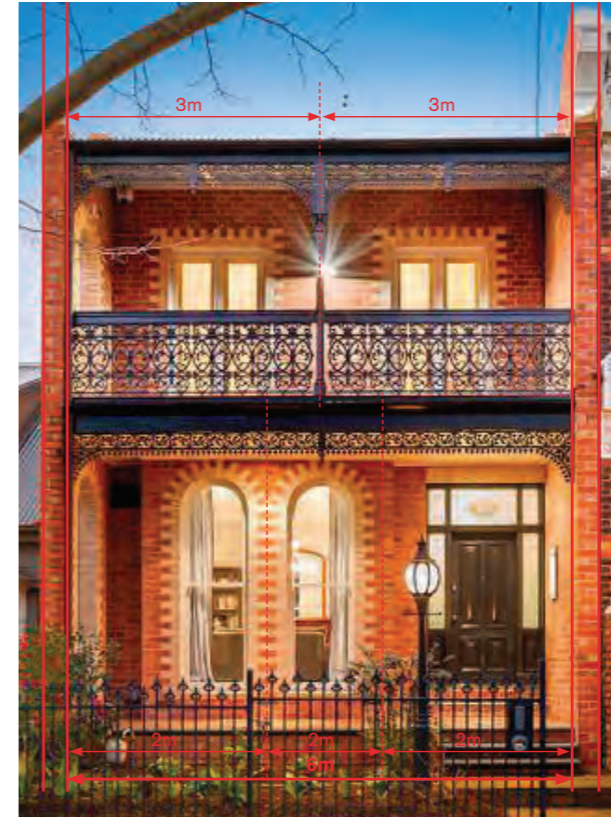
# TIER 3: SUSTAINABLE LIVING

## LIVING HERITAGE

One of the key tenements to the design in general is that each element is to be a response to its place.

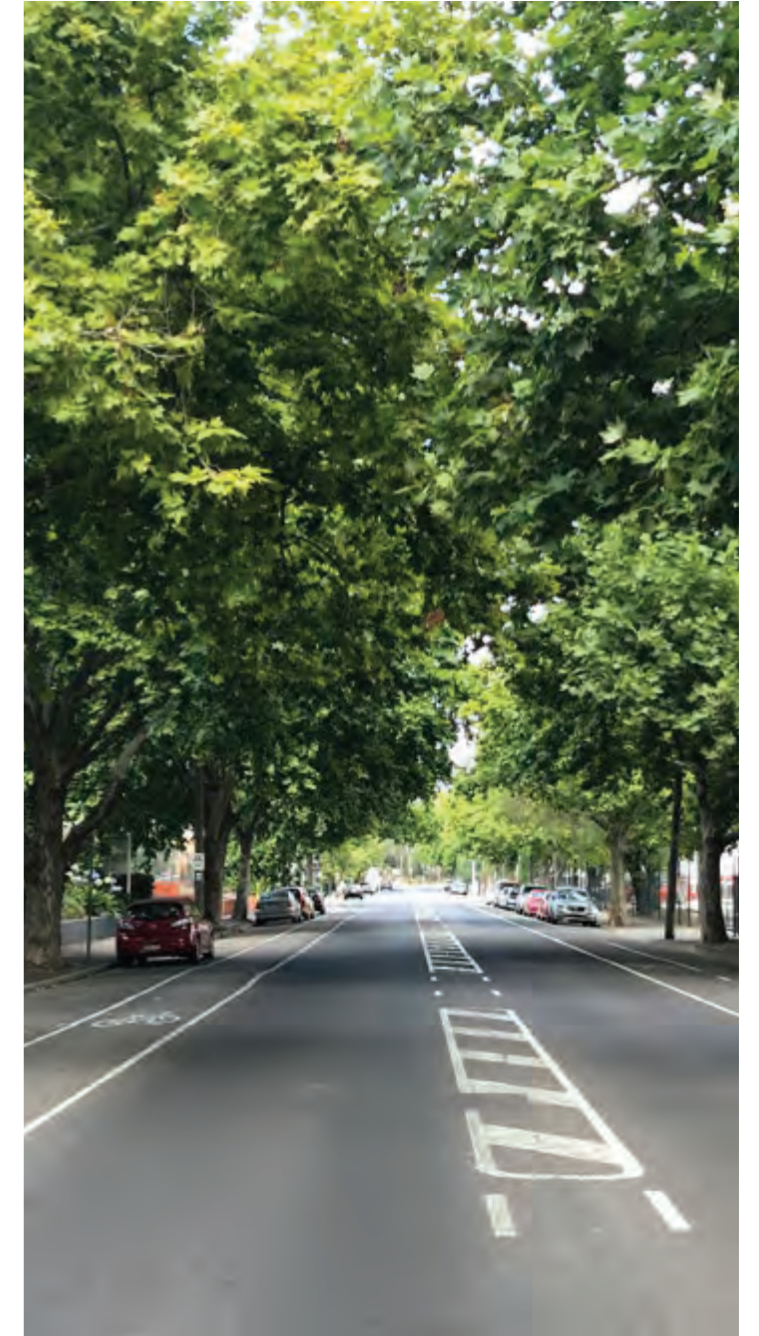
For the hotel and residential (living) components of the development, the project team researched traditional Victorian houses of the area. Deep balconies, screening along these balconies and lintels as well as solid to glass ratio were studied. It is intended for these studies to be a part of the way for which this vibrant heritage can be re-invented in a clean and contemporary way.

A strong inside-out relationship working in conjunction with a light screen and the ability for each unit to have physical and visual access to green will be elements that will continue to be developed in the next stage of architectural design.





# MATERIALITY - PUBLIC REALM



The finishes and materials to be utilised on-site will be durable and of high quality, responding to the sites features and the character of the surrounding local neighbourhood. The materials and finishes will contribute to a cohesive neighbourhood where the built form and public realm are integrated to enhance the experience of future occupants and visitors to the precinct.

The detail of materials and finishes will be resolved through future planning permits.

# 22 SEP 9AM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

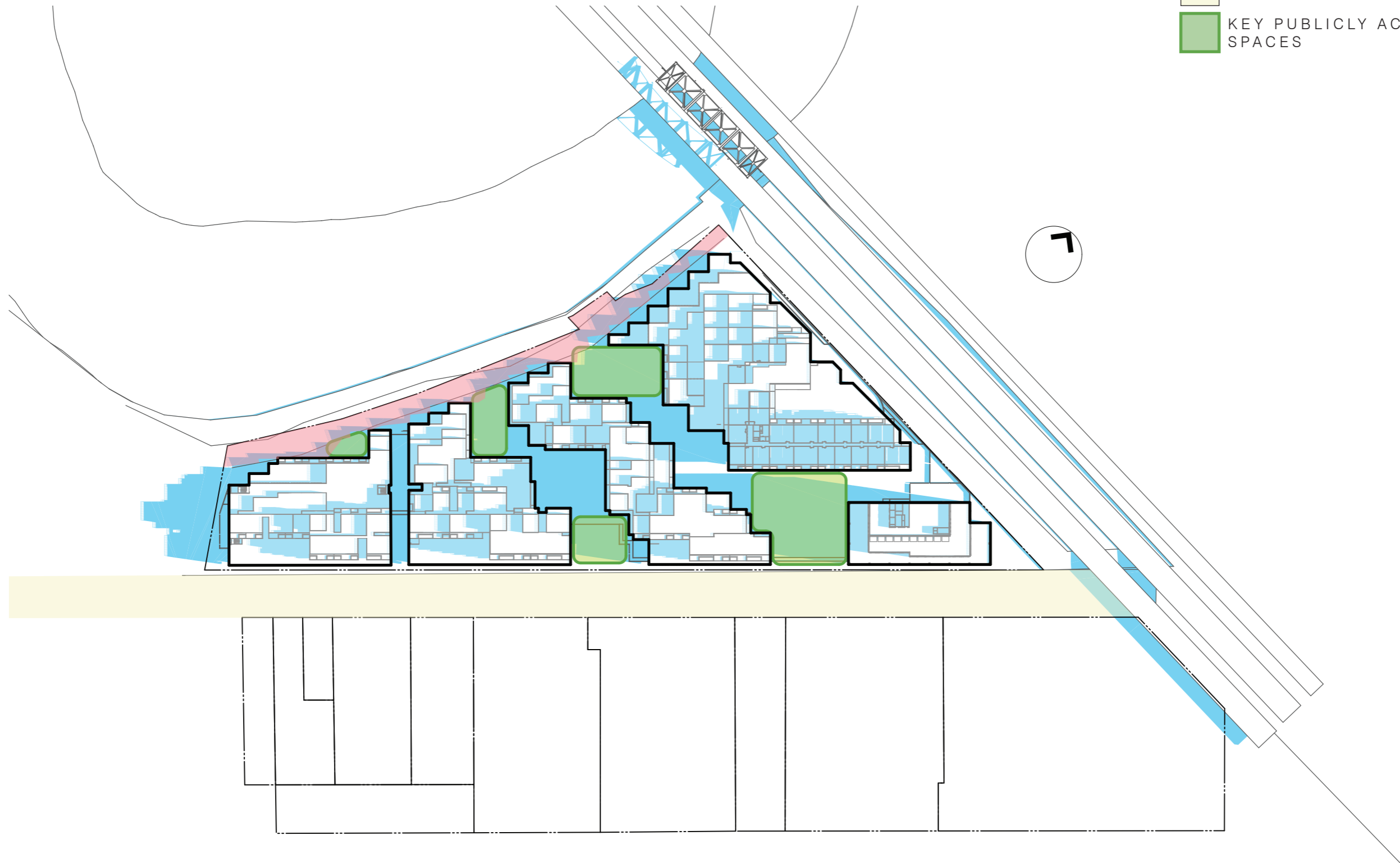


Figure 28.1

# 22 SEP 10AM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

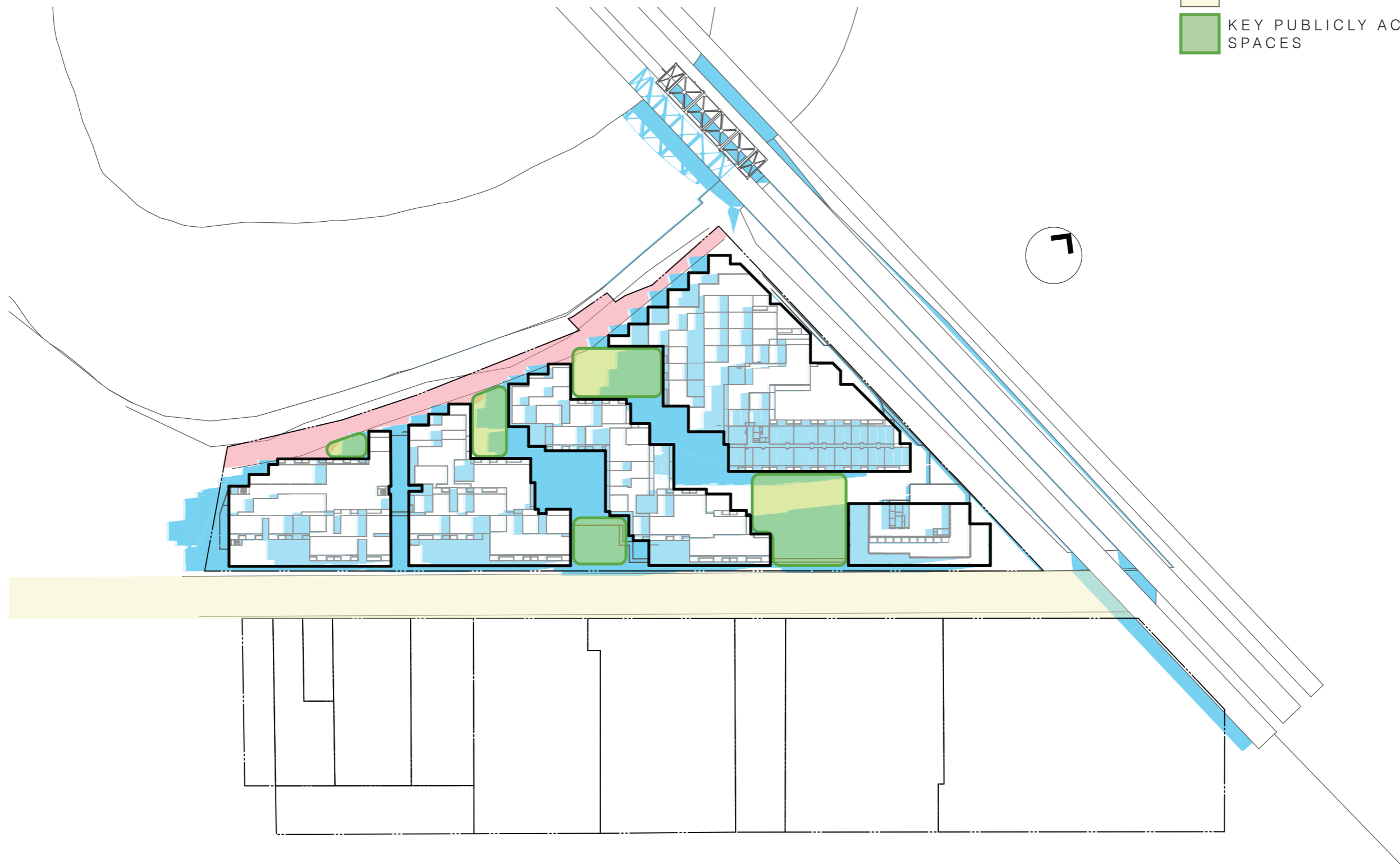


Figure 28.2

# 22 SEP 11AM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

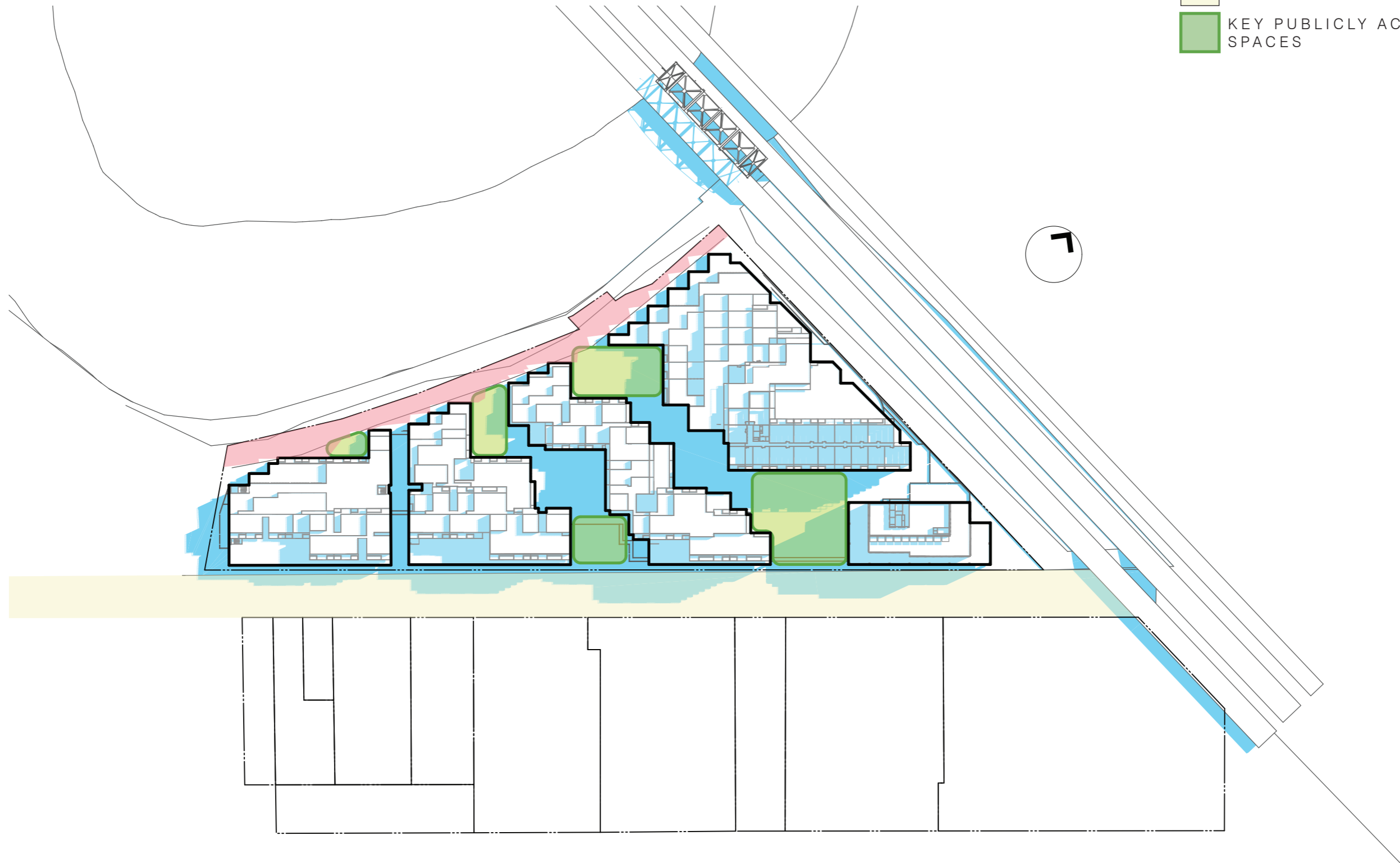


Figure 28.3

# 22 SEP 12PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

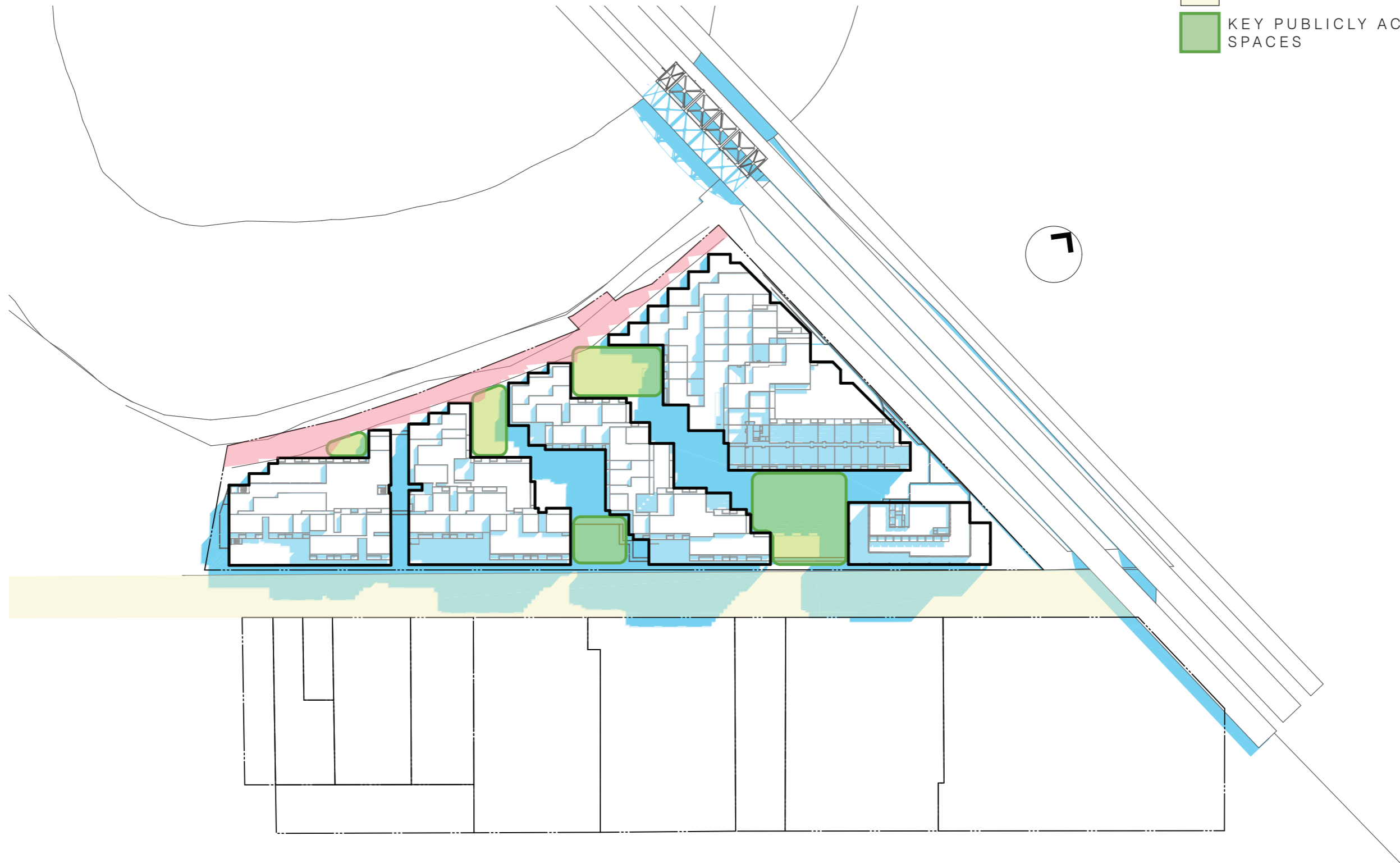


Figure 28.4

# 22 SEP 1PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

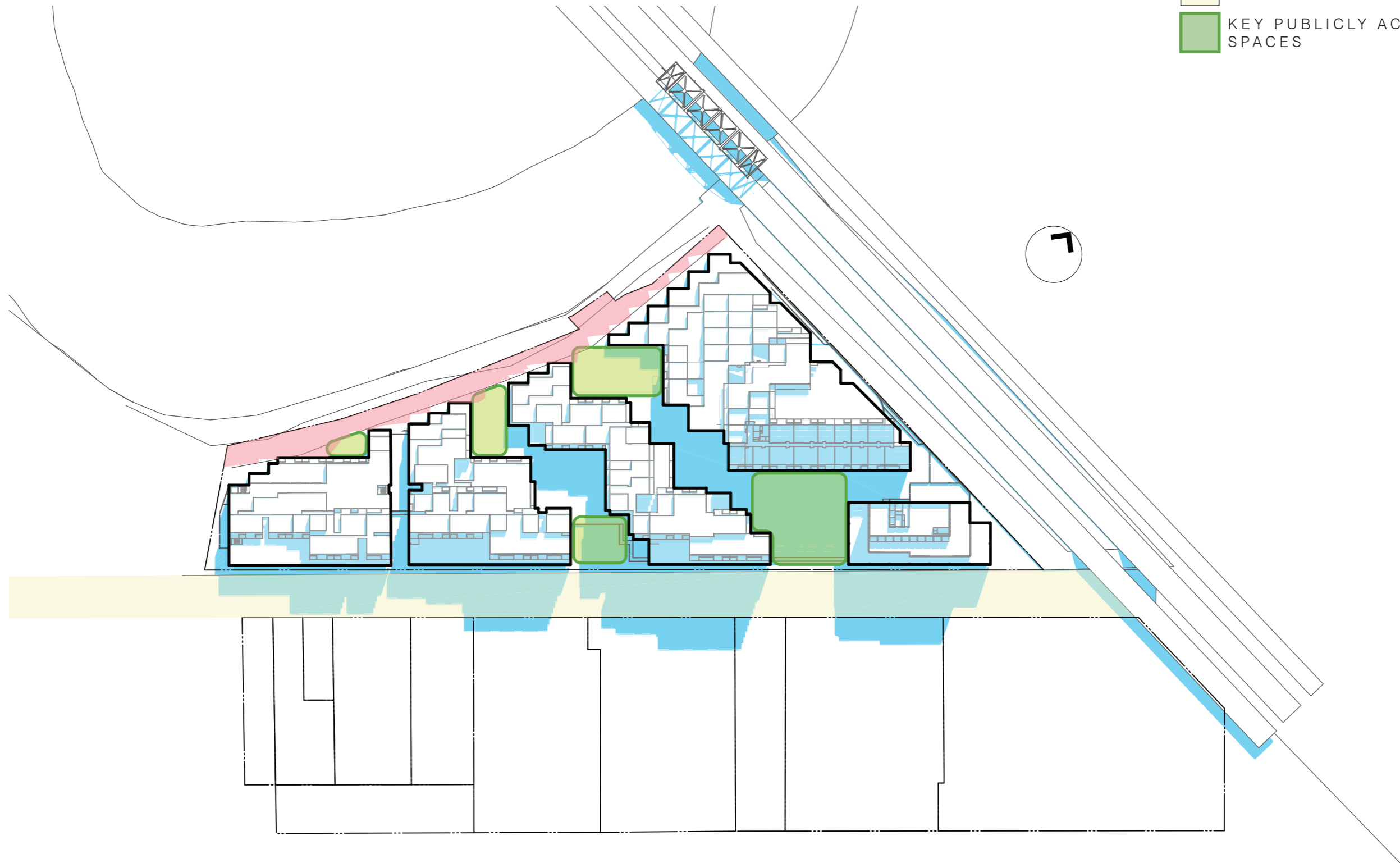


Figure 28.5

# 22 SEP 2PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

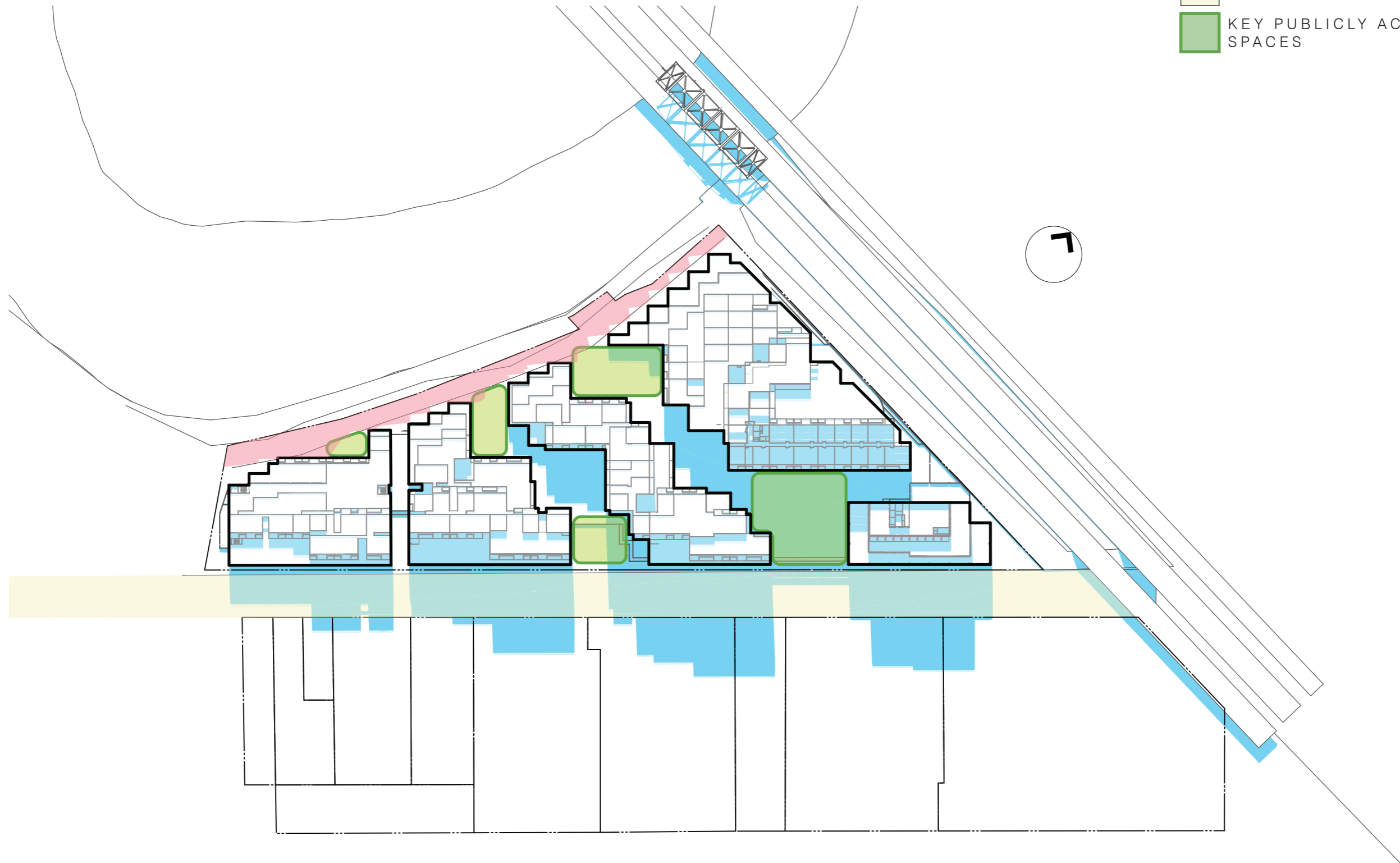


Figure 28.6

# 22 SEP 3PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

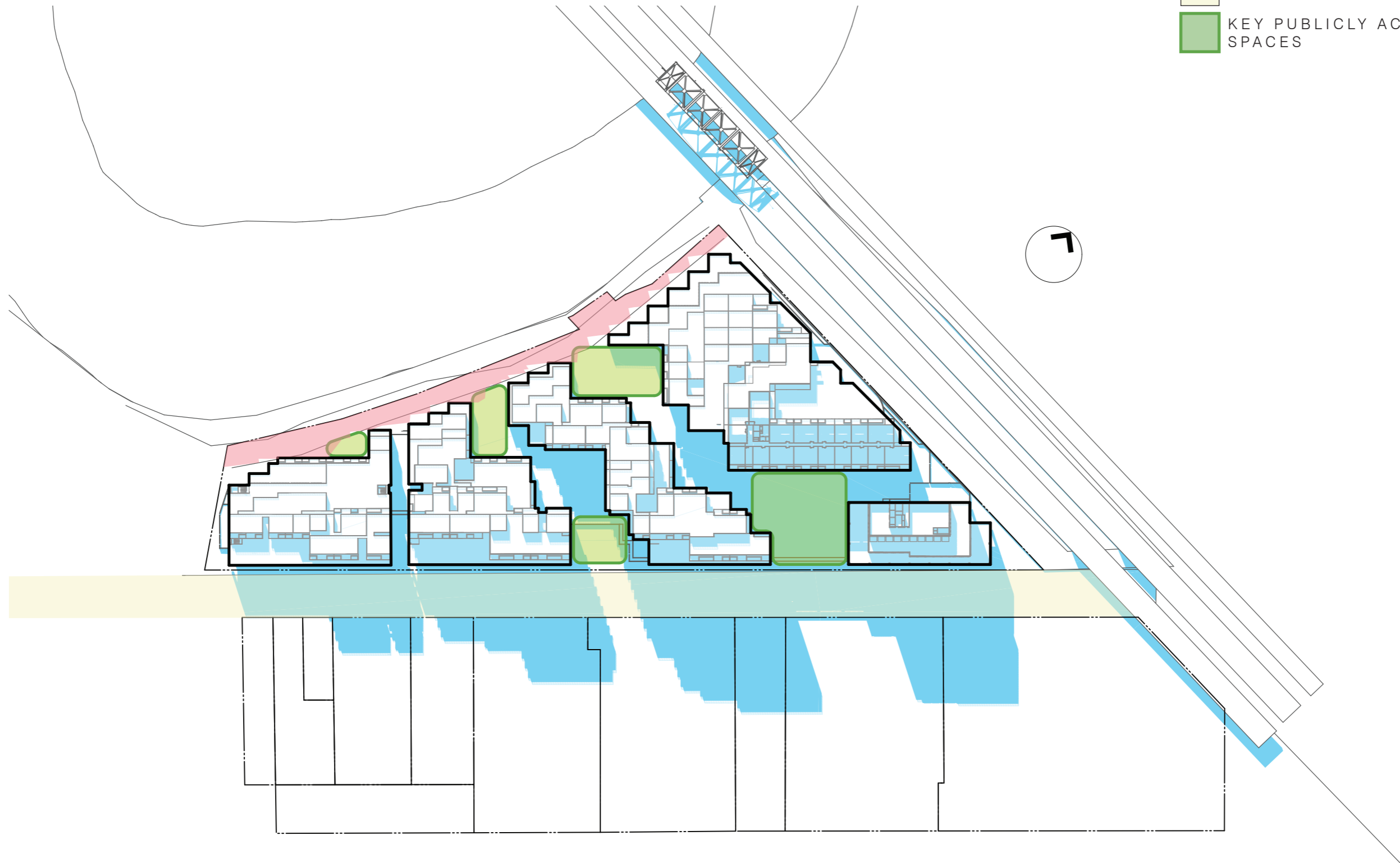


Figure 28.7



# 21 JUNE 11AM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

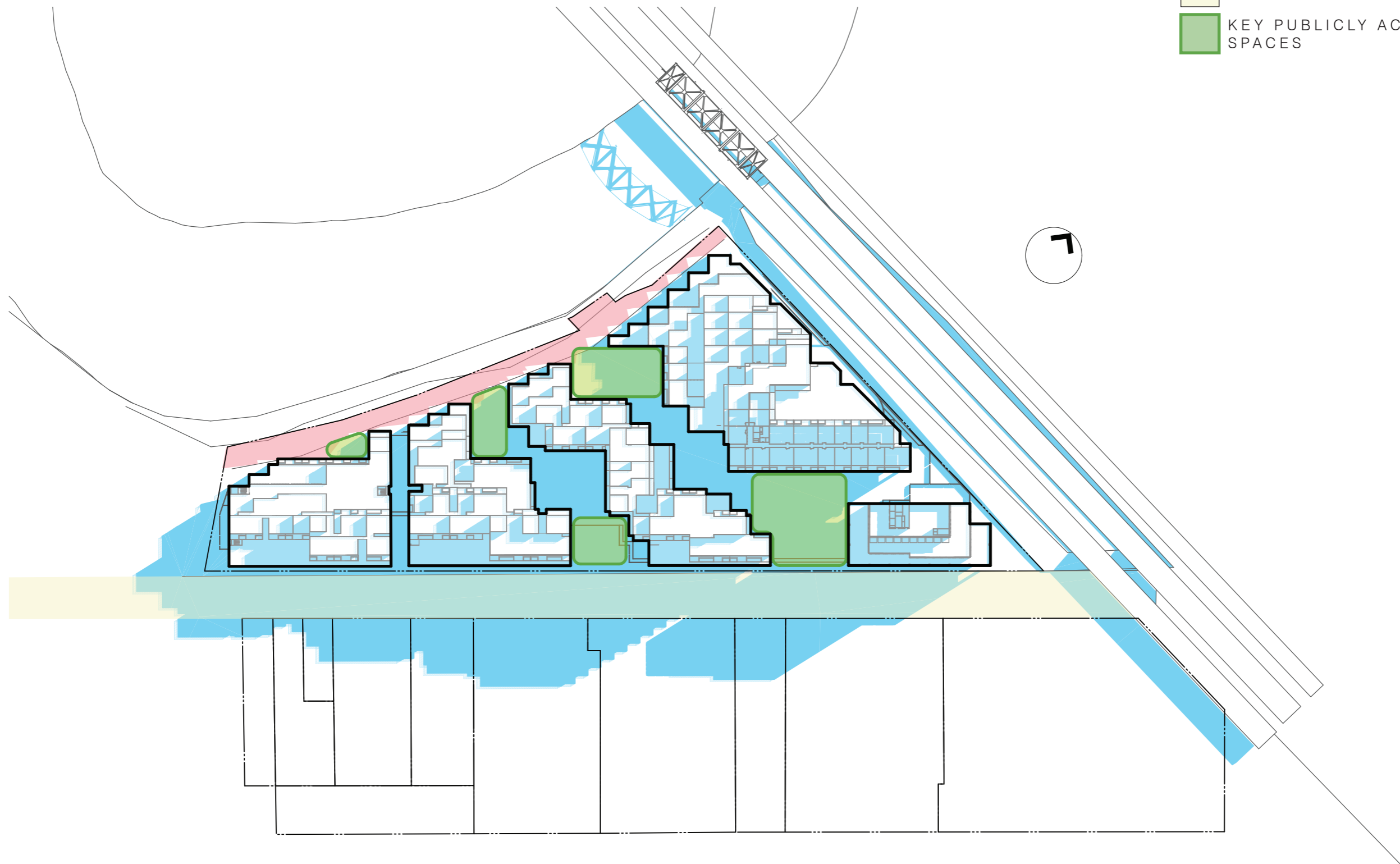


Figure 28.8

# 21 JUNE 12PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

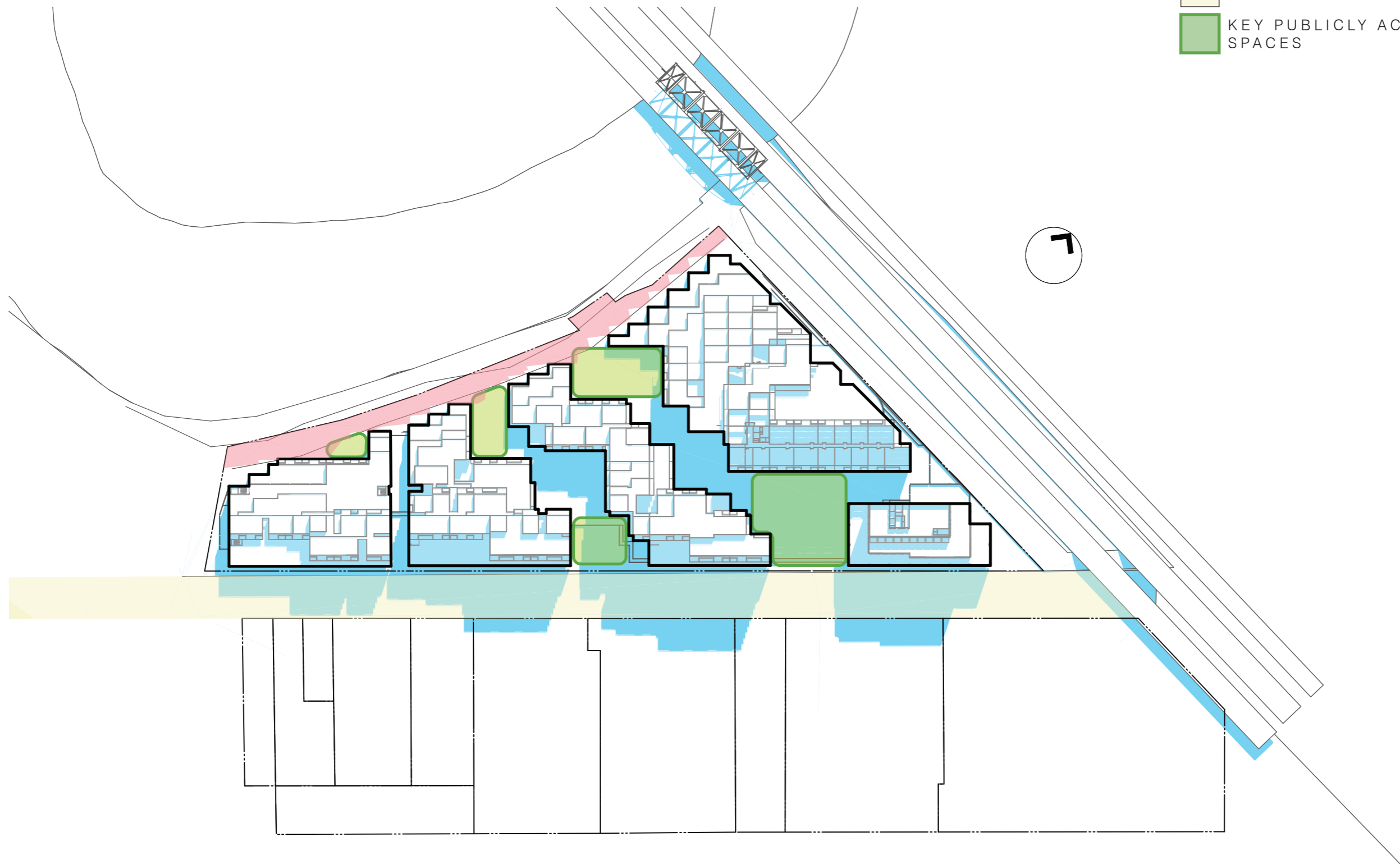


Figure 28.9

# 21 JUNE 1PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

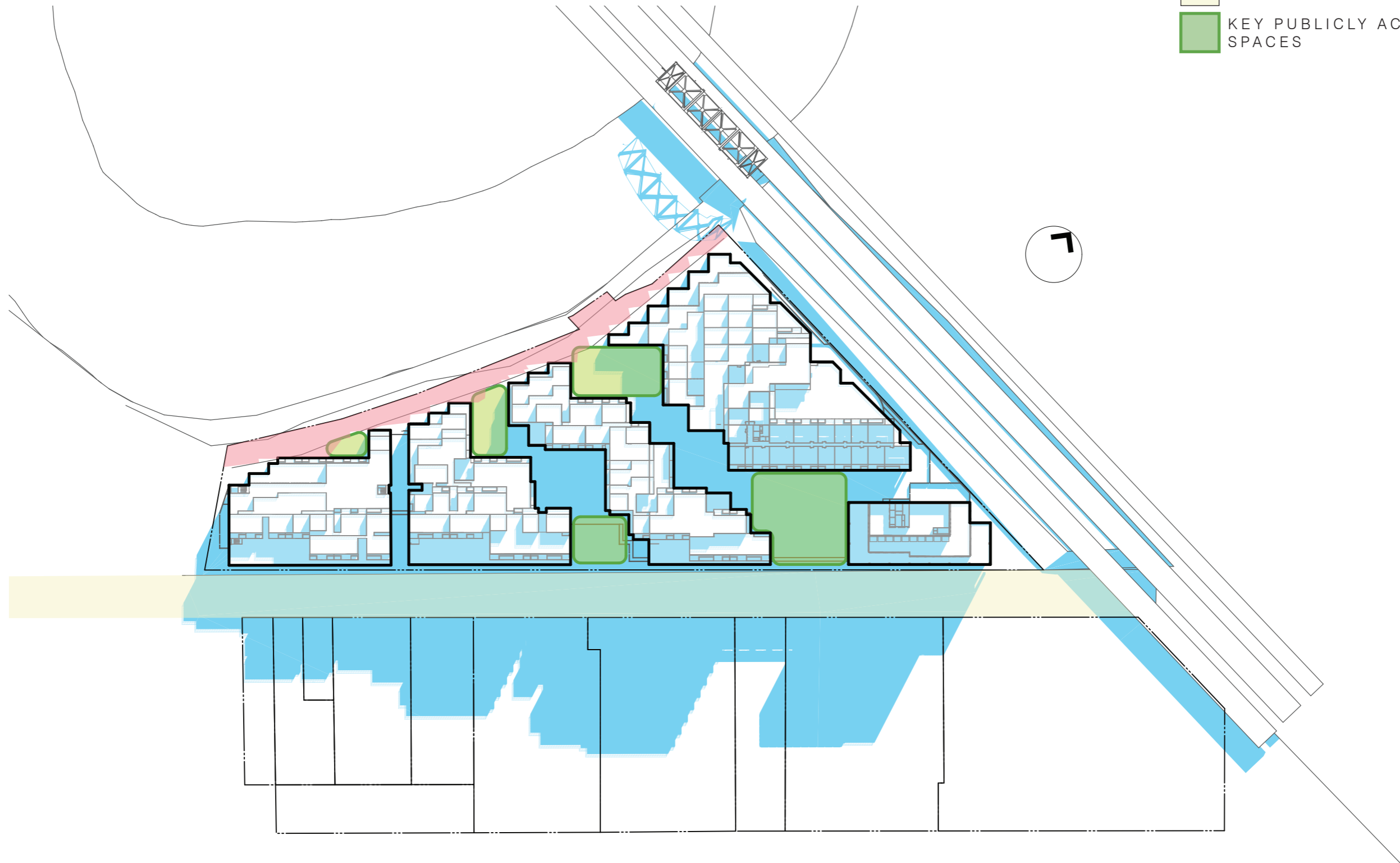


Figure 28.10

# 21 JUNE 2PM SHADOW ANALYSIS: PUBLIC OPEN SPACE + KENSINGTON RD

- PROJECTED SHADOWS
- PUBLIC OPEN SPACE
- KENSINGTON ROAD
- KEY PUBLICLY ACCESSIBLE SPACES

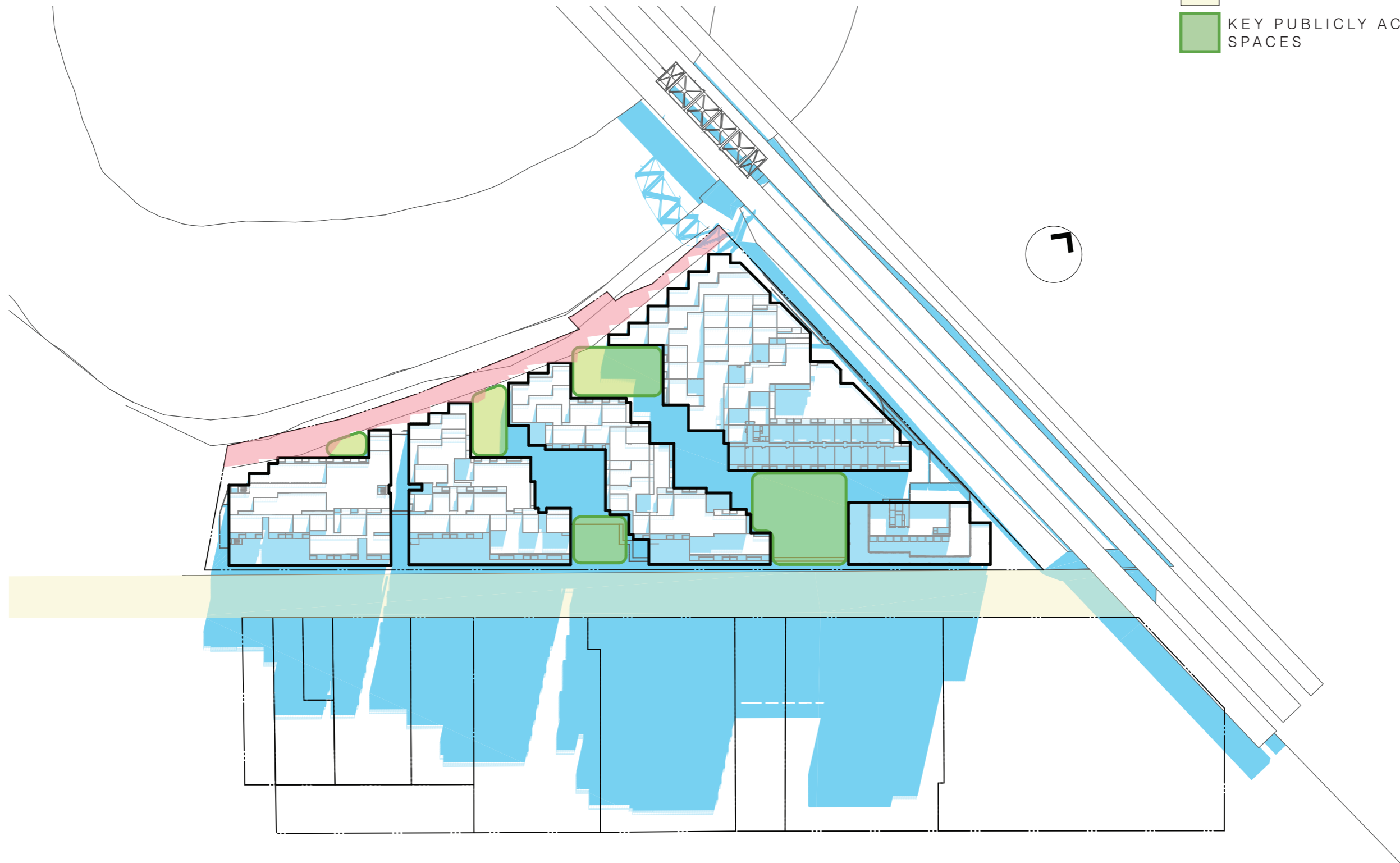


Figure 28.11

# ENVIRONMENTAL CONSIDERATIONS

## Environmental Considerations – Stormwater and Flood Management

The site is currently affected by a Special Building Overlay relating to potential inundation. As a consequence, flood mitigation works are required manage these potential risks. In addition, DPO13 sets out a number of requirements to be met in relation to the management of storm water and flooding.

GHD have prepared a Preliminary Stormwater and Flood Management Plan dated January 2019 in response to the DPO13 requirements. The report sets out the works and measures required to protect the site from inundation. A key outcome is raising part of Kensington Road and ensuring the finished floor level of buildings on the land meets the requirements of the floodplain management authority. The site level changes required to mitigate potential flooding impacts is shown at Figure 6.2 of the development plan. The GHD report accompanies the Development Plan.

## Environmental Considerations – Environmentally Sustainable Design

The development of the site will be undertaken to meet the Platinum standard of the WELL Community Standard. The WELL Community Standard adopts a precinct wide approach to assess the whole of the development against 110 features within 10 key concepts, including:

1. Air
2. Water
3. Nourishment
4. Light
5. Fitness
6. Temperature
7. Sound
8. Materials
9. Mind
10. Community

Key principles of the platinum standard are :

- Protect the health and well-being across all aspects and areas of community life.
- Development is inclusive and integrated, with shared identity and goals, high levels of social interaction and civic engagement.
- Uses resources – natural, human and technological – effectively, equally and responsibly to meet the community's current and future needs and priorities

Indicative initiatives to be incorporated in the development are depicted at Figure 33. Future planning permit applications will also need to respond to other planning scheme requirements to the satisfaction of the responsible authority.

## Environmental Considerations - Infrastructure Analysis

Norman Disney Young have prepared a Services Infrastructure Report dated 24 January 2019. The report confirms the land is currently served by electricity, gas, water, sewer and telecommunications. The report identifies that as a result of the redevelopment, site services will need to be augmented or replaced.

Site infrastructure will be upgraded in accordance with service authority requirements as part of future planning permit applications and, where possible, staged in accordance with the staging diagram at Figure 40.

## Environmental Considerations – Wind

The development plan has been assessed by MEL Consultants against the wind criteria set out in DPO13. The results are included within the Environmental Wind Speed Measurements on a Wind Tunnel Model of the West Melbourne Waterfront Development, West Melbourne report dated January 2019.

MEL Consultants undertook testing in the MEL Consultants 400kW Boundary Layer Wind Tunnel during August, 2018.

The report acknowledges the prevailing north-west wind conditions and notes the Development Plan is able to meet the specified wind criteria. The report identifies that wind mitigation measures may be required in proximity to the northern boundary and these will be incorporated (if required) during the planning permit application stage.

The Environmental Wind Speed Measurements on a Wind Tunnel Model of the West Melbourne Waterfront Development, West Melbourne report dated January 2019 accompanies the development plan.

## Environmental Considerations – (Acoustic and Vibration and Industrial Residual Air Emissions)

The development plan has been assessed by Arup against the requirements of DPO13 having regard to the implications of existing noise and vibration generating use and development. In particular, the report identifies the railway line to the north as an emitter of noise.

The West Melbourne Waterfront –Rail Noise Impact Review report dated 25 January 2019 acknowledges that development in proximity to the railway line will need to be designed to manage acoustic implications, particularly at the lower levels. Development in proximity to the railway line may also assist in mitigating potential noise emissions from the railway line to other parts of the WMW land.

The report concludes that based on noise measurement surveys and preliminary noise modelling results, it has been shown that the WMW site can be protected from transportation noise by appropriate layout design and use of acoustic and architectural design and building materials. The use of such methods will control transportation noise inside the building. The form of the buildings is expected to provide adequate acoustic amenity within open areas of the development. The detailed design of acoustic attenuation measures will be resolved through future planning permit applications. The Arup report accompanies the Development Plan.

The development plan has been assessed by GHD in relation to potential industrial residential air emissions. The Buffer Constraints Assessment dated 2016 and updated advice dated April 2018 prepared by GHD identifies and reviews nearby commercial uses, including:

- Melbourne Seafood Centre (MSC) at 133 Kensington Road
- Tasmanian Pacific Oyster Company (TPOC) at 209 Kensington Road
- Holcim – Concrete Batching Plant at 8 – 22 Sims Street
- Citywide – Waste transfer Station & Resource Recovery Centre at 437 Dynon Road, West Melbourne
- BINGO - materials recycling facility at 372-374 Dynon Road, West Melbourne.

The conclusion of the assessments undertaken is that GHD considers that there are no industries in the vicinity that provide a constraint on the proposed mixed use development at WMW. The GHD assessment and supplementary advice accompanies the Development Plan.

# ENVIRONMENTAL OVERVIEW

## NEIGHBOURHOOD ASPIRATIONS



Green Star Community  
Green Star Office  
Green Star Residential



WELL Community  
WELL Office  
WELL Residential

\*INDICATIVE ONLY

Figure 33.

# AUTHORITY CONSIDERATIONS

The following authority requirements are based on a preliminary assessment of the Development Plan by Melbourne Water and VicTrack, and future planning permit applications will need to respond to contemporary requirements based on the detailed assessment at the time.

## MELBOURNE WATER:

1. Detailed development/construction plans will be required for formal approval by Melbourne Water before works proceed.
2. Finished floor levels for all buildings to be set 600mm above the applicable flood levels to Australian Height datum (AHD).
3. Floor levels for public use areas are shown as 3.80m to 4.15m AHD to be maintained.
4. Car parking areas, providing building walls are suitably flood proof and entry/exist points are set 600 mm above flood level.
5. Prior to the commencement of works, a Developer Services Scheme (DSS), requiring developers to contribute to works has been implemented and is at a preliminary stage. The developers of "The Waterfront" will need to enter into an agreement with Melbourne Water to be part of this scheme.
6. The complete package of drainage works under the Developer Services Scheme (DSS) will need to be implemented before flood protection will be complete. This involves all sites within the scheme filling above flood level, raised road sections in Hobsons Road and Kensington Road that have to be VicRoads compliant, some linking flood walls, and a pump and pipe to serve the local catchment in case the river level is up during a local rainfall event. "The Waterfront" developer will need to fill all of the site in accordance with design plans, and construct the raised section of Kensington Road, a pipeline through the property and a pump station in Kensington Road.
  - a, Detailed plans will be required for formal approval before works proceed.
  - b, The raised section of road, the pipeline and pump station will need to be constructed under a works offer with Melbourne Water.
7. Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
8. The 30m River setback associated with the Maribyrnong River Waterfront shows a number of pathways and activated spaces within the corridor.
9. Prior to any works occurring, landscape plans must be submitted to Melbourne Water for approval. These plans must illustrate:
  - a, Any existing vegetation to be retained and/or removed, this includes trees.
  - b, The location of assets in relation to the proposed landscaping; including any easements.
  - c, A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre); planting zones/locations (in plan and crosssection form in colour).
  - d, A clearly outlined maintenance schedule.
10. Any Storm Water Quality Treatment Systems are to be located outside the 30m River Corridor as SWQTS within the setback will reduce the amount of palatable land appropriate for indigenous revegetation, native habitat and the corridor's "natural" character.
11. Plans that illustrate in clear detail the number of stormwater connections required for the proposed development shown in both aerial and cross sectional view and the locations of all clearly designated legal points of discharge of the development advised by and endorsed by Melbourne City Council.
12. Prior to any works taking place, a Site Environmental Management Plan (SEMP) or equivalent must be developed and implemented to ensure that waterway values are protected during the construction process. At a minimum this must include sediment controls to avoid direct or indirect sediment discharge to the waterway and surrounding wetlands.
13. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

## VICTRACK

1. The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack or the Rail Operator. Fencing of railway land must be a minimum of 1.8 metres high chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.
2. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land.
3. All structures including temporary structures, are to maintain clearances required from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D).
4. Boundary wall / fence must be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned / removed as soon as practicable to the satisfaction of the Rail Operator. Costs involved in clean up/ removal of graffiti and associated cost of permit/s for entry to VicTrack land will be borne by the developer or body corporate of the land.
5. The permit holder must not, at any time: a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or b. store or deposit any waste, soil or other materials on the railway land.
6. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
7. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
8. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
9. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
10. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
11. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact VicTrack to obtain VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.

# BUILT FORM OUTCOMES

Clause 2.0 of DPO13 sets out requirements and conditions for future planning permit applications.

Included within Clause 2.0 is the need for future applications to respond with the built form outcomes and requirements of Table 1 to DPO13.

The Development Plan has been prepared in accordance with the requirements and outcomes of the table.

A copy of Table 1 to DPO13 is reproduced below.

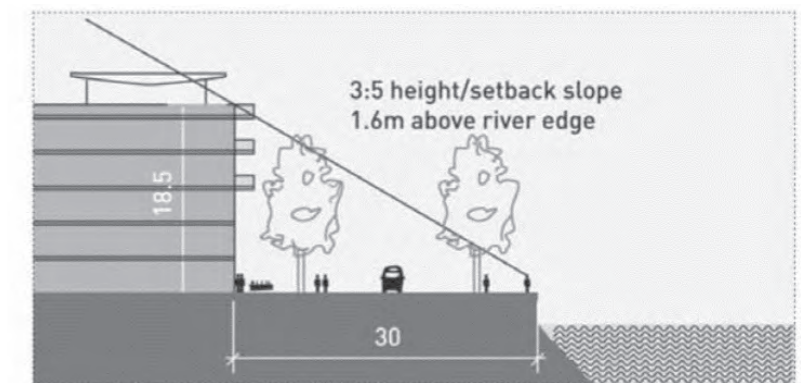
Table 1 - Built Form Requirements

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
Setback of all built form from Kensington Road site boundary	2 metres minimum		The area set aside is to be transferred to the council to be included in the road reserve, and a footpath is to be constructed within the 2 m at the expense of the developer so as to facilitate pedestrian movements along Kensington Road.
Height of street wall on Kensington Road	Maximum of 6 storeys in height and minimum of 3 storeys in height		A diverse street wall height (i.e. varied in height) which does not dominate the pedestrian experience along Kensington Road and ensures satisfactory levels of sunlight along Kensington Road.  To create a human scale experience along Kensington Road.
Height and setbacks of built form above the maximum street wall height on Kensington Road		Above the street wall, upper levels should be set back generally within a 45 degree angle from the street wall.	To minimise the impact of upper levels on the pedestrian experience.
Setback of built form from the top of the Maribyrnong riverbank	15 metres minimum setback and 25 m average setback.		To respond to the <i>Maribyrnong River Design Guidelines 2010</i> .
Height and setback of built form from the top of the Maribyrnong riverbank, measured at	A ratio of 3:5 (height to setback) in accordance with the		To respond to the <i>Maribyrnong River Design Guidelines 2010</i> .  To ensure that built form does not visually dominate the waterfront.

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
eye height (1.6 metres from natural ground level)	Maribyrnong River Valley Design Guidelines 2010 (refer Figure 2 of this schedule)		
Spacing between buildings		Minimum separation of buildings within the site:  Buildings up to 13.5 metres in height – 12 metres between buildings.  Buildings up to 25 metres in height - 12 metres separation for the first 13.5 metres of height and 18 metres separation for the part of the building that is between 13.5 to 25 metres in height.  Buildings over 25 metres in height – 12 metres separation for the first 13.5 metres of height, 18 metres separation for the part of the building that is between 13.5 to 25 metres in height and 24 metres separation for the part of the building over 25 metres in height.  The separation is measured from glazing line to glazing line to the open edge of a balcony.  The main building structure (including walls, balconies and other building appurtenances) should not encroach into the setback.	To provide for high levels of amenity within buildings and sunlight to internal streets.  Building massing should ensure internal links within the site are comfortable for pedestrians
Maximum street wall height of all built form from internal streets and laneways		4 storeys	To provide for high levels of amenity within buildings and along the street network within the site.  Building massing should ensure internal links within the site are high quality streets that comfortable for pedestrians.
Overall building height (excluding plant and equipment and architectural features)	14 storeys maximum building height	10 storeys preferred height	Height up to 14 storeys may be permitted, if:  - The ratio of 3:5 (height to setback) continues to be met; and  - No additional shadow is cast, beyond that which would be cast by 10 storeys, over the Maribyrnong River, public open space, the internal street network or the footpath on Kensington Road between 11am-2pm on 22 September; and

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
			- 15% of the gross floor area above 10 storeys is shown as set aside within the building or in another part of the development for affordable housing
Public connections (pedestrian or pedestrian/vehicle) between Kensington Road and the Maribyrnong River front.	Minimum of 3 public connections		Provide public access to the river front.  Provide pedestrian permeability through the development and to the river.
Maximum height of ground floor above the finished level of the an abutting street		1.2 metres	To encourage a connection between the street and the uses abutting the street.
Setback from the northern title boundary			Activation of the interface with the railway line to provide a safe and attractive environment and to utilise the site's northern orientation while responding to the acoustic and vibration impacts of the railway line.
Car parking visible from the public realm		Not more than 20% of the length of frontages at ground level or the first five levels of the building.	Ensure a high quality public realm and activation of the street network.

Figure 2 to Table 1 – Height to setback ration calculation



Source: Maribyrnong River Valley Design Guidelines



# INDICATIVE VIEWS

## Views - to the site

Due to the site's position at an 'elbow' in the Maribyrnong River, long views of the development will be available from the west. Views to the site from Newell's Paddock and the Buddhist Temple on the opposite side of the river are illustrated on Figures 38-39.

The development presents a high quality insertion to the skyline of this part of West Melbourne.

The massing of the proposal terraces away from the river, ensuring a human scale at the water's edge.

Consistent with DPO13 a consistent street wall is proposed to Kensington Road that establishes the preferred character for the future renewal of land on the east side of Kensington Road as part of the Dynon urban renewal area. Above the street wall, a range of setbacks and building heights can be pursued within the building envelope while ensuring the opposite side of Kensington Road will not receive additional shadow in accordance with requirements of Table 1 to DPO13.

## Views – within the site

Within the site, built form presentation is of a mixed nature. Contrasting the strong and consistent built form experience along Kensington Road, the setback requirements of the Maribyrnong River Valley Design Guidelines 2010 and DPO13 assist in establishing a built form typology that erodes away as you get closer to the river. This approach ensures built form does not visually dominate the waterfront.

This also enables a series of spaces to be created (as articulated in the Public Realm Plan) that are of human scale and encourage users to explore the precinct and engage with the various uses that activate the spaces.

The building envelopes have been established to provide appropriate separation for a range of uses.



Figure 34.





Figure 35.

\*INDICATIVE ONLY



Figure 35.

\*INDICATIVE ONLY



Figure 36.

\*INDICATIVE ONLY



Figure 37.

\*INDICATIVE ONLY

VIEW FROM NEWELLS PADDOCK

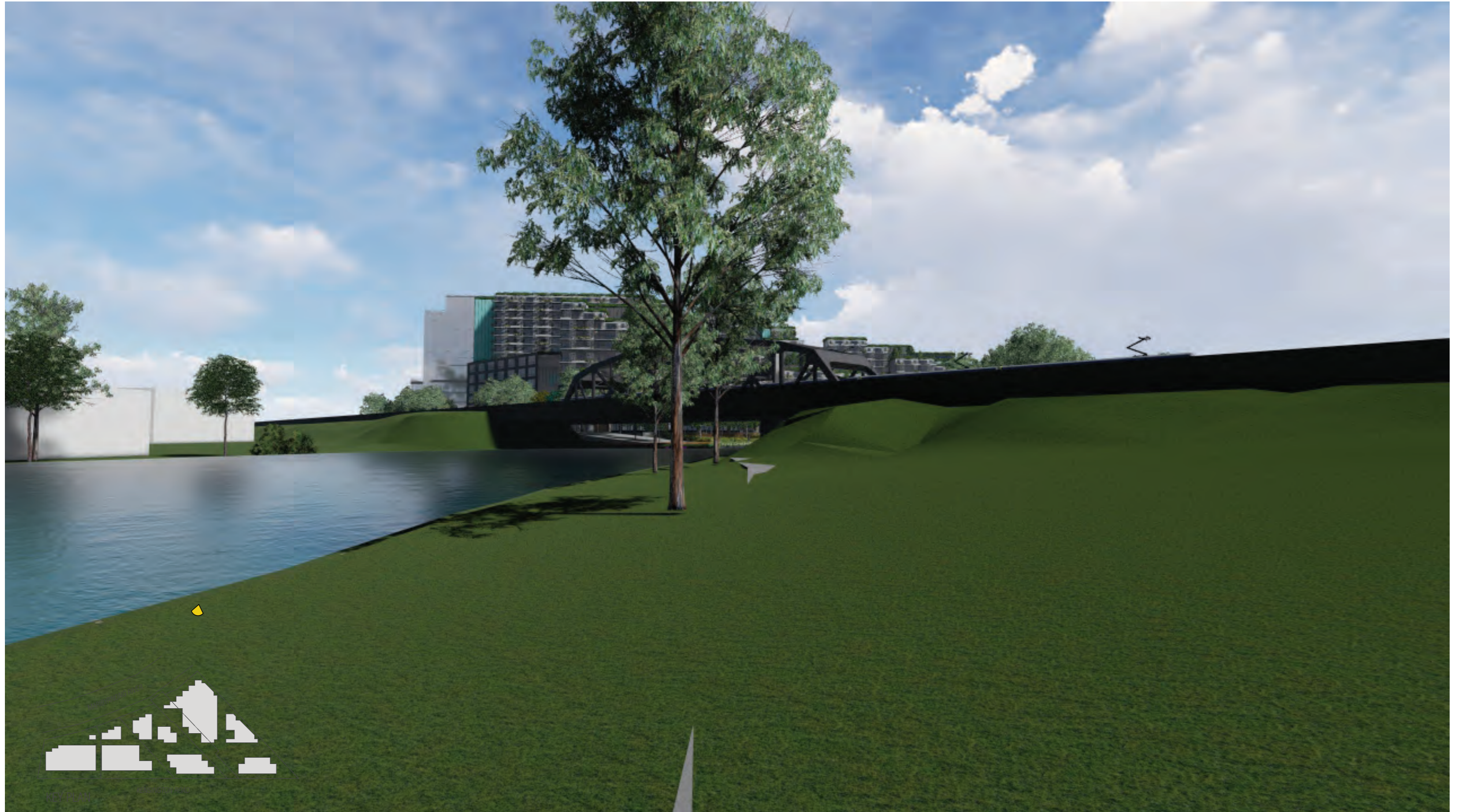


Figure 38.

\*INDICATIVE ONLY

VIEW FROM BUDDHIST TEMPLE



Figure 39.

\*INDICATIVE ONLY

# STAGING

The sequencing of the development will generally accord with the Staging Diagram at figure 40. Stage 1 incorporated major retail, accommodation and employment generating uses as well as the delivery of a key connection to the Maribyrnong River. The main vehicle connection, signalised intersection and service vehicle access to Kensington Road will also be delivered as part of Stage 1.

Stage 2 is proposed to provide a mix of uses while providing a new civic square at the waterfront. Stage 2 includes the continuation of the 'loop road' as a north south link.

Stages 3 and 4 are proposed to provide additional connections to the Maribyrnong River that include pedestrians and cycle movements.

Employment generating uses are encouraged fronting Kensington Road, while the riverfront is proposed to incorporate predominantly residential land use above ground floor level with views across the riverfront public open space reserve.

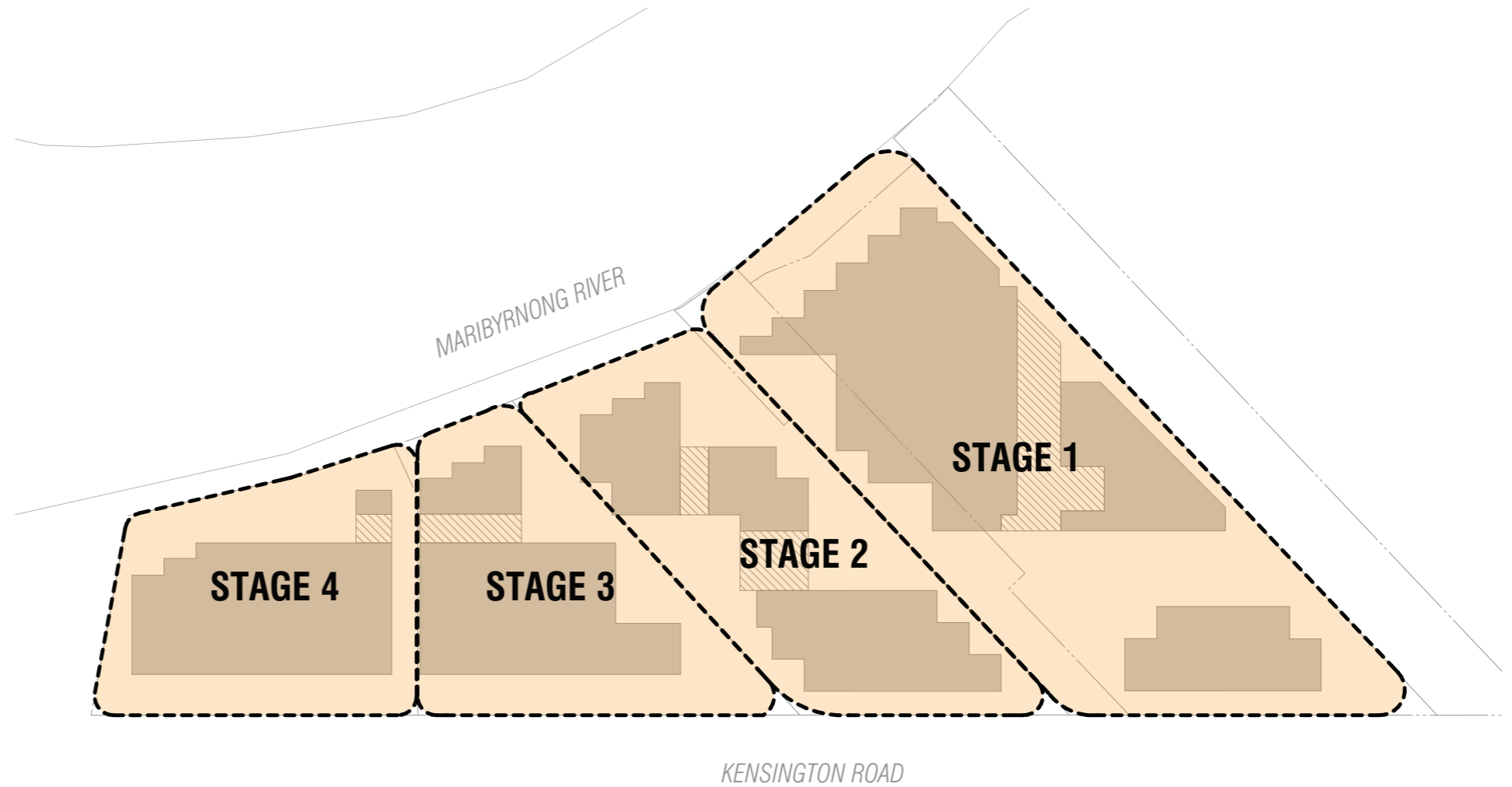


Figure 40.

\*INDICATIVE ONLY





## DELEGATE REPORT

### APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN

<b>City of Melbourne Application no.:</b>	<b>TP-2019-246</b>
<b>Applicant:</b>	WMW Developments Pty Ltd
<b>Owner/Address</b>	Scalzo Kensington Ptd Ltd <ul style="list-style-type: none"> <li>▪ 156-174 Kensington Road, West Melbourne</li> </ul> SIR Plastics Pty Ltd <ul style="list-style-type: none"> <li>▪ 176-178 Kensington Road, West Melbourne</li> </ul> Falvo Investments Pty Ltd <ul style="list-style-type: none"> <li>▪ 180-194 Kensington Road, West Melbourne</li> </ul> Quanstruct Developments Australia PL. <ul style="list-style-type: none"> <li>▪ 196-214 Kensington Road, West Melbourne</li> <li>▪ 216-232 Kensington Road, West Melbourne</li> </ul>
<b>Architect:</b>	Foster + Partners and Fender Katsalidis
<b>Proposal summary:</b>	Application for the approval of a Development Plan: West Melbourne Waterfront site at 156-232 Kensington Road, West Melbourne, to facilitate the future development of the land for a mixed use precinct.
<b>Date received by City of Melbourne:</b>	Original Application: 1 March 2019
<b>City of Melbourne Status</b>	Responsible Authority
<b>Responsible officer:</b>	Colin Charman, Principal Urban Planner

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Subject Site

Application TP-2019-246, including a suite of material which together comprises the proposed Development Plan<sup>1</sup> for the West Melbourne Waterfront (WMW), relates to the land at 156-232 Kensington Road, West Melbourne, comprising the following parcels:

- 156-174 Kensington Road, West Melbourne, being Lot 1 on Title Plan 568898M, occupied by Scalzo Food Industries, and improved with an expansive two-storey factory with landscaping and carparking within the site frontage.
- 176-178 Kensington Road, West Melbourne, being Lot 1 on Title Plan 582035S, occupied by Cue BR Plastics Pty Ltd, and improved with an elongated single-storey barn like warehouse, with car parking within the site frontage.
- 180-194 Kensington Road, West Melbourne, being Lot 1 on Title Plan 842004H, occupied by Kensington Road Self Storage, and improved with a complex of industrial buildings, including a two-storey brick factory built to the site frontage.

<sup>1</sup>Hereafter where the capitalised term 'Development Plan' is used, this refers to all 'assessed' material submitted to accompany Application TP-2019-246, listed in Section 4.1 of this report.

- 196-214 Kensington Road, West Melbourne, being Lot 2 on Plan of Subdivision 724275W, an open, gravel surfaced lot currently used for the storage of vehicles and equipment enclosed by a cyclone mesh fence.
- 216-232 Kensington Road, West Melbourne, being Lot 1 on Plan of Subdivision 724275W, occupied by City West Water's West Melbourne Depot, and improved with a single-storey contemporary storage building, with the remainder of the site surfaced in concrete and used for car parking and the storage of equipment.

The above parcels of land combine to form an irregular wedge-shaped site at 156-232 Kensington Road, West Melbourne, which can broadly be characterised as a de-vegetated industrial property, bound by:

- To the north, a narrow parcel of land owned (Lot 1 on Title Plan TP946846) by VicTrack, adjacent to the Regional Rail Link and Western Line (extending west from South Kensington Station).
- To the south, 234-240 Kensington Road, West Melbourne, an open lot with a central administrative demountable building, currently used for the storage and scale of bricks.
- To the east, Kensington Road.
- To the west, the Maribyrnong River, and the Maribyrnong River bike trail (a narrow escarpment with a paved bicycle path separating the river's edge from the rear boundary of each property).

Relevant details regarding the existing conditions and dimensions of the subject site are provided below.

<b>Table: Subject Site Details / Dimensions</b>	
<b>Street Frontage:</b>	375 metres to Kensington Road (east), a 20 metre wide dual carriageway road. Reserves on either side of the carriageway are occupied by several mature London Plane Trees. Five existing vehicle crossings are located to the site's Kensington Road frontage.
<b>Site Depth:</b>	210 metres (maximum), 54 metres (minimum)
<b>Site Area:</b>	3.15ha (31,500m <sup>2</sup> )
<b>Topography:</b>	The slope of the land falls by approximately 0.5 metres (west to east).
<b>Heritage Status:</b>	The subject site is not affected by a Heritage Overlay.

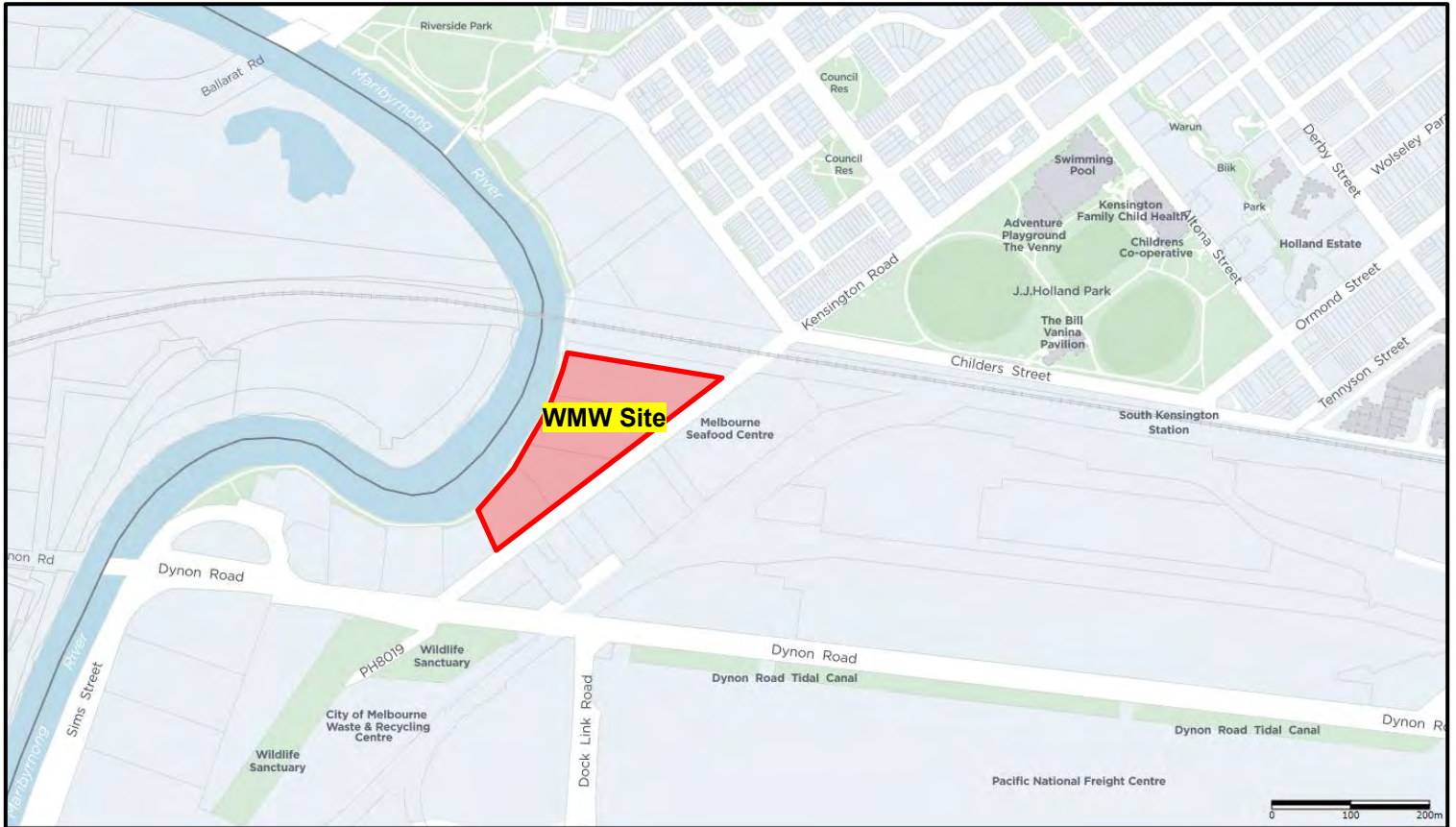
1.1.1 Aerial view of WMW site (facing north-west toward Flemington Racecourse)



1.1.2 Aerial view of WMW site (facing south-east toward CBD)



1.1.3 CoMPASS base plan of WMW site and immediate surrounding cadastre



1.1.4 CoMPASS aerial photograph (captured: 17 February 2020)



1.1.5 Photograph of Kensington Road Streetscape (facing north-east toward the rail bridge)



1.1.6 Photograph of Kensington Road Streetscape (facing south-west toward Dynon Road)



## 1.2 Strategic location in Dynon

Clause 21.15-1 Dynon (Potential Urban Renewal Areas), of the Municipal Strategic Statement identifies Dynon as being an area mainly accommodated by freight and other industrial activities, with potential for the renewal of its northern section.

Clause 21.15 -1 sets out the following local area strategies of relevance to the Development Plan proposed under Application TP-2019-246:

### Economic development

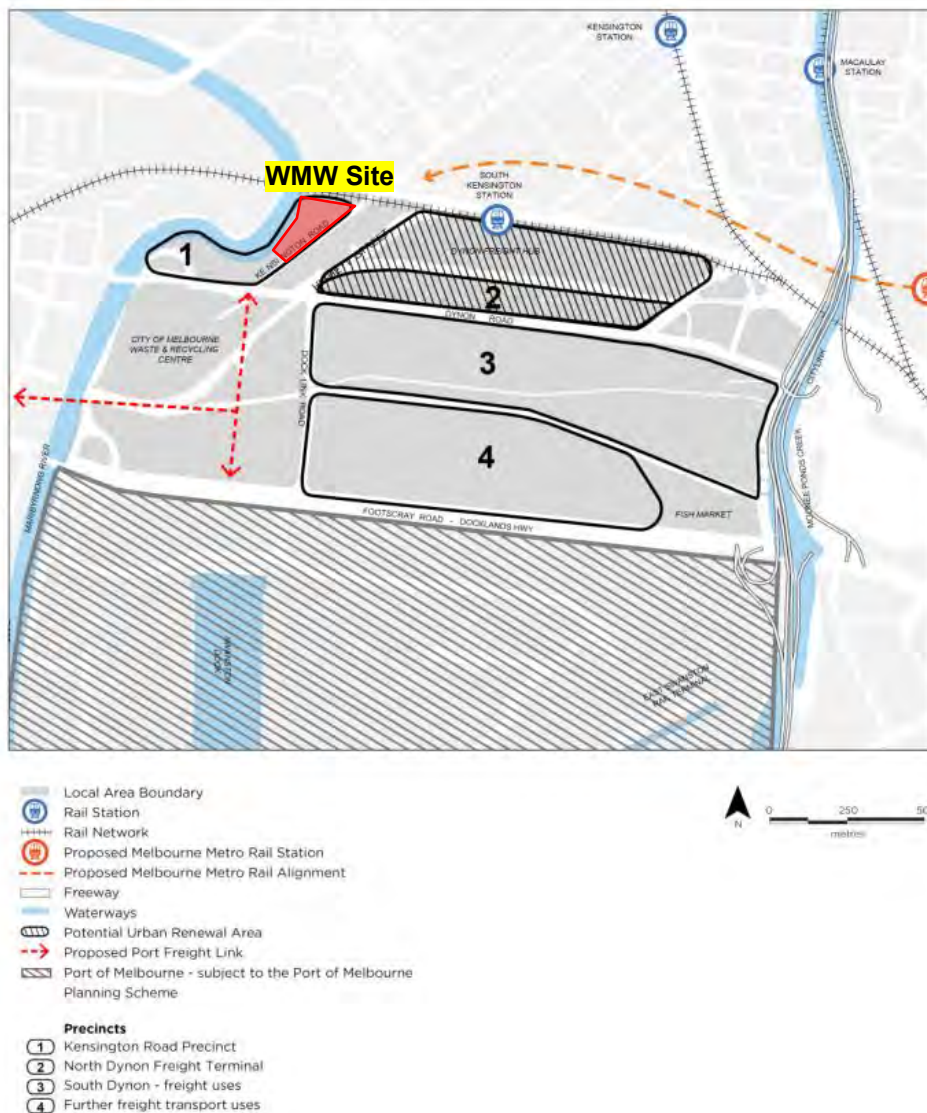
- Support advanced manufacturing, service industries, and port/rail use compatible with the Port of Melbourne and nearby manufacturing, freight and transport logistics industries along the Maribyrnong River while ensuring that the amenity of the river is enhanced.

### Built Environment

- Ensure new development along the Maribyrnong River and Moonee Ponds Creek enhances the recreational and environmental amenity of these waterway corridors and has appropriate setbacks.
- Enhance open space and recreational opportunities along the Maribyrnong River and Moonee Ponds creek.

#### 1.2.1 Map identifying location of WMW Site in Dynon local area plan (Cl.21.15-1)

Figure 13: Dynon



### 1.3 Restrictions / Easements

The Certificates of Title listed below, which together comprise the WMW site, are both burdened by restrictive covenants and encumbered by various easements:

- Lot 1 on Title Plan 568898Z
- Lot 1 on Title Plan 582035S
- Lot 1 on Title Plan 842004H
- Lot 2 on Plan of Subdivision 724275W
- Lot 1 on Plan of Subdivision 724275W

As part of the assessment of any future application for a planning permit for the site, these easements and restrictive covenants will need to be investigated, varied and/or removed if necessary to facilitate the future use and development of the land.

It is not the role of a development plan to interrogate the minutiae of title restrictions, and the *Planning and Environment Act 1987* does not pose any obstacle to a development plan being approved in advance of these matters being resolved through a future application for a planning permit.

### 1.4 Archaeology and Heritage Inventory

The subject site is not included in the [Victorian Heritage Inventory](#).

### 1.5 Aboriginal Cultural Heritage

Under Regulation 26 of the *Aboriginal Heritage Regulations 2018*, a waterway or land within 200 metres of a waterway is an area of cultural heritage sensitivity.

As the proponent has not demonstrated whether the waterway (or that part of the land within 200 metres of the waterway) has been subject to significant ground disturbance<sup>2</sup>, the following material must be provided with any future planning application for the use and development of the land:

- A Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*; or
- An assessment of the land uses and activities that have occurred on the land, which demonstrate that the entirety of the WMW site has been subject to significant ground disturbance and is therefore no longer an area of cultural heritage sensitivity.

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<sup>2</sup> Given the present and historical prevalence of heavy industrial uses on the WMW site and surrounding Dynon precinct, it is considered highly likely that the WMW site has been subject to significant ground disturbance and would therefore not constitute an area of legislated cultural heritage sensitivity.



## 2 PLANNING SCHEME AMENDMENT C221

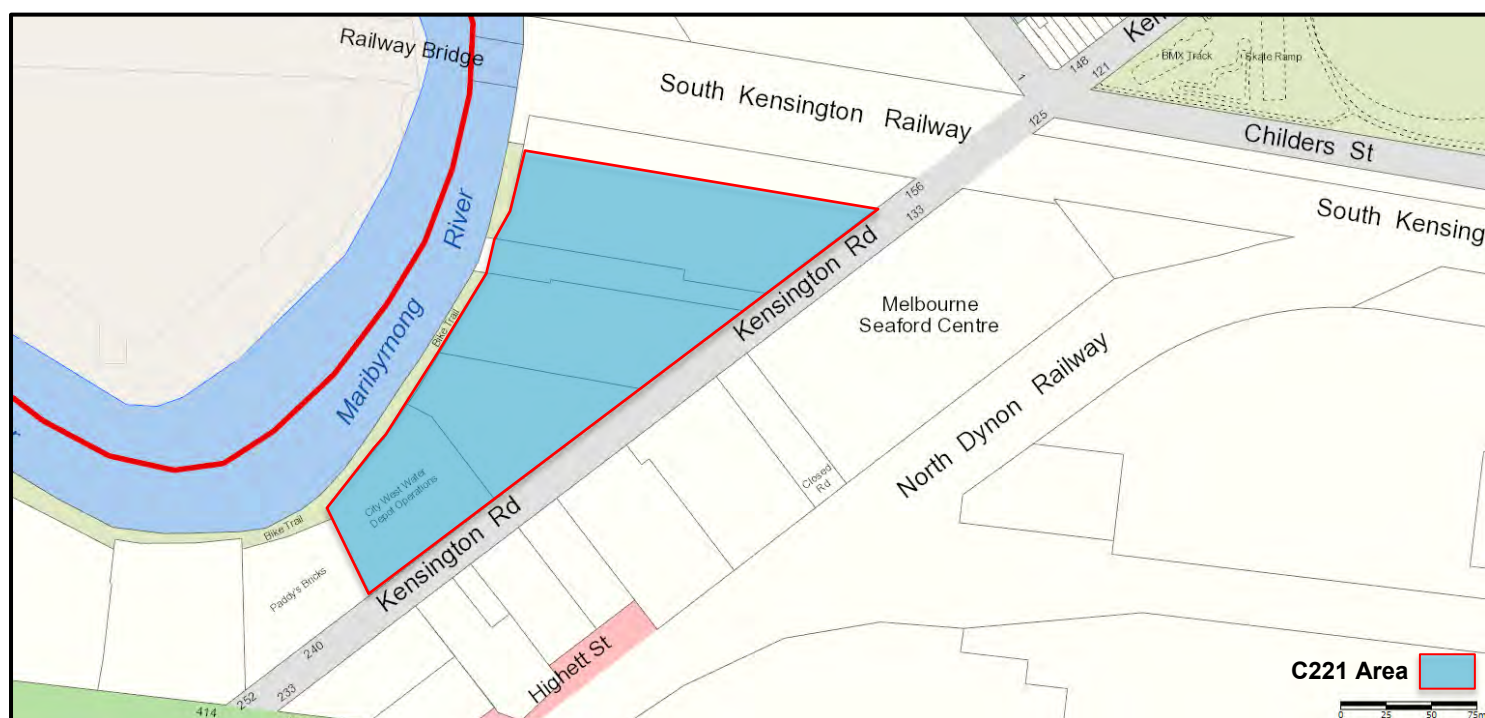
### 2.1 Background

Planning Scheme Amendment C221 (Amendment C221) to the Melbourne Planning Scheme was prepared by the City of Melbourne at the request of Contour Consultants Australia Pty Ltd on behalf of WMW Developments (the Proponent), following a three year period of negotiation between the City of Melbourne and the Proponent commencing in 2012.

The purpose of the Amendment was to facilitate a mixed-use redevelopment of the WMW site for commercial, residential and public open space uses, and was described in the Panel's report for Amendment C221 as representing a significant urban renewal outcome.

Amendment C221 affected all of the land described in Section 1.1 of this report (the WMW site), as delineated in the below diagram.

#### 2.1.1 Map of Land Affected by Planning Scheme Amendment C221 (the WMW site)



Amendment C221 was gazetted on 19 July 2018 and made the following changes to the Melbourne Planning Scheme:

- Rezoned the land from Commercial 2 Zone (C2Z) to the Mixed Use Zone (MUZ).
- Applied a Development Plan Overlay (DPO) to the land and inserted a new Schedule 13 to the Overlay (DPO13).
- Applied an Environmental Audit Overlay (EAO) to the land.

### **3 DEVELOPMENT PLAN APPLICATION BACKGROUND**

An application to approve a development plan is distinct from an application for a planning permit.

This is an important distinction, as the statutory process and level of detail and information required to approve a development plan is substantially different from the requirements bearing on an application for a planning permit.

Application TP-2019-246 seeks approval of the proposed Development Plan for the WMW site under Schedule 13 to *Clause 43.05 Development Plan Overlay*.

Application TP-2019-246 does not seek a planning permit for the future use and development of the land under the planning controls affecting 156-232 Kensington Road, West Melbourne.

An application (or applications) for a planning permit can only be made after a development plan has been approved.

A brief chronology of the history of Application TP-2019-246 is set out below.

#### **3.1 Mar 2019 to Feb 2020 – Application lodgement and preliminary feedback**

On 1 March 2019, the proposed Development Plan for the WMW site was received by the City of Melbourne (CoM).

In the intervening period between the original date of lodgement of the Development Plan and the date of this report, there has been consultation with the proponent to address preliminary feedback provided by CoM's internal experts, and a request for additional information issued by CoM on 10 May 2019.

#### **3.2 Feb-May 2020 – Response to preliminary feedback and interim CoM assessment**

On 13 February 2020, the proponent provided a response to CoM's request of 10 May 2019.

A complete assessment of all material submitted to accompany the Development Plan Application was then undertaken by CoM between February and May 2020, and a final list of recommended updates to the plan, to ensure the document was suitable for approval, was provided to the applicant. This recommended list of updates included (amongst other matters):

- Updates to land use diagrams and built form typology drawings included in the Development Plan to further align these plans with the objective of DPO13 of sleeving larger format retail uses with smaller tenancies.
- Provision of accommodation typology diagrams (i.e. indicative floor layouts for studio, single-bedroom, two-bedroom and three-bedroom units) in addition to a target housing diversity ratio to achieve a suitable mix of household types across the development.
- Development of a façade strategy section to the Development Plan, discussing the architectural ambitions for future development on the site, including details of the scale and quality of design elements (at a range of viewing distances) and internal views.
- Improved shadow diagrams, which are consistent with the massing envelopes advanced under the Development Plan, highlight all key public realm spaces where sunlight access is valued and encouraged, and include shadow over adjoining land (including the full width of Kensington Road).
- Improved schematic diagrams for the massing, setbacks and height of the envelopes contemplated by the Development Plan, which provide a greater level of precision (i.e. by providing clearly labelled dimensions to all relevant measurements discussed in DPO13).

- Updating the environmental analysis, survey of vegetation and weed management documentation supplied with the Development Plan for consistency, and to provide additional information required by DPO13.
- Updating the integrated transport and access plan documentation supplied with the Development Plan to include; consideration of management regimes to ensure car parking spaces are efficiently utilised, alternative unsignalised access in the event that a signalised intersection is not supported by VicRoads, and investigation of options for vehicle access/egress to the site that exclude in-bound right-turns from Kensington Road to support traffic amelioration on Macaulay and Hobson's Roads.
- An updated site risk assessment, which gives consideration to any constraints posed by the materials recycling facility at 330-374 Dynon Road, West Melbourne, and which demonstrates that risks from off-site industrial residual air emissions (IRAE's) are either at an acceptable level, or will be resolved by reconfiguring sensitive uses across the site outside of any applicable buffer distance.
- Incorporation of recommended conditions from several authorities, including Melbourne Water, Port of Melbourne and VicTrack.

In addition to the above recommended updates to the Development Plan, CoM raised concerns regarding a lack of detail in the Development Plan relating to the upper level setbacks above the street wall to Kensington Road. Specifically, the material provided with the Development Plan in February 2020 did not quantify the extent of the variation sought to the requirements of DPO13, nor was justification advanced as it would be appropriate to vary these requirements having regard to the relevant built form outcome under DPO13.

### **3.3 May-Aug 2020 – Response to final feedback and final CoM assessment**

In the intervening period between May 2020 and the date of this report, several meetings were held to discuss CoM's feedback and further resolution of the Development Plan in advance of a scheduled Future Melbourne Committee meeting.

On 7 August 2020, an updated suite of material was provided to substitute and supplement the documentation provided on February 2020.

This updated suite of material has been prepared to directly respond to CoM's comprehensive feedback on the Development Plan given in May 2020, and includes modifications and additional information, which have addressed the majority of CoM's feedback and concerns.

## 4 PROPOSAL

### 4.1 Development Plan Documentation

<b>Table: Plans / Reports considered in assessment</b>		
<b>Plan / Report Title</b>	<b>Plan/Report Author</b>	<b>Plan/Report Date</b>
Memorandum prepared to accompany updated material in response to CoM's feedback of May 2020	Contour	7 August 2020
West Melbourne Waterfront Development Plan	Foster + Partners and Fender Katsalidis	August 2020
West Melbourne Waterfront, West Melbourne Master Plan Supporting Document: Public Realm and Landscape	Oculus	23 January 2019
Integrated Transport and Access Plan Proposed West Melbourne Waterfront Mixed Use Development	Traffix Group	February 2019
Supplementary memorandum to Integrated Transport and Access Plan	Traffix Group	10 August 2020
Preliminary Stormwater and Flood Management Plan West Melbourne Waterfront – Kensington Road, West Melbourne	GHD	January 2019
West Melbourne Waterfront Buffer Assessment – Revised Master Plan	GHD	20 April 2018
Site Risk Assessment – Industrial Residual Air Emissions	GHD	6 July 2018
Buffer Constraints Assessment – 2020 Update	GHD	August 2020
West Melbourne Waterfront – Rail Noise Review	ARUP	25 January 2019
West Melbourne Waterfront – Town Planning ESD Statement	ARUP	25 January 2019
Environmental Wind Speed Measurements on a Wind Tunnel Model of the West Melbourne Waterfront Development, West Melbourne	MEL Consultants	January 2019
Services Infrastructure Report – West Melbourne Waterfront	Norman Disney & Young	24 January 2019
West Melbourne Waterfront Council Presentation Summary	Foster + Partners	June 2018

## 4.2 Summary of Proposed Development Plan

### 4.2.1 Summary

The proposed Development Plan for the WMW site can broadly be described as comprising four stages / built form envelopes, with contiguous internal areas of public open space and multiple connections from Kensington Road through to the Maribyrnong River.

The overall profile of the building envelopes proposed in the Development Plan transitions upward in scale to the east of (away from) the Maribyrnong River, and downward in scale to the south of the Railway Bridge while maintaining a street wall height in the order of six storeys, which is broadly representative of the design response encouraged by Schedule 13 to the Development Plan Overlay.

Open space has been configured to activate the Maribyrnong River waterfront, providing generous setbacks from built form that will facilitate the future reimagining of this section of the river. Future planning of the river will require collaboration between Council, Melbourne Water and Parks Victoria.

### 4.2.2 Forecast dwelling numbers and uses

Specific details of the final use/development of the site are beyond the scope of a development plan. The Integrated Transport and Access Plan prepared by TraffixGroup, dated February 2019, instead provides the following indicative overall forecast for the uses that could be supported by the building envelopes and land use patterns in the proposed Development Plan<sup>3</sup>:

Use	Stage 1	Stage 2	Stage 3	Stage 4	Total
<b>Apartments</b>					
One Bedroom	76 no.	68 no.	39 no.	17 no.	200 no.
Two Bedroom	110 no.	97 no.	56 no.	24 no.	287 no.
Three Bedroom	33 no.	29 no.	17 no.	7 no.	86 no.
<b>Total</b>	<b>219 no.</b>	<b>194 no.</b>	<b>112 no.</b>	<b>48 no.</b>	<b>573 no.</b>
<b>Hotel</b>	153 rooms				153 rooms
<b>Office</b>	4,367m <sup>2</sup>		2,091m <sup>2</sup>		6,458m <sup>2</sup>
<b>Supermarket</b>	1,589m <sup>2</sup>				1,589m <sup>2</sup>
<b>Specialty Retail</b>	1,060m <sup>2</sup>			780m <sup>2</sup>	1,840m <sup>2</sup>
<b>Restaurant</b>	518m <sup>2</sup> (230 seats <sup>(1)</sup> )	400m <sup>2</sup> (177 seats <sup>(1)</sup> )			918m <sup>2</sup> (407 seats <sup>(1)</sup> )
<b>Child Care</b>		75 places			75 places
<b>Art Gallery</b>	657m <sup>2</sup> (150 people <sup>(2)</sup> )				657m <sup>2</sup> (150 people <sup>(2)</sup> )
<b>Cinema</b>	435 seats				435 seats
<b>Mixed Use</b>		1,103m <sup>2</sup>	1,072m <sup>2</sup>		2,179m <sup>2</sup>
<b>Pharmacy</b>	250m <sup>2</sup>				250m <sup>2</sup>
<b>Medical</b>	5 practitioners				5 practitioners
<b>Artists' Studios</b>	600m <sup>2</sup>			500m <sup>2</sup>	1,100m <sup>2</sup>
<b>Strata Office</b>	1,000m <sup>2</sup>	2,331m <sup>2</sup>		1,100m <sup>2</sup>	4,431m <sup>2</sup>
<b>Gymnasium</b>				450m <sup>2</sup>	450m <sup>2</sup>

<sup>3</sup> Table 1, p.12

#### 4.2.3 Development plan staging

- **Stage 1** of the Development Plan will provide:
  - Two mixed-use built form envelopes comprising a terraced seven-storey envelope facing the Maribyrnong River (intended to accommodate a future large-scale retail use (supermarket)), and a 14-storey envelope with a six-storey street wall fronting Kensington Road.
  - The main vehicle connection (including the possibility of a signalised intersection), which connects to the central shared vehicle access loop, and service vehicle access to Kensington Road.
- **Stage 2** of the Development Plan will provide:
  - Two mixed-use built form envelopes comprising a terraced six-storey envelope facing the Maribyrnong River, and a 14-storey envelope with a four-storey street wall fronting Kensington Road.
  - A planned 'civic square' adjacent to the Maribyrnong River.
  - The central part of the shared vehicle access loop.
- **Stage 3** of the Development Plan will provide:
  - A single mixed-use terraced four-storey envelope facing the Maribyrnong River, which extends to form the podium of a 9-12 storey tower with four-storey street wall fronting Kensington Road.
  - The secondary vehicle connection, which connects to the central shared vehicle access loop.
- **Stage 4** of the Development Plan will provide:
  - A single mixed-use terraced three-storey envelope facing the Maribyrnong River, which extends to form the podium of a 6-8-storey tower with four-storey street wall fronting Kensington Road.

#### 4.2.4 Staging of the WMW site

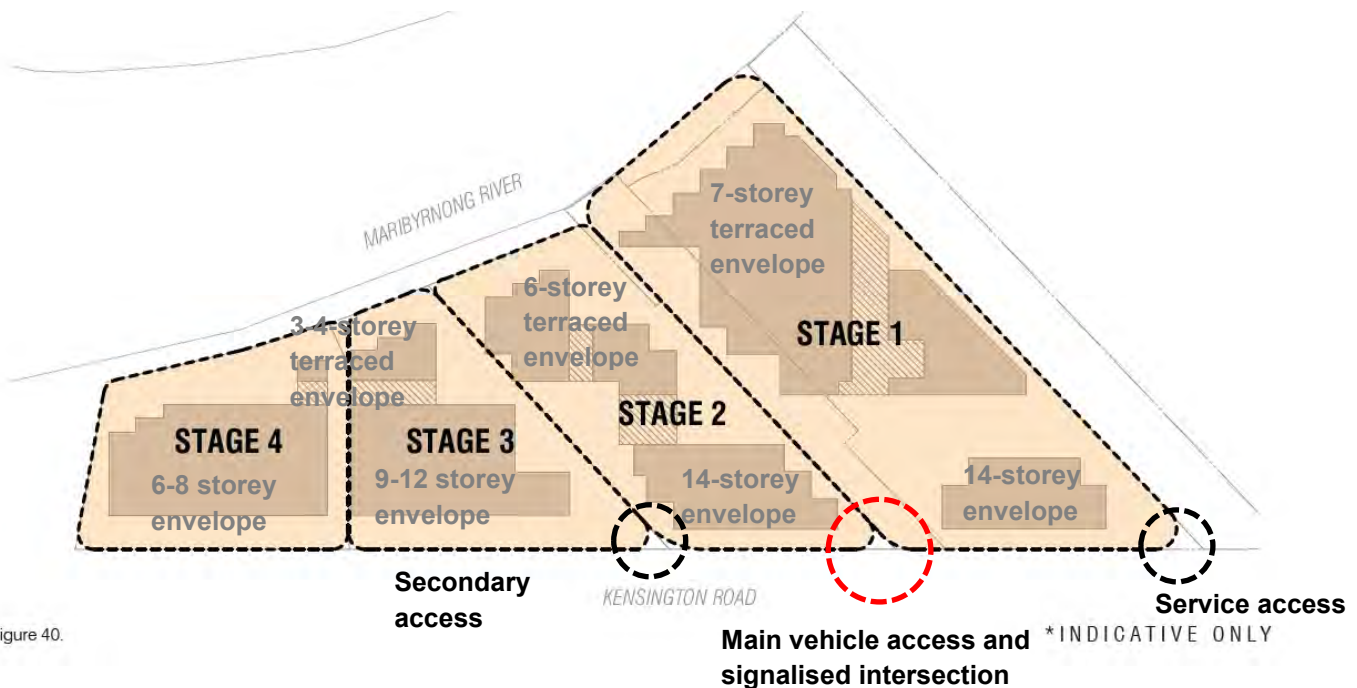
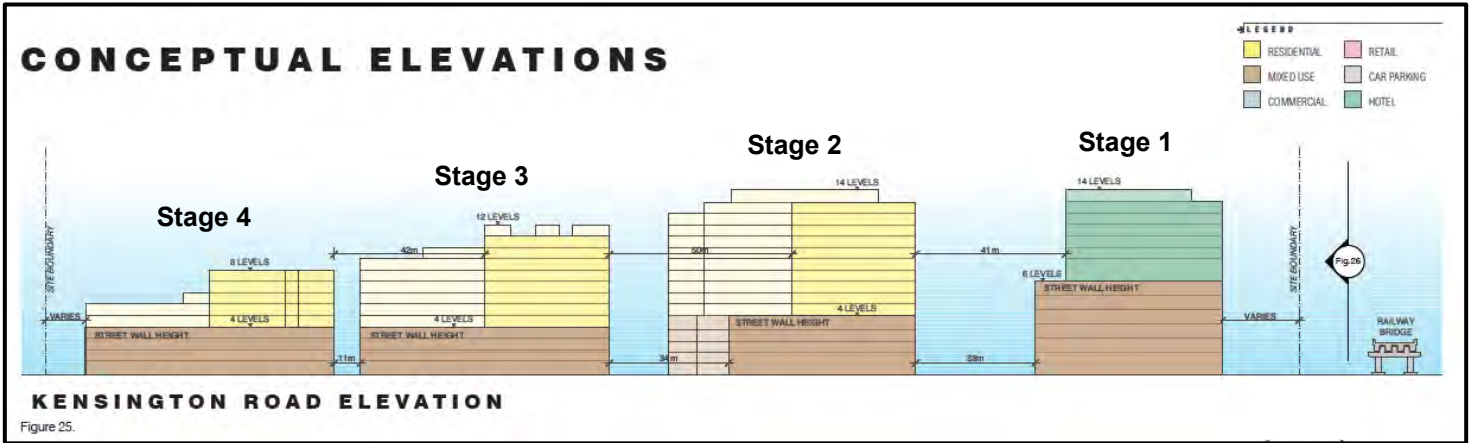
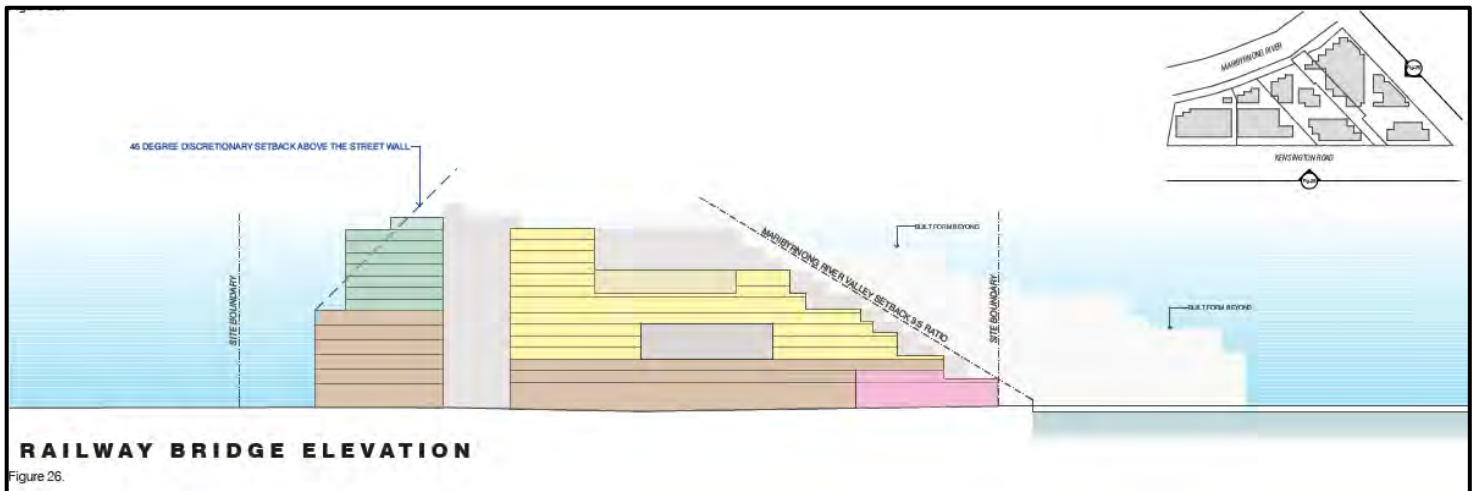


Figure 40.

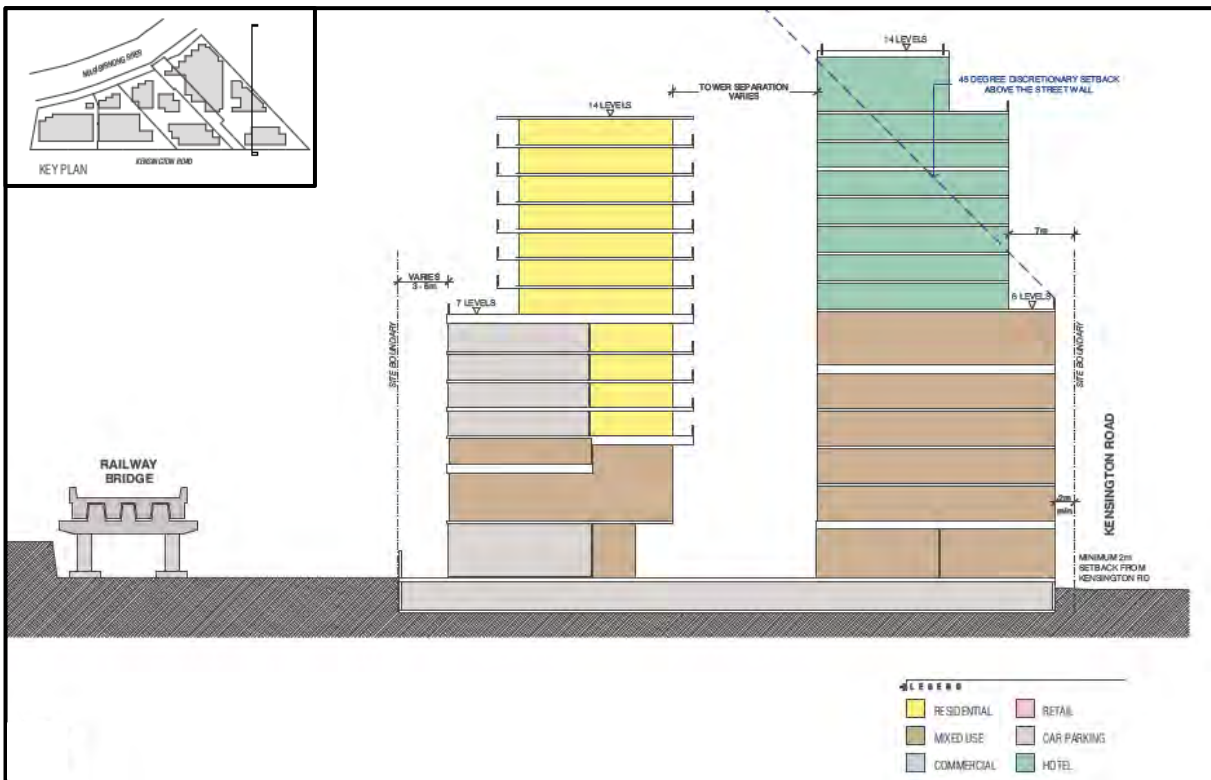
4.2.5 Kensington Road conceptual scale transition



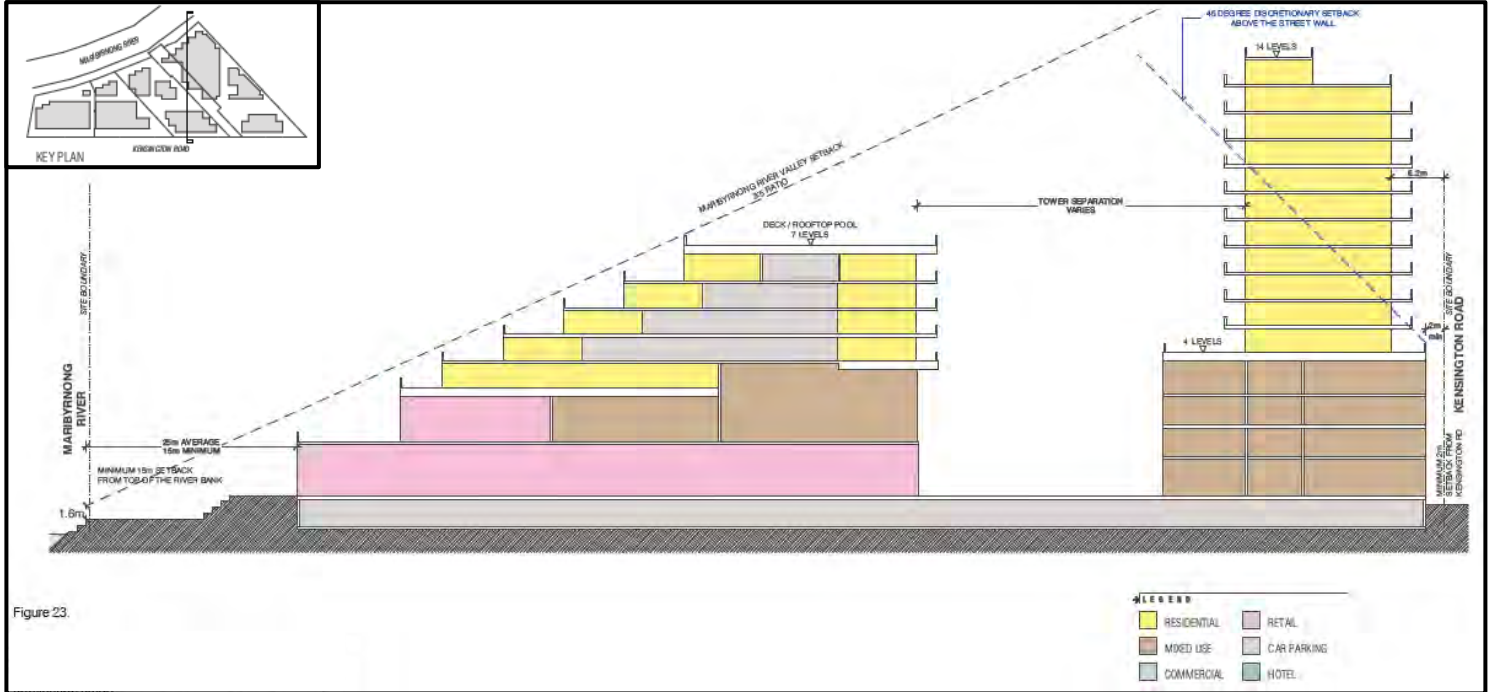
4.2.6 Railway Bridge (North) conceptual elevation



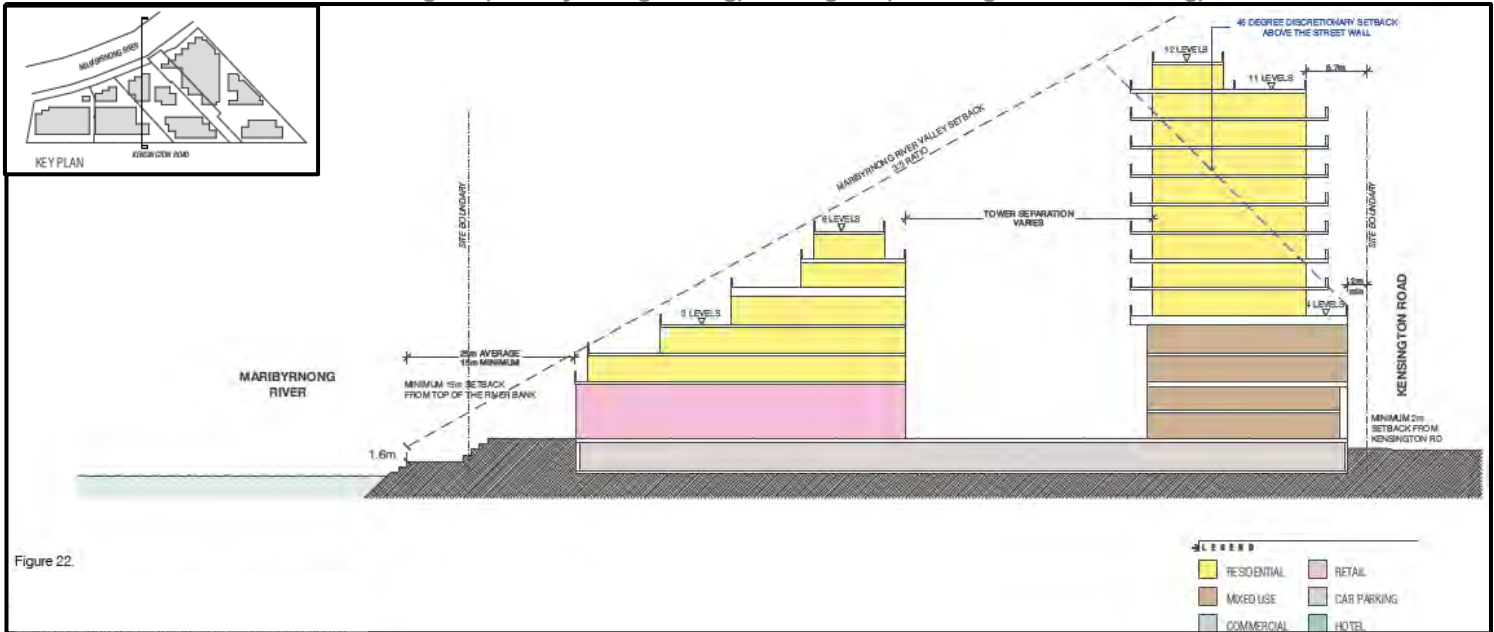
4.2.7 Sections: Stage 1



4.2.8 Sections: Stage 1 (Maribyrnong facing) & Stage 2 (Kensington Road facing)



4.2.9 Sections: Stage 2 (Maribyrnong facing) & Stage 3 (Kensington Road facing)





4.2.10 Sections: Stage 3

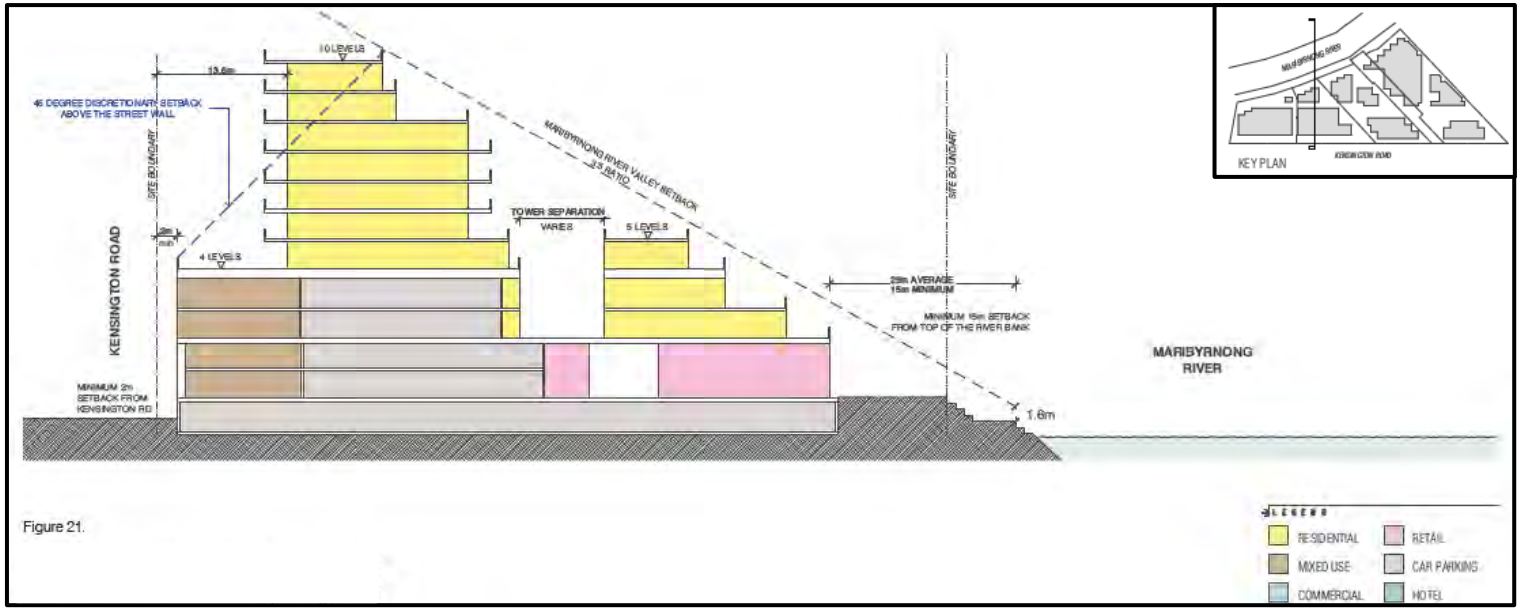


Figure 21.

4.2.11 Sections: Stage 4

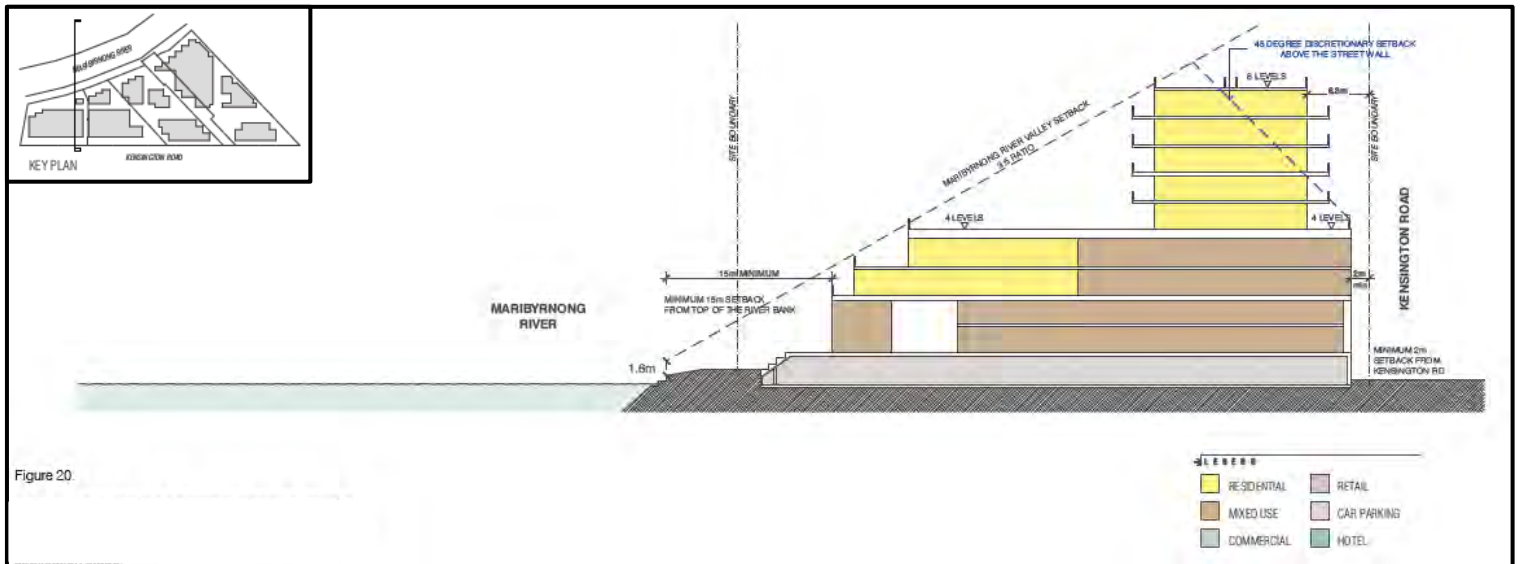
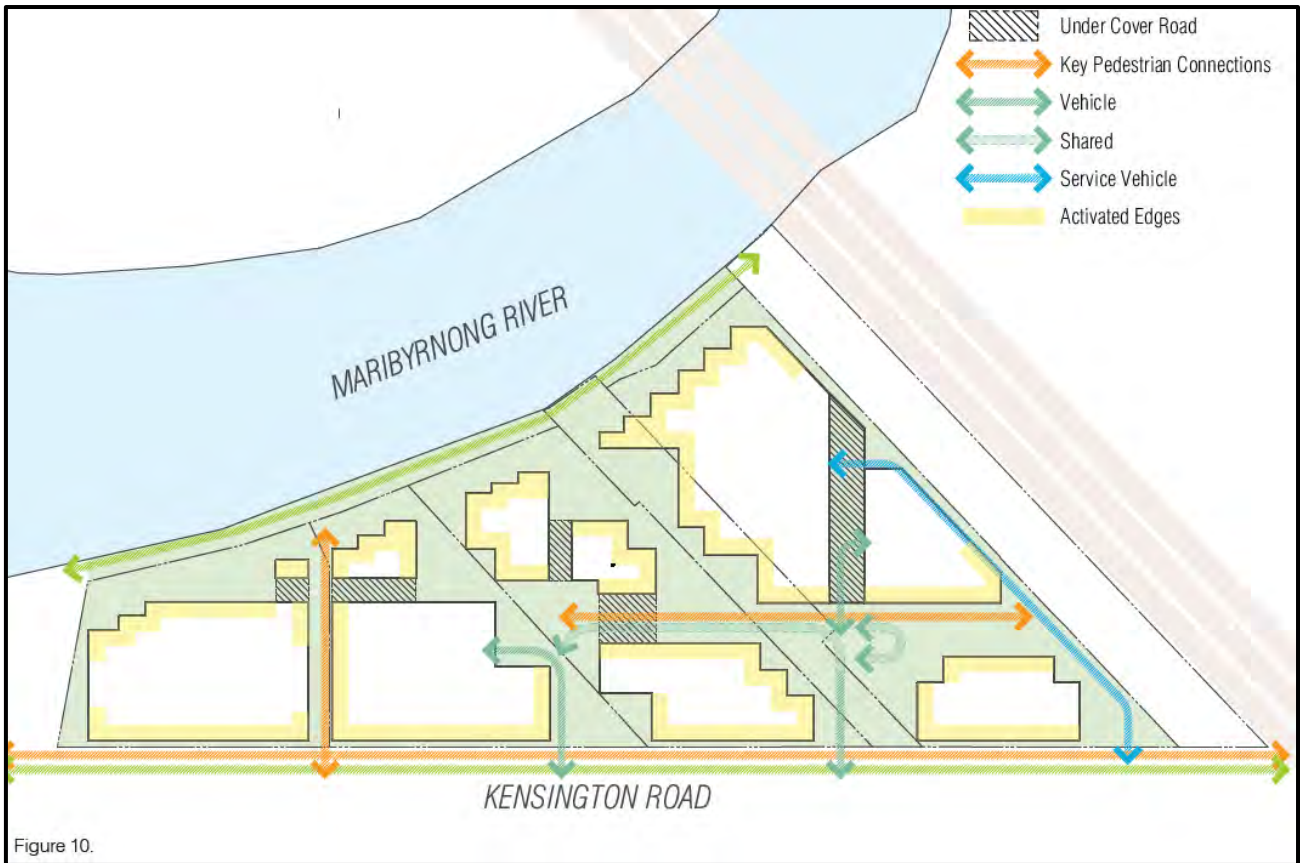


Figure 20.

4.2.12 Pedestrian & Vehicle Movement



4.2.13 Open Space & Landscaping

**PUBLIC REALM PLAN**



4.2.14 Renders of conceptual waterfront presentation of massing envelopes

VIEW FROM BUDDHIST TEMPLE



Figure 39.

\*INDICATIVE ONLY

## 5 STATUTORY CONTROLS

### 5.1 Zone and Overlays

The below table sets out the planning controls that affect the WMW site.

Zone	
Clause 32.04 Mixed Use Zone	<p><b><i>Permit cannot be granted until development plan has been prepared to the satisfaction of the responsible authority</i></b></p> <p>The WMW site is included in the Mixed Use Zone.</p> <p>It is noted that the land use and development envisioned by the proposed development plan would be permissible under the Mixed Use Zone (i.e. would not be prohibited).</p>
Overlays	
Clause 43.04 Development Plan Overlay Schedule 13: West Melbourne Waterfront – 156-232 Kensington Road, West Melbourne	<p><b><i>Development plan must be prepared to the satisfaction of the Responsible Authority</i></b></p> <p>Under Clause 43.04-2 of the Development Plan Overlay, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>Schedule 13 to the Development Plan Overlay (DPO13) sets out the requirements against which the responsible authority must assess the development plan for the land at 156-232 Kensington Road, West Melbourne, before determining whether it has been prepared to its satisfaction.</p> <p>Compliance with the requirements of DPO13 represents the key test for Application TP-2019-246.</p>
Clause 44.04 Land Subject to Inundation Overlay	<p><b><i>Permit cannot be granted until development plan has been prepared to the satisfaction of the responsible authority</i></b></p> <p>The WMW site is affected by the Land Subject to Inundation Overlay.</p> <p>Any future application for a planning permit must therefore be referred to Melbourne Water for comment.</p>
Clause 45.03 Environmental Audit Overlay	<p><b><i>Requirement for environmental audit of site</i></b></p> <p>The WMW site is affected by the Environmental Audit Overlay.</p> <p>Clause 45.03-1 provides that before a sensitive use (residential use, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:</p> <ul style="list-style-type: none"> <li>▪ A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>▪ An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul> <p>Any future planning permit authorising development of the site in accordance with the Development Plan must ensure that this requirement is discharged prior to a sensitive use commencing.</p>

### 5.2 Particular Provisions

The following particular provisions will be relevant to any future application for a planning permit lodged for the site.

- Clause 52.05 Signs

- Clause 52.06 Car Parking
- Clause 52.17 Native Vegetation (if vegetation is to be removed from the Maribyrnong River bank)
- Clause 52.27 Licensed Premises
- Clause 52.34 Bicycle Facilities
- Clause 53.01 Public Open Space Contribution and Subdivision
- Clause 53.18 Stormwater Management in Urban Development
- Clause 58 Apartment Developments

### **5.3 General Provisions**

Before deciding on an application or approval of a plan, the responsible authority must consider the matters set out in *Clause 65 Decision Guidelines*, as appropriate.

## **6 STRATEGIC FRAMEWORK**

A list of the relevant policies in the Planning Policy Framework (PPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the proposed development under Application TP-2019-246 in Section 9 of this report.

## **7 PUBLIC NOTIFICATION**

The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* do not apply to an application for approval of a development plan.

Clause 43.04-3 of the Development Overlay provides that if a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of the Melbourne Planning Scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## **8 REFERRALS**

The referral requirements of section 55, the decision requirements of section 61(2), and (2A) and the review rights of section 82AAA of the *Planning and Environment Act 1987* do not apply to an application for approval of a development plan.

Notwithstanding this, Schedule 13 to the Development Plan Overlay requires the views of the following specified external authorities to be addressed by any development plan prepared under this control:

- City of Maribyrnong
- Department of Environment, Land, Water and Planning
- Environmental Protection Authority
- Melbourne Water
- Port of Melbourne
- VicTrack

The views of VicRoads have also been sought, noting the development plan seeks introduction of a signalised intersection to Kensington Road, and VicRoads is responsible for the safety, design and maintenance of all traffic signals throughout Victoria.

## 8.1 External Referrals

### 8.1.1 City of Maribyrnong

#### *City of Maribyrnong Comments*

On 20 December 2019, City of Maribyrnong advised City of Melbourne that it had no further comment to make regarding the proposed development plan, however wished to bring the following matters to the officer's attention:

- *It is noted that there is reference to potential further wind mitigation measures being needed in a future planning application in the submitted material and we would encourage this.*
- *Consideration of reflectivity from proposed buildings should be further considered in any future planning application to ensure that glare from the afternoon sun does not impact on the users of the river environs and the temple.*
- *Consideration should be given to the existing festivities associated with the Heavenly Queen Temple at 20 Joseph Road, and that there be some acknowledgement by future owners of the established interfaces/activities.*

#### **CoM response**

The following notes are made in response to the key issues raised in City of Maribyrnong's comments:

- **Wind mitigation**

DPO13 sets out the following application requirement that will apply to any future application for a planning permit for the WMW site:

*A Wind Assessment for the proposed development which addresses matters raised in the wind assessment that forms part of the development plan.*

- **Reflectivity of buildings**

DPO13 sets out the following mandatory requirement that any future application for a planning permit for the WMW site must comply with:

*Materials and finishes*

*Development must make use of a high-quality palette of materials and finishes including, for development along the northern interface and along the river, materials that are non-reflective to ensure the safety of trains and to minimise potential impacts on river users.*

- **Heavenly Queen Temple**

It is not considered that any of the activities associated with the operation of the Heavenly Queen Temple would be incompatible with the future use and development of the WMW site as contemplated by the proposed development plan. It is noted that the WMW site is separated from the Heavenly Queen Temple building complex by a distance of at least 150 metres.

## 8.1.2 Department of Environment, Land, Water and Planning

### **DELWP Comments**

On 18 May 2020, the Department of Environment, Land, Water and Planning (**DELWP**) advised City of Melbourne that, as the Responsible Authority for the consideration and approval of the Development Plan, the Melbourne City Council ensure that it is consistent with the provisions of the Development Plan Overlay Schedule 13 of the Melbourne Planning Scheme.

### **CoM response**

As discussed in section 9 of this report, subject to updates the proposed development plan is considered to be consistent with the provisions of Schedule 13 to the Development Plan Overlay of the Melbourne Planning Scheme.

## 8.1.3 Environment Protection Authority

### **EPA Comments**

On 17 December 2019, the Environment Protection Authority (EPA) provided the following comments to the City of Melbourne:

#### **1. EPA'S POSITION ON PLANNING SCHEME AMENDMENT C221**

*A broad range of planning issues, including amenity, were considered during the planning scheme amendment process C221, during which;*

- *EPA raised serious concerns relating to odour, dust and noise from existing land uses and the impact that this would have on the proposed residential development.*
- *EPA did not consider it likely that odour, dust and noise impacts can be reduced to such a level (within the reasonable buffer of their operations) that would be considered acceptable to sensitive uses.*

*Notwithstanding the above, the Amendment was approved which included requirements to consider the following relevant to EPA's remit:*

- *Risk Assessment for the site in relation to Industrial Residual Air Emissions under Schedule 13 to Clause 43.04 Development Plan Overlay (DPO).*
- *Application of the Environmental Audit Overlay (EAO).*

*EPA remain concerned that while the DPO includes measures to assess and address risks, there are inherent interface issues at the heart of this development with the proposed that is considered incompatible with surrounding industry. EPA provides the following comments in an advisory nature with the responsible authority ultimately responsible for managing the orderly planning of the area and determining if risks can be reduced to an acceptable level.*

#### **2. INDUSTRIAL RESIDUAL AIR EMISSIONS**

*There are numerous existing industrial activities within the Dynon Road Precinct with the potential to impact the proposal. The applicant has submitted the following documents to support the siting of the proposal;*

- *GHD 2019, West Melbourne Waterfront Development, Buffer Constraint Assessment, November 2016.*
- *GHD 2018, Site Risk Assessment – Industrial Residual Air Emissions, July 2018.*
- *GHD 2018, West Melbourne Waterfront Buffer Assessment – Revised Masterplan, April 2018.*

The Buffer Constraint Assessment was presented to that Panel however still recommended that a full risk assessment be undertaken to confirm the suitability of the site for sensitive uses. EPA notes there is little additional assessment to what was considered in Section 4 of the Planning Panel Report for C221. EPA provides the following comments on the assessments undertaken;

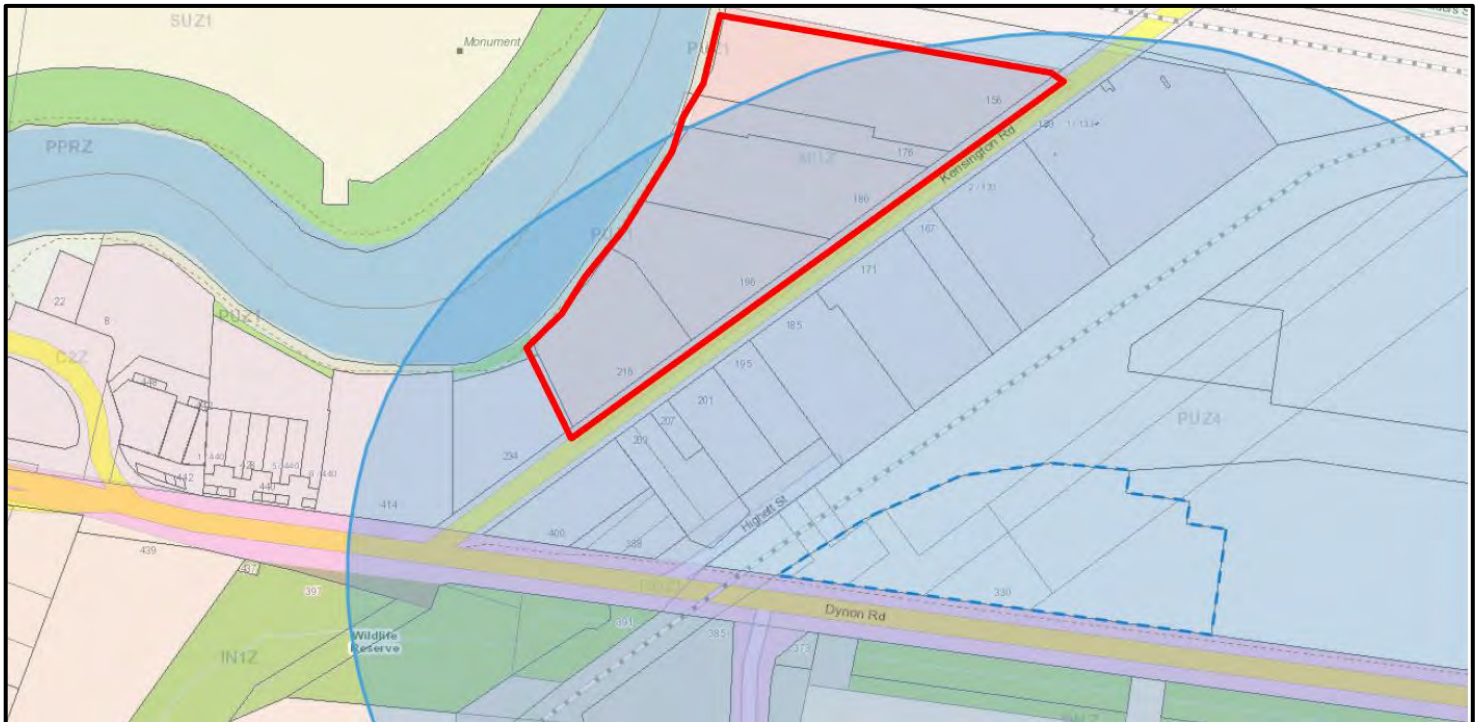
**a) Materials Recycling at 330-374 Dynon Road, West Melbourne VIC 3003**

The assessments do not assess a materials recycling facility at 330-374 Dynon Road, West Melbourne VIC 3003 which is currently operated by Bingo Commercial Pty Ltd. City of Melbourne issued Permit TP-2006-272 for a materials recycling plant and issued a Notice of Decision on August 26 2019 to amend the existing planning permit to allow 24 hour operations of machinery on-site, 7 days per week.

Given that the recommended separation distance in EPA Publication 1518 – Recommended Separation Distances for Industrial Residual Air Emissions (**EPA Publication 1518**) is variable for a materials recycling facility, the appropriate distance should be informed by a detailed, site-specific assessment for a proposed industrial land use and the recommended separation distance of similar industry types.

The activities undertaken at a ‘transfer station’ are similar to those undertaken at a ‘materials recycling’. The Advisory Note 28 – Amendment VC69 – Waste Transfer and Materials Recycling Facilities (2010) provides additional information regarding the difference between a ‘materials recycling’ and ‘transfer station’. The list of activities permitted at a ‘materials recycling’ is broader than those conducted at a ‘transfer station’ and includes activities such as processing and treatment. As such, EPA considers that the risk profile of a ‘materials recycling’ is greater than that of a ‘transfer station’ and consequently a separation distance greater than 250 metres is appropriate as an initial starting point for determining suitable separation distance.

**Figure from EPA’s advice to City of Melbourne showing minimum 250m separation distance and WMW site**



For the purpose of illustration, the subject site is significantly affected by the recommended separation distance and the Applicant has not submitted any documentation to support the



siting of the proposal and the separation distance from the materials recycling facility which is determined on a case by case basis. Section 9 of EPA Publication 1518, outlines that as the agent of change, the onus rests with the Applicant to provide the Responsible Authority with sufficient information to demonstrate that risks can be reduced to an acceptable level. Further the operation has received multiple pollution reports which suggest off-site adverse amenity impacts despite no sensitive receptors currently being sited within 250m of the facility.

**Figure from EPA's advice to City of Melbourne showing pollution reports for 330-374 Dynon Road, West Melbourne**

<b>Segment</b>	<b>Pollution Reports Alleging 330-374 Dynon Road, West Melbourne</b>
Dust	13
Noise	1
Odour	1
Waste	2

The introduction of sensitive receptors into the area increases the amount of community members who may be exposed to adverse amenity.

**b) Incorporation of Pollution Reports**

Schedule 13 to Clause 43.04 Development Plan Overlay requires a 'Risk Assessment for the site in relation to Industrial Residual Air Emissions' to incorporate 'pollution reports'. The report states "GHD has not received any details of these complaints". It appears GHD has not attempted to contact EPA regarding pollution report data.

### 3. CONTAMINATED LAND

*The EAO was applied as part of planning scheme amendment. The Amendment did not include provisions in the planning controls that capture the implementation of statement conditions should the environmental audit result in a statement rather than a certificate. A Statement of Environmental Audit usually contains one or more conditions that must be implemented for the site to be suitable for the proposed use. The General Practice Note – Potentially Contaminated Land (DSE, 2005) advises that the planning or responsible authority must consider any conditions in a Statement and:*

- *Include provisions in a planning scheme amendment or conditions in a planning permit that reflect the requirements of the conditions of the Statement*
- *Require the applicant to demonstrate that the conditions included in the Statement have or will be met before the use commences*
- *It is appropriate for a Section 173 agreement under the Planning and Environment Act 1987 to be required where:*
  - *the conditions on a Statement of Environmental Audit will be ongoing in nature and require maintenance or monitoring such as regular groundwater or waterway testing.*

### 4. CONCLUSION

*Consistent with the EPA's position during planning scheme amendment process for C221, EPA has concerns regarding the risk of adverse amenity from odour, dust and noise from existing land use and the impact that this would have on residential development on the subject land. The responsible authority should give careful consideration to this proposal and determining if risks are of an acceptable level. EPA highlights in particular, the importance of considering the potential impacts the development might have on its surrounding and vice versa. In making its decision EPA reiterates that Council should consider the agent of change principle and the importance of maintaining appropriate separation between existing industry operating in this area.*

*As the responsible authority it is Council's responsibility to manage the orderly planning of the area. The inherent land use conflict set up by industrially zoned land adjacent to sensitive uses is likely to give rise to interface issues. As outlined above, EPA has received a number of pollution reports in relation to the existing industry in this area and given the significant increase in density and population that approval of this development plan will allow, EPA highlights the limitations that encroaching into separation distances places on the potential viability of the industry.*

*As outlined in EPA Publication 1518, if sensitive uses are sited with inadequate separation distances, subsequent remedial action to alleviate off-site effects, either within or beyond the separation distance, will be required if industrial residual air emissions (IRAEs) occur. However it should be realised that such action may require costly, high technology solutions, which may not be economically feasible or fully effective, thus jeopardising the economic viability of the industry and potentially not alleviating off-site effects.*

#### **CoM response**

The following notes are made in response to the key issues raised in EPA's comments:

#### ▪ **EPA's position on Amendment C221**

It is not appropriate for Council to re-tread this territory in the assessment of the development plan proposed under this application (TP-2019-246). Amendment C221 is no longer under dispute as it has been through a robust planning panel hearing process (which was the

appropriate forum to consider submissions related to 'agent of change' concerns from surrounding land owners), and has been adopted by Melbourne City Council and approved by the Minister for Planning.

The land at 156-232 Kensington Road, West Melbourne is now affected by Schedule 13 to the Development Plan Overlay, which includes an indicative framework plan outlining the nature of development contemplated for the site, and has been rezoned 'Mixed Use Zone', which contemplates the presence of sensitive land uses and has the following purpose:

*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.*

Notwithstanding the above, for the sake of completeness it is noted that the Panel sought clarification from the EPA on the last day of the panel hearing regarding its position on Amendment C221, and whether it was opposed to the rezoning of the Amendment site to Mixed Use Zone.

The EPA confirmed that CoM's summary of the EPA's position was accurate, provided below:

*The CoM does not read the EPA's submission as taking an absolute position that there should not be a rezoning to the Mixed Use Zone. Rather, the EPA's submission indicated that it does not support residential development at the site in the absence of a risk assessment to ensure that there is not a potential for conflict.*

*The CoM proposed that the DPO12 (now DPO13) ought to require a risk assessment to be done for the MSC to address the EPA's concerns. The findings of any risk assessment can then further inform the CoM's approach to the location of uses proposed in the Development Plan which will be submitted to it for endorsement.<sup>4</sup>*

▪ **Completeness of Risk Assessment for Industrial Residual Air Emissions prepared by GHD**

The applicant was advised that the Site Risk Assessment for Industrial Residual Air Emissions (IRAEs) prepared by GHD, dated 6 July 2018, and the West Melbourne Waterfront Buffer Assessment – Revised Master Plan prepared by GHD, dated 20 April 2018, did not consider constraints imposed on the site by the materials recycling facility at 330-374 Dynon Road, West Melbourne (recently approved for 24-hour operation under Planning Permit TP-2006-272/A), and that this additional investigation would be required prior to the approval of the Development Plan, in May 2020.

An updated report prepared by GHD dated August 2020, titled 'Buffer Constraint Assessment 2020 Update', was provided on 7 August 2020, providing a diagram detailing the 250m directional buffer and default buffer for the 330-374 Dynon Road, West Melbourne (reflecting the layout of the use), and a detailed risk assessment and investigation of potential IRAEs from the materials recycling facility at this site and any constraints imposed on the WMM site.

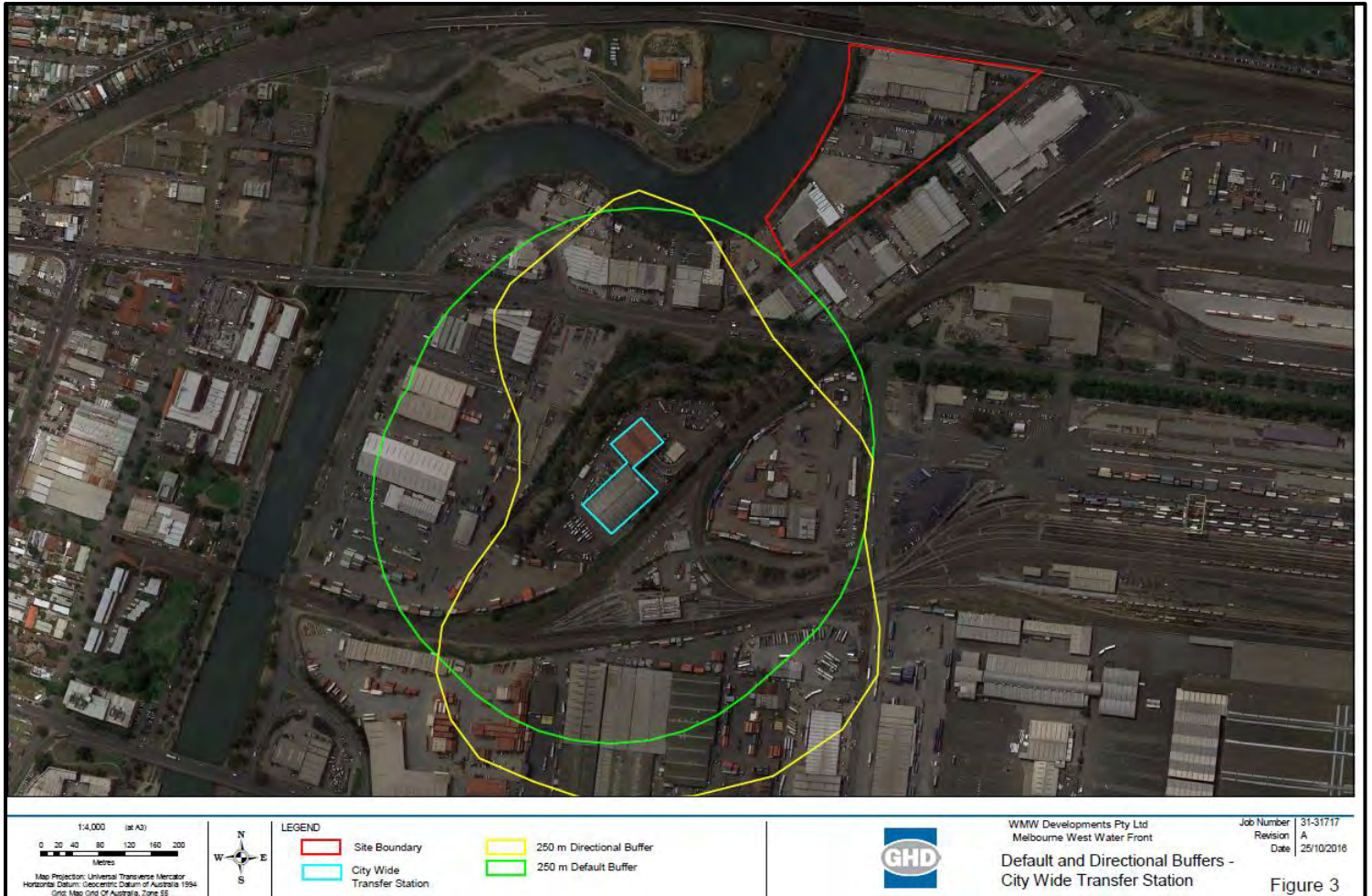
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<sup>4</sup> Melbourne Planning Scheme Amendment C221 Panel Report, 25 January 2017, p.24

GHD's further investigation of the materials recycling facility at 330-374 Dynon Road, West Melbourne, concluded, "...that the BINGO facility does not pose a constraint on the mixed use development for residential use at 156-232, Kensington Road, West Melbourne."

On the basis of the further assessment carried out by GHD, it is considered that the risk from off-site IRAEs posed to the layout of sensitive land uses and detailed in the Development Plan are at an acceptable level, and no further modification of the location of sensitive land uses within the WMW site is required.

**Figure from 'Buffer Constraint Assessment 2020 Update' report prepared by GHD dated August 2020 showing default and directional buffers from 330-374 Dynon Road, West**



**Melbourne**

▪ **Environmental Audit Overlay**

Regarding the EPA's comments on the Environmental Audit Overlay and contaminated land, these are matters that can be dealt with via condition of any planning permit granted for the future use/development of the site.

**8.1.4 Melbourne Water**

**Melbourne Water Comments**

On 12 May 2019, Melbourne Water provided the following comments to the City of Melbourne:

**Our Decision**

Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal, subject to the following conditions:

**Conditions**

1. *Detailed development/construction plans will be required for formal approval by Melbourne Water before works proceed.*
2. *Finished floor levels for all buildings to be set 600mm above the applicable flood levels to Australian Height Datum (AHD).*
3. *Floor levels for public use areas are shown as 3.80m to 4.15m AHD to be maintained.*
4. *Car parking areas, providing building walls are suitably flood proof and entry/exist points are set 600mm above flood level.*
5. *Prior to the commencement of works, a Developer Services Scheme (DSS), requiring developers to contribute to works has been implemented and is at a preliminary stage. The developers of "The Waterfront" will need to enter into an agreement with Melbourne Water to be part of this scheme.*
6. *The complete package of drainage works under the Developer Services Scheme (DSS) will need to be implemented before flood protection will be complete. This involves all sites within the scheme filling above flood level, raised road sections in Hobsons Road and Kensington Road that have to be VicRoads compliant, some linking flood walls, and a pump and pipe to serve the local catchment in case the river level is up during a local rainfall event. "The Waterfront" developer will need to fill all the site in accordance with design plans, and construct the raised section of Kensington Road, a pipeline through the property and a pump station in Kensington Road.*
  - a) *Detailed plans will be required for formal approval before works proceed.*
  - b) *The raised section of road, the pipeline and pump station will need to be constructed under a works offer with Melbourne Water.*
7. *Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory power of Melbourne Water Corporation.*
8. *The 30m River setback associated with the Maribyrnong River Waterfront shows a number of pathways and activated spaces within the corridor.*
  - a) *To gain a better balance between River Health outcomes and the appropriate level of amenity, a reduction is required in the amount of proposed paths, stairs and activated spaces within the river corridor needs to be reduced.*
  - b) *Two recreational pathways is more than enough to meet the serviceability requirements – a path for pedestrian walkway access and another path for cyclists. A shared user path is enough to provide sufficient maintenance access along throughout the river corridor.*
9. *Prior to any works occurring, landscape plans must be submitted to Melbourne Water for approval. These plans must illustrate:*
  - a) *Any existing vegetation to be retained and/or removed, this includes trees.*

- b) *The location of assets in relation to the proposed landscaping; including any easements.*
  - c) *A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre); planting zones/locations (in plan and cross section form in colour).*
  - d) *A clearly outlined maintenance schedule.*
10. *Any Storm Water Quality Treatment Systems are to be located outside the 30m River Corridor as SWQTS within the setback, will reduce the amount of palatable land appropriate for indigenous revegetation, native habitat and the corridor's "natural" character.*
  11. *Plans that illustrate in clear detail the number of stormwater connections required for the proposed development shown in both aerial and cross sectional view and the locations of all clearly designated legal points of discharge of the development advised by and endorsed by Melbourne City Council.*
  12. *Prior to any works taking place, a Site Environmental Management Plan (SEMP) or equivalent must be developed and implemented to ensure that waterway values are protected during the construction process. At a minimum this must include sediment controls to avoid direct or indirect sediment discharge to the waterway and surrounding wetlands.*
  13. *Prior to the commencement of works a separate application direct to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.*

**Advice**

*Flood levels for the site grade from about 2.38 to 2.46m AHD under existing condition and this could increase to a grade of 2.93 to 2.98m AHD by 2100 if there was a coincident high sea level and 100 year catchment rainfall event.*

**CoM response**

The following notes are made in response to the key issues raised in Melbourne Water's comments:

- **Melbourne Water required permit conditions**

Melbourne Water's comments have been prepared on the basis that the Application TP-2019-246 is an application for a planning permit (as opposed to a development plan). Melbourne Water's recommended conditions expect a level of detail (e.g. detailed construction drawings), which exceed the scope of the development plan.

In the event that the proposed Development Plan is approved for the WMW site, this will not obviate the requirement under *Clause 44.04 Land Subject to Inundation Overlay* to refer any future application for a planning permit to develop the land to Melbourne Water, and Melbourne Water will have the right to impose conditions as part of that process.

However, the conditions provided by Melbourne Water in their advice of 12 May 2019 remain relevant, particularly with respect to the Preliminary Stormwater and Flood Management Plan prepared by GHD, dated January 2019, and it was recommended that these comments be incorporated into this document in advice to the applicant sent in May 2020.

The updated West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020, incorporates Melbourne Water's advice of 12 May 2019, with a disclaimer identifying that this advice is based on a preliminary assessment of

the development plan, and that future planning applications will need to respond to contemporary requirements based on the detailed assessment at the time.

### 8.1.5 Port of Melbourne

#### Port of Melbourne Comments

On 22 July 2019, Port of Melbourne provided the following comments to the City of Melbourne:

*Thank you for providing the Port of Melbourne Operations Pty Ltd (PoMO) with an opportunity to comment on the Development Plan Application TP-2019-246 for the proposed West Melbourne Waterfront Mixed Use Development (the Plan). We understand that the Plan seeks to provide a framework for the site including land use, built form and public open space.*

*PoMO has reviewed the Plan and will take this opportunity to highlight some areas that can be improved upon regarding the response to the proximity of the subject site to freight/logistics activities north of Dynon Road, including the abutting freight railway line.*

*The Plan refers to the Arup Rail Noise Impact Review, which recommends predicted levels of acoustic treatment to achieve  $L_{mas}55dB(A)$  internal. PoMO recommends that these recommendations be included within the Development Plan prepared by Foster and Partners and Fender Katsalidis Architects. The plan should be amended to be prescriptive regarding the levels of dB(A) required to be met for living areas, private open space and bedrooms as well as identifying mandatory conditions to be imposed on any planning permit as per Planning Practice Note 83 – Assessing external noise impacts for apartments. This will provide transparency within the Plan and guidance for the assessment of all planning permit applications.*

*PoMO is committed to advancing the long term growth and development of the Port of Melbourne in a sustainable manner, including the freight network which supports the Port of Melbourne. The Port is critically placed as an important node in the National freight supply chain; a node that expects significant growth in capacity within the existing port footprint as well as along the key freight corridors.*

#### CoM Response

The following notes are made in response to the key issues raised in Port of Melbourne Operations' comments:

- **Prescriptive acoustic treatment levels**

The West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020 (p.57 of 69) acknowledges the West Melbourne Waterfront – Rail Noise Review prepared by Arup, dated 25 January 2019, and includes a reference to the requirements of Clause 2.0 of DPO13, which sets out the following mandatory prescriptive acoustic treatment requirement that would apply to any future planning permit granted for the site:

**Requirement - Noise protection**

Prior to occupation of a dwelling allowed by the permit, an acoustic report must be submitted confirming that the development achieves the requirements set out in the acoustic and vibrations assessment that forms part of the development plan.

Any development allowed by a permit must:

- Be fitted with suitable air conditioning and /or mechanical ventilation system to the satisfaction of the Responsible Authority unless the maximum noise level of 35dB(A)Leq for bedrooms can be achieved with all the windows half open and the doors closed.
- Have walls, roof, windows, doors and external glazing and the air conditioning or ventilation system designed by a qualified acoustical consultant who must certify that the incorporation of the design features recommended by the consultant will achieve the specified noise level, based on the external noise levels measured by the consultant as part of a noise level assessment conducted to the satisfaction of the Responsible Authority.

Noting that DPO13 sets out the relevant prescriptive acoustic requirements for future development, and that these requirements and the findings of the West Melbourne Waterfront – Rail Noise Review prepared by Arup, dated 25 January 2019 are acknowledged in the Development Plan, it is considered that Port of Melbourne's Operations request has been satisfactorily addressed.

#### 8.1.6 VicTrack

##### **VicTrack Comments**

On 25 July 2019, VicTrack provided the following comments to the City of Melbourne:

*We refer to Council's correspondence notifying VicTrack of a development plan application for land at the above address.*

*The application seeks approval for a multi building, mixed use precinct along the Maribyrnong River in West Melbourne.*

*VicTrack is owner of the majority of Victoria's railway land and infrastructure, including the land abutting the application site. The rail corridor is located on the application site's northern boundary and the existing warehouse building is partially inside VicTrack's boundary. This land has been leased from VicTrack for a number of years.*

*Pursuant to the Transport Integration Act 2010, VicTrack manages rail land, infrastructure and assets on behalf of the State. As such, our interest in this application relates to the proposed interface arrangement with railway land and to ensure that during construction and on an ongoing basis that rail infrastructure and services are protected to minimise damage and delays.*

*The plans and supporting documents have been reviewed in the context of the site and the abutting railway land.*

*We note that the preliminary plans show a building setback from the common boundary with vehicle and pedestrian access between proposed building and common boundary.*

*We support this outcome and consider it a good interface arrangement. The setback in particular is a sensible planning approach given the significant rail infrastructure and the possibility of intensification of freight rail traffic in the future.*

*We also acknowledge that while detailed investigation has been undertaken in relation to rail noise, this will largely be addressed in future planning permit applications to address the provisions in Schedule 13 to the Development Plan Overlay.*

##### **Issues**

*VicTrack has been advised that a Combined Services Route (CSR) and possibly other infrastructure associated with the Metro Tunnel Project may need to be placed in the VicTrack land that abuts the site. VicTrack is in discussion with the Rail Infrastructure Alliance about this but no details are available at this stage.*

*For this reason, VicTrack requests that proposals to use the VicTrack railway land for passive recreation and landscaping be deleted. It is unusual for a development plan to include land that is not owned by the developer and also, it is not known what impact rail infrastructure may have on the land.*

*VicTrack would welcome discussions with the developer/land owner in the future about leasing the VicTrack land for passive recreation etc. however it is not appropriate to include this expectation in the development plan.*

*There are a number of pages in the Development Plan where this is problematic (p16, 17, 18 and 19). Page 17 in particular shows VicTrack land designated as 'Public Open Space' with*



*an annotation that reads: “subject to agreement with the City of Melbourne”. This land should be clearly labelled on the development plan as “VicTrack Land” and any use is subject to agreement with the land owner, VicTrack.*

*The Development Plan also shows canopy trees which may be problematic next to the rail corridor. VicTrack usually seeks to ensure that canopy trees do not overhang or interfere with the rail corridor. For this reason we would prefer that the aspiration in the development plan for dense canopy planting along the VicTrack land be deleted as it could raise a false expectation that cannot be fulfilled. VicTrack would be pleased to discuss appropriate landscaping opportunities on the VicTrack land in the future.*

*VicTrack notes that there is no reference to the rail line in the Integrated Transport and Access section of the Development Plan and the Schedule to the DPO does not reference rail other than in the section related to noise. VicTrack considers this an obvious omission and reference and consideration of impact to and from the rail route should be included into the Development Plan.*

*Given that future planning permits will be exempt from notice and VicTrack will not have the opportunity to recommend conditions we are concerned that future approvals under the Development Plan will not be subject to relevant conditions related to rail. VicTrack suggests the following conditions or principles to be included in a rail transport section of the Development Plan:*

*We support the approach of the service road parallel to the development and consider that this should be recognised and graphically depicted in the Development Plan as a buffer/separation distance to the rail line (3.5m) which should be maintained.*

- *Except with VicTrack’s consent, the common boundary with railway land must be fenced at no cost to VicTrack or the Rail Operator to prohibit unauthorised access to the railway land.*
- *Drainage effluent or waste soil must not be allowed to enter or be directed to the railway land.*
- *Except with VicTrack’s consent, soil or other materials must not be stored or deposited on the railway land.*
- *External Lighting (at the lower levels of the building adjacent to rail) must not be directed to the rail corridor to prevent driver distraction.*
- *No entry to railway land is permitted without the written consent of VicTrack and the Accredited Rail Operator. If the permit holder has obtained the Rail Operator’s written consent to enter the railway land, the permit holder must comply with the Rail Operator’s Site Access Procedures, conditions and safety requirements when accessing the railway land. The permit holder must comply with the Rail Operator’s reasonable requirements for works on, over or adjacent to the railway land.*
- *No excavation, filling or construction on the common boundary between the subject land and the railway land shall be carried out unless it is with the prior written approval of VicTrack and the Accredited Rail Operator.*
- *Building materials (including glass/window/balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study not to cause reflections or glare that may interfere with train driver operations and avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals.*
- *The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.*
- *Before the commencement of the development, including demolition and bulk excavation, detailed construction / engineering plans and computations for any construction or works*

*likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.*

### **CoM Response**

The following notes are made in response to the key issues raised in VicTrack's comments:

- **Deletion of references to use/development of VicTrack land**

VicTrack has correctly identified that many of the diagrams used in the material comprising the development plan include the VicTrack owned land to the north of 156-174 Kensington Road, West Melbourne (being Lot 1 on Title Plan TP946846), suggesting that this land would form part of the public realm / landscaped offering. Notably, the Public Realm and Landscape Plan prepared by Oculus dated 23 January 2019, shows this parcel of land as being landscaped and occupied by several future basketball courts.

All documentation forming part of the proposed development plan should be updated for clarity, to exclude this land and ensure no direction is given regarding the future use and/or development of this land. This extends to landscaping. By correctly showing the formal boundary between the WMW site and the neighbouring VicTrack land, the development plan will (appropriately) provide greater clarity around how this interface will be sensitively managed to accord with VicTrack's requirements and internal amenity of the WMW site.

It is noted that the updated West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020, has been amended to exclude any reference to the development of the VicTrack owned land at 156-174 Kensington Road, West Melbourne. This update must also be made to all other documentation supporting the Development Plan.

- **References to railway line in the Integrated Transport Access plan prepared by TraffixGroup, dated February 2019**

VicTrack have requested that the Integrated Transport Access plan prepared by TraffixGroup, dated February 2019, be updated to acknowledge the proximity of the WMW site to the Regional Rail Link and Western Line, and any impacts posed by access to and from this rail route on vehicle movements/transport for the WMW site.

To ensure that an opportunity has been provided for the development plan to investigate, and respond to, any impacts posed by access to and from the rail route on the operation of the WMW site, the Integrated Transport Access plan prepared by TraffixGroup, dated February 2019, should be updated to include a section addressing this feature of the site's context.

- **VicTrack required permit conditions**

VicTrack has acknowledged that (as noted in Section 7 of this report), if a development plan has been prepared to the satisfaction of the Responsible Authority, an application for a planning permit generally in accordance with that development plan is exempt from the notice, decision and review requirements of the *Planning and Environment Act 1987*, and VicTrack would have limited scope to engage with the planning process.

On this basis VicTrack has requested that a number of conditions or principles be clearly communicated in any approved development plan to ensure their interests are addressed, and it was recommended that these comments be incorporated into the Development Plan in advice to the applicant sent in May 2020.

The updated West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020, incorporates VicTrack's advice of 12 May 2019, with a disclaimer identifying that this advice is based on a preliminary assessment of the development plan, and that future planning applications will need to respond to contemporary requirements based on the detailed assessment at the time.

#### 8.1.7 VicRoads (aka Department of Transport)

The views of VicRoads (the Department of Transport) have been sought on the proposed development plan for the following reasons:

- The main access point sought to be created in Stage 1 is associated with a concept plan for a future signalised intersection to Kensington Road.

It would be futile to approve a propose development plan that is solely reliant on the creation of a new signalised intersection, where VicRoads' in principle support for the signalised intersection has not been received. VicRoads is ultimately responsible for the safety, design and maintenance of all traffic signals throughout Victoria (including how these traffic signals integrate with the broader road network).

- The density of the uses/development detailed in the proposed development plan will have an impact on the adjacent intersection of Dynon Road (a declared road under the *Road Management Act 2004*, included in the Road Zone, Category 1).

As at the date of this report VicRoads have not responded to Council's requests for comment.

The absence of VicRoads comments on the draft development plan is not considered to be fatal to the proposal, noting:

- Schedule 13 to *Clause 43.04 Development Plan Overlay* does not specifically require a draft development plan to address the comments of VicRoads.
- VicRoads did not make any submissions to Melbourne Planning Scheme Amendment C221, nor participate in the panel hearing process for Amendment C221.
- Kensington Road (the road to which access is sought to be created) is a local road managed by Melbourne City Council.

However, without receiving confirmation of VicRoads support (or requirements) in relation to the proposed signalised intersection, this aspect of the proposed development plan cannot proceed, particularly where information required by Council's Traffic Engineer is outstanding.

It is recommended that the Integrated Transport Access plan prepared by TraffixGroup, dated February 2019, be updated to include an unsignalised intersection alternative to 'Site Access 2', which integrates with the layout of the proposed development plan.

It is necessary that this alternative access arrangement be formulated as an option, in the event that the approvals process (and timing) for the construction of signalised access and other roadworks to Kensington Road do not proceed in the short to medium term.

The applicant was advised of the recommendation that alternative access arrangements be investigated for the site (in the event that in-principle advice from VicRoads was unable to be obtained) in May 2020.

A memorandum prepared by Traffix Group, dated 10 August 2020, was provided that addressed this suggestion. The following notes are made with respect to this supplementary material:

- Regarding the following statement in Traffix Group memorandum:  
*"The traffic access arrangements presented to, discussed at and ultimately accepted by the Panel included the provision of one signalised access for the site, together with other*

*unsignalised accesses for the site, as well as full traffic movements at the site's access points. Council and VicRoads were represented at the Panel hearing."*

While it is acknowledged that the provision of one signalised access for the site is included in the proposed Indicative Framework Plan in Figure 1 of DPO13, and was discussed during the course of the panel hearing, the implementation of this signalised access point is ultimately subject to approval from VicRoads, and the Development Plan must grapple with the practical implications of providing access to future development in the event that this approval is not forthcoming.

Contrary to Traffix Group's memorandum, VicRoads were not represented at the Panel hearing, and Council has no record of any advice being received from VicRoads regarding the appropriateness (or otherwise) of the signalised access.

In the absence of any in-principle advice from VicRoads on the signalised intersection, it would be inappropriate to proceed on the basis that signalised access is a guaranteed outcome for the site, and alternatives must be given proper consideration.

- Regarding the following statement in Traffix Group memorandum:

*"A signalised access is required for the extent of development permitted under DPO13. It is evident from Figure 14 in the ITAP that the volume of traffic anticipated to be generated by the proposed development via Site Access 2 requires Site Access 2 to be signalised. An unsignalised access would not have the capacity to accommodate a right turn volume of 185 vph in the weekday evening peak. Put simply, the anticipated weekday evening peak hour volume would not be able to exit the site. The provision of a signalised Site Access 2 is consistent with the traffic engineering evidence presented to, discussed at and accepted by the Panel hearing."*

If;

- Signalised access cannot be achieved for the site because VicRoads approval is not forthcoming; **and**
- Unsignalised access is not capable of delivering vehicle movements at the envisioned capacity required to cater to the originally expected car parking and loading arrangements for the future development of the site contemplated by the Development Plan,

Any update to the Development Plan that includes consideration of an unsignalised access alternative must also investigate the extent to which car parking and loading arrangements for the development would need to be reduced<sup>5</sup>, to reduce vehicle movements to levels that can be adequately serviced by unsignalised access.

## 8.2 Internal Referrals

### 8.2.1 Urban Design

#### *Urban Design Comments*

On 2 May 2019, Council's Urban Designer provided the following advice on Application TP-2019-246:

*We commend the project team on assembling an extensive design package with evidence of design iteration and testing informing decisions. At this preliminary stage we have not*

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<sup>5</sup> This could be achieved by providing less than the number of car parking spaces required by the Melbourne Planning Scheme for future uses on the site (e.g. by providing zero car parking spaces for each single-bedroom dwelling).

Subject to further consideration of the anticipated car parking provision ratios for proposed land uses, and the availability of alternative transport infrastructure, support for the suppression of private car parking demand for the site can be found in *Clause 21.09 Transport* of the Municipal Strategic Statement of the Melbourne Planning Scheme.

*reviewed the full design proposal in detail, and have limited our review to preliminary comments to accompany any potential Further Information Request and subsequent project discussion. The key areas we have focused upon include:*

- *Clarity of information submitted*
- *Massing at the edges of the site*
- *Connectivity*
- *Land use mix (including affordable housing integration)*
- *Level management*
- *Architectural identity*

**Clarity of information submitted**

*It is imperative that the level of information submitted is sufficient to create confidence in the ability to achieve a high quality design outcome within the Development Plan. We note:*

- *There are a number of discrepancies between drawings within the formal Development Plan document and the background reports by Fosters and Oculus.*
- *It is understood that naturally the design has evolved over time; however there are a number of elements in the final Development Plan which differ for example from the solar access analysis or ground plan programming.*
- *There is not currently a clear and legible ground floor plan demonstrating intended active edges and uses.*
- *All drawings are noted as indicative or with various disclaimers. Given the function of a development plan, and ability to be 'generally in accordance with' the disclaimer should be contextualised across the document and removed from each individual drawing.*

*Further information required*

- *Ensure that the information within the Development Plan reflects the information within the background reports.*
- *Provide a clear outline ground floor plan depicting active and inactive uses, service and vehicle areas.*

**Massing at the edges of the site**

*The appearance of the massing from within the Maribyrnong corridor was a critical factor in shaping the DPO13, along with the experience of scale from within the Kensington Road public realm. We note:*

- *Built form is required to set back 45 degrees above a street wall height to Kensington Road. While this element is discretionary and a simplification of stepping is desirable, there is limited information to enable an assessment of the additional building bulk from within Kensington Road.*
- *It is unclear whether the built form along Kensington Road has considered a pedestrian scale which could be built upon by future development on both sides of Kensington Road.*
- *The 'indicative elevation' to Kensington Road is particularly challenging, and does not assist assessment of the proposal. This outline does not reflect the 3d imagery or any notion of street wall height, vertical rhythm and building identity.*

- *Built form along the northern boundary is meant provide visual interest to the rail corridor. As this building will have an active program set beyond a new lane condition, consider the length of elevations and ensure relief and diversity.*

*Further information required*

- *Comparative massing studies of a compliant and proposed scheme would enable assessment of impact of the form to Kensington Road.*
- *Sections including existing built form would help determine if the built form is visually recessive.*
- *Provide a revised 'indicative elevation' outlining the details and principles evident within the Fosters Report as well as in renders. Provide street wall heights, vertical rhythm and denote distinct architectural identities.*
- *Provide a more detailed indicative elevation of the train line interface to help better understand how the breadth of form will be broke down at this interface.*

**Connectivity**

*The proposal amounts to a new neighbourhood, both in terms of the likely density of the building population, but also the mix of functions and public connections. The hierarchy, clarity and legibility of paths and streets within the site are critical to ensuring an open, connected village, as distinct from a contained development cell. The resolution of direct, safe and high quality connections to and from Kensington Road to the Maribyrnong River edge will significantly impact the relative success of the project.*

- *There needs to be a more legible movement network from Kensington Road to the river, particularly the arrival and connection to the river are the most important, and most compromised currently.*
- *The critical urban structural gestures east-west through the site in the conceptual layout are not realised in the resultant public realm planning where driveway access dominates and convolved ramps negotiate level transitions.*
- *This perpetuates a distinction between an interior circulation condition and a distinct 'joint' to the public network, undermining the sense of publicness.*
- *Many of the circulation diagrams and public realm plans use different ground floor plates, this needs to be corrected as it is unclear what is overhung and what is open to the sky. In some areas it is unclear what is exterior and what is interior.*
- *While we understand the overarching 'minecraft' approach to the pixels of public space and built form, it is important to mediate this design intent with a ground floor alignment which promotes intuitive movement through the site with built form flanking movement corridors. As outlined in the Fosters background report, streetscape continuity and definition is key to successful wayfinding.*
- *The road sections are only provided for traffic purposes, and include only the carriageway without footpath widths, planting zones and separation between building lines. Full urban design standard street sections are required.*
- *It can only be inferred from correlating a series of distinct plans and renders where ramps provide universal access as opposed to stair zones. It is critical that universal access is prioritise through the public movement network and level changes are managed carefully to avoid inconvenience and therefore stigmatisation of routes for people of limited mobility.*

*Further information required*

- *The Section 3.2 Circulation diagrams needs to be clearer and show overall street hierarchy, outlining high order, high volumes of movement, distinct from low order intimate connections, this should be reinforced with sightlines and built form prompts.*
- *Clearly demonstrate open to sky zones and areas under buildings, colonnades or canopy, and make these visually distinctive from the building footprint in both the landscape and architectural plans.*
- *Street sections need to be clearer and correctly annotated with the full horizontal dimensions of the road reserve/laneway width including any colonnade, water management or street awning elements.*
- *Provide an accessibility plan that shows DDA access to the river, along Kensington Road and within the site. Clearly depict barriers to universal access and how these will be resolved and or alternate, convenient routes provided.*

**Land use mix (including affordable housing integration)**

*Noting the temporary isolation of the site, removed from an Activity Centre context or high frequency public transport, the mix of local services and uses is critical to achieve a successful land use ecology and diversity of the community. Further, it is important that the site functions on-site provide both for the resident community as well as drawing and retaining people within the precinct from outside the development.*

- *The earlier indicative program mix in the background report depicts a substantial mix of uses on-site, which is not translated into a clear schedule or program list in the Development Plan.*
- *A range of active commercial uses are focused along the river frontage, however it is unclear how Kensington Road is to be active, and how these uses will negotiate the short and long term future of this street.*
- *The supermarket appears to not be sleeved. Ensure that any large floorplate uses with significant service and dead interface requirements are sleeved with finer grain active uses. The supermarket may be better suited to a location closer to Kensington Road, and away from the river edge.*
- *The dwelling diversity on site will be essential to ensure a successful community, however the background documentation appears to show only 1-2 bedroom dwellings. We encourage a broader spectrum of dwelling sizes and arrangements including everything from studios, lofts, regular 1-2 bedroom dwellings and larger family dwelling types including townhouses with a ground level interface to engender a sense of ownership on lower order pedestrian connections.*
- *We note the requirement to provide affordable housing above 10 storeys which is acknowledged in the Development Plan. It is critical that distribution and access of affordable housing achieves industry best practice in tenure blind design.*

**Further Information Required**

- *Provide an outline schedule of uses, including indicative FAR, dwelling numbers, diversity and sq.m of non-residential areas, to provide confidence in the ambition and ability to deliver a successful land use ecology. Consider an alternative 'for discussion' employment-led land use mix to reflect the current market environment. This should build upon the 'hint' shown in the bubble diagram sections with clearer information about the location and distribution in plan.*
- *Provide a clear ground floor plan depicting the location of active and inactive interfaces correlated with the proposed use and thematic focus. This should build upon the 'entries' diagram already provided. This plan should depict nominal spot*

*levels for exterior and interior areas where significant level changes occur at the building interface.*

- *Provide a strategy and design principles to demonstrate how affordable housing will be integrated and distributed with the residential buildings.*

### **Level Management**

*The necessary management of levels between Kensington Road and the Maribyrnong River is a key constraint to a successful and safe public environment including universal access and mitigation of flood risk.*

- *The current staging diagrams are highly diagrammatic and do not provide sufficient to understand how the project will manage the construction phase of various stages in the delivery of the public realm. It is important that staging boundaries encompass the public realm and key connections, providing use of the site for the initial building community, pending completion. This is critical to ensure a functional site plan which is safeguarded against economic shock or significant project delays.*
- *Consider the CUB example on Swanston Street as a highly successful example of this staging, resulting in isolated public spaces and a truncated movement network, pending later stages.*
- *It is unclear how the raised levels within the site relate to the intended raising of Kensington Road by Melbourne Water. It is unclear how these two levels will be connected over time. A sophisticated, adaptable strategy is required if the two levels are to occur with a time delay in between.*
- *It is unclear how the site will function in flood mode, providing for safe movement around the site and within the public realm. A strategy emerging from the Realm Work commissioned by the City of Melbourne for the broader Maribyrnong River Edge focuses on a tiered public realm allowing areas for continued public access in an inundation event.*
- *The connection to the water landscape is a key component of the site's history and future. We encourage visible display of WSUD elements throughout the public realm network and squares both to provide education and tactile engagement, but also contribute to site water management.*

### **Further information required**

- *Ensure clear staging plans are provided that show how the staging boundaries enable the delivery of connections through the site, in addition to public spaces and level management. With indication on when the basement will be delivered.*
- *Detailed diagrams, plans or sections are required to indicate the emergency management strategy within public realm during peak 1 in 100 flood events (including Melbourne Water modelling for Sea Level Rise), including how places of refuge are established, and which areas of the site are rendered inaccessible.*
- *The various applicable flood levels need to be added to all sections. This will include multiple reference lines of differing frequency and height.*
- *Provide clearer guidance as to the WSUD strategy and integration of surface water through the site with the Oculus drawings in the Development Plan. Prioritise visible use of water throughout the public spaces to connect to the site's natural setting.*

### **Architectural identity**

*The establishment of a strong contextual architectural identity with clear distinctions between the authorship and expression of each building form within the development is critical to the*



*appearance of an open, inviting neighbourhood as distinct from a singular, merging building form.*

- *The DPO13 massing requirement to step the form inevitably has the effect of unifying the mass into a singular form on key approaches. It is important that this tendency is minimised through articulation of a distinct skyline profile to each building, along with a distinct architectural identity, supported by materials, finishes, solidity vs openness etc.*
- *In the current renders there appears to be a highly unified architectural language both in the treatment of the plinth and upper levels between distinct building forms.*
- *This unified strategy appears in contrast to the reference design provided prior to the approval of the Development Plan with its overtly varied architectural approach. The public spaces, streets and lanes should clearly define a break between architectural forms, with a 'kit of parts' strategy to the appearance of each building set within a coherent whole, while breaking down the scale and bulk of the complex.*
- *We strongly encourage the provision of a commitment within the Development Plan to the use of multiple architects, at least as sub-consultants to master architect to achieve the diversity required for a successful piece of City. Examples include QVM, CBW, the Munro development, NewActon Canberra, Quay Quarter, New Academic Street at RMIT and the New Student Precinct at Melbourne University.*

*Further information required*

- *A chapter should be provided within the Development Plan regarding architectural diversity, including distinct material palettes and mood boards / precedent for each distinct building, as encompassing the overall appearance as well as the ground plane and building entry treatment to each form. This should take the form of a building identity strategy. The architectural form should reinforce the definition of key squares or courts, as distinct from external edges, and passageways to provide memorable and distinctive architectural experiences.*
- *Incorporate the principles and elements of this framework into updated renders, indicative elevations and other material within the Development Plan to ensure consistency.*

### **Planning Response**

The applicant was provided with an opportunity to respond Council's Urban Designer's advice of 2 May 2019, and made a small number of adjustments to the information in the proposed development plan material, which accompanied their response to Council's request for information on 13 February 2020.

Council's Urban Designer's advice has informed Planning's assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report.

#### **8.2.2 City Design – Landscape Architect**

##### **City Design – Landscape Architect Comments**

On 7 May 2019, Council's Urban Designer provided the following advice on Application TP-2019-246:

##### **Overview – 'Site Planning Strategy'**

*It is noted that extensive filling of the site is proposed to manage levels in relation to flooding. In general the Development Plan approach to the resultant riverside landform, as outlined in 'Site Planning Strategy', is supported (Page 14 of the West Melbourne Development Plan*

prepared by Foster and Partners and Fender Katsalidis Architects). We have queries regarding further details of the resultant built form and its extensive basements (see below).

**Public Realm Plan and outline Landscape Plan**

Although the indicative proposals attached to the 1 March 2019 submission by Contour are supported in principle, the information presented is not comprehensive or detailed enough to satisfy the Public Realm Plan and outline Landscape Plan 'requirements' of the DPO (Table 10. In making this comment it is also noted that public realm and landscape related information is contained in various parts of the documents of the Contour submission (primarily, but not exclusively in the 'Masterplan supporting Document – Public Realm and Landscape (Oculus 29 January 2019)').

**With reference to the DPO, key areas where further details are required include the following**

**'A survey of existing vegetation to be retained and/or removed'**

This has not been approached seriously and is a requirement. The Oculus 'Masterplan supporting Document – Public Realm and Landscape' – contains a 'Tree Canopy Plan' in section 4.5 which unhelpfully refers to 'Existing Tree Retained Ambition' and confirms that a survey has not been done (it states that 'An arborist assessment of the trees value is to be carried out through the planning process'). In the Foster/FK Development Plan document (22 Feb), page 23, is another highly general tree removal plan that conflicts with the Oculus plan. Clarification and further information is needed.

**'A weed management program'**

This does not appear to have been provided.

**'Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways'**

This is only responded to in general terms – more detailed information is required.

**'An indicative planting schedule including details of plant species (indigenous species must be used within the proposed public open space)'**

This is not provided. The flow chart in the Oculus 'Masterplan supporting Document – Public Realm and Landscape', section 4.1, Planting – Process, appears to suggest this is intended as a future action. However, it remains a DPO requirement.

**'Details of proposed bank treatments and assets below the shared path that do not compromise bank stability or result in increased erosion of the Maribyrnong'**

This is only responded to in general terms – more detailed information is required.

**'Details of all improvements to be provided within the Maribyrnong River open space including details of proposed street furniture including lighting, seating, bins etc.'**

This is only responded to in general terms – more detailed information is required.

**'the interface between the public and private realm including how direct access from residential or commercial developments will be managed to avoid privatisation of the public realm'**

The submission does not respond to this important requirement, the City of Melbourne's management area is not defined and there are conflicting, poorly drawn public/private boundary diagrams. The following inadequate statement is provided in the Oculus 'Masterplan supporting Document – Public Realm and Landscape' (section 3.5) 'Ownership Strategy'. 'Critical to the success of the site is providing structure around ownership and maintenance requirements. It is important that the qualities of the waterfront infiltrate the site

*in a seamless way, using the built form and formal edges such as low walls and paving of the landscape spaces to delineate between the CoM public waterfront open space and strata managed internal public spaces. Initial discussions have occurred between the project team, Parks Victoria and Melbourne Water around waterfront opportunities and maintenance regimes. Further discussions will form part of the following application stages and the overall design outcomes'. Further details are required at this present point.*

#### **'Kensington Road frontage'**

*The DP requires that the Kensington Road frontage is considered. The plans in the Traffix Group Integrated Transport and Access Plan are not clear regarding any impacts on existing street trees /streetscapes. The Oculus 'Masterplan supporting Document – Public Realm and Landscape' (section 3.6) mentions 'upgraded roadworks and cycling infrastructure' and the Traffix document mentions potential impact of the proposed loop road on street trees. The Oculus document (section 4.5) comments that 'Kensington Road street trees have been nominated to be replaced within the next 10 years as per North West Melbourne UPP. Plane trees are proposed to replace them'. The intent of this comment requires explanation. The GHD Preliminary Stormwater and Flood Management Plan also suggests that part of Kensington Road should be raised (Figure 5-1) – the impact of this on the streetscape and landscape is not explained in the submission and requires further information.*

**Other comments / queries are as follows.**

#### **Shared user path**

*A continuous legible, safe, public riverside shared path is an important feature and its width and geometry will exert a major influence on the design of the riverside spaces. A minimum width for this path and its run-off edges is not stated – what is it?*

#### **Waterside spaces**

*The 'Overall Master Plan' in the Oculus 'Masterplan supporting Document – Public Realm and Landscape' shows paving for 'item 17' (described elsewhere as 'water entry/boat launch') crossing the shared user path from private landscape areas. It is important as a design principle that the shared user path through-route remains the dominant element and other path remain subservient.*

#### **Filling and soiling**

*Proposed ground conditions are not discussed and more information is required. Most of the landscape works will take place on structure or on compacted, filled ground, some of it potentially highly compacted to cap underlying undesirable material. The filling of the site should be done in a way that achieves the best landscape result – this will be achieved by integration with the landscape design. The Foster/FK Development Plan (Public Realm Plan – Tree Canopy Plan) comments that 'where possible deep soil planting will be provided'. Although it is appreciated that the consideration of soil depth has been raised, this statement does not go far enough at this stage in confirming what soil depths and treatments are proposed over what areas of the site. Further information is required.*

#### **'Active Railway Park'**

*This is not part of the DP requirements and it is not clear from the submission what the intent is. It is numbered in the Oculus plan in 3.6 of the 'Masterplan supporting Document – Public Realm and Landscape' but is not described – elsewhere (p21 of Development Plan) it is referred to as 'proposed to temporarily occupy VicTrack land', '\*subject to landowner approval' and '\*indicative only'. It is not clear if the City of Melbourne is being asked to support the idea. It is suggested that given the vague nature of the proposal it is removed from the submission and treated separately.*

## **WSUD**

*The GHD Preliminary Stormwater and Flood Management Plan notes that ‘the potential to use end of line treatments such as wetlands is limited at this location due to both limited space and the relative salinity of the river this far downstream. Swales, buffer strips and bioretention systems may be more readily incorporated into the landscaping for instance at the edge of pavements and buildings and are likely to form part of the treatment solution’.*

*It is not clear that the submission has fully considered and integrated WSUD into the landscape response. Further information would be appreciated.*

## **Planning Response**

Council’s City Design – Landscape Architect’s advice has informed Planning’s assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report

### **8.2.3 Environmentally Sustainable Design (ESD) and Open Space Planning**

#### **ESD and Open Space Planning Comments**

On 3 June 2019, Council’s Open Space Planning and Environmentally Sustainable Design (ESD) provided the following advice on Application TP-2019-246:

#### **Recommendations**

##### **ESD Statement**

*Schedule 13 to Clause 43.04 Development Plan Overlay to the Melbourne Planning Scheme requires that the West Melbourne Waterfront precinct takes advantage of opportunities for innovative precinct scale environmental sustainability initiatives.*

*The ESD statement proposes the adoption of a 5 Star Green Star Design and As Built standard for all buildings on the site. Given the impending update to the Green Star framework it may be more appropriate to refer to a 5 Star rating under the most current Green Star tool at time of application.*

*From a precinct perspective it is recommended that a community scale rating tool such as Green Star Communities or One Planet Living etc would provide an appropriate benchmark for best practice sustainable performance, and should be investigated.*

*Section 1.2 of the ESD statement refers to the Maroondah Planning Scheme. This reference is assumed to be an error and should be removed.*

##### **Green Star Targets**

*The Design Diary prepared by Foster & Partners architects includes specific targets for the Green Star ratings of individual developments within the scheme as follows:*

- *Developments to achieve 60% of all Green Star Energy category points*
- *Developments to achieve 60% of all Green Star Water category points*

*The ESD Statement does not include these targets, and must be updated to include these key minimum benchmark requirements to ensure consistency with the Design Diary.*

##### **Renewable Energy**

*The ESD Statement includes a commitment that all external lighting will be powered by renewable energy, and “the development will seek to maximise inclusion of solar photovoltaic systems across buildings and canopies where appropriate”. Given the site is unconstrained with respect to solar access and the proposed building massing provides high exposure to the North and West, this target should be simple to accommodate. The ESD framework should*

include an analysis of the available solar resource and potential POV capacity that can be supported.

### **Transport**

The ESD Statement includes a target of 15% of parking on the site to be dedicated to fuel efficient vehicles, with 5% parking for electric vehicles with the associated charging infrastructure. This target is not sufficiently robust for this type of development and provision of sufficient electrical infrastructure for the site to enable far greater rates of electric vehicle charging must be investigated and incorporated into any development-wide plan.

Following industry projections and government expectations about the uptake of electric vehicles, after less than a decade into the lifetime of this project more than 50% of all vehicles will be electric. As such, a commitment to providing the essential electrical infrastructure to allow electric vehicle charging at scale must be incorporated.

### **Waste**

The ESD Statement states that an operational waste management plan has been prepared for the project. It is not included in the documentation package.

The development framework is an excellent opportunity to explore innovative, precinct wide waste management strategies, as required in Schedule 13 to Clause 43.04 Development Plan Overlay to the Melbourne Planning Scheme.

Any operational waste management response must address how it is providing an innovative precinct scale plan.

### **Public Realm and Open Space**

The Open Space Strategy 2012 (OSS) provides the overarching framework and strategic direction for the public open space planning in the City of Melbourne. The strategy includes consideration of the forecast population change and provides the strategic basis for an open space contributions policy. The forecast future population growth in West Melbourne is significant with an overall change in residential population between 2011 and 2026 of 146 per cent over the existing population, with an additional 5,579 residents between 2011 and 2026. The worker population is forecast to increase by 4,155 between 2011 and 2026 representing a 27% change.

In order to address the needs of this growing population, the OSS contains the following 2 recommendations which are specific to the site.

1. In future redevelopment of these sites, achieve additional width of open space to provide more space to increase the riparian zone and the diversity of recreational opportunities.
2. Future development to face the waterway providing passive surveillance and improved interface to the waterway corridor.

With regard to recommendation 1, Council is satisfied that the proposal achieves adequate additional width of open space. However, we would like to request further clarification over the inclusion of recreational opportunities. With regard to recommendation 2, Council is satisfied that the proposal provides passive surveillance and an improved interface to the waterway corridor.

### **Green Infrastructure in the Private Realm**

The design diary shows conceptual built forms with extensive green infrastructure elements, planting elements in the private realm such as on structure gardens, green roofs and trees, vertical and façade greening. As the ESD statement makes building scale commitments for sustainability performance targets, the application should also commit to similar targets for the

incorporation of green infrastructure for the private realm. This commitment should accordingly reflect the level of ambition displayed on the design diary imagery to ensure the as-built outcomes are not diluted from the initial concept imagery and artists impressions.

The green infrastructure response should provide an indicative breakdown of proposed areas for the development. Sections and plans indicate a high degree of coverage that requires quantification.

The landscape response should also be amended to include discussion and put forward strategies for how the private realm greening will provide ecosystem services (i.e. maximising biodiversity, connectivity, deep soil planting, urban heat island prevention etc) and social benefit such as user amenity, aesthetics etc. These varied benefits of green infrastructure are achieved by a broad range of green infrastructure interventions, and the conceptual response must be formulated to guide the future building projects.

**Stormwater Management**

The Stormwater Management response is basic.

**Planning Response**

Council’s ESD Officer and Open Space Planner’s advice has informed Planning’s assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report

**8.2.4 Urban Forestry**

**Urban Forestry Comments**

On 6 May 2019, Council’s Urban Forestry team provided the following advice on Application TP-2019-246:

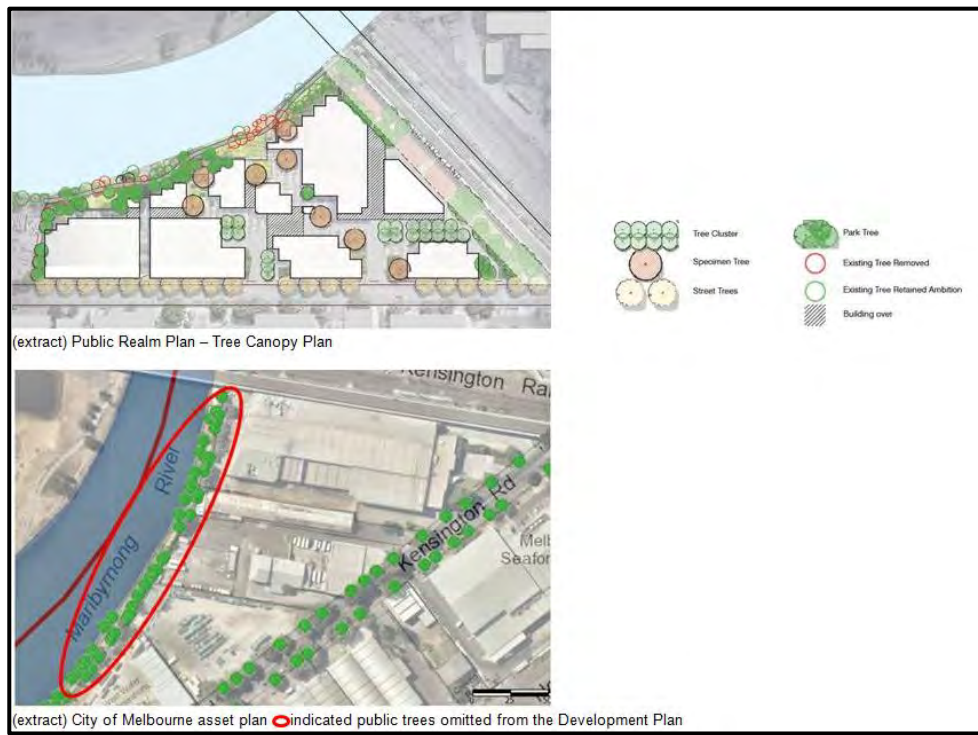
*Having reviewed the Development Plan I note that the Public Realm – Tree Canopy Plan (pg 23) has not identified public trees growing along the northern boundary.*

*A number of these trees are shown for removal. In accordance with Council’s Tree Retention and Removal Policy, all options for tree retention must be exhausted.*

*It is recommended that the development plan shows the locations of all public trees and either includes an Arboricultural Impact assessment (AIA) (carried out in accordance with AS4970-2009 protection of trees on development sites) to enable a full understanding of the impact of the proposal or does not identify public trees for removal. At the appropriate stage the AIA will inform a Tree Protection Plan, which will be necessary prior to any development.*

*Please request the applicant to amend to the plans or provide the AIA.*

Figure



from

### **Urban Forestry team's advice to Planning**

#### **Planning Response**

Council's Urban Forestry team's advice has informed Planning's assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report.

#### **8.2.5 Land Survey**

##### **Land Survey Comments**

On 16 April 2019, Council's Land Survey team provided the following advice on Application TP-2019-246:

*A copy of title has not been provided with the application.*

*The application refers to a 7.06% of Public Open Space Land Contribution being provided. Land Contributions must be able to be vested in Council as a Reserve on a Plan of Subdivision to be considered as a Land Contribution. Further comments from Parks and Open Space and Engineering Services will need to be obtained in relation to whether or not Land is the preferred option as a Public Open Space Contribution, whether or not the land is suitable and whether or not the land is able to be vested as a Reserve on a Plan of Subdivision.*

*The ownership of the open space must be clearly determined and agreed at the Planning Stage and if ownership will come to us i.e. it can be vested, it needs to be secured by a S.173 Agreement and conditions (dictated by Engineering Services) placed on the permit in relation to this.*

#### **Planning Response**

The following notes are made in response to the key issues raised in Council's Land Survey team's advice:

- The certificate of title for each land parcel forming part of the development plan site can be interrogated as part of future planning permit applications implementing the outcomes sought by the approved development plan. These planning permit applications will need to seek permission to vary or remove any easements or restrictive covenants that need to be extinguished to facilitate the overall project.
- The 7.06% public open space land contribution is a mandatory requirement of Schedule 13 to the Development Plan Overlay, which also specifies the location and nature of land that must be committed to fulfill this requirement. Further finessing of the development plan documents to clearly identify the intended ownership/management of land affected will be required prior to the final revision of the development plan being approved. This is discussed in greater detail in Section 9 of this report.

#### **8.2.6 Drainage Engineer**

##### **Drainage Engineer Comments**

On 15 May 2019, Council's Drainage Engineer provided the following advice on Application TP-2019-246:

*See below for my comments with of the development and the flood management plan submitted with the proposal.*

1. *Development area lies totally within the LSIO of Melbourne Water and hence should satisfy their requirements.*

*Other than the development should satisfy following council requirements.*

2. *All the internal drains should be developer funded and constructed. Owned and maintained by private party.*
3. *Should meet on site detention system requirements as per the City of Melbourne drainage guidelines.*
4. *Storm water point of discharge from the development should be directly to Maribyrnong river with the approval of Melbourne Water.*
5. *Should meet storm water quality requirements as per the City of Melbourne drainage guidelines.*
6. *Should not worsen the existing flooding within the property and adjacent roads, footpath or properties for any average recurrent interval. Need to provide this with 2d flood mapping and with high tide level from Maribyrnong river.*
7. *Any proposed flood control infrastructure including and not limited to levee banks, flood gates, pump stations etc. should be owned and maintained by Melbourne Water.*
8. *Any changes to the council roads should include proper drainage and connect to the closest council pit.*

*This is a preliminary assessment only and need more discussion with Melbourne Water and developer to finalise a strategy for this.*

### **Planning Response**

Council's Drainage Engineer's advice has informed Planning's assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report.

#### **8.2.7 Traffic Engineering**

##### **Traffic Engineering Comments**

On 9 September 2019, Council's Traffic Engineer provided the following advice on Application TP-2019-246:

*I refer to the Integrated & Access Plan (ITAP) by the Traffix Group dated February 2019, and to the Traffic Impact Assessment Report (TIAR) from GTA dated 21 August 2015 & to Engineering Services (ES) previous comments dated 7 October 2015 regarding the above site, comprising:*

- *573 Apartments (previously 750 apartments proposed)*
- *153 room hotel*
- *6,458m<sup>2</sup> office (previously 14,050m<sup>2</sup>) proposed)*
- *1,589m<sup>2</sup> supermarket (previously 2,800m<sup>2</sup> proposed)*
- *1,840m<sup>2</sup> retail (previously 4,650m<sup>2</sup> proposed)*
- *407 seat restaurant*
- *75 place childcare*
- *657m<sup>2</sup> art gallery (150 people)*
- *435 seat cinema*
- *2,179m<sup>2</sup> mixed use*
- *250m<sup>2</sup> pharmacy*



- *Medical (5 practitioners)*
- *1,100m<sup>2</sup> art studios*
- *4,431m<sup>2</sup> strata office*
- *450m<sup>2</sup> gym*
- *Car parking (not clearly stated in ITAP, previously 1,384 spaces proposed)*
- *Bicycle parking (not stated in the ITAP)*
- *Motorcycle parking (not stated in the ITAP)*

### **Car Parking**

*Further information/analysis is required in relation to car parking requirements/demand & proposed supply\*\*.*

*As previously indicated:*

- *In relation to the resident parking demand, it is accepted that residents could live in this area without owning a car. A reduction in resident parking below the rates required by the Melbourne Planning Scheme (MPS) could be considered as a means of reducing traffic in the area. Adequate measures should be put in place to ensure the short-term spaces provided are not misused by residents who don't have access to on-site parking.*
- *In relation to parking demand by resident visitors, while the MPS requirement is 0.2 spaces/dwelling, the previously proposed provision of 0.06 spaces/dwelling is considered to be low. Resident visitor parking should be provided at a rate of at least 0.1 spaces/dwelling, to ensure visitors are not forced to park on-street, which could impact on the amenity of both existing/future residents/businesses.*
- *The previously proposed office parking rate of 3 spaces/100m<sup>2</sup> n.f.a. is appropriate.*
- *In relation to the retail demand, TIAR previously suggested a rate of 2.3 spaces/100m<sup>2</sup>. Empirical evidence is required to support this rate. In relation to supermarket demand, TIAR suggested a rate of 3.7 spaces/100m<sup>2</sup> is appropriate, which is reasonable. TIAR included a table estimating supermarket/retail demands at midday/8pm on Fri/Sat, to demonstrate temporal displacement of these demands. The table indicated demands of these uses will peak at 100% at midday on both days, at 50% at 8pm Fri & no demand at 8pm Sat (based on retail/supermarket closing by 8pm). However, supermarkets don't typically close prior to 8pm, with most remaining open until 10pm/midnight. It is unclear where retail/supermarket demands will be accommodated or whether customers will have shared use of the office supply during evenings/weekends. Further clarification is required regarding operation of the supermarket or permit conditions be considered limiting hours of operation. Notwithstanding the above, ample parking should be provided for supermarket customers (catering for 98%<sup>ile</sup> peak demand such as just prior to public holidays, etc.), to ensure no overflow customer parking occurs on-street. While there will be some temporal displacement of peak resident visitor/retail/supermarket customer demands, adequate number of conveniently located short-term spaces should be provided to accommodate overall peak parking demand of these users. Further information should be provided regarding the allocation of parking to specific uses to ensure adequate provision is made for retail/supermarket customer demand.*
- *Proposed access arrangements on Kensington Rd will result in the loss of about 50 on-street spaces, emphasising the need to provide adequate short-term parking opportunities on-site to maintain parking amenity for other properties along the road.*

The loss of these spaces may be offset by the availability of spaces in publicly available on-site parking areas subject to consultation with adjoining businesses/owners. Several businesses currently operate on the south side of the road which will be impacted by the loss of on-street parking & may not benefit from the provision of public on-site spaces. Community consultation must be undertaken by the developer regarding the loss of on-street parking\*\*.

- The high number of proposed apartments & potential for frequent turnover is such that resident loading/unloading arrangements should be accommodated\*\*.
- A note should be placed on any future planning permits, stating: "Council may introduce parking restrictions in the surrounding area in the future, at its discretion. Although the existing residents with parking permits would be exempt from these restrictions, as per Council's policy new developments in this area that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the residents who will occupy this development will not be eligible to receive parking permits and will not be exempt from any of the existing or future on-street parking restrictions."

**Traffic Impact**

ITAP indicates the development will generate the following traffic volumes during the weekday peak periods:

AM		PM	
In	Out	In	Out
257	213	364	391
470		755	

The traffic generation of the previously reviewed application is as follows:

AM		PM	
In	Out	In	Out
365	233	243	596
598		839	

TIAR previously indicated that:

- Key intersections currently appear to operate with a good-acceptable level of service, except Dynon/Kensington Rd & Kensington/Epsom/Macaulay Rd. Kensington/Dynon Rd operates at its theoretical peak in the AM peak, with both Kensington & Dynon Rd west approaches exceeding capacity. Analysis shows turn slots on Dynon Rd (east) & Kensington Rd overspill into through lanes impacting on their operation. Site observations indicate while the intersection is congested, the queue lengths in the SIDRA analysis are overstated & don't extent to the lengths indicated. Both the Kensington/Hobsons/Childers Kensington/Mercantile Rd intersections operate well. As with Dynon/Kensington Rd intersections in the AM peak, Epsom/Kensington/Macaulay Rd operates > capacity in both PM & Sat peaks. Observations indicate queuing often forms from the Macaulay Rd boom gates impacting on capacity.
- The development would add movements to Dynon/Kensington Rd intersection, which is currently > capacity. The performance of the intersections which were operating at DOS > 1.22 (AM) & 1.07 (PM) in the base case scenario would deteriorate to DOS of 1.35 & 1.20 if unchanged. While the operation of Dynon/Kensington Rd will be

*constrained with the development traffic, improving this intersection may be difficult, due to the limited road space on Kensington Rd to provide significant capacity increases. Increasing the left turn lane on approach to Dynon Rd would result in a loss of up to 12 spaces. Increasing the right turn lane from Dynon – Kensington Rd would result in reduced lane length for the right turn into the transfer station site on the south side of Dynon Rd. The role of Kensington Rd as a connecting road, rather than a through route, supports the approach that it should be maintained in its current format.*

- *While the Epsom/Kensington/Macaulay Rd intersection is anticipated to marginally increase its DOS, queue lengths/delays, ability to improve its capacity is limited. Possible improvements could include removal of parking to increase lane lengths or phasing optimisations. Any capacity improvements are likely to be offset by downstream impacts/queuing from the rail crossing.*
- *Congestion currently exists at both Dynon/Kensington Rd & Epsom/Kensington/Macaulay Rd intersections & a network-wide review of their role should be undertaken. Possible solution exist that could alter travel behaviour that would have consideration of their role in the network. These intersections are currently at capacity & post-development operating conditions will deteriorate considerably. The City of Melbourne (COM) needs to have consideration of the strategic direction for the overall precinct & consider whether a car parking limitation policy is implemented to reduce the traffic impacts of the development, or whether traffic congestion is a reason to request a reduction in the level of the development.*

*As per our previous comments, the use of Kensington Rd & Macaulay Rd by through traffic, which seeks to avoid congestion on the Arterial Roads, is considered to be highly undesirable. Given the CoM's long-standing strategy to discourage the use of these Local Roads, ES has consistently refused past requests to upgrade the Kensington/Dynon Rd & Kensington/Epsom/Macaulay Rd intersections. Accordingly, ES will not support the provision of No Stopping restrictions along either Kensington Rd or Macaulay Rd close to the above intersections, to increase their capacities.*

*As per our previous comments, the traffic impacts of the proposed development on the surrounding Kensington residential area (generally bounded by Smithfield Rd, Racecourse Rd, Moonee Ponds Creek & South Kensington railway line) must be thoroughly assessed by the developer's traffic consultant. This will require a comprehensive traffic study to be undertaken, including provision of traffic volume/speed counts, origin-destination surveys & SIDRA analysis of the affected intersections. Following the undertaking of the traffic study, a comprehensive Local Area Traffic Management (LATM) plan must be prepared (which would aim to recommend any necessary traffic management measures such as road humps, slow points, road narrowings, traffic signals, etc, designed to ameliorate the negative impacts of the development) in consultation with the Kensington community (including all residents/occupiers/traders in the Kensington residential area, Kensington Residents Association, Urban Communities & other resident/trader/community groups). The scope of the traffic study, the community consultation process & the measures proposed as part of the LATM, are to be to the satisfaction of ES. All of the measures proposed as part of the LATM are to be fully funded & implemented by the developer\*\*.*

### **Design Considerations**

*As indicated in our previous comments:*

- *While limited detail is provided regarding layout/design of the parking areas/internal circulation, the detailed review of the car parking layout, gradients, ramps & height clearances is to be undertaken with subsequent future planning permit stages of the*

development. The car parking areas should be designed in accordance with the relevant design criteria at Clause 52.06 of the MPS & AS2890.1:2004.

- *The relocation of the bus stops in Kensington Rd will require approvals of all relevant stakeholders, including CoM & PTV. On the north side of Kensington Rd, the establishment of auxiliary left-turn treatments & site access points will result in some reconfiguration of parking. The eastbound bus stops appear to be retained at existing locations. Consultation must be undertaken with all relevant stakeholders, including property owners on the opposite side of the road\*\*.*
- *The preparation of an updated TIAR, as part of the Planning Permit process, should include utilisation surveys, analyse potential impacts of the loss of on-street parking on adjacent land uses & propose measures to ameliorate the impacts. Consideration must be given to the location of site access points relative to the existing access points on the opposite side of Kensington Rd. Access 2 is located directly opposite the egress form the Melbourne Seafood Centre (MSC). The proposed traffic island west of Access 2 should not impede vehicles turning left from MSC. While lane widths in the concept plans appear to be satisfactory, swept path diagrams are required demonstrate turning movements for a range of standard vehicles at each site access point during the detailed design stages & their impact on the access to/from the properties/streets abutting/intersecting with the south side of Kensington Rd. The potential location of access control devices such as boom gates for the office parking should be identified to allow assessment of storage areas provided for vehicles to queue on-site. Traffic flow along Kensington Rd should not be impeded. Existing bicycle lanes/provisions/treatments along Kensington Rd should be retained/enhanced\*\* & are to be provided in accordance with the relevant Australian Standards, including in the vicinity of the site access point.*
- *Other elements of the concept plan which need further consideration include:*
  - *Impact of vehicles turning into properties on the south side of Kensington Rd, on vehicles in Kensington Rd;*
  - *Location of access control points within the site;*
  - *Internal design at Access 2, whereby vehicles on the internal loop road may be blocked by vehicles queued at traffic signals;*
  - *Impact of realigning the westbound carriageway to the kerb on the existing inbound/outbound access arrangements to properties on the south side of Kensington Rd; and*
  - *Future cross-section of Kensington Rd & its capability to accommodate the type of expected vehicles & turning movements.*
- *The current concept plan incorporates the egress road from MSC into the signals at site Access 2, as requested in our previous comments. While this is supported, the SIDRA analysis for Access 2 should be reviewed.*
- *Further details & a formal Road Safety Audit should be provided regarding the proposed shared path on the north side of Kensington Rd under the rail overpass.*
- *The current concept plan proposes the provision of the outbound right turns for loading vehicles only from Access 2, subject to detailed design. This arrangements is generally supported (subject to the detailed design addressing any safety, sightline & gap acceptance issues), as it would result in the outbound loading vehicles travelling south-west, rather than via the Macaulay Rd shopping strip or via Hobsons Rd. The*

*inbound right turns from Kensington Rd must be prohibited (& physically discouraged, if possible), to discourage the use of both Macaulay Rd & Hobsons Rd.*

*Whilst our previous comments above are still considered to be applicable, please also note the following further requirements:*

- *The last dot-point (above) is critical to this application, as the currently proposed access arrangements differ significantly from those previously proposed, and would result in the outbound loading vehicles travelling north-east via the Macaulay Rd shopping strip or via Hobsons Rd. The inbound right turns from Kensington Rd are also currently proposed, which will further encourage the use of both Macaulay & Hobsons Road. Accordingly, this application is not supported in its current form.*
- *The Functional Layout Plans (FLPs) & Swept Path Diagrams (SPDs) provided in the ITAP are difficult to read & essentially illegible, as multiple SPDs are compiled over each other on aerial photos, with little detail/explanation given. Revised clearly dimensioned FLP's are required, showing all kerb/building lines, on-street parking/poles/other infrastructure with separate SPD's for all required vehicles showing vehicle wheel/body swept paths, with the required clearances\*\*. Please also note that the large radii kerbs at the site access points are not supported, as they result in pedestrians having to cross additional road widths. These radii should be tightened\*\*.*
- *Consultation regarding the FLP's must be undertaken with the affected property owners/occupiers on the opposite side of the road (particularly with MSC). Feedback from MSC should be shown to ES.*
- *This application should be referred to the Department of Transport (DoT, formerly VicRoads), as its formal approval will be required for the design/operation of the traffic signals.*
- *As the proposal to widen the road by 2m will have impact on tree planting, light poles/other infrastructure, this application should be referred to our Urban Forest/Ecology & Civil teams for comment.*
- *A formal independent desktop Road Safety Audit of the proposed development should be undertaken at the current stage of the application process, at the developer's expense, which should include the vehicular/bicycle/pedestrian access arrangements (both to this/other sites), loading arrangements, internal circulation/layout & any changes/works along Kensington Rd. The findings of the Audit should be incorporated into the detailed design, at the developer's expense. Further Audits will still be required at each stage of the planning application process.*
- *In 2015, Council approved a new car share policy that has set a target of 2,000 on-street & off-street car share spaces within the municipality of 2021. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road & in private car parks. Research suggests that each car share vehicle reduces each member's private vehicle usage by 50%. In order to meet the likely demand, it is requested that at several car share & electric charging spaces be provided on-site\*\*.*
- *A Loading Management Plan (LMP) must be prepared, specifying how the access/egress of loading vehicles is to be managed. A Dock Manager/s should be employed, responsible for controlling the operation of the loading bays & unloading of goods. The loading bays should be designed as per Clause 52.07.*
- *The ownership of the internal roads should be clarified. If these roads are to be privately owned, vehicles may park in them for length periods (& possibly double park*

/ block access). Of this occurs, CoM would not be able to issue infringement notices. In order to enable enforcement to be undertaken, which may involve installation of No Stopping/short-term parking signs/restrictions, the developer may consider entering into a Private Enforcement Agreement with the CoM, which could be further discussed with CoM officers.

- ITAP indicates: "The proponent is required to raise Kensington Road to above the flood level. The detailed design of this will include the provision of street trees and poles on both sides of the carriageway". If this results in a provision of a bund, this may limit sight lines in terms of Stopping Sight Distance (to a stationary object) & Overtaking Sight Distance (for vehicles overtaking on the crest) as a result of the vertical curve. We request the provision of a detailed assessment by a qualified consultant to address this concern, in accordance with Section 2.4 & Fig. 2.3.7a/b of the Road Design Manual\*\*. Approval for any such measures would also be required from the PTV.

### **Bicycle Parking**

Information/analysis is required in relation to bicycle parking requirements/demand & proposed supply\*\*. As previously indicated bicycle parking for residents should be provided well above the rates in Clause 52.34 to support the sought reduction in on-site car parking. Bicycle parking for other uses should also be provided above minimum statutory rates to support. As Kensington Rd is a cycle priority route, the carriageway should be widened to enable the provision of painted chevron bicycle lanes treatments (similarly to William St), to enhance the safety of cyclists. This would require the site to be further set back, compared to the current proposal.

### **Motorcycle Parking**

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

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

Considering the requirement for about 1,700 car parking spaces, it is requested that a minimum of 35 motorcycle spaces be provided.

Although some of the above comments summarise our previous detailed comments provided 3 March 2015, the previous comments (attached) are still considered to be applicable. While the above comments are based on the preliminary concept plans & traffic analysis provided as part of the development documentation, all future version of the site access arrangements, internal circulation & traffic management measure along Kensington Rd (including parking/traffic/bicycle lane layout/width, traffic islands, traffic signals etc.) are to be to the satisfaction of ES.

### **Planning Response**

Council's Traffic Engineer's advice has informed Planning's assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report.

Broadly, setting aside Council's Traffic Engineer's requirements that relate to the level of detail provided with the documentation (which will appropriately be provided at the planning application stage), and request for a Local Area Transport Management study (LATM) related to the reconstruction of Kensington Road (which is not a development plan requirement, and ought to be the responsibility of the road manager), the in-bound right-turn access from Kensington Road

proposed for the site represents Council's Traffic Engineer's threshold concern with the proposed development plan.

### **8.2.8 Civil Design**

#### **Civil Design Comments**

On 17 April 2019, Council's Principal Engineer - Infrastructure provided the following advice on Application TP-2019-246:

*The proposed development includes construction/reconstruction of parks land and public open spaces along the Maribyrnong River. The proposal should be referred to our Parks and Waterways for comments.*

*The submitted documents indicate that the proposed development will require the raising of a section of Kensington Road (by about 1.8m). However, the total extent of required works on Kensington Road is unclear. Before any permit is issued, the applicant must submit development drawings detailing all proposed works to Kensington Road for review and comments.*

*The proposed ownership of the internal roads is unclear. Council's Engineering Services is unlikely to agree to the internal roads being made public. The applicant should confirm that all internal roads will remain private.*

Council's Principal Engineer – Infrastructure followed the above comments with a list of generic conditions (intended to be included on any permit being granted).

#### **Planning Response**

Council's Drainage Engineer's advice has informed Planning's assessment of the proposed development plan against the requirements of DPO13 in Section 9 of this report.

## 9 ASSESSMENT

### 9.1 Key Considerations

Schedule 13 to the Development Plan Overlay represents the primary instrument against which Application TP-2019-246 is to be assessed, confining Council's discretion to a prescriptive set of requirements that frame the key moves for the West Melbourne Waterfront site.

The requirements that apply to a development plan submitted under Schedule 13 to the Development Plan Overlay include:

- Whether the proposed development plan is consistent with the vision articulated for the West Melbourne Waterfront site in Schedule 13 to the Development Plan Overlay.
- Whether the proposed development plan satisfactorily responds to the principles and objectives for the West Melbourne Waterfront site in Schedule 13 to the Development Plan Overlay, including in relation to:
  - Land use
  - Urban Design and Public/Private Realm
  - Environmentally Sustainable Design
  - Built Form
  - Pedestrian Permeability, Traffic Management and Bicycle and Car Parking.
- Whether the proposed development plan is generally in accordance with the Indicative Framework Plan in Figure 1 of Schedule 13 to the Development Plan Overlay.
- Whether the proposed development plan includes building envelopes capable of complying with the Built Form Requirements of Table 1 to Schedule 13 to the Development Plan Overlay.
- Whether the proposed development plan addresses the views of the following authorities:
  - Melbourne Water
  - Environmental Protection Authority
  - Department of Environment, Land, Water and Planning
  - Port of Melbourne
  - VicTrack
  - City of Maribyrnong
- Whether the **Development Plan**<sup>6</sup> includes all of the required information set out in Schedule 13 to the Development Plan Overlay.
- Whether the **Public Realm Plan**<sup>7</sup> includes all of the required information set out in Schedule 13 to the Development Plan Overlay.
- Whether the **Integrated Transport and Access Plan**<sup>8</sup> includes all of the required information set out in Schedule 13 to the Development Plan Overlay.
- Whether the **Preliminary Wind Assessment**<sup>9</sup> addresses all relevant requirements of Schedule 13 to the Development Plan Overlay.

<sup>6</sup> West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020

<sup>7</sup> West Melbourne Waterfront, West Melbourne Master Plan Supporting Document: Public Realm and Landscape, prepared by Oculus, dated 23 January 2019

<sup>8</sup> Integrated Transport and Access Plan Proposed West Melbourne Waterfront Mixed Use Development, prepared by Traffix Group, dated February 2019, and Memorandum prepared by Traffix Group, dated 10 August 2020.



- Whether the **Infrastructure Analysis Report**<sup>10</sup> satisfactorily shows the location of all existing and proposed infrastructure on the site in accordance with Schedule 13 to the Development Plan Overlay.
- Whether the **Environmentally Sustainable Development Report**<sup>11</sup> satisfactorily identifies precinct scale environmentally sustainable initiatives for inclusion in the future development in accordance with Schedule 13 to the Development Plan Overlay.
- Whether the **Acoustic and Vibrations Assessment**<sup>12</sup> satisfactorily details how future development will meet the acoustic requirements of Schedule 13 to the Development Plan Overlay.
- Whether the **Risk Assessment for the site in relation to Industrial Residual Air Emissions**<sup>1314</sup> satisfactorily identifies the location of residential and sensitive uses in accordance with Schedule 13 to the Development Plan Overlay.
- Whether the **Stormwater and Flood Management Plan**<sup>15</sup> satisfactorily identifies and considers all of the matters set out in Schedule 13 to the Development Plan Overlay.

## 9.2 DPO13 Vision

Clause 3.0 of Schedule 13 to the Development Plan Overlay sets out the following Vision for the development plan for the WMW site:

*An exemplary mixed use development including a number of visually complementary buildings which enhance the Maribyrnong River frontage and provide opportunities for riverside activity consistent with the Maribyrnong River Valley Design Guidelines 2010.*

As detailed in the assessment of the proposed development plan against the principles and objectives, built form requirements and relevant development plan requirements under DPO13 below, it is considered that the proposed development plan is consistent with the above vision.

## 9.3 DPO13 Principles and Objectives

The table below includes consideration of the proposed development plan against the principles and objectives set out in Clause 3.0 of Schedule 13 to the Development Plan Overlay.

Subject to updates to the development plan documentation, as specified in the below table, it is considered that the proposed development will satisfactorily respond to these principles and objectives.

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<sup>9</sup> Environmental Wind Speed Measurements on a Wind Tunnel Model of the West Melbourne Waterfront Development, West Melbourne, prepared by MEL Consultants, dated January 2019

<sup>10</sup> Services Infrastructure Report – West Melbourne Waterfront, prepared by Norman Disney & Young, dated 24 January 2019

<sup>11</sup> West Melbourne Waterfront – Town Planning ESD Statement, prepared by ARUP, dated 25 January 2019

<sup>12</sup> West Melbourne Waterfront – Rail Noise Review, prepared by ARUP, dated 25 January 2019

<sup>13</sup> Site Risk Assessment – Industrial Residual Air Emissions, prepared by GHD, dated 6 July 2018

<sup>14</sup> Buffer Constraints Assessment 2020 Update, prepared by GHD, dated August 2020, and West Melbourne Waterfront Buffer Assessment – Revised Master Plan, prepared by GHD, dated 6 July 2018

<sup>15</sup> Preliminary Stormwater and Flood Management Plan, prepared by GHD, dated January 2019

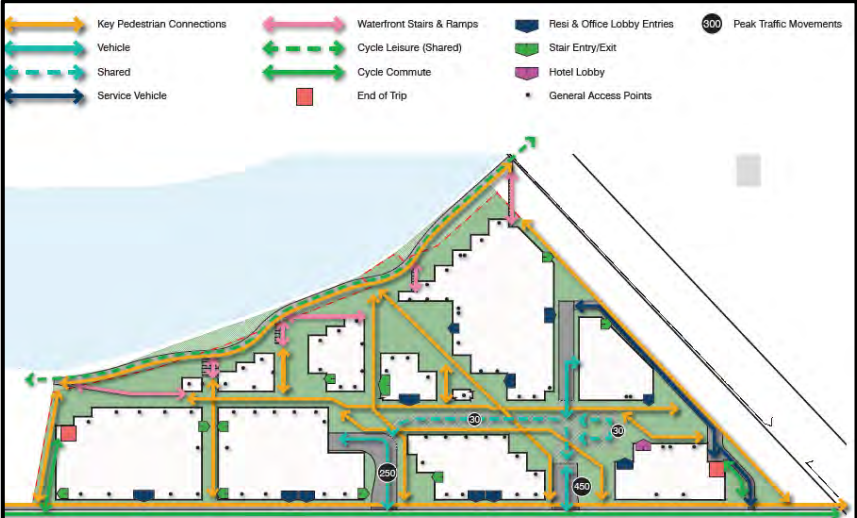
Table: Schedule 13 to Development Plan Overlay – Principles and Objectives		Responded to?  (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)								
<b>Principle 1</b>	<b>Land Use</b>									
<b>Objective</b>	<b>A mix of land uses, focussing commercial uses at the northern end of the site, and with only commercial uses along Kensington Road at ground level (except for residential lobbies).</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>								
<b>Assessment</b>	Typical land use plans provided in the West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis (the <b>Development Plan (F+P &amp; FK)</b> ) (p.26 of 69), identify that commercial uses will be focussed at the northern end of the site.	<b>Yes, subject to updates <input type="checkbox"/></b>								
<b>Objective</b>	<b>Any larger format retail uses (such as a supermarket) to be sleeved with smaller tenancies.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>								
<b>Assessment</b>	The 'Typical Land Use Plans' section (p.26 of 69) and 'Built Form Typology Principles' section (p.30 of 69) in the Development Plan (F+P & FK) list outcomes sought by the land use framework for the Development Plan and include diagrams that show how land uses will be programmed to deliver active street frontages (particularly to the primary movement networks).	<b>Yes, subject to updates <input type="checkbox"/></b>								
<b>Objective</b>	<b>Activation of the first five levels of buildings at the street edge with residential or commercial uses to achieve a visual relationship between occupants of upper floors and pedestrians.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>								
<b>Assessment</b>	The 'Built Form Typology Principles' section (p.30 of 69), and section diagrams (p.33-38 of 69) of the Development Plan (F+P & FK) identify that street edges and the first five levels of buildings will typically be activated with commercial uses.	<b>Yes, subject to updates <input type="checkbox"/></b>								
<b>Objective</b>	<b>Varied accommodation typologies suitable for a range of household types</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>								
<b>Assessment</b>	The 'Accommodation Typologies' section (p.31-32 of 69) of the Development Plan (F+P & FK) discusses apartment typologies for a range of household types, with indicative floorplans that could be accommodated by future permitted development (including Studio, Single-bedroom, Two-bedroom and Three-bedroom + family accommodation), and the target ratios to achieve a suitable mix of household types across the development.  <table border="1"> <thead> <tr> <th>Dwelling Size</th> <th>Target % of overall dwellings</th> </tr> </thead> <tbody> <tr> <td>1 Bedroom</td> <td>45-55%</td> </tr> <tr> <td>2 Bedroom</td> <td>35-45%</td> </tr> <tr> <td>3+ Bedroom</td> <td>5-15%</td> </tr> </tbody> </table>	Dwelling Size	Target % of overall dwellings	1 Bedroom	45-55%	2 Bedroom	35-45%	3+ Bedroom	5-15%	<b>Yes, subject to updates <input type="checkbox"/></b>
Dwelling Size	Target % of overall dwellings									
1 Bedroom	45-55%									
2 Bedroom	35-45%									
3+ Bedroom	5-15%									
<b>Objective</b>	<b>Floorspace for community services such as child care and creative industries.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>								
<b>Assessment</b>	The 'Typical Land Use Plans' section (p.26 of 69) of the Development Plan (F+P & FK) identify that community uses and creative enterprises are encouraged, together with a	<b>Yes, <input type="checkbox"/></b>								

	range of employment generating uses within the precinct, and include indicative locations for a child care centre and creative industries.	subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Buildings that can be adapted to a range of uses over time.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	The 'Establishing the Building Envelope' (p.27 of 69) and 'Building Form Typology Principles' (p.29-30 of 69) sections of the Development Plan (F+P & FK) discuss how the proposed massing of the building envelopes has been designed to facilitate adaptation to a range of uses over time.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Ensure that the proposed use does not compromise established land uses on adjoining and nearby land, including the Port of Melbourne.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	The type and layout of land uses detailed in the 'Typical Land Use Plans' section (p.26 of 64) of the Development Plan (F+P & FK) will not compromise established land uses on adjoining or nearby land, including the Port of Melbourne.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Principle 2</b>	<b>Urban Design and Public/Private Realm</b>	
<b>Objective</b>	<b>The design of the public realm must achieve design excellence and include a high-quality palette of materials and finishes.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	The Public Realm Plan (Oculus) provides direct encouragement of the use of high quality and proven materials (p.32-34 of 35), and has provided an overall vision (p.10-11 of 35) capable of guiding the delivery of a public realm that achieves design excellence.  The 'Materiality – Public Realm' section of the Development Plan (F+P & FK) (p.45 of 69) provides further reinforcement of this objective.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>High quality communal and private outdoor space sufficient for the needs of residents and workers and located to receive good access to sunlight.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	The Public Realm Plan (Oculus), has provided a framework for the delivery of key communal spaces (p.20-22 of 35) throughout the WMW site capable of meeting the needs of residents and workers, and the 'Built Form Typology Principles' (p.29-30 of 69) and 'Shadow Analysis' (p.46-56 of 69) sections of the Development Plan (F+P & FK) demonstrate how buildings envelopes have been configured to achieve adequate solar orientation for future communal and private outdoor space.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Enhance the role of the Maribyrnong River as a pedestrian and cycle route.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	Section 3.2 (Circulation) of the Public Realm Plan (Oculus) (p.17 of 35), emphasises the ambition of achieving a high degree of permeability through the site to the Maribyrnong River, ensuring the access to the river is enhanced by the development and encouraging pedestrian and cycling connectivity.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Views and access to the Maribyrnong River from Kensington Road.</b>	Yes <input checked="" type="checkbox"/>
<b>Assessment</b>	Due to level changes between Kensington Road and the Maribyrnong River required to mitigate flooding for the site, it is not possible for view lines to be achieved through to the water surface (Figure 15, Development Plan (F+P & FK), p.24 of 69).  The programming of the public realm and built form massing will allow sky views and access between buildings from Kensington Road through to the Maribyrnong River, and the elevated ground plane will allow view lines to be achieved through to the water surface from multiple locations within the site.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>

<b>Objective</b>	<b>Generous pedestrian links with high quality paving materials and lighting.</b>	<b>Yes <input checked="" type="checkbox"/></b>
<b>Assessment</b>	As described above, material palettes included in the development plan material include an ambition to provide high quality finishes, and the programming of the public realm will achieve a high degree of permeability for pedestrians.	<b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Objective</b>	<b>Appropriate tree canopy cover having regard to the City of Melbourne Urban Forest Strategy 2012-2013</b>	<b>Yes <input checked="" type="checkbox"/></b>
<b>Assessment</b>	Section 4.5 (Tree Canopy Plan) of the Public Realm Plan (Oculus) (p.31 of 35), sets out a number of ambitions for the WMW site, which are consistent with the principles and strategies outlined in the City of Melbourne Urban Forest Strategy 2012-2013.  Noting that the proposed development plan is for an urban development, and that the existing character of the site is completely devegetated, it is considered that the tree canopy cover proposed in Public Realm Plan (Oculus) (p.31 of 35) is appropriate. Further discussion of the robustness of this plan is set out in Section 9.8 of this report.	<b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Principle 3</b>	<b>Environmentally Sustainable Design</b>	
<b>Objective</b>	<b>Take advantage of opportunities for innovative precinct scale environmental sustainability initiatives.</b>	<b>Yes <input type="checkbox"/></b>
<b>Assessment</b>	The ESD Statement (ARUP) documents a number of precinct scale environmental sustainability initiatives encouraged by the development plan, which broadly centre on the configuration of building envelopes to maximise daylight and sunlight access.  Notably, the 'Environmental Considerations' section (p. 57 of 69) of the Development Plan (F+P & FK) clearly identifies the ambition for future development of the site to be undertaken to meet the Platinum standard of the WELL Community Standard, an ESD assessment tool that adopts a precinct wide approach.  To ensure the ESD Statement (ARUP) and Development Plan (F+P & FK) are consistent (and to ensure a clear pathway has been identified to take advantage of the opportunities presented by the wider site for precinct scale initiatives), the ESD Statement (ARUP) should be updated to consider how the Platinum standard of WELL Community Standard will be achieved across the site (including what material will be submitted to accompany future applications for permits).  This required update is further discussed in Section 9.12 of this report.	<b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input checked="" type="checkbox"/></b>
<b>Principle 4</b>	<b>Built Form</b>	
<b>Objective</b>	<b>Development of the site consistent with the Maribyrnong River Valley Design Guidelines 2010</b>	<b>Yes <input checked="" type="checkbox"/></b>
<b>Assessment</b>	The primary built form guideline set out for in the <i>Maribyrnong River Valley Design Guidelines 2010</i> that is relevant to the subject site, is the requirement that buildings be setback at a ratio of 3(height):5(setback) from a point measured 1.6 metres above the river's edge.  The 'Establishing the Building Envelope' section (p.27 of 69) of the Development Plan (F+P & FK) sets out how this requirement has moulded the building envelope, to ensure consistency with the <i>Maribyrnong River Valley Design Guidelines 2010</i> .	<b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Objective</b>	<b>All buildings should be designed to maintain a diverse, interesting and articulated built form which considers the relationship between buildings within the site.</b>	<b>Yes <input checked="" type="checkbox"/></b>

<b>Assessment</b>	<p>The 'Architectural Intent and Façade Strategy' section (p.40-44 of 69) of the Development Plan (F+P &amp; FK) breaks down the building envelope massing for each stage of the proposed Development Plan into four tiers; ground floor, street wall, upper levels and greening.</p> <p>Each tier of the architectural intent and façade strategy discusses a different theme ambition, and includes a brief discussion of the urban design contribution this tier will making to the public realm, supported by imagery and diagrams and references to the scale and quality of design elements. Broadly when read together with discussion of each tier, the conceptual elevations provided in the 'Architectural Intent and Façade Strategy' provide a general guide that demonstrates the preferred approach to articulation of built form across the site.</p> <p>It is considered that a satisfactory level of detail regarding the external design of buildings (and how they will maintain a diverse, interesting and articulated built form) has been provided, responding to this objective.</p>	<p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<b>Objective</b>	<b>Ensure that the scale and quality of design elements reflect the distance at which the building is viewed and experienced from Kensington Road and the Maribyrnong River.</b>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<b>Assessment</b>	The 'Architectural Intent and Façade Strategy' section (p.40-44 of 69) of the Development Plan (F+P & FK) has broken the development into several tiers that reflect the scale and quality of design elements and how these elements will be viewed from, and contribute to, the surrounding public realm.	
<b>Objective</b>	<b>Ensure that buildings do not visually dominate the waterfront and building massing provides a high quality public realm outcome within the site.</b>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<b>Assessment</b>	<p>By virtue of the proposed massing of building envelopes being generally consistent with the <i>Maribyrnong River Valley Design Guidelines 2010</i> (and mandatory built form requirements of DPO13), buildings will not visually dominate the waterfront.</p> <p>The proposed massing of the building envelopes will provide opportunities for a high quality public realm outcome for the site (p.20-22 of 35 of the Public Realm Plan (Oculus)).</p>	
<b>Objective</b>	<b>All building frontages to Kensington Road, internal streets and to the Maribyrnong River should be modulated and articulated in their presentation.</b>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
	The 'Architectural Intent and Façade Strategy' section (p.41 of 69) of the Development Plan (F+P & FK) includes consideration of how building frontages will be modulated and articulated at ground level (Tier 1).	
<b>Objective</b>	<b>Ensure built form along the northern boundary abutting the rail line provides visual interest through the use of design elements and articulation.</b>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
	The 'Architectural Intent and Façade Strategy' section (p.40-44 of 69) of the Development Plan (F+P & FK) has broken the development into several tiers, that reflect the scale and quality of design elements and how these elements will be viewed from, and contribute to, the surrounding public realm.	
<b>Objective</b>	<b>Minimise overshadowing within the site and on adjoining land.</b>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
	The 'Shadow Analysis' diagrams (p.46-56 of 69) of the Development Plan (F+P & FK) generally demonstrate how the built form envelopes and public open spaces have been massed and programmed, respectively, to ensure that sunlight to public open spaces within the development will be achieved at key times on 21 September (equinox) and 21 June (winter solstice).	

	<p>The 'Shadow Analysis' diagrams also identify that (primarily as a result of site orientation and the width of Kensington Road), overshadowing over adjoining land will be generally be limited to 21 June in the afternoon (the winter solstice)</p> <p>It is considered that an appropriate level of detail has been provided in the shadow diagrams for the development to satisfactorily respond to this objective.</p>	
<b>Objective</b>	<b>Ensure that new development provides a high level of amenity for future occupants, by providing all bedrooms with windows that are visible from all points in the bedroom.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
	The 'Accommodation Typologies' section (p.31-32 of 69) of the Development Plan (F+P & FK) does not promote any indicative layouts for apartments that rely on 'borrowed light' from windows (i.e. include a 'saddle-back' or 'snorkel' type window configuration).	
<b>Objective</b>	<b>Floorplates are to be designed to maximise opportunities for direct sunlight, natural cross ventilation and passive heating and cooling.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
	The 'Building Form Typology Principles' (p.29-30 of 64) and 'Environmental Overview' (p.58 of 69) sections of the Development Plan (F+P & FK) discuss how the proposed massing of the building envelopes has been designed to maximise opportunities for direct sunlight to apartments, and states the ambition of achieving natural ventilation in apartments.	
<b>Objective</b>	<b>All habitable rooms must have good natural light.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
	The 'Accommodation Typologies' section (p.31-32 of 69) of the Development Plan (F+P & FK) does not promote any indicative layouts for apartments that rely on 'borrowed light' from windows (i.e. include a 'saddle-back' or 'snorkel' type window configuration).	
<b>Objective</b>	<b>The building typologies chosen (e.g. podium/tower or an alternative typology) should create a permeable network of buildings that facilitates a good pedestrian experience, with floorplates sized, and upper levels spaced, to ensure good internal access to daylight.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
	The 'Building Form Typology Principles' (p.29-30 of 64) section of the Development Plan (F+P & FK) describes the principles that influenced typology selection, which are consistent with this objective.	
<b>Principle 5</b>	<b>Pedestrian Permeability, Traffic Management and Bicycle and Car Parking</b>	
<b>Objective</b>	<b>Provide a network that complements and connects with the surrounding network.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	The adopted cycling, vehicle and pedestrian network will complement and connect with the surrounding network	
<b>Objective</b>	<b>Provide a network that considers existing traffic access requirements for the Melbourne Seafood Centre located opposite the northern part of the site including access for 19.0m articulated vehicles.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	<p>The adopted access locations are consistent with the preferred locations in the Indicative Framework Plan (Figure 1 of DPO13). The location of these access points is therefore considered acceptable.</p> <p>Regarding the preferred configuration of these access points (e.g. detailed design of access arrangements, and final confirmation of signalisation, and the number and</p>	

	<p>direction of turn-in/turn-out lanes), this level of detail is appropriately left to the planning permit application stage.</p> <p>It is noted that the Integrated Transport and Access Plan (Traffix Group) has explored the option of signalised access to Kensington Road, and road widening, to improve traffic conditions for both the WMW site and Melbourne Seafood Centre.</p>	
<p><b>Objective</b></p>	<p><b>Provide a network that recognises the primacy of pedestrian and bicycle access within the site and provides a high level of amenity and connectivity for pedestrians and cyclists.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>The diagram prepared for Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus) demonstrates that pedestrian and cycling connections will have primacy over the site, and vehicle access has been confined to the 'Loop', in accordance with the Indicative Framework Plan (Figure 1 of DPO13).</p> 	<p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Objective</b></p>	<p><b>Provide a network that provides safe access for pedestrians and bike users at all times of the day and night.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>The safety of the pedestrian and cycling network within the site will largely be a product of activation levels, the openness of paths/routes to facilitate passive surveillance, lighting and other urban design initiatives that alleviate crime / entrapment risks. Access through the site has broadly been designed in a manner that will leverage these design initiatives to provide a safe network.</p> <p>It is noted that the pedestrian access route along the north boundary of the site shared with the service vehicle access is likely be an exception to this general outcome, and attention to this route (with regard to safety and CPTED principles) will be necessary with the assessment of any future planning permit application.</p>	<p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Objective</b></p>	<p><b>Provide a network that allows manoeuvrability of emergency and service vehicles.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>The planned 'Loop' will ensure that emergency vehicles will be capable of directly accessing all buildings within the WMW site.</p> <p>The 'Integrated Transport and Access' section (p.19 of 69) of the Development Plan (F+P &amp; FK) demonstrates that clearance heights for any sections of the 'Loop' that are covered will be at least 4.2 metres clear from the pavement surface, ensuring emergency vehicles will be able to safely negotiate these areas of the development.</p>	<p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Objective</b></p>	<p><b>Provide a network that is of sufficient width to accommodate footpaths, street trees and water sensitive urban design.</b></p>	<p>Yes <input checked="" type="checkbox"/></p>

<b>Assessment</b>	The 'Integrated Transport and Access' section (p.19 of 69) of the Development Plan (F+P & FK) and 'Tree Canopy Plan' section (p.31 of 35) of the Public Realm Plan (Oculus) demonstrate that the network will generally be of a sufficient width to accommodate footpaths (where vehicle access is also provided), and to allow appropriate canopy tree planting.	No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Manage traffic impacts associated with the new development to ensure safe access to, and egress from, the site and to minimise disruption to movement along Kensington Road.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Assessment</b>	Integrated Transport and Access Plan (Trafix Group) has explored the traffic conditions within the surrounding network and provided a series of recommendations to assist with minimising disruption to movement along Kensington Road. These recommendations could form the basis for further studies undertaken by the City of Melbourne, should traffic calming/mitigation strategies be pursued for this area in future.	Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Ensure the pedestrian network allows for ease of movement within the site:</b> <ul style="list-style-type: none"> <li>▪ <b>Street blocks including the northern interface with the railway line should not exceed 100 metres in length on any side.</b></li> <li>▪ <b>Secondary streets or laneways should be included in blocks over 70 metres in length.</b></li> </ul>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	The diagram prepared for Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus) identifies that street blocks will generally not exceed 100 metres in length, and secondary streets and laneways have been provided at regular intervals throughout the site.	
<b>Objective</b>	<b>The provision of convenient and direct pedestrian movement north south through the site (in addition to Kensington Road and the shared path along the River) is encouraged. The width of the three east west connections between Kensington Road and the Maribyrnong River should be sized to provide good spacing between buildings and to accommodate footpaths, bicycle paths and street trees and should generally be in accordance with the widths shown on the Indicative Framework Plan.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	The diagram prepared for Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus) demonstrates that pedestrian and cycling connections through the site will achieve a high degree of connectedness (both across the site and between Kensington Road and the Maribyrnong River).  Further, the 'Integrated Transport and Access' section (p.19 of 69) of the Development Plan (F+P & FK) demonstrates that the width of the 'Loop' will be generally in accordance with the widths shown in the Indicative Framework Plan in Figure 1 of DPO13 (with the exception that the proposed development plan outlines additional pedestrian connections of a narrower width).	
<b>Objective</b>	<b>Ensure direct pedestrian and cycle access is provided from Kensington Road to the Maribyrnong River shared path at intervals of at least every 100 metres.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Assessment</b>	The diagram prepared for Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus) identifies pedestrian and cycling connections between Kensington Road and the Maribyrnong River generally at intervals of at least every 100 metres.	Yes, subject to updates <input type="checkbox"/>
<b>Objective</b>	<b>Ensure that the 'shared zone' as illustrated on the Indicative Framework Plan (Figure 1) is designed so that it is a low speed environment and that priority is afforded to pedestrian movements.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

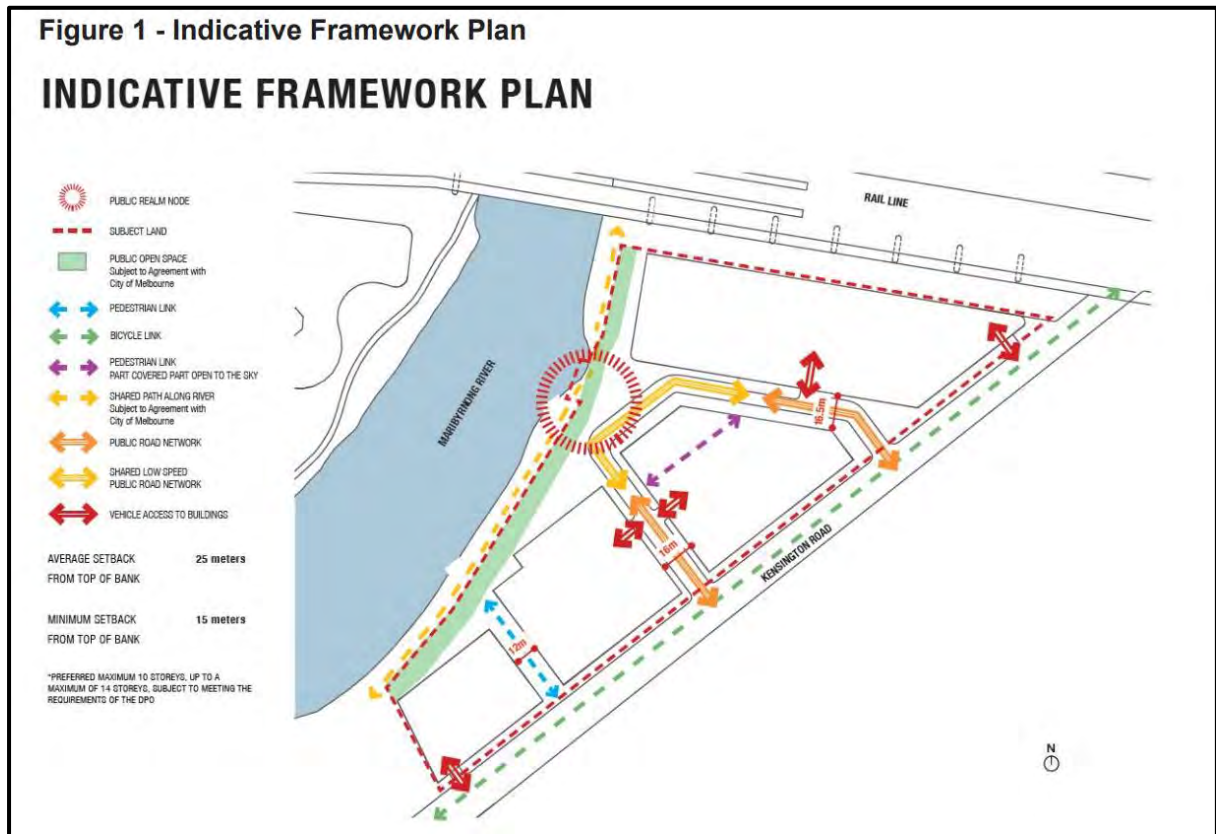


<p><b>Assessment</b></p>	<p>The Integrated Transport and Access Plan (Traffix Group) discusses the proposed configuration of the 'shared zone' (p.35) section of the 'Loop', which is restricted to the north-south alignment, terminating where it intersects pedestrian/cycling connections to avoid traffic conflicts.</p> <p>Detailed design around this 'shared zone' will be necessary as part of future planning permit applications (which will require an independent road safety audit and detailed drawings showing planned safety measures).</p>	<p>Yes, subject to updates <input checked="" type="checkbox"/></p>
<p><b>Objective</b></p>	<p><b>Ensure service entries, where required, are provided along the northern boundary of the site and do not undermine the public realm.</b></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>The diagram prepared for Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus) identifies that service vehicle access will be provided along the northern boundary of the site and will not impact on the planned public realm areas.</p>	<p>Yes, subject to updates <input type="checkbox"/></p>

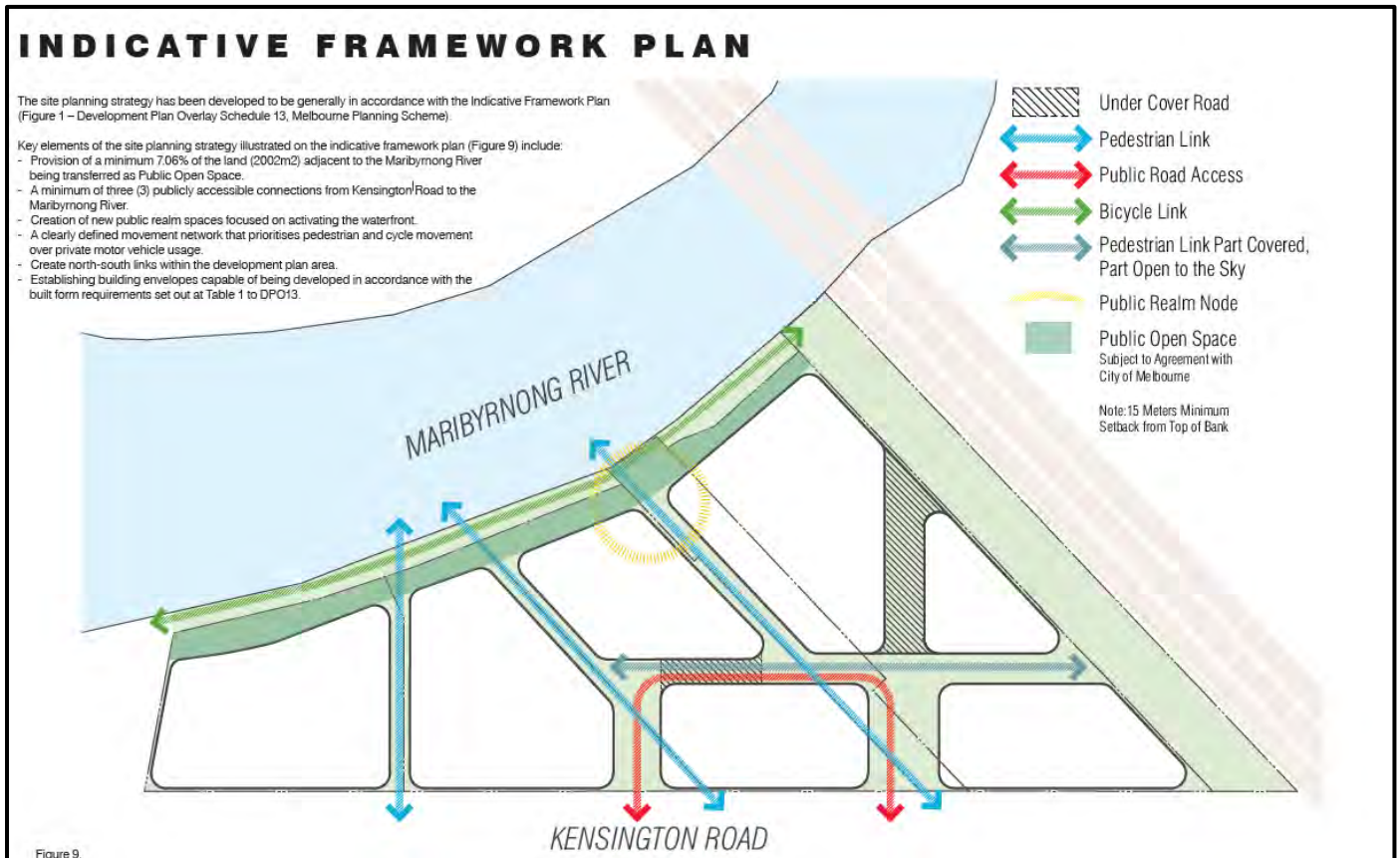
**9.4 DPO13 Indicative Framework Plan (Figure 1)**

Excerpts from DPO13 and the Development Plan (F+K & FP) have been provided below, demonstrating the degree to which the proposed development plan under Application TP-2019-246 accords with the Indicative Framework Plan in Figure 1 of DPO13.

**9.4.1 Excerpt from DPO13 – Figure 1: Indicative Framework Plan**



9.4.2 Excerpt from Development Plan (F+K & FP) showing proposed Framework Plan



9.4.3 Assessment

The table below includes an assessment of the proposed Framework Plan in the Development Plan (F+K & FP) against Figure 1 – Indicative Framework Plan of Schedule 13 to the Development Plan Overlay.

Table: Schedule 13 to Development Plan – Indicative Framework Plan	
Figure	Generally in accordance? (Green = Yes) (Red = No)
<p><b>Figure 1 – Indicative Framework Plan</b></p> <p><b>Assessment:</b></p> <p>The master plan envelopes detailed in indicative framework plan provided in the Development Plan (F+K &amp; FP) (p.17 of 69) of the proposed development plan generally conform to the Indicative Framework Plan identified in Figure 1 of DPO13.</p> <p>It is noted that the maximum number of storeys for the northernmost building envelopes, oriented toward the railway interface, is 14 storeys, which exceeds the 10 storey preferred height requirement and meets the mandatory height requirement.</p> <p>As it stands, the proposed development plan is considered to be generally in accordance with the Indicative Framework Plan of DPO13.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>

## 9.5 DPO13 Built Form Requirements (Table 1)

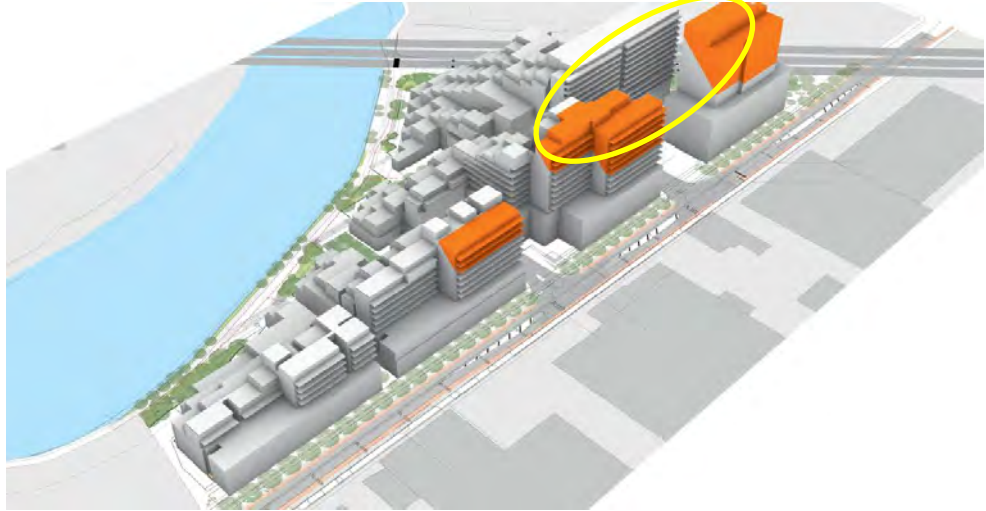
It is noted that Clause 3.0 (Requirements for development plan) of DPO13 does not refer to the built form requirements of Table 1 of DPO13.

Demonstrating compliance with the built form requirements of Table 1 of DPO13 is therefore technically not a statutory requirement of the proposed development plan.

However, the **mandatory** built form requirements of Table 1 of DPO13 cannot be varied by the development plan (i.e. in the event that a development plan was approved that included built form envelopes that were non-compliant with a mandatory requirement in DPO13, any future application for a permit received by Council must still comply with these mandatory requirements), and it would not be desirable to approve a development plan that encouraged a type of built form that was not permissible under the provisions of DPO13.

An assessment of the Development Plan (F+K & FP) against the requirements of Table 1 – Built Form Requirements of Schedule 13 to the Development Plan Overlay has therefore been undertaken in the below table.

Table: Excerpt from DPO13 (Table 1 – Built Form Requirements)				
Built form element	Mandatory requirement	Discretionary requirement	Outcome sought	Complies? (Green = Yes) (Blue = Variation accepted) (Red = Updates required)
Setback of all built form from Kensington Road site boundary	2 metres minimum		The area set aside is to be transferred to the Council to be included in the road reserve, and a footpath is to be constructed within the 2m at the expense of the developer so as to facilitate pedestrian movements along Kensington Road.	Yes <input checked="" type="checkbox"/> Variation accepted <input type="checkbox"/> Updates required <input type="checkbox"/>
Assessment	Complies (mandatory requirement, cannot be varied)  This requirement is identified as being met on the section diagrams (p.33-37 of 69) of the Development Plan (F+P & FK).			
Height of street wall on Kensington Road	Maximum of 6 storeys in height and minimum of 3 storeys in height		A diverse street wall height (i.e. varied in height) which does not dominate the pedestrian experience along Kensington Road and ensure satisfactory levels of sunlight along Kensington Road.  To create a human scale experience along Kensington Road	Yes <input checked="" type="checkbox"/> Variation accepted <input type="checkbox"/> Updates required <input type="checkbox"/>

<p><b>Assessment</b></p>	<p>Complies (mandatory requirement, cannot be varied)</p> <p>This requirement is identified as being met on the section diagrams (p.33-37 of 69) of the Development Plan (F+P &amp; FK).</p>			
<p><b>Height and setbacks of built form above the maximum street wall height on Kensington Road</b></p>		<p><b>Above the street wall, upper levels should be setback generally within a 45 degree angle from the street wall.</b></p>	<p><b>To minimise the impact of upper levels on the pedestrian experience.</b></p>	<p>Yes <input type="checkbox"/></p> <p>Variation accepted <input checked="" type="checkbox"/></p> <p>Updates required <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p><b>Variation required</b></p> <p>DPO13 includes a preferred (discretionary) requirement that all built form above the street wall be setback generally within a 45 degree angle from the street wall. This discretionary requirement may be varied, subject to a development demonstrating that the impact of upper levels on the pedestrian experience has been minimised.</p> <p>The operation of this requirement in tandem with the mandatory 3:5 setback requirement from the Maribyrnong River bank acts to sculpt the massing of built form for the site so that taller building envelopes are required to locate toward the centre of the northernmost half of the site at its greatest depth (where the lot is widest), if they are to seek up to 14-storeys in height (the maximum permissible height under DPO13) and comply with the DPO13 setback requirements.</p> <p>Generally the tallest built form within the proposed development plan has been programmed in this manner, circled yellow in the below excerpt from the 'Kensington Road Elevation' section (p.39 of 69) of the Development Plan (F+K &amp; FK):</p>  <p>The building envelopes in the Development Plan vary from the preferred upper level setback requirement above the street wall to Kensington Road for stages 1-3. This is shown volumetrically in orange highlight in the above diagram from the 'Kensington Road Elevation' section (p.39 of 69) of the Development Plan (F+K &amp; FK).</p> <p>The Development Plan (F+K &amp; FK) (p.39 of 69) advances the following justification in support of the variation sought to the upper level setback requirement above the street wall to Kensington Road:</p> <p><i>There are three locations that upper levels of the indicative building envelopes is not within the preferred (discretionary) setback above the Kensington Road street wall. The design outcome sought for the setback above the Kensington Road street wall is "To minimise the impact of upper levels on the pedestrian experience". The building envelopes responds to the attributes affecting the pedestrian experience, being:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensures appropriate levels of daylight to Kensington Road footpath and to key publicly</i></li> </ul>			

*accessible spaces within the site.*

- *Is visually interesting and contributes to activation of the public realm.*
- *Enhances the boulevard character of Kensington Road.*
- *Meets relevant wind comfort criteria is met on Kensington Road.*
- *Ensures the presentation of the upper levels is not visually bulky.*

In addition to the above justification, a supplementary planning assessment discussing this requirement, prepared by Contour dated 7 August 2020, has been provided, which sets out how the massing for the WMW site (including the variations sought to the upper level setback requirement above the street wall to Kensington Road) was approached holistically, with regard to the broader built form requirements and outcomes under DPO13 and with attention to the pedestrian experience for the internal and external road network.

It is not Planning's recommendation that the assessment prepared by Contour be incorporated into the Development Plan, however this material does assist with justifying the massing across the site having regard to this built form requirement, and on the basis of this further material it is considered that the proposed variation to the preferred upper level setback requirement above the street wall to Kensington Road, and associated preferred height requirement, can be accepted, noting the following:

- **Defining a suitable framework for assessing, 'the impact of upper levels on the pedestrian experience'**

As identified in the Memorandum prepared by Contour, dated 7 August 2020, neither DPO13 nor the MPS define how the 'impact of upper levels on the pedestrian experience' is to be assessed. Neither the independent Panel's report for Amendment C221, nor submissions made during the panel hearing, provide any help in this regard.

However, the following objective of DPO13 is of assistance in that it provides a higher order objective for how development across the site is sought to be configured in service of a good pedestrian experience:

*"The building typologies chosen (e.g. podium/tower or an alternative typology) should create a permeable network of buildings that facilitates a good pedestrian experience, with floorplates sized, and upper levels spaced, to ensure good internal access to daylight."*

Drawing on this objective, and of relevance to the built form requirement, the following set of criteria have been advanced by Contour for identifying how (both qualitatively and quantitatively) the impact of upper levels on the pedestrian experience can be understood and assessed (to be incorporated into the development plan update (1)):

1. *"To achieve the design outcome, future permit applications need to demonstrate that compared to if a 45-degree upper level setback were adopted:*
  - a. *The extent of shadow to the Kensington Road footpath between 11am and 2pm at September 22 is equivalent or improved.*
  - b. *Encourages visual interest and activation of the public realm.*
  - c. *Solar access to publicly accessible space within the site is equivalent or improved.*
  - d. *Built form enhances the preferred boulevard character of Kensington Road.*
  - e. *Ensures relevant wind comfort criteria is met on Kensington Road.*
  - f. *Delivers affordable housing (where it exceeds ten storeys in height).*
  - g. *Reduced building footprint."*
- **The proposed massing has been designed to achieve appropriate levels of sunlight access to pedestrians in Kensington Road.**

Figure 1 (Indicative Framework Plan) of DPO13 delineates planning units (footprints) for future development. The proposed building envelopes under the development plan have been deliberately designed to erode these planning units, creating a diverse series of voids between

each building envelope that ensure suitable levels of solar access are provided to Kensington Road and interior connections and key public spaces within the development.

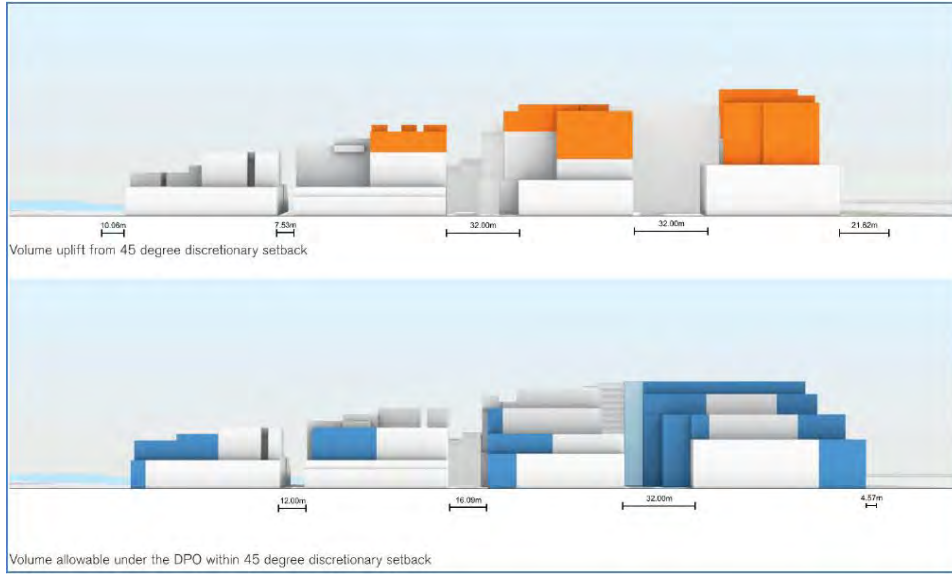
This is demonstrated in the below diagram (excerpt from p.5 of 12 of the Memorandum prepared by Contour, dated 7 August 2020), which identifies that the eroded form adopted by the proposed building envelopes (with tower forms up to 14-storeys configured to face Kensington Road) facilitate increased solar access to the Kensington Road footpath between 11am and 2pm on 22 September.



- The 'Architectural Intent and Façade Strategy' section (p.40-44 of 69) and 'Typical Land Use Plans' section (p.26 of 69) of the Development Plan (F+P & FK) identify how visual interest and activation of the public realm will be achieved, and how the development will contribute to the Kensington Road boulevard.
- The shadow analysis section (p.46-56 of 69) of the Development Plan (F+P & FK) identifies that suitable levels of sunlight and amenity will be delivered to public open space within the site.
- Wind comfort criterion and the delivery of an appropriate uplift can be appropriately addressed at the planning application stage, when dwelling numbers and detailed design information is available.
- There is no direct link between the proposed scheme and the achievement of increased yield across the site, when compared to a massing scheme that complies with the preferred requirement, and a reduced building footprint is achieved overall.

Reversion of the proposed massing under the Development Plan to a flattened scheme that complies with the upper level setback requirement above the street wall to Kensington Road in lieu of the eroded forms sought by the proposed Development Plan to achieve greater building separation, has been identified in the Memorandum prepared by Contour as producing a greater yield (in the order of 14,500m<sup>2</sup>).

The below diagram (excerpt from p.8 of 12 of the Memorandum prepared by Contour, date d7 August 2020) provides a comparative analysis of each scheme:



This principle, of massaging the massing of building envelopes to adopt a podium/tower typologies, with taller, narrower, elements configured toward the northern (less sensitive rail interface) that provide greater building separation at all levels of the development is supported.

It is noted that massing identified in the Development Plan is indicative, and will be subject to further interrogation at the planning application stage (where detailed plans with dimensions will be required to form part of any application), however the overall massing in the Development Plan is considered to provide an appropriate guide to the level of variation from the upper level setback requirement above the street wall to Kensington Road of DPO13 that can be supported.

To assist decision-makers with assessing future planning permit applications submitted in accordance with the Development Plan (in the event that it is approved), which vary the upper level setback requirement above the Kensington Road Street wall, it is recommended that the assessment criteria advanced in the Memorandum prepared by Contour, dated 7 August 2020, be incorporated into the Development Plan (update **(1)**).

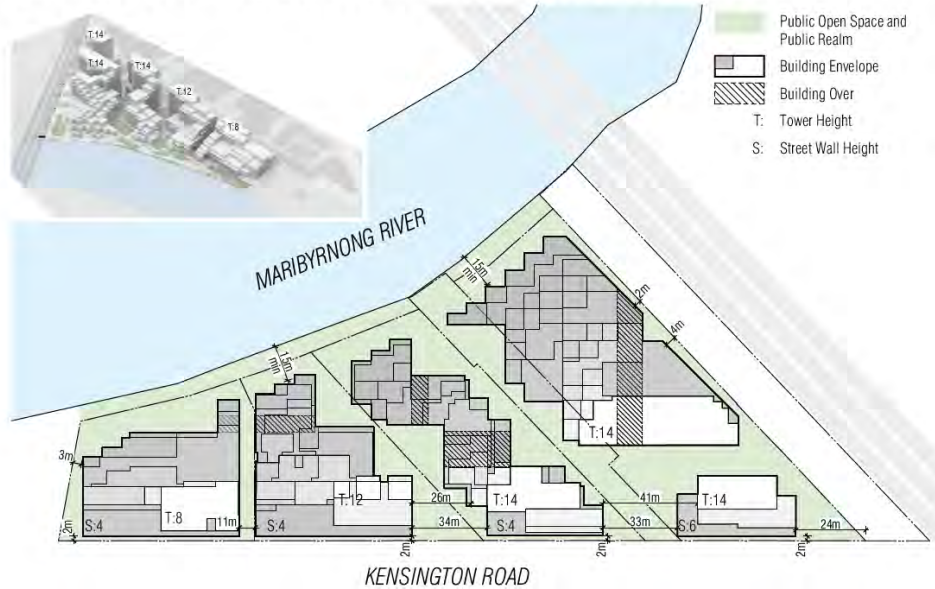
<p><b>Setback of built form from the top of Maribyrnong riverbank</b></p>	<p><b>15 metres minimum setback and 25 m average setback.</b></p>		<p><b>To respond to the Maribyrnong River Design Guidelines 2010</b></p>	<p>Yes <input checked="" type="checkbox"/> Variation accepted <input type="checkbox"/> Updates required <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Complies (mandatory requirement, cannot be varied)</p> <p>All of the section diagrams (p.33-37 of 69) of the Development Plan (F+P &amp; FK)) provide clear annotations that a minimum 15 metre, and average 25 metre, setback to the top of the Maribyrnong riverbank will be achieved.</p>			<p>Updates required <input type="checkbox"/></p>
<p><b>Height and setback of built form from the top of the Maribyrnong riverbank, measured at eye height (1.6 metres from natural ground level)</b></p>	<p><b>A ratio of 3:5 (height to setback) in accordance with the Maribyrnong River Valley Design Guidelines 2010 (refer Figure 2 of this schedule)</b></p>		<p><b>To respond to the Maribyrnong River Design Guidelines 2010</b></p> <p><b>To ensure that built form does not visually dominate the waterfront.</b></p>	<p>Yes <input checked="" type="checkbox"/> Variation accepted <input type="checkbox"/> Updates required <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Complies (mandatory requirement, cannot be varied)</p> <p>This ratio is identified as being met in the section diagrams (p.33-37 of 69) of the Development Plan</p>			

	(F+P & FK).			
<p><b>Spacing between buildings</b></p>		<p><b>Minimum separation of buildings within the site.</b></p> <p><b>Buildings up to 13.5 metres in height – 12 metres between buildings.</b></p> <p><b>Buildings up to 25 metres in height – 12 metres separation for the first 13.5 metres of height and 18 metres separation for the part of the building that is between 13.5 to 25 metres in height.</b></p> <p><b>Buildings over 25 metres in height – 12 metres separation for the first 13.5 metres of height, 18 metres separation for the part of the building that is between 13.5 to 25 metres in height and 24 metres separation for the part of the building over 25 metres in height.</b></p> <p><b>The separation is measured from glazing line to glazing line to the open edge of a balcony</b></p> <p><b>The main building structure (including walls, balconies and other building appurtenances) should not encroach into the setback.</b></p>	<p><b>To provide for high levels of amenity within buildings and sunlight to internal streets.</b></p> <p><b>Building massing should ensure internal links within the site are comfortable for pedestrians.</b></p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>Variation accepted</b> <input checked="" type="checkbox"/></p> <p><b>Updates required</b> <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p><b>Variation required</b></p> <p>The 'Site Plan – Indicative Building Envelopes' section (p.28 of 69) (excerpt below) and section diagrams (p.33-37 of 69) of the Development Plan (F+P &amp; FK) include dimensions that show separation distances between buildings (albeit not at the minutiae of individual floorplates and levels), and the height of building envelopes via shaded contours.</p>			



The below excerpt demonstrates that taller tower forms will generally achieve acceptable building separation (including up to 41 metres for the tallest building forms proposed), however some level of variation is expected (and will fall within appropriate thresholds) in the minimum separation distance between the angular corners of the floorplates given the eroded development layout.

**SITE PLAN - INDICATIVE BUILDING ENVELOPES**



The eroded form of the proposed building envelopes will ensure that suitable levels of sunlight and amenity are provided within buildings and to internal streets. This conclusion is supported by the detailed overshadowing diagrams provided in the shadow analysis section (p.46-56 of 69) of the Development Plan (F+P & FK).

It is noted that massing identified in the Development Plan is indicative, and will be subject to further interrogation at the planning application stage (where detailed plans with dimensions will be required to form part of any application), however the overall massing in the Development Plan is considered to provide an appropriate guide to the level of variation from the preferred building separation requirement of DPO13 that can be supported.

<p><b>Maximum street wall height of all built from internal streets and laneways</b></p>		<p><b>4 storeys</b></p>	<p><b>To provide for high levels of amenity within buildings and along the street network within the site.</b></p> <p><b>Building massing should ensure internal links within the site are high quality streets that comfortable for pedestrians.</b></p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>Variation accepted</b> <input checked="" type="checkbox"/></p> <p><b>Updates required</b> <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p><b>Variation required</b></p>			

There is a high level of modulation of building height across the site, which is detailed in the 'Site Plan – Indicative Building Envelopes' section (p.28 of 69) and section diagrams (p.33-37 of 69) of the Development Plan (F+P & FK), reflecting the highly sculpted and eroded massing of the preferred built form envelopes sought by the Development Plan. This will contribute to a varied street wall character to internal laneways, which will generally achieve the preferred street wall height requirement of 4 storeys.



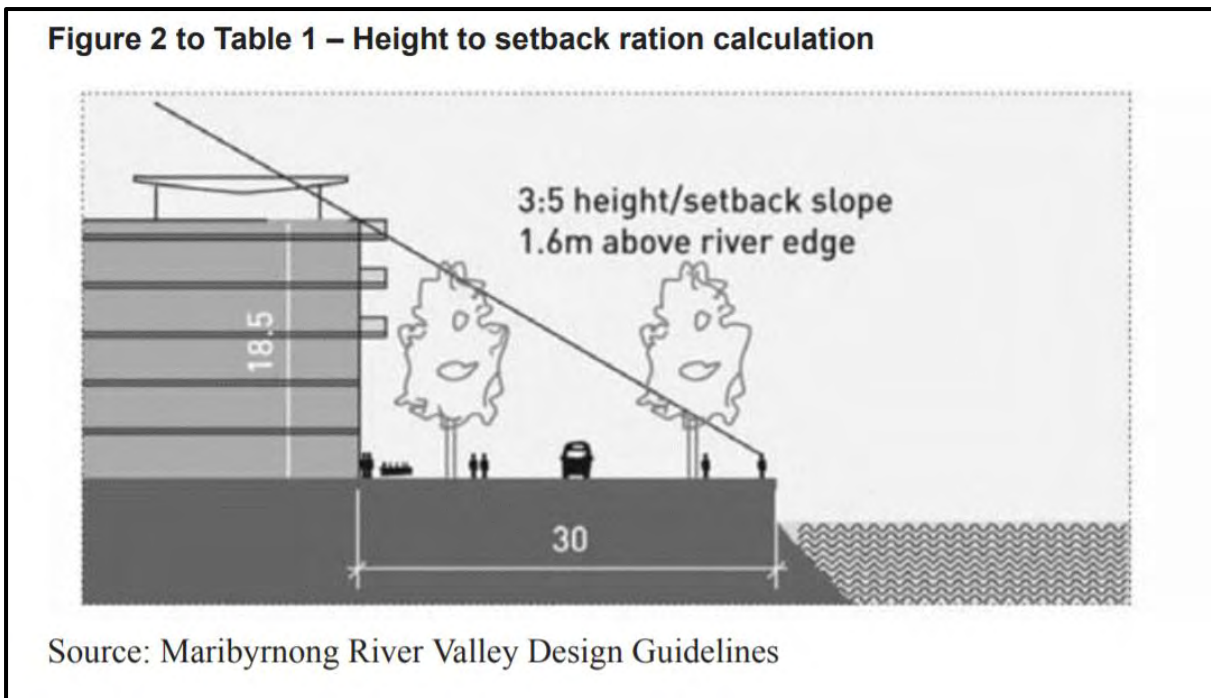
It is noted that massing identified in the Development Plan is indicative and will be subject to further interrogation at the planning application stage (where detailed plans with dimensions will be required to form part of any application). Subject to finessing of the exterior presentation of the interior street walls for each building envelope, the Development Plan is considered to provide an appropriate guide to the level of variation from the preferred street wall requirement of DPO13 that can be supported.

<p><b>Overall building height (excluding plant and equipment and architectural features)</b></p>	<p><b>14 storeys maximum building height</b></p>	<p><b>10 storeys preferred height</b></p>	<p><b>Height up to 14 storeys may be permitted if:</b></p> <ul style="list-style-type: none"> <li>▪ The ratio of 3:5 (height to setback) continues to be met; and</li> <li>▪ No additional shadow is cast, beyond that which would be cast by 10 storeys, over the Maribyrnong River, public open space, the internal street network or the footpath on Kensington Road between 11am-2pm on 22 September; and</li> <li>▪ 15% of the gross floor area above 10 storeys is shown as set aside within the building or in another part of the development for affordable housing</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>Variation accepted <input checked="" type="checkbox"/></p> <p>Updates required <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p><b>Variation required</b></p> <p>DPO13 includes a preferred (discretionary) requirement that the overall height of buildings (excluding</p>			

	<p>plant and equipment and architectural features) not exceed 10 storeys. This discretionary requirement may be varied, subject to a development demonstrating that:</p> <ul style="list-style-type: none"> <li>• The ratio of 3:5 (from the Maribyrnong River bank continues to be met);</li> <li>• No additional shadow is cast, beyond that which would be cast by 10 storeys, over the Maribyrnong River, public open space, the internal street network or the footpath on Kensington Road between 11am and 2pm on 22 September; and</li> <li>• 15% of the gross floor area above 10 storeys is shown as set aside within the building or in another part of the development for affordable housing.</li> </ul> <p>The proposed building envelopes for Stage 1, Stage 2 and Stage 3 seek to vary the preferred height requirement of 10 storeys by four storeys, seeking a maximum height of 14 storeys.</p> <p>For the reasons discussed in considering whether the upper level setback requirement above the Kensington Road street wall was acceptable, it is considered that the proposed height of building envelopes in the Development Plan is acceptable, broadly assisting with the displacement and massing of mass into appropriate contextual locations that are site responsive and contribute to an improved overall design response for the site. It is further noted that:</p> <ul style="list-style-type: none"> <li>• When considered holistically (as demonstrated in the excerpt below) the average height of the building envelopes across the site will meet the preferred height requirement.</li> <li>• The principle of consolidating higher built form closer to less sensitive interfaces within the development (the railway interface to the north and separated from the Maribyrnong River) is accepted.</li> </ul> <p>It is noted that massing identified in the Development Plan is indicative and will be subject to further interrogation at the planning application stage (where detailed plans with dimensions will be required to form part of any application). Subject to a suitable floor area uplift being provided, and the built form outcomes identified above being demonstrably met for each building envelope, the Development Plan is considered to provide an appropriate guide to the level of variation from the preferred building height requirement of DPO13 that can be supported.</p>			
<p><b>Public connections (pedestrian or pedestrian/vehicle) between Kensington Road and the Maribyrnong River front.</b></p>	<p><b>Minimum of 3 public connections</b></p>		<p><b>Provide public access to the river front.</b></p> <p><b>Provide pedestrian permeability through the development and to the river.</b></p>	<p><b>Yes <input checked="" type="checkbox"/></b></p> <p><b>Variation accepted <input type="checkbox"/></b></p> <p><b>Updates required <input type="checkbox"/></b></p>
<p><b>Assessment</b></p>	<p>Complies (mandatory requirement, cannot be varied)</p> <p>This requirement is identified as being met in the Indicative Framework Plan (p.17 of 69) of the Development Plan (F+P &amp; FK).</p>			
<p><b>Maximum height of ground floor above the finished level of an abutting street.</b></p>		<p><b>1.2 metres</b></p>	<p><b>To encourage a connection between the street and the uses abutting the street.</b></p>	<p><b>Yes <input checked="" type="checkbox"/></b></p> <p><b>Variation accepted <input type="checkbox"/></b></p> <p><b>Updates required <input type="checkbox"/></b></p>
<p><b>Assessment</b></p>	<p>Complies</p> <p>The development plan proposes to raise the level of the site to reduce the need for significant level changes between internal streets and building interiors (see 'Site Planning Strategy – Level Changes' section (p.14-15 of 69) of the Development Plan (F+P &amp; FK)). This strategy would allow grades to be matched between abutting streets and building interiors (maintaining a strong connection between the</p>			

	<p>street and uses abutting the street).</p> <p>However, in the event that Kensington Road is not raised concurrently with the development, management of floor levels and street levels across the development may require staging (and would be subject to detailed assessment as part of any future application for a planning permit). T</p> <p>This would result in a temporary variation of the requirement until Kensington Road is raised to match that of the development.</p>			
<b>Setback from the northern title boundary</b>			<p><b>Activation of the interface with the railway line to provide a safe and attractive environment and to utilise the site's northern orientation while responding to the acoustic and vibration impacts of the railway line.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>Variation accepted <input type="checkbox"/></p> <p>Updates required <input type="checkbox"/></p>
<b>Assessment</b>	<p>Complies</p> <p>The 'Integrated Transport and Access' section (p.18 of 69) of the Development Plan (F+P &amp; FK) shows the location of the service lane to the north boundary of the site, providing a setback between the WMW development and neighbouring VicTrack land).</p>			
<b>Car parking visible from the public realm</b>		<p><b>Not more than 20% of the length of frontages at ground level or the first five levels of the building.</b></p>	<p><b>Ensure a high quality public realm and activation of the street network.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>Variation accepted <input type="checkbox"/></p> <p>Updates required <input type="checkbox"/></p>
<b>Assessment</b>	<p>Complies</p> <p>The 'Typical Land Use Plans' section (p.26 of 60) of the Development Plan (F+P &amp; FK), show car parking locations being sleeved at ground level by active uses.</p>			

9.5.1 Figure 2 to Table 1 – Height to setback ration calculation



## 9.6 Views of Relevant Authorities

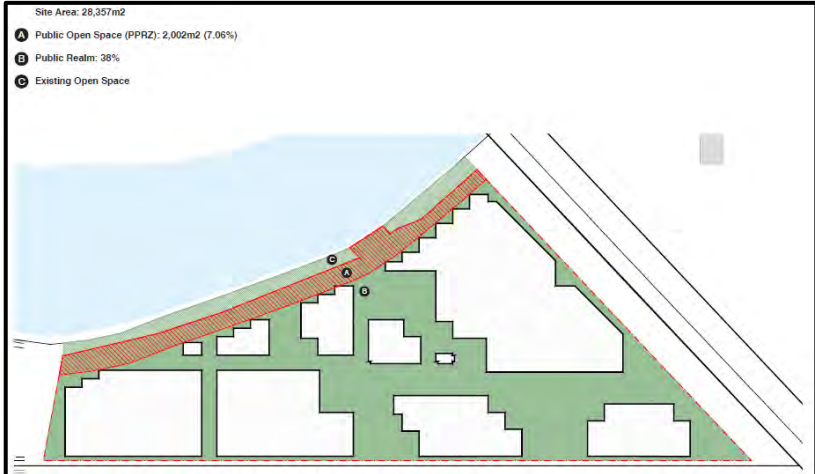
Refer to Section 8.1 of this report for a discussion of the views of relevant authorities referred to in DPO13, and recommended updates to the Development Plan to give force and effect to the recommendations and requirements of these authorities.

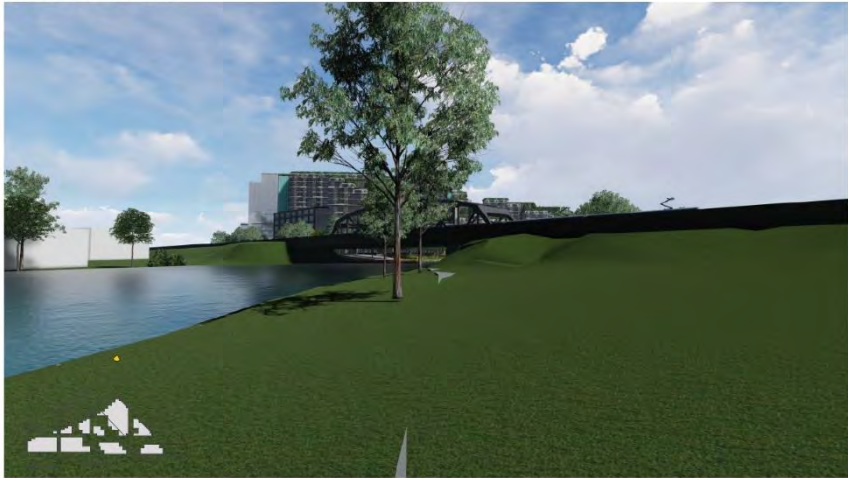

## 9.7 DPO13 Development Plan

The below table includes an assessment of the Development Plan (F+K & FP) against the 'Development Plan' requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay, which set out what the Development Plan must include.

Table: Schedule 13 to Development Plan Overlay – Development Plan requirements		Provided? (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)
<b>Requirement 1</b>	The urban context and existing conditions showing topography, the top of the Maribyrnong River bank, the surrounding and on-site land uses, buildings, noise and odour sources, access points, adjoining roads, cycle and pedestrian paths and public transport. Views to be protected and enhanced, including views of and from the site.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	Provided (p.5-8 of 69 of the Development Plan (F+K & FP))	
<b>Requirement 2</b>	<b>Plans / Diagrams</b>	
<b>Sub-requirement</b>	<b>Demolition works and their location</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	Provided (p.11 of 69 of the Development Plan (F+K & FP))	
<b>Sub-requirement</b>	<b>Building envelopes including maximum building heights, building setbacks and building depths.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	Provided (the 'Site Plan – Indicative Building Envelopes' section (p.28 of 69) and section diagrams (p.33-37 of 69) of the Development Plan (F+P & FK))	
<b>Sub-requirement</b>	<b>Conceptual elevations.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>
<b>Assessment</b>	Provided (the 'Architectural Intent and Façade Strategy' section (p.40-44 of 69) and 'Typical Land Use Plans' section (p.26 of 69) of the Development Plan (F+P & FK))	

<b>Sub-requirement</b>	<b>Street and movement networks, including pedestrian and cycling connections.</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>
<b>Assessment</b>	Provided (Section 3.2 (Circulation) (p.17 of 35) of the Public Realm Plan (Oculus))	<b>Yes, subject to updates</b> <input type="checkbox"/>
<b>Sub-requirement</b>	<b>Cross sections, indicating level changes across the site.</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>
<b>Assessment</b>	Provided ('Site Planning Strategy – Level Changes' section (p.14 of 69) of the Development Plan (F+P & FK)).	<b>Yes, subject to updates</b> <input type="checkbox"/>
<b>Sub-requirement</b>	<b>Orientation and overshadowing demonstrating how development within the proposed building envelopes can comply with the following requirements:</b> <ul style="list-style-type: none"> <li>▪ <b>Built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between 9am and 3pm for a minimum of five hours on 22 September;</b></li> <li>▪ <b>Built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between for a minimum of 3 hours at the winter solstice;</b></li> <li>▪ <b>Reasonable levels of sunlight will be provided to other areas of the public realm, including the street network, on 22 September and at the winter solstice.</b></li> </ul>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes, subject to updates</b> <input type="checkbox"/>
<b>Assessment</b>	Provided (overshadowing diagrams provided in the shadow analysis section (p.46-56 of 69) of the Development Plan (F+P & FK))	
<b>Requirement 3</b>	<b>Key land use and development opportunities and constraints.</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>
<b>Assessment</b>	Provided ('Opportunities & Constraints Analysis' section (p.13 of 69) of the Development Plan (F+P & FK)).	<b>Yes, subject to updates</b> <input type="checkbox"/>
<b>Requirement 4</b>	<b>The provision of not less than 7.06% of the area of the site, provided as public open space along the Maribyrnong River.</b>	<b>Yes</b> <input checked="" type="checkbox"/>

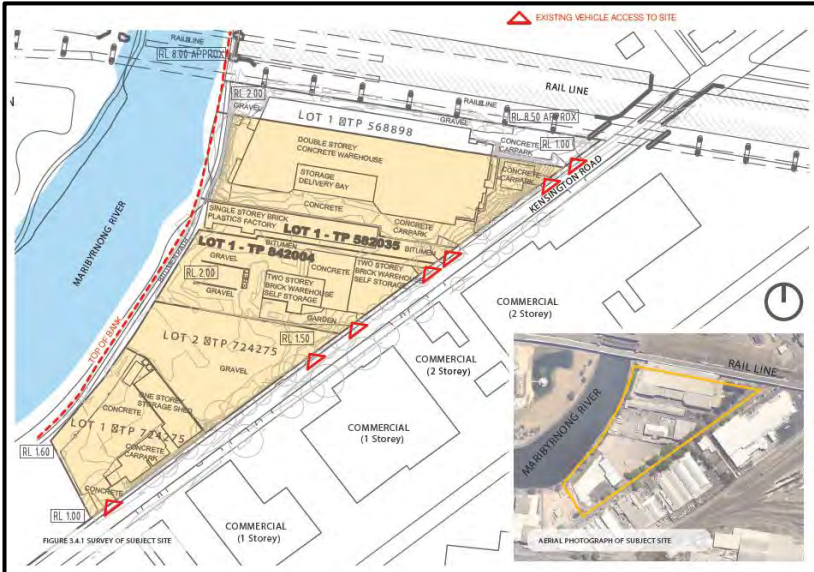
<p><b>Assessment</b></p>	<p>Provided Section 3.1 'Open Space Breakdown' (p.16 of 35) of the Public Realm Plan (Oculus) (excerpt below – note location of 7.06% of public open space (area marked "A") to be zoned Public Park and Recreation Zone (PPRZ).</p> 	<p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Requirement 5</b></p>	<p>The mix of land uses.</p>	<p>Yes <input checked="" type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided ('Typical Land Use Plans' section (p.26 of 69) of the Development Plan (F+P &amp; FK)).</p>	<p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Requirement 6</b></p>	<p>The proposed built form edge to the river, including an analysis of whether the triangular spaces between the proposed development and the Maribyrnong River shown on the Indicative Framework Plan provide an appropriate response to the river.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided ('Public Realm Plan' section (p.22 of 69) of the Development Plan (F+P &amp; FK)).</p>	<p><input type="checkbox"/></p>
<p><b>Requirement 7</b></p>	<p>Images which show how the proposed built form will be viewed from the Buddhist temple and Newell's paddock.</p>	<p>Yes <input checked="" type="checkbox"/></p>

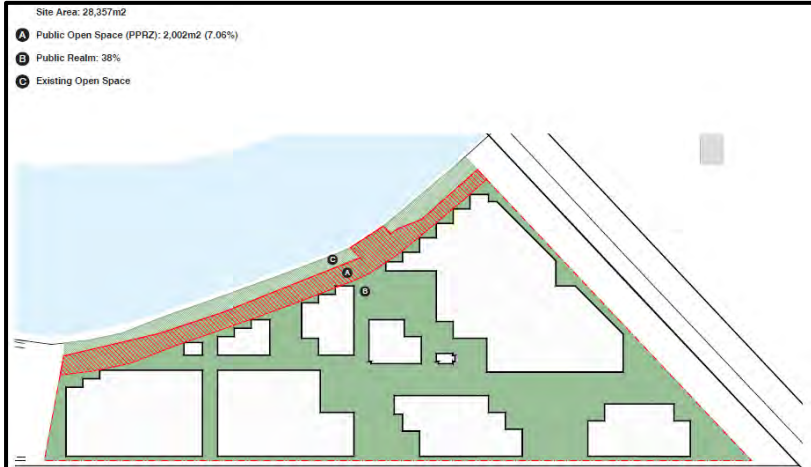

<p><b>Assessment</b></p>	<p>Provided:</p> <p>View from Newell's paddock (p. 66 of 69 of Development Plan (F+P &amp; FK)).</p> <p><small>VIEW FROM NEWELLS PADDOCK</small></p>  <p><small>Figure 38. *INDICATIVE ONLY</small></p> <p>View from Buddhist Temple (Heavenly Queen Temple) (p. 62 of 64 of Development Plan (F+P &amp; FK)).</p> <p><small>VIEW FROM BUDDHIST TEMPLE</small></p>  <p><small>Figure 39. *INDICATIVE ONLY</small></p>	<p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Requirement 8</b></p>	<p>If it is proposed to develop the land included in this overlay in stages, the staging plan must identify, to the satisfaction of the Responsible Authority:</p> <ul style="list-style-type: none"> <li>▪ The proposed sequencing of development, the indicative timing of the provision of infrastructure and services and overall integration with other development stages.</li> <li>▪ Vehicular access points, road infrastructure works and traffic management for each stage of the development.</li> </ul>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided ('Staging' section (p.68 of 69) of the Development Plan (F+P &amp; FK)).</p>	

**9.8 DPO13 Public Realm Plan**

The below table includes an assessment of the Development Plan (F+K & FP) and West Melbourne Waterfront, West Melbourne Master Plan Supporting Document: Public Realm and Landscape, prepared by Oculus, dated 23 January 2019 (**Public Realm Plan (Oculus)**) against the 'Public Realm Plan' requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

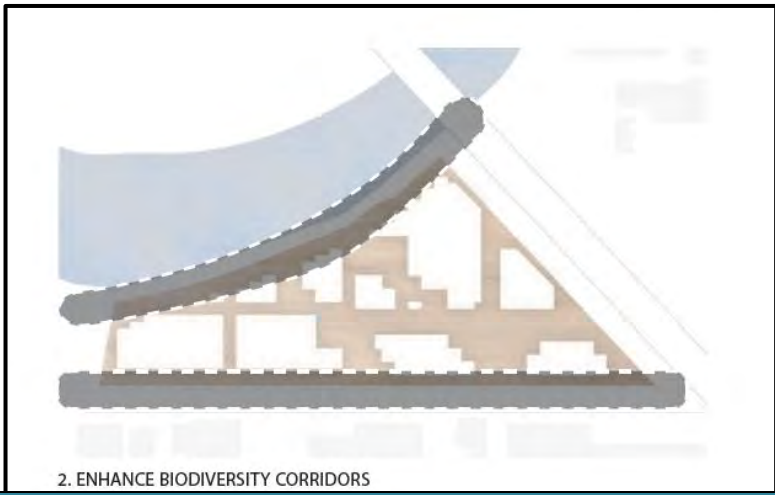


Table: Schedule 13 to Development Plan Overlay – Public Realm Plan requirements		Provided?
<p><i>“A Public Realm Plan for the Maribyrnong River frontage (being that part of the land between the top of the bank of the Maribyrnong River to the edge of the proposed built form fronting the river) and for the Kensington Road frontage. The Public Realm Plan must be prepared by a Landscape Architect and have regard to the City of Melbourne Open Space Strategy 2012 and show the following:”</i></p>		<p>(Green = Yes)</p> <p>(Blue = Yes, subject to updates)</p> <p>(Red = No)</p>
Requirement 1	A site survey with current bank alignment, overlaid parcel boundaries, existing shared path and defined top of bank.	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
Assessment	<p>Provided, 'Site Features Plan &amp; Local Built Form Analysis' (p.12 of 69) of the Development Plan (F+P &amp; FK).</p> 	<p>Yes, subject to updates <input type="checkbox"/></p>
Requirement 2	Cross sections at regular intervals along the river frontage showing all built form envelopes within 30m of the top of the river bank, the location of the public shared path, the existing ground level, the proposed/modified round level and the defined top of bank.	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
Assessment	Provided, see section diagrams (p.33-37 of 69) of the Development Plan (F+P & FK).	<p>Yes, subject to updates <input type="checkbox"/></p>
Requirement 3	At least 7.06% of the land included in this overlay being set aside and ultimately zoned for public open space generally in accordance with Figure 1 – Indicative Framework Plan, namely along the Maribyrnong River frontage of the site.	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to</p>

<p><b>Assessment</b></p>	<p>Provided, Section 3.1 'Open Space Breakdown' (p.16 of 35) of the Public Realm Plan (Oculus) (excerpt below – note location of 7.06% of public open space (area marked "A") to be zoned Public Park and Recreation Zone (PPRZ).</p> 	<p>updates <input type="checkbox"/></p>
<p><b>Requirement 4</b></p>	<p><b>A coherent vision for the Maribyrnong River frontage, including the nomination of spaces for public use.</b></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided, Public Realm Plan (Oculus) (excerpts from plan showing renders of key spaces along waterfront provided below).</p> <p>While it is important to acknowledge that the future development of the Maribyrnong River bank interfacing with the site will be highly constrained by ecological and flood mitigation requirements from Melbourne Water and Parks Victoria, the Public Realm Plan (Oculus) articulates a fairly comprehensive and coherent vision exploring how</p> 	<p>Yes, subject to updates <input type="checkbox"/></p>

	these spaces could be used/improved in future.	
<b>Requirement 5</b>	<b>Land uses within buildings that interface with the river and with Kensington Road.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>
<b>Assessment</b>	Provided, 'Typical Land Use Plans' section (p.26 of 69) of the Development Plan (F+P & FK).	<b>Yes, subject to updates <input type="checkbox"/></b>
<b>Requirement 6</b>	<b>The interface between the public and private realm including how direct access from residential or commercial developments will be managed to avoid privatisation of the public realm.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>
<b>Assessment</b>	Provided, Section 3.5 'Ownership Strategy' (p.19 of 35) of the Public Realm Plan (Oculus) provides a high-level concept plan, which outlines how ownership of land along the Maribyrnong waterfront could potentially be delineated through soft (rather than hard programming e.g. fences), to preserve the natural aesthetic of the river bank.  Detailed subdivision plans, and landscape plans for the Maribyrnong waterfront, will be required to accompany future planning permit applications.	<b>Yes, subject to updates <input type="checkbox"/></b>
<b>Requirement 7</b>	<b>Flood management setbacks.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b>
<b>Assessment</b>	The appropriate flood management setbacks will be determined through incorporating Melbourne Water's requirements, and resolving level changes at the interface with the Maribyrnong River bank.  The setbacks adopted in the proposed development plan are compliant? (which must meet the mandatory requirements of DPO13 – being a minimum setback of 15 metres from the river edge, and a minimum average setback of 25 metres from the river edge).	<b>Yes, subject to updates <input type="checkbox"/></b>
<b>Requirement 8</b>	<b>An outline landscape plan, including the following:</b>	
<b>Sub-requirement</b>	<b>A survey of existing vegetation to be retained and/or removed.</b>	<b>Yes <input type="checkbox"/></b> <b>No <input type="checkbox"/></b>
<b>Assessment</b>	While the 'Tree Canopy Plan' section (p.31 of 35) of the Public Realm Plan (Oculus) appears to show trees on the site (with indications around retention/removal), this plan does not constitute a survey.  Required update:  2. A survey of the vegetation listed below is to be prepared by a suitably qualified professional and incorporated into the Public Realm Plan (Oculus) to accompany the Development Plan:  a. Existing trees within the boundaries of the WMW site.  b. Existing vegetation (i.e. shrubs + trees – with CoM asset numbers) located on the Maribyrnong River bank adjacent to the WMW site's boundaries, and located on the strip of land adjacent to the river bank intended to be vested with Council as a public open space contribution.  c. Existing trees on neighbouring private property within 3 metres of a shared boundary.  d. Buildings on neighbouring private property within 3 metres of a shared boundary.  e. Existing street trees (with CoM asset numbers) adjacent to the WMW site frontage to Kensington Road.  This survey plan will be highly valuable for future planning permit applications across the WMW site, and is to be accompanied by a supplementary plan and	<b>Yes, subject to updates <input checked="" type="checkbox"/></b>

	<p>schedule outlining what trees must be removed to facilitate the building envelopes, access points and key areas of open space proposed under this development plan.</p> <p>Subject to required update (2) being made to the development plan, it is considered a survey plan of existing vegetation (together with indicative removal) will have been satisfactorily provided.</p>	
<p><b>Sub-requirement</b></p> <p><b>Assessment</b></p>	<p><b>A weed management programme.</b></p> <p>Not provided.</p> <p>Weed management along the Maribyrnong River bank adjacent to the WMW site will ultimately be the responsible of CoM, being the committee of management for the land.</p> <p>However, weed management within the site will remain the responsibility of the owner of the land, and guidance regarding how this is to occur.</p> <p>It is noted that the 'Public Realm Plan – Planting Character' section (p.24 of 69) of the Development Plan (F+P &amp; FK) includes specific instructions regarding the selection of plants for landscaping, and identifies that invasive species will not be used to avoid undesirable seeding along the Maribyrnong river bank.</p> <p>Required update:</p> <p>3. Weed management guidelines must be incorporated into the Public Realm Plan (Oculus) to accompany the Development Plan. These guidelines are to be prepared by a suitably qualified landscape consultant, with a focus on ensuring the biodiversity of the Maribyrnong River is not threatened by landscaping within the development.</p> <p>Subject to required update (3) being made to the development plan, it is considered a weed management plan will have been satisfactorily provided.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input checked="" type="checkbox"/></p>
<p><b>Sub-requirement</b></p> <p><b>Assessment</b></p>	<p><b>Buildings and trees on neighbouring properties within three metres of the title boundary.</b></p> <p>While the 'Tree Canopy Plan' section (p.31 of 35) of the Public Realm Plan (Oculus) appears to show trees on neighbouring properties, as above, this plan does not constitute a survey. Furthermore, it does not show the location of buildings on neighbouring properties.</p> <p>Required update: (refer to (2) above).</p> <p>Subject to required update (2) being made to the development plan, it is considered that the survey plan showing trees and buildings within 3 metres of a shared boundary on neighbouring properties will have been satisfactorily provided.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input checked="" type="checkbox"/></p>
<p><b>Sub-requirement</b></p> <p><b>Assessment</b></p>	<p><b>Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways.</b></p> <p>Not provided.</p> <p>Section '4.6 Materials' (p.32 of 35) of the Public Realm Plan (Oculus) discusses aspirations regarding landscaping material, but does not provide examples of surface finishes on the thoroughfare surfaces / pathway types to be used within the development.</p> <p>Required update:</p> <p>4. Section '4.6 Materials' (p.32 of 35) of the Public Realm Plan (Oculus) updated to include specific examples of materials to be used for recreational pathways,</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input checked="" type="checkbox"/></p>

	<p>maintenance access and any other pathways near waterways.</p> <p>The 'Materiality – Public Realm' section (p.45 of 69) of the Development Plan (F+P &amp; FK) must be updated for consistency with this section of the Public Realm Plan (Oculus).</p> <p>Subject to update (4) being made to the development plan, it is considered that a satisfactory level of detail will be provided regarding surface finishes.</p>	
<b>Sub-requirement</b>	<b>An indicative planting schedule including details of plant species (indigenous species must be used within the proposed public open space).</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Assessment</b>	<p>Provided.</p> <p>Sections '4.2 Planting – Key Considerations' and '4.4 Plant Schedule' of the Public Realm Plan (Oculus) (excerpts showing indicative biodiversity corridors below) include a high-level discussion of different plant varieties and details of how this planting will be programmed across the development.</p>  <p>2. ENHANCE BIODIVERSITY CORRIDORS</p>	
<b>Requirement 9</b>	<b>Details of proposed bank treatments and assets below the shared path that do not compromise bank stability or result in increased erosion of the Maribyrnong River.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Assessment</b>	<p>Provided.</p> <p>Section '3.7 Bank Treatment – Opportunity Diagrams', 'Section of the Public Realm Plan (Oculus) provides a number of conceptual opportunity diagrams that demonstrate how the Maribyrnong River could be developed to facilitate increased recreational opportunities.</p>	
<b>Requirement 10</b>	<b>How wind and sun will be managed and mitigated to provide a comfortable pedestrian environment.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Assessment</b>	<p>The Wind Assessment (MEL Consultants) sets out the findings from a wind tunnel study commissioned for the WMW site, on the basis of the built form envelopes proposed in the development plan, and establishes criteria for environmental wind conditions for future development.</p>	
<b>Requirement 11</b>	<b>Details of all improvements to be provided within the Maribyrnong River open space including details of proposed street furniture including lighting, seating bins etc.</b>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Assessment</b>	<p>Provided.</p> <p>Section '3.6 Key Spaces', '3.7 Bank Treatments' and '3.8 Cross Sections' (p.22-25) of</p>	

<p>the Public Realm Plan (Oculus) include a conceptual framework for improvements that could be made within the Maribyrnong River open space, which is considered appropriate.</p> <p>It is important to note that improvements within the Maribyrnong River open space, including how this open space is programmed/configured (and whether there will be room for improvements in this space if it is ultimately decided to turn part of this area over to the river ecology), will ultimately be subject to an approvals process with all primary stakeholders.</p> <p>Detailed plans regarding future improvements to this space will be coordinated/managed by Council's Open Space Planners (together with any public consultation process) once the land intended to be vested with Council has been committed.</p>	
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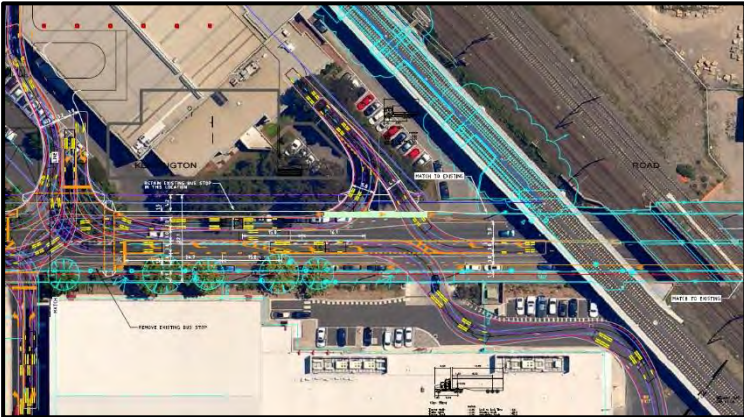
### 9.9 DPO13 Integrated Transport and Access Plan

The below table includes an assessment of the Integrated Transport and Access Plan Proposed West Melbourne Waterfront Mixed Use Development prepared by Traffix Group, dated February 2019 (Integrated Transport and Access Plan (Traffix Group)) against the 'Integrated Transport and Access' plan requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

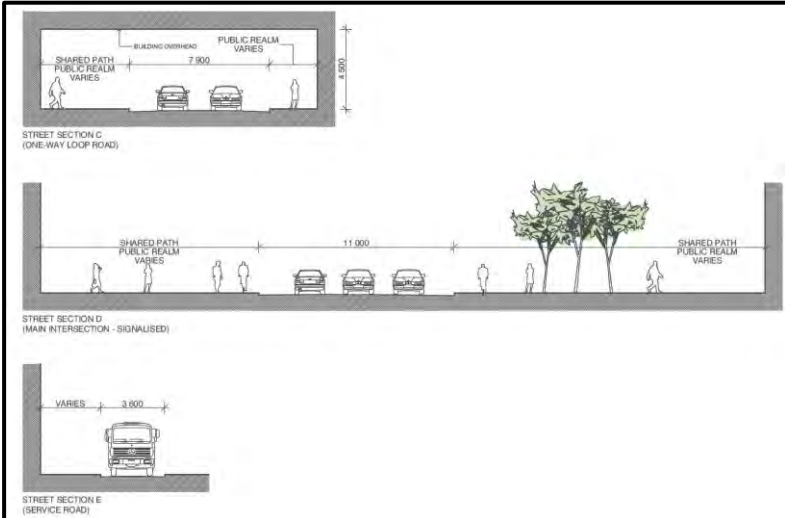
It must be noted that the purpose of the Integrated Transport and Access Plan is not to provide a comprehensive and final solution with regard to transport access for the site. DPO13 calls for an investigation of options for vehicle access (with worked-up concepts). Detailed access arrangements must ultimately be finalised in conjunction with the planning permit application process to ensure access arrangements are tailored to suit the detailed architectural plans for the future development/use.

Table: Schedule 13 to Development Plan Overlay – Integrated Transport and Access Plan requirements		Provided? (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)
Requirement 1	Expected traffic generation and the impact on the existing road network over a 24 hour period.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Assessment	<p>Provided – updates required.</p> <p>Section '5.2.1 Traffic Generation' of the Integrated Transport and Access Plan (Traffix Group) includes detailed information regarding likely traffic generation rates for the indicative schedule of land uses (see section '4.2.2 Forecasting dwelling no.'s and uses' of this report) that could be accommodated by the proposed development plan.</p> <p>It is noted that Council's Traffic Engineer had concerns in relation to the visitor parking rates adopted in the Integrated Transport and Access Plan (Traffix Group) (specifically that they were low, being 0.06 spaces/dwelling vs 0.1 spaces/dwelling sought by Traffic Engineering), and in relation to the degree to which car parking provided within future development will be shared across uses within the WMW site (allowing for a degree of displacement between car parking demand associated with different business trading hours).</p> <p>With regard to resident visitor parking, the adopted rate of 0.6 spaces/dwelling is considered appropriate. A degree of parking suppression is supported for the site noting (as identified by Council's Traffic Engineer), that this will contribute to the</p>	Yes, subject to updates <input checked="" type="checkbox"/>

	<p>alleviation of the overall impact of traffic generated by the site on the surrounding road network. The WMW site also benefits from a high degree of accessibility to alternative transport options, which include segregated bicycle lanes providing direct access to nearby railway transport options, and bus routes.</p> <p>With regard to Council's Traffic Engineer's concern relating to the degree to which parking spaces will be shared across the development (i.e. accessible by visitors/customers/staff of multiple uses), management regimes that could improve the efficiency of car parking usage should be given further consideration in the Integrated Transport and Access Plan (Traffix Group).</p> <p>Examples of management regimes could include maintaining car parking areas in common property to enable spaces to be flexibly deployed to various uses depending on the ebb and flow of demand.</p> <p>While Traffix Group's position regarding CoM's advice that this additional information may be required is acknowledged (i.e. that CoM is requiring information that is not required by DPO13), it is expected that exploration of management regimes for car parking will be necessary as part of any further work undertaken to explore unsignalised access alternatives to the site (to reduce vehicle movements to the site).</p> <p>Required update:</p> <p>5. The Integrated Transport and Access Plan (Traffix Group) updated to include consideration of management regimes to ensure car parking spaces are efficiently utilised by the development.</p> <p>Subject to update (5) being made to the development plan it is considered that the investigation of traffic generation for an indicative schedule of uses for future development will have adequately addressed expected traffic generation and options for limiting the impact on the road network over a 24 hour period.</p>	
<b>Requirement 2</b>	<b>Location of vehicle egress and ingress points.</b>	<b>Yes <input checked="" type="checkbox"/></b>
<b>Assessment</b>	<p>Provided.</p> <p>The Integrated Transport and Access Plan (Traffix Group) includes conceptual Functional Layout Plans (Appendix F) with swept paths for all proposed vehicle egress and ingress points for the site.</p> <p>It is noted that Council's Traffic Engineer has raised concerns regarding the legibility of these functional layout concept plans, however, it is considered the documents provide an appropriate level of clarity to support the proposed development plan, in advance of more detailed architectural plans being prepared to support the future planning permit application process.</p>	<b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>
<b>Requirement 3</b>	<p><b>An investigation of the best location and design of the loop road, including:</b></p> <ul style="list-style-type: none"> <li>• <b>Whether any part of the loop road should run along part or all of the northern title boundary.</b></li> <li>• <b>How to ensure the loop road maintains a low speed, shared pedestrian environment.</b></li> <li>• <b>How to minimise the impact of the loop road on the public open space along the river.</b></li> <li>• <b>The impact of the access and egress associated with the loop road on street trees and on the traffic management associated with the commercial uses to the east of Kensington Road</b></li> </ul>	
<b>Assessment</b>	<p>Provided.</p> <p>Section '7 Other DPO13 Requirements' (p.37-39 of 105) of the Integrated Transport and Access Plan (Traffix Group) includes an investigation of the configuration of the proposed loop, which has ultimately been located and configured in the proposed response to the Indicative Framework Plan so that:</p>	<b>Yes <input checked="" type="checkbox"/></b> <b>No <input type="checkbox"/></b> <b>Yes, subject to updates <input type="checkbox"/></b>

	<ul style="list-style-type: none"> <li>No part of the loop road runs along the northern title boundary, resolving any potential erosion of public open space provided along the Maribyrnong River frontage.</li> <li>The loop road has been trimmed (i.e. with short segments of road), that will limit vehicle speed, and will segregate pedestrian and/or bicycle connections to avoid traffic conflict zones.</li> </ul> <p>Section '6 Kensington Road' (p.35-37 of 105) of the Integrated Transport and Access Plan (Traffix Group) includes an investigation of the impact of access and egress for the site (including the loop) on street trees and broader traffic management in Kensington Road, and broadly concludes that the proposed access and egress arrangements will not have a significant detrimental impact on adjacent businesses.</p>	
<p><b>Requirement 4</b></p>	<p>A detailed functional design of Kensington Road along the site frontage that considers (but is not limited to) the following:</p> <ul style="list-style-type: none"> <li>Extent of required road reserve.</li> <li>Impact of the loss of parking along both sides of Kensington Road.</li> <li>Retention of 19 metre semi-trailer access to/from the Melbourne Seafood Centre site at 133 Kensington Road, West Melbourne.</li> <li>Safe cross-sections of through lanes with respect to buses, commercial vehicles and bicycles.</li> <li>Street trees and poles on both sides of the carriageway.</li> </ul>	
<p><b>Assessment</b></p>	<p>Provided.</p> <p>The Integrated Transport and Access Plan (Traffix Group) includes conceptual Functional Layout Plans (Appendix F) with:</p> <ul style="list-style-type: none"> <li>Swept paths for all proposed vehicle egress and ingress points for the site;</li> <li>Details of the extent of required road reserve for the conceptual plans to function (this includes retention of 19 metre semi-trailer access to/from the Melbourne Seafood Centre, as depicted in the below excerpt); and</li> </ul>  <ul style="list-style-type: none"> <li>Indication of all street trees and infrastructure that would need to be removed in order to facilitate the widened road reserve.</li> </ul> <p>Section '6 Kensington Road' (p.35-37 of 105) of the Integrated Transport and Access Plan (Traffix Group) also includes investigation of the number of on-street parking spaces that would be lost by the proposed access arrangements (numbering 23 spaces on the north-west side of Kensington Road adjacent to No.'s 133-185 (all adjacent to the subject site) and 25 spaces on the south-east side adjacent to No.'s 156-196) and the relative impact of the loss of these spaces.</p> <p>With regard to the on-street spaces on the south-east side of Kensington Road that</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>



	<p>would be lost, the Integrated Transport and Access Plan (Traffix Group) investigated utilisation of these spaces and concluded that it was unlikely this would significantly impact business, as these spaces are not currently being fully utilised.</p> <p>Cross sections showing the proposed through-lanes within the development site have been provided in the 'Integrated Transport and Access' section (p.19 of 69) of the Development Plan (F+P &amp; FK).</p>	
<p><b>Requirement 5</b></p>	<p>The provision of a movement network to, from and within the site:</p> <ul style="list-style-type: none"> <li>• Connects with and complements the form and structure of the surrounding network.</li> <li>• Recognises the primacy of pedestrian and bicycle access within the site.</li> <li>• Provides a high level of amenity and connectivity.</li> <li>• Allows for appropriate levels of manoeuvrability for emergency and service vehicles.</li> <li>• Are of sufficient width to accommodate footpaths, street trees, water sensitive urban design and bicycle lanes.</li> </ul>	
<p><b>Assessment</b></p>	<p>Provided.</p> <p>The 'Integrated Transport and Access' section (p.18-19 of 69) of the Development Plan (F+P &amp; FK) proposes a movement network that broadly aligns with the movement network sought by Figure 1 Indicative Framework Plan of DPO13, and arguably represents an improvement over the DPO13 framework as vehicle access has been confined to three crossovers (as opposed to the four contemplated by DPO13).</p> <p>Indicative sections (excerpt below) demonstrate that the movement network will promote pedestrian and bicycle access while accommodating emergency and service vehicles and public realm infrastructure.</p> 	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Requirement 6</b></p>	<p>The identification of active travel and public transport upgrades along the Maribyrnong River and Kensington Road frontage.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided.</p> <p>The Integrated Transport and Access Plan (Traffix Group) identifies (at p.36-37 of 105) that the proposed development results in the removal of one of the existing bus stops on Kensington Road in the vicinity of the subject site, and has identified future opportunities for the number and location of bus stops to be rationalised. The final design and locations of these bus stops will need to be determined in conjunction with PTV.</p>	<p>Yes, subject to updates <input type="checkbox"/></p>
<p><b>Requirement 7</b></p>	<p>The identification of appropriate traffic mitigation measures which can</p>	<p>Yes <input type="checkbox"/></p>

	<p>practically be provided in association with the proposal which may include ameliorative road works (such as in the nature of signal optimisation or the removal of on-street car spaces) at the intersections of:</p> <ul style="list-style-type: none"> <li>▪ Dynon and Kensington Roads; and</li> <li>▪ Kensington Road with Epsom Road and Macaulay Road.</li> </ul>	<p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input checked="" type="checkbox"/></p>
<p><b>Assessment</b></p>	<p>Provided – updates required.</p> <p>The Integrated Transport and Access Plan (Traffix Group) includes investigation of, and identifies, a number of traffic mitigations and ameliorative measures that could be introduced to improve traffic flow on Kensington Road and the surrounding road network.</p> <p>This is summarised in section '8 Conclusions' (p.36-37 of 05) of the Integrated Transport and Access Plan (Traffix Group), and includes:</p> <ul style="list-style-type: none"> <li>• Signalisation of the main access point to the site (Site Access 2).</li> <li>• Proposed Kensington Road cross sections / concept functional layout plans adjacent to the subject site, showing how the road could be configured and widened in the manner sought by DPO13.</li> <li>• Identification of impacts on the Dynon Road/Kensington Road and Kensington Road/Macaulay/Epsom Road intersections, with recommendations for modifications to these intersections to improve traffic flow.</li> </ul> <p>It is important to note that the investigation of ameliorative roadworks / traffic mitigations measures undertaken in the Integrated Transport and Access Plan (Traffix Group) are fundamentally academic.</p> <p>It is not the role of a development plan (nor planning permit for that matter) to show approved changes to road infrastructure.</p> <p>DPO13 provides encouragement, and an opportunity, for the development plan to investigate improvements to the road network to support the added density as a direct result of the development (which could feasibly be explored by City of Melbourne as the road manager in conjunction with other partners – e.g. Melbourne Water, VicRoads, and the community).</p> <p>Each of the above recommendations has briefly been touched on below, noting the advice of Council's Traffic Engineer.</p> <ul style="list-style-type: none"> <li>• <b>Signalisation of the main access point to the site (Site Access 2).</b></li> </ul> <p>As documented in Section 8.1.7 of this report, the views of VicRoads (the Department of Transport) had been sought on the proposed development plan, particularly with regard to the main access point sought to be created in Stage 1 is associated with a concept plan for a future signalised intersection to Kensington Road.</p> <p>As at the date of this report VicRoads have not responded to Council's requests for comment.</p> <p>It would be futile to approve a propose development plan that is solely reliant on the creation of a new signalised intersection, where VicRoads' in principle support for the signalised intersection has not been received. VicRoads is ultimately responsible for the safety, design and maintenance of all traffic signals throughout Victoria (including how these traffic signals integrate with the broader road network).</p> <p>Without receiving confirmation of VicRoads support (or requirements) in relation to the proposed signalised intersection, this aspect of the proposed development plan cannot proceed, particularly where information required by Council's Traffic Engineer is outstanding.</p> <p>Required update:</p> <p>6. Integrated Transport Access plan prepared by TraffixGroup, be updated to</p>	

include consideration of an unsignalised intersection alternative to 'Site Access 2', which integrates with the layout of the proposed development plan (to be demonstrated through additional concept functional layout plans), and includes investigation of the extent to which car parking and loading arrangements for the development would need to be reduced, to reduce vehicle movements to levels that can be adequately serviced by unsignalised access

Alternatively, in-principle support from VicRoads must be obtained for the proposed signalised intersection (including concept functional layout plans).

It is necessary that this alternative access arrangement be formulated as an option, in the event that the approvals process (and timing) for the construction of the signalised access and other roadworks to Kensington Road do not proceed in the short to medium term.

Noting the concerns raised in the supplementary memorandum prepared by Traffix Group dated 10 August 2020 (with respect to the capacity of an unsignalised access alternative to facilitate the expected volume of vehicle movements for the development), it is also necessary to re-evaluate potential future car parking provision as part of this additional material, to determine whether envisioned car parking provision would need to be reduced to enable unsignalised access as an alternative.

Subject to update (6) being made to the development plan, it is considered that the proposed development plan will include appropriate consideration of realistically achievable and deliverable access arrangements in the short to medium term, while CoM's investigation of broader road works within Kensington Road progresses.

- **Proposed Kensington Road cross sections / concept functional layout plans adjacent to the subject site, showing how the road could be configured and widened in the manner sought by DPO13.**

While Council's Traffic Engineer has expressed general support for the location of the movement network and access points shown in the Integrated Transport and Access Plan (Traffix Group), proposed in-bound right-turns from Kensington Road are not supported by Council's Engineer due to concerns that this will contribute to traffic management issues on Macaulay/Hobson's road (feeder roads to Kensington Road).

This is a threshold concern for Council's Traffic Engineer, and it is appropriate that it be addressed through further investigation in the Integrated Transport and Access Plan (Traffix Group).

It is noted that Traffix Group's supplementary memorandum dated 10 August 2020 addresses this question, and the advice contained in this memorandum should be incorporated into the ITAP.

Required update:

7. The Integrated Transport and Access Plan (Traffix Group) be updated to include the further investigation undertaken by Traffix Group in the memorandum dated 10 August 2020, discussing vehicle egress/ingress to the site that excludes in-bound right-turns from Kensington Road.

Subject to update (7) being made to the development plan, it is considered that a satisfactory level of investigation into the operation of Kensington Road (and the improvements to this road) will have been provided.

- **Identification of impacts on the Dynon Road/Kensington Road and Kensington Road/Macaulay/Epsom Road intersections, with recommendations for modifications to these intersections to improve traffic flow.**

Council's Traffic Engineer has advised that City of Melbourne has no interest in adopting the recommended changes to the Kensington Road/Macaulay/Epsom Road intersections at this stage.

### 9.10 DPO13 Wind Assessment

The below table includes an assessment of the Environmental Wind Speed Measurements on a Wind Tunnel Model of the West Melbourne Waterfront Development, West Melbourne prepared by MEL Consultants, dated January 2019 (Wind Assessment (MEL Consultants)) against the 'Wind Assessment' requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

Table: Schedule 13 to Development Plan Overlay – Wind Assessment requirements	Provided?
<p>A preliminary Wind Assessment which sets criteria against which any permit applications are to be assessed which ensures that:</p> <ul style="list-style-type: none"> <li>▪ Accessible areas for public or private use satisfy comfortable walking criterion of 7.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 16m/s for the annual maximum gust speeds.</li> <li>▪ All outdoor seating areas such as café seating and short duration stays, including building entries, satisfy the short exposure criterion of 5.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 13m/s for the annual maximum gust wind speeds.</li> <li>▪ All areas to be used for long duration stay activities, such as restaurant use, satisfy the long exposure criterion of 3.5m/s for the Weekly Gust Equivalent Mean Wind speeds, which corresponds to 10m/s for the annual maximum gust wind speeds.</li> <li>▪ All areas also satisfy the Safety Limit Criterion of 23m/s for the annual maximum gust wind speeds.</li> <li>▪ Design measures minimise the effect of wind to streets and public open spaces.</li> </ul>	<p>(Green = Yes) (Blue = Yes, subject to updates) (Red = No)</p>
<p><b>Assessment</b></p> <p>Provided.</p> <p>The Wind Assessment (MEL Consultants) sets out the findings from a wind tunnel study commissioned for the WMW site, on the basis of the built form envelopes proposed in the development plan, and establishes the following criteria for environmental wind conditions for future development on the basis of these results:</p> <p><i>In main public access-ways wind conditions are considered</i></p> <ol style="list-style-type: none"> <li>a) unacceptable if the peak gust speed during the hourly mean with a probability of exceedence of 0.1% in any 22.5° wind direction sector exceeds 23ms<sup>-1</sup> (the gust wind speed at which people begin to get blown over);</li> <li>b) generally acceptable for walking in urban and suburban areas if the peak gust speed during the hourly mean with a probability of exceedence of 0.1% in any 22.5° wind direction sector does not exceed 16 ms<sup>-1</sup> (which results in half the wind pressure of a 23 ms<sup>-1</sup> gust).</li> </ol> <p><i>For more recreational activities wind conditions are considered</i></p> <ol style="list-style-type: none"> <li>c) generally acceptable for stationary short exposure activities [short duration] (window shopping, standing or sitting in plazas) if the peak gust speed during the hourly mean with a probability of exceedence of 0.1% in any 22.5° wind direction sector does not exceed 13 ms<sup>-1</sup>;</li> <li>d) generally acceptable for stationary, long exposure activities [long duration] (outdoor restaurants, theatres) if the peak gust speed during the hourly mean with a probability of exceedence of 0.1% in any 22.5° wind direction sector does not exceed 10 ms<sup>-1</sup>.</li> </ol> <p>The above criteria generally align with the expectations set out in DPO13 and are considered to provide an appropriate guide for future planning permit applications.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>

### 9.11 DPO13 Infrastructure Analysis report

The below table includes an assessment of the Services Infrastructure Report – West Melbourne Waterfront, prepared by Norman Disney & Young, dated 24 January 2019 (Services Infrastructure Report (Norman, Disney & Young)) against the 'Infrastructure Analysis' report requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

Table: Schedule 13 to Development Plan – Infrastructure Analysis Report	
An Infrastructure Analysis Report addressing as appropriate the location of existing and proposed infrastructure on the site.	Provided? (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)
<p><b>Assessment:</b></p> <p>Provided.</p> <p>The Services Infrastructure Report (Norman, Disney &amp; Young) provides detail regarding nearby and available infrastructure for the WMW site, including:</p> <ul style="list-style-type: none"> <li>• <b>Power</b> (two new substations will need to be provided to facilitate the proposed development).</li> <li>• <b>Telecommunications</b> (existing telecommunications connections will need to be decommissioned and removed, with new NBN network connections installed).</li> <li>• <b>Gas</b> (new connections to the existing 150mm high pressure main in Kensington Road will need to be created).</li> <li>• <b>Water</b> (a new water assembly and connections to the existing 225mm water main in Kensington Road will need to be created).</li> <li>• <b>Sewer</b> (new sewer connections are likely to be needed (despite 5 connections existing at the site) to support the proposed density, to the 349mm PVC sewer main in Kensington Road).</li> </ul> <p>All of the above required infrastructure is readily available to the WMW site and is capable of being connected to / improved to ensure appropriate servicing is provided for the future development.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>

### 9.12 DPO13 Environmentally Sustainable Development Report

The below table includes an assessment of the West Melbourne Waterfront – Town Planning ESD Statement, prepared by ARUP, dated 25 January 2019 (**ESD Statement (ARUP)**) against the 'Environmentally Sustainable Development' report requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

Table: Schedule 13 to Development Plan – Environmentally Sustainable Development Report	
An Environmentally Sustainable Development Report identifying the precinct scale environmentally sustainable initiatives to be included in the development.	Provided? (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)

<p><b>Assessment</b></p> <p>The ESD Statement (ARUP) documents a number of precinct scale environmental sustainability initiatives encouraged by the development plan, which broadly centre on the configuration of building envelopes to maximise daylight and sunlight access.</p> <p>Notably, the 'Environmental Considerations' section (p. 57 of 69) of the Development Plan (F+P &amp; FK) clearly identifies the ambition for future development of the site to be undertaken to meet the Platinum standard of the WELL Community Standard, an ESD assessment tool that adopts a precinct wide approach.</p> <p>To ensure the ESD Statement (ARUP) and Development Plan (F+P &amp; FK) are consistent (and to ensure a clear pathway has been identified to take advantage of the opportunities presented by the wider site for precinct scale initiatives), the ESD Statement (ARUP) should be updated to consider how the Platinum standard of WELL Community Standard will be achieved across the site (including what material will be submitted to accompany future applications for permits).</p> <p>Required updates:</p> <p>8. The ESD Statement (ARUP) amended as follows:</p> <ol style="list-style-type: none"> <li>a. References to achieving the 5 Star Green Star Design and As Built standard for all buildings on the site amended to refer to a 5 Star rating under the most current Green Star tool at time of any future application for a planning permit, or as otherwise agreed by the Responsible Authority.</li> <li>b. Discussion of the WELL Community Standard and the stated goal of achieving Platinum standard across the site, and identification of any anticipated material that would accompany a future application for a planning permit for the site to ensure that this standard is achieved.</li> <li>c. Deletion of references to the Maroondah Planning Scheme.</li> <li>d. Include analysis of the available solar resource and potential POV capacity that can be supported within the site.</li> </ol> <p>Subject to update (8) being made to the development plan, it is considered that the development plan, and future applications for planning permits, will be supported by robust guidance in relation to the ESD credentials of each individual project and their collective strength as part of precinct scale solutions.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input checked="" type="checkbox"/></p>
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### 9.13 DPO13 Acoustic and Vibrations Assessment

The below table includes an assessment of the West Melbourne Waterfront – Rail Noise Review, prepared by ARUP, dated 25 January 2019 (**Rail Noise Review (ARUP)**) against the 'Environmentally Sustainable Development' report requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

<p><b>Table: Schedule 13 to Development Plan Overlay – Acoustic and Vibrations Assessment</b></p> <p>An Acoustic and Vibrations Assessment that details how future development will meet the following acoustic requirements:</p> <p>For railway noise:</p> <ul style="list-style-type: none"> <li>▪ Noise intrusion of railway and associated infrastructure noise sources to noise sensitive receivers shall not exceed: <ul style="list-style-type: none"> <li>○ 55 dBLA max (bedrooms)</li> <li>○ 60 dBLAmax (living room areas)</li> <li>○ LAmax is to be measured as the 95<sup>th</sup> percentile of the highest value of the A weighted sound pressure level reached between 6am to 10pm (day) or 10pm to 6am (night).</li> </ul> </li> </ul> <p>For other noise:</p> <ul style="list-style-type: none"> <li>▪ Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must achieve a maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms in each case with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms must be achieved with all the windows half open and the doors closed. (The applicable measurement period for bedrooms is 10pm-6am and the applicable measurement period for living rooms is 6am-10pm).</li> </ul>	<p>Provided? (Green = Yes)  (Blue = Yes, subject to updates)  (Red = No)</p>
<p><b>Assessment</b></p> <p>Provided</p> <p>Section '5 Preliminary Noise Mitigation Measures' (p. 10 of 27) of the Rail Noise Review (ARUP) includes investigation of railway noise posed by the northern railway line and sets out measures intended to achieve compliance with relevant noise requirements. These measures include an indicative wintergarden configuration for dwellings with a sensitive interface facing the railway line.</p> <p>Section '6 Summary' (p.12 of 27) concludes as follows:</p> <p><i>Based on our noise measurement surveys and preliminary noise modelling results, it has been shown that the WMW site can be protected from transportation noise by appropriate layout design and use of acoustic and architectural design and building materials. The use of such methods will control transportation noise inside the building. The form of the buildings is expected to provide adequate acoustic amenity within open areas of the development.</i></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>

**9.14 DPO13 Risk Assessment (Industrial Residual Air Emissions)**

The below table includes an assessment of the Site Risk Assessment – Industrial Residual Air Emissions prepared by GHD, dated 6 July 2018, West Melbourne Waterfront Buffer Assessment – Revised Master Plan prepared by GHD, dated 20 April 2018, and Buffer Constraint Assessment 2020 Update prepared by GHD, dated August 2020 (**Site Risk & Buffer Assessment (GHD)**) against the 'Risk Assessment (Industrial Residual Air Emissions)' requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.

<p><b>Table: Schedule 13 to Development Plan Overlay – Risk Assessment (Industrial Residual Air Emissions)</b></p> <p>A Risk Assessment for the site in relation to Industrial Residual Air Emissions to inform the appropriate location of residential and sensitive land uses that includes:</p>	<p>Provided? (Green = Yes)  (Blue = Yes, subject to</p>
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<ul style="list-style-type: none"> <li>▪ An assessment of potential odour and dust emissions.</li> <li>▪ Volume of products and waste products.</li> <li>▪ Waste management.</li> <li>▪ Topography, weather and climate.</li> <li>▪ Pollution reports.</li> <li>▪ An assessment of upset conditions.</li> <li>▪ Proposed mitigation measures and associated responsibilities.</li> <li>▪ A plan of the site showing suitable location/s for residential and sensitive uses as appropriate.</li> </ul>	updates)  (Red = No)
<p><b>Assessment</b></p> <p>Provided – updates required.</p> <p>As documented in the Memorandum, ‘Site Risk Assessment – Industrial Residual Air Emissions prepared by GHD, dated 6 July 2018’, extensive assessment of the buffer constraints was undertaken to inform the proposed rezoning of the West Melbourne Waterfront site for residential use under Planning Scheme Amendment C221, which broadly addressed all of the requirements set out in DPO13.</p> <p>Consideration of potential amenity consequences for future sensitive receptors within the WMW site, and reverse-amenity consequences for neighbouring and surrounding development represented one of the key issues ventilated during the panel hearing process (and primarily contested by the Melbourne Seafood Centre’s environmental consultant and the Environment Protection Authority).</p> <p>At the conclusion of the Panel Hearing, it was generally agreed that subject to a further (and final) Risk Assessment being undertaken to accompany any development plan submitted to comply with DPO13, sensitive uses could be accommodated on the site provided these uses were guided by any recommendations contained in the report to reduce the risk posed by surrounding industrial uses to acceptable levels.</p> <p>The West Melbourne Waterfront Buffer Assessment – Revised Master Plan prepared by GHD, dated 20 April 2018 includes detailed consideration of potential IRAE’s posed by nearby industrial uses, and concludes that there are no industries in the vicinity of the WMW site that would pose any constraint on the proposed development plan.</p> <p>As stated in Section 8.1.3 of this report, the Environmental Protection Authority assessed the material submitted with the development plan and identified that further investigation of the risk of IRAEs and buffer constraints posed by the materials recycling facility at 330-374 Dynon Road, West Melbourne was required before confirming that the risk to sensitive uses has been satisfactorily reduced across the site.</p> <p>The Buffer Constraint Assessment 2020 Update prepared by GHD, dated August 2020, included further investigation of the materials recycling facility at 330-374 Dynon Road, West Melbourne and concluded, “...that the BINGO facility does not pose a constraint on the mixed use development for residential use at 156-232, Kensington Road, West Melbourne.”</p> <p>On the basis of the further assessment carried out by GHD, it is considered that the risk from off-site IRAEs posed to the layout of sensitive land uses and detailed in the Development Plan are at an acceptable level, and no further modification of the location of sensitive land uses within the WMW site is required.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, subject to updates <input type="checkbox"/>

**9.15 DPO13 Stormwater and Flood Management Plan**

The below table includes an assessment of the Preliminary Stormwater and Flood Management Plan prepared by GHD, dated January 2019 (**Stormwater and Flood Plan (GHD)**), against the ‘Stormwater and Flood Management Plan’ requirements of Clause 3.0 of Schedule 13 to the Development Plan Overlay.



<p><b>Table: Schedule 13 to Development Plan Overlay – Stormwater and Flood Management Plan</b></p> <p>A Stormwater and Flood Management Plan, prepared by a suitably qualified person(s) to the satisfaction of Melbourne Water and the Responsible Authority that identifies and considers:</p> <ul style="list-style-type: none"> <li>▪ The historical flooding of the site.</li> <li>▪ The unique flooding characteristics of the site, in particular aspects such as flood conveyance and food storage and accessibility during floods. A model should be prepared demonstrating the 'base case', impacts of redevelopment on the land and mitigation options.</li> <li>▪ The control of flows in and around the site for discharges up to and including the 1 in 100-year ARI event.</li> <li>▪ Works required to create safe pedestrian and vehicle access and egress to and from the land.</li> <li>▪ That residential buildings are to attain a finished floor level of a minimum of 600mm above the applicable 1 in 100-year flood of 2.46 metres to AHD.</li> <li>▪ Mitigation works in the context of local conditions that do not prejudice potential future regional outcomes.</li> </ul>	<p>Provided? (Green = Yes) (Blue = Yes, subject to updates) (Red = No)</p>
<p><b>Assessment</b></p> <p>Provided – updates required.</p> <p>The Stormwater and Flood Plan (GHD) includes detailed consideration of the history of flooding for the site, the unique flooding characteristics of the site and the options explored in the proposed development plan to manage this flooding.</p> <p>The conditions provided by Melbourne Water in their advice of 12 May 2019 (despite being drafted for inclusion on a planning permit) are relevant, particularly with respect to the Preliminary Stormwater and Flood Management Plan prepared by GHD, dated January 2019, and it was recommended that these comments be incorporated into this document in advice to the applicant in May 2020.</p> <p>The updated West Melbourne Waterfront Development Plan, prepared by Foster + Partners and Fender Katsalidis, dated August 2020, incorporates Melbourne Water's advice of 12 May 2019, with a disclaimer identifying that this advice is based on a preliminary assessment of the development plan, and that future planning applications will need to respond to contemporary requirements based on the detailed assessment at the time.</p> <p>It is therefore considered that guidance from Melbourne Water has been satisfactorily incorporated into the development plan material to guide future planning permit applications for the site.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes, subject to updates <input type="checkbox"/></p>

## 10 CONCLUSION

The proposed development plan provides a comprehensive vision and concept scheme for the West Melbourne Waterfront site and, subject to a number of updates and clarifications, will address the full complement of requirements set out in Schedule 13 to the Development Plan Overlay.

The vision for the West Melbourne Waterfront articulated in the development plan material will provide a strong foundation for future planning permit applications, and will assist with guiding more detailed proposals that will deliver a waterfront precinct that aligns with the stated vision for this area:

*An exemplary mixed use development including a number of visually complementary buildings, which enhance the Maribyrnong River frontage and provide opportunities for riverside activity consistent with the Maribyrnong River Valley Design Guidelines 2010.*

The strengths of the development plan that should be emphasised include:

- The separation of the internal loop road from the Maribyrnong River bank, which will ensure that proposed development activates the Maribyrnong River, and the landscape,

recreation and ecological qualities of the river remain the focal point of the precinct rather than a satellite road network.

- The high degree of permeability of the movement network through the site, both in terms of through access from Kensington Road to the Maribyrnong River (east-west), and across the site (north-south), and large proportion of uncovered movement pathways.
- The layout of land uses and building typologies, which seek to sleeve each building with commercial tenancies at ground level to activate internal laneways and roads, encouraging pedestrian movement within the site and a lively, active precinct.
- The massing of the proposed built form envelopes, which are deferential to the Maribyrnong River and have demonstrably been crafted through iterative design (having regard to environmental and site constraints), and stated aspirations for these buildings to be capable of being adapted to a range of land uses over time.

Finally, it is important to note that:

- Detailed planning of the Maribyrnong River bank, including the future reserve planned to be vested with Council, will continue as the planning application process is underway, and will ultimately be subject to a separate approvals process managed by Council's Open Space Planning team together with Parks Victoria and Melbourne Water.
- The broader improvements to the road network investigated in this report (including the raising of Kensington Road and signalised access etc.) will require further study by Council if these are to be seriously entertained for implementation. It would not be appropriate for future planning permit applications submitted in accordance with any approved development plan to rely on these improvements on public land for functional access.
- Further analysis of optimal access layouts for the development will continue with the planning application process, once detailed architectural drawings have been prepared and submitted for assessment.

## 11 RECOMMENDATION

That the development plan proposed under planning application TP-2019-246 be approved, subject to the required updates set out below.

### 11.1 Required updates to Development Plan Documents

*Collated updates set out in assessment tables (Section 9 of this report)*

#### ***Framework for assessing variation of upper level setback requirement***

1. The following text should be included in the 'Kensington Road Elevation' section (p. 39 of 69) of the Development Plan (F+P & FK) to support future assessment of planning permit applications against the upper level setback requirement above the Kensington Road street wall:

"To achieve the design outcome, future permit applications need to demonstrate that compared to if a 45-degree upper level setback were adopted:

- a) The extent of shadow to the Kensington Road footpath between 11am and 2pm at September 22 is equivalent or improved.
- b) Encourages visual interest and activation of the public realm.
- c) Solar access to publicly accessible space within the site is equivalent or improved.
- d) Built form enhances the preferred boulevard character of Kensington Road.

- e) Ensures relevant wind comfort criteria is met on Kensington Road.
- f) Delivers affordable housing (where it exceeds ten storeys in height).
- g) Reduced building footprint.”

### ***Survey of Vegetation***

- 2. A survey of the vegetation listed below should be prepared by a suitably qualified professional and incorporated into the Public Realm Plan (Oculus) to accompany the Development Plan:
  - a) Existing trees within the boundaries of the WMW site.
  - b) Existing vegetation (i.e. shrubs + trees – with CoM asset numbers) located on the Maribyrnong River bank adjacent to the WMW site’s boundaries, and located on the strip of land adjacent to the river bank intended to be vested with Council as a public open space contribution.
  - c) Existing trees on neighbouring private property within 3 metres of a shared boundary.
  - d) Buildings on neighbouring private property within 3 metres of a shared boundary.
  - e) Existing street trees (with CoM asset numbers) adjacent to the WMW site frontage to Kensington Road.

This survey plan will be highly valuable for future planning permit applications across the WMW site, and should be accompanied by a supplementary plan and schedule outlining what trees must be removed to facilitate the building envelopes, access points and key areas of open space proposed under this development plan.

### ***Weed Management***

- 3. Weed management guidelines must be incorporated into the Public Realm Plan (Oculus) to accompany the Development Plan. These guidelines should be prepared by a suitably qualified landscape consultant, with a focus on ensuring the biodiversity of the Maribyrnong River is not threatened by landscaping within the development.

### ***Paving Materials***

- 4. Section ‘4.6 Materials’ (p.32 of 35) of the Public Realm Plan (Oculus) updated to include specific examples of materials to be used for recreational pathways, maintenance access and any other pathways near waterways.

The ‘Materiality’ section (p.55-56 of 64) of the Development Plan (F+P & FK) must be updated for consistency with this section of the Public Realm Plan (Oculus).

### ***Car Parking Management Guidelines***

- 5. The Integrated Transport and Access Plan (Traffix Group) updated to include consideration of management regimes to ensure car parking spaces are efficiently utilised by the development.

### ***Alternative Unsignalised Access (Site Access 2)***

- 6. The Integrated Transport Access plan prepared by TraffixGroup, be updated to include consideration of an unsignalised intersection alternative to ‘Site Access 2’, which integrates with the layout of the proposed development plan (to be demonstrated through additional concept functional layout plans), and includes investigation of the extent to which car parking and loading arrangements for the development would need to be reduced, to reduce vehicle movements to levels that can be adequately serviced by unsignalised access

Alternatively, in-principle support from VicRoads must be obtained for the proposed signalised intersection (including concept functional layout plans).

### ***Macaulay/Hobson’s Road Traffic Amelioration***

7. The Integrated Transport and Access Plan (Traffix Group) be updated to include the further investigation undertaken by Traffix Group in the memorandum dated 10 August 2020, discussing vehicle egress/ingress to the site that excludes in-bound right-turns from Kensington Road.

***Environmentally Sustainable Design***

8. The ESD Statement (ARUP) amended as follows:
  - a) References to achieving the 5 Star Green Star Design and As Built standard for all buildings on the site amended to refer to a 5 Star rating under the most current Green Star tool at time of any future application for a planning permit, or as otherwise agreed by the Responsible Authority.
  - b) Discussion of the WELL Community Standard and the stated goal of achieving Platinum standard across the site, and identification of any anticipated material that would accompany a future application for a planning permit for the site to ensure that this standard is achieved.
  - c) Deletion of references to the Maroondah Planning Scheme.
  - d) Include analysis of the available solar resource and potential POV capacity that can be supported within the site.

## APPENDIX 1: STRATEGIC FRAMEWORK

### Planning Policy Framework

The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.

The PPF provides broad support for the proposed development plan for 156-232 Kensington Road, West Melbourne under Application TP-2019-246.

The following PPF clauses are considered relevant to Application TP-2019-246

- Clause 11 – Settlement
  - Clause 11.01 – Victoria
    - Clause 11.01-1S – Settlement
  - Clause 11.02 – Managing Growth
    - Clause 11.02-1S – Supply of urban land
  - Clause 11.03 – Planning for Places
    - Clause 11.03-1S – Activity centres
    - Clause 11.03-1R – Activity centres – Metropolitan Melbourne
    - Clause 11.03-2S – Growth areas
- Clause 12 – Environmental and Landscape Values
  - Clause 12.01 – Biodiversity
    - Clause 12.01-1S – Protection of biodiversity
    - Clause 12.01-2S – Native vegetation management
  - Clause 12.03 – Water Bodies and Wetlands
    - Clause 12.03-1S – River corridors, waterways, lakes and wetlands
- Clause 13 – Environmental Risks and Amenity
  - Clause 13.01 – Climate Change Impacts
    - Clause 13.01-1S – Natural hazards and climate change
    - Clause 13.01-2S – Coastal inundation and erosion
  - Clause 13.03 – Floodplains
    - Clause 13.03-1S – Floodplain management
  - Clause 13.04 – Soil Degradation
    - Clause 13.04-1S – Contaminated and potentially contaminated land
    - Clause 13.04-2S – Erosion and landslip
  - Clause 13.05 – Noise
    - Clause 13.05-1S – Noise abatement
  - Clause 13.06 – Air Quality
    - Clause 13.06-1S – Air quality management
  - Clause 13.07 – Amenity and safety

- Clause 13.07-1S – Land use compatibility
- Clause 15 – Built Environment and Heritage
  - Clause 15.01 – Built Environment
    - Clause 15.01-1S – Urban Design
    - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
    - Clause 15.01-2S – Building Design
    - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
    - Clause 15.01-5S – Neighbourhood Character
  - Clause 15.02 – Sustainable Development
    - Clause 15.02-1S – Energy and resource efficiency
  - Clause 15.03 – Heritage
    - Clause 15.03-2S – Aboriginal cultural heritage
- Clause 16 – Housing
  - Clause 16.01 – Residential Development
    - Clause 16.01-1S – Integrated housing
    - Clause 16.01-1R – Integrated housing – Metropolitan Melbourne
    - Clause 16.01-2S – Location of residential development
    - Clause 16.01-2R – Housing opportunity areas – Metropolitan Melbourne
    - Clause 16.01-3S – Housing diversity
    - Clause 16.01-3R – Housing diversity – Metropolitan Melbourne
    - Clause 16.01-4S – Housing affordability
- Clause 17 – Economic Development
  - Clause 17.01 – Employment
    - Clause 17.01-1S – Diversified Economy
    - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
  - Clause 17.02 – Commercial
    - Clause 17.02-1S – Business
  - Clause 17.03 – Industry
    - Clause 17.03-3S – State significant industrial land
  - Clause 17.04 – Tourism
- Clause 18 – Transport
  - Clause 18.01 – Integrated Transport
    - Clause 18.01-1S – Land Use and Transport Planning
  - Clause 18.02 – Movement Networks
    - Clause 18.02-1S – Sustainable personal transport
    - Clause 18.02-1R – Sustainable personal transport – Metropolitan Melbourne

- Clause 18.02-2S – Public Transport
- Clause 18.02-3S – Road system
- Clause 18.02-4S – Car Parking
- Clause 19 - Infrastructure
  - Clause 19.02 – Community Infrastructure
    - Clause 19.02-3S – Cultural facilities
    - Clause 19.02-3R – Cultural facilities – Metropolitan Melbourne
    - Clause 19.02-4S – Social and cultural infrastructure
    - Clause 19.02-5S – Emergency services
    - Clause 19.02-6S – Open space
    - Clause 19.02-6R – Open space – Metropolitan Melbourne
  - Clause 19.03 – Development Infrastructure
    - Clause 19.03-2S – Infrastructure design and provision
    - Clause 19.03-3S – Integrated water management

### **Municipal Strategic Statement**

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives.

The MSS furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues, and provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The following clauses of the MSS in the Melbourne Planning Scheme are considered relevant to Application TP-2019-246:

- Clause 22.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
- Clause 21.05 – Environment and Landscape Values
- Clause 21.06 – Built Environment and Heritage
- Clause 21.07 – Housing
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.15 – Potential Urban Renewal Areas
  - Clause 21.15-1 – Dynon

### **Local Planning Policy Framework**

A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. LPP's provide the responsible authority an opportunity to state its view of a

planning issue and its intentions for an area and provides guidance to decision making on a day to day basis.

The following LPP's in the Melbourne Planning Scheme are considered relevant to Application PA1900538:

- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.17 – Urban Design Outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management
- Clause 22.26 – Public Open Space Contributions