



6.2 **195 - 199 FERRARS STREET SOUTH MELBOURNE**
LOCATION/ADDRESS: **195 - 199 FERRARS STREET SOUTH MELBOURNE**
EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**
PREPARED BY: **SCOTT PARKINSON, PRINCIPAL PLANNER**

1. PURPOSE

- 1.1 To provide Council's position on planning permit application 1176/2017 to demolish the existing building, construct a 7 storey building comprising food and drinks premises and offices (2,722sqm), plus basement car park (18 spaces) accessed from Ferrars Street, alterations to a road in a Road Zone Category 1 and reduction of the car parking requirements.

2. EXECUTIVE SUMMARY

WARD: Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE: Application called in by Ward Councillor
APPLICATION NO: 1176/2017
APPLICANT: 195 Ferrars Street Pty Ltd
EXISTING USE: Motor Repairs
ABUTTING USES: Warehouse, Office and Shops
ZONING: Commercial 1 Zone
OVERLAYS: Heritage Overlay (HO4)
Special Building Overlay (SBO2)
Environmental Audit Overlay (EAO)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL Expired

- 2.1 The application proposes to demolish the existing building and construct a 7 storey building comprising food and drinks premises and offices (2,722sqm), plus basement car park (18 spaces) accessed from Ferrars Street, alterations to a road in a Road Zone Category 1 and reduction of the car parking requirements.
- 2.2 The proposal has been formally amended (S57A) since it was originally lodged which modified the application from a residential to an office building and reduced the height of the building from 10 storeys to 7 storeys.
- 2.3 The applicant has lodged an application for review (P512/2019) with VCAT on 26 March 2019 against Council's failure to determine the application within the prescribed time (60 days). The purpose of this report is to establish Council's position at the upcoming VCAT Compulsory Conference and hearing. A Compulsory Conference is to



be held on 10 July 2019. If the matter does not settle a three day hearing would occur commencing on 2 September 2019.

- 2.4 Following notice of the VCAT application, one statement of ground has been lodged with the Tribunal. The Statement of Grounds has raised similar concerns to the objections which are discussed below and again later in this report.
- 2.5 This report provides the basis of Council's position in the upcoming Compulsory Conference and hearing.
- 2.6 Following notice of the application, Council received 13 objections, concerns raised include neighbourhood character, design detail / quality, height of the building, overshadowing, overlooking, visual bulk, traffic, car parking and construction impact on the stability of the embankment.
- 2.7 The application has been referred to VicRoads who do not object to the application subject to conditions. The application has been referred to VicTrack who do not object to the application subject to windows and/or balconies. Terraces for the office setback 1m from the boundary and other matters.
- 2.8 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme being an office development in the office and mixed activity area that would support the local South Melbourne economy and help foster knowledge based and creative industries.
- 2.9 Subject to the removal of 1 storey, to create a 6 storey building, the height and form of the building would be appropriate with the preferred character of the surrounding area, given its interface with area M6 of the Montague Precinct of Fishermans Bend.
- 2.10 The design response of the building would make a positive contribution to the character of the area.
- 2.11 The proposed building would not create any external amenity impacts on adjoining properties, given the nearest residential property is 27m away.
- 2.12 Given the constraints of the site, the availability of public transport in the local area and additional provisions made for other transport alternatives the reduction of car parking is acceptable in this instance.
- 2.13 It is considered that the development as proposed is appropriate in this instance subject to conditions and therefore should be supported. It is recommended that Council advise VCAT that, had it been the Responsible Authority for the determination of the application it would have issued a Notice of Decision to Grant a Permit.

3. RECOMMENDATION

3.1 That Council adopt Recommendation "Part A" and "Part B" to advise VCAT that:

- I. It would have issued a Notice of Decision to Grant a Permit.
- II. Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on the VCAT application for review.

RECOMMENDATION "Part A"

3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the



Responsible Authority for determination of the application, would have issued a Notice of Decision to Grant a Permit to demolish the existing building, construct a 7 storey building for food and drinks premises and offices (2,722sqm), plus basement car park (18 spaces) accessed from Ferrars Street, alterations to a road in a Road Zone Category 1 and reduction of the car parking requirements at 195 - 199 Ferrars Street South Melbourne with the following conditions:

1. Amended Plans Required

Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the advertised plans but modified to show:

- a) Level 5 deleted to create a 6 storey building.
- b) Amendments to the application plans generally in accordance with the concept plans prepared by Tandem Studio dated 23.01.19 illustrating the removal of all windows and openings on the eastern boundary facing the Victrack land. Any east facing window and/or balconies are to be inset a minimum of 1m from the boundary.
- c) The bin room increased in size with details provided of the bins, hard waste storage area and circulation space for users.
- d) Annotations of proposed double glazing to windows.
- e) Annotation that the rainwater tanks on level B1 will be used for rainwater reuse.
- f) Details of splay areas on both sides of the accessway.
- g) The location of all external plant equipment (including air conditioning, heating units, hotwater systems, etc.) on the relevant elevation plans and roof plan with accurate dimensions.
- h) The proposed location of Urban Art.
- i) Any changes required by condition 11 (Waste Management Plan) including any modifications to the floor plans to provide access for waste to be moved between the office / food and drinks premises and the bin room.
- j) Any changes required by condition 4 (Sustainable Management Plan).

2. No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

3. No Change to External Finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.



4. **Sustainable Management Plan**

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by Sustainable Development Consultants submitted with the application but updated to address the following:

- a) Management - Details of the environmental performance targets for energy and water use and what initiatives will be followed if the targets are not met?
- b) Materials - Details of what extent of reduction is targeted in regard to the reduction of mass steel reinforcing
- c) Urban Ecology - Commitment to the use of low water use species for the landscaping in the two terraces

5. **Incorporation Sustainable Design Initiatives**

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

6. **Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

7. **Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.



8. Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

9. Walls on or Facing the Boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

10. Urban Art Plan

Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban Art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

11. Waste Management Plan

Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by prepared by Leigh Design, dated 10 October 2018 but modified to detail the following:

- a) Waste will only be collected from the loading zones on Ferrars Street.
- b) Provide details of how waste would be moved through the building between the food and drinks premises / office and the bin room.

12. Landscape Plan



Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- f) Landscaping and planting within all open space areas of the site;
- g) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

13. **Completion of Landscaping**

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

14. **Landscaping Maintenance**

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

15. **Car Parking and Bicycle Parking Layout**

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- Constructed;
- Properly formed to such levels that may be used in accordance with the plans;
- Surfaced with an all weather surface or seal coat (as appropriate);
- Drained and maintained; and
- Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority.

16. **Piping, Ducting, Service Units**



All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

17. No Equipment and Services

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority

18. Green Transport Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b) Bicycle parking areas to be installed in well secured and prominent locations;
- c) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Establishment of a car-pooling database for employees of the development.
- f) Specific targets to guide the plans ongoing implementation;
- g) Identify persons responsible for the implementation of actions;
- h) Estimate timescales and costs for each action;
- i) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

19. VicRoads (Condition 1)

Prior to the commencement of the development of the proposed building hereby approved:

- a) The crossover and driveway must be constructed to the satisfaction of and at no cost to the Roads Corporation or the Responsible Authority.

20. VicRoads (Condition 2)

All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation (VicRoads), prior to the commencement of use hereby approved.



21. VicRoads (Condition 3)

Prior to the occupation of the building or works hereby approved, the access lanes, driveways, crossovers and associated works must be:

- i. Formed to such levels and drained so that they can be used in accordance with the plan.
- ii. Treated with an all-weather seal or some other durable surface.

22. VicRoads (Condition 4)

Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

23. VicRoads (Condition 4)

During construction, the development must be managed in a fit and proper manner, to ensure that it does not compromise the operational efficiency of City Road and Ferrars Street intersection and or public safety.

24. Environmental Audit Overlay

Before the commencement of construction or carrying out of buildings and works pursuant to this permit, or any works associated with a sensitive use, either:

- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority;
- b) A Statement of Environmental Audit for the land must be issued in accordance with Section 53Z of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the use and/or development that are the subject of this permit and this statement must be provided to the Responsible Authority.

25. Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the



Plan of Subdivision under the Subdivision act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

26. **SEPP N1**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

27. **Storage of Goods**

Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

28. **Switches and Electrical boxes**

All switches and electrical boxes must be installed 600mm above the flood level.

29. **Lighting**

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

30. **Satisfactory Continuation**

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

31. **VicTrack Conditions (Condition 1)**

The permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorized access to the rail corridor.

32. **VicTrack Conditions (Condition 2)**

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.

33. **VicTrack Conditions (Condition 3)**

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 and Conditions when accessing the railway land.



34. VicTrack Conditions (Condition 4)

Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.

35. VicTrack Conditions (Condition 5)

During the construction of the development, including demolition and bulk excavation, the permit holder must:

- a. take all reasonable steps to avoid disruptions to rail operations; and comply with:
 - i The Rail Operator's safety and environmental requirements; and
 - ii The requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.

36. VicTrack Conditions (Condition 6)

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.

37. VicTrack Condition (Condition 7)

All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.

38. VicTrack Condition (Condition 8)

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.

39. VicTrack Condition (Condition 9)

The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

40. VicTrack Condition (Condition 10)

The east elevation of the development adjacent the rail corridor must be designed to ensure objects cannot be thrown or projected into the rail corridor, to the satisfaction of VicTrack.

41. VicTrack Condition (Condition 11)

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.

42. VicTrack Condition (Condition 12)

Before the commencement of the development, including demolition and bulk excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with VicTrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained 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). The development must be constructed in accordance with the plans approved by the Responsible Authority.

43. VicTrack Condition (Condition 13)

Before the commencement of the development, including demolition or bulk excavation. The permit holder must contact VicTrack through the email address External.Property@VICTRACK.com.au to obtain the VicTracks conditions and safety requirements for works on, over or adjacent to the railway land.

44. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Notes

Days and Hours of Construction Works

Developers

Except in the case of an emergency a builder must not carry out building works outside of construction hours: -

Monday to Friday: 7.00am to 6.00pm; or
Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Owner Builders

An owner builder must not carry out building works outside of construction hours:-
Monday to Friday: 7.00am to 8.00pm; or



Saturdays, Sundays and public holidays: 9.00am to 6.00pm.
An Out of Hours permit may be considered pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 31. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

Other Approvals May be required

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Environmental Health

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

RECOMMENDATION "PART B"

- 3.3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on the VCAT application for review

4. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
P251/2019	Partial demolition, alterations and additions to the existing building, comprising a first floor addition and roof terrace for the use as an office, alterations to a road in a Road Zone Category 1 and reduction of the car parking requirements.	Current application	-
P258/2004	Two lot subdivision (PS527200 E.)	Approved	7 May 2004
P1211/2000	Erect non-illuminated signage	Approved	31 December 2000
P1330/1997	Signage	Withdrawn	19 February 1998
P1093/1997	Use as car wash and café	Withdrawn	19 February 1998



The application being considered has been amended from an earlier proposal for a 10 storey residential development. The application was amended following concerns raised by internal referrals and the planning department. The changes made in the amended application are detailed in Section 5 of this report.

5. PROPOSAL

- 5.1 The application proposes to demolish the existing building, construct a 7 storey building comprising food and drinks premises and offices (2,722sqm), plus basement car park (18 spaces) accessed from Ferrars Street, alterations to a road in a Road Zone Category 1 and reduction of the car parking requirements.
- 5.2 The plans which are the subject of this report are those drawn by Tandem Design Studio entitled "195 - 199 Ferrars St Planning Permit Application" plan no's TP00 - TP06, TP16 - TP33, TP40 -TP42, TP45, TP70 - TP76, TP80, TP81 and TP90, dated 31.10.18 and Council date received 7/11/2018.
- 5.3 The proposal is detailed within the table below:

	Proposal
Site area	594sqm.
Type of development	Low midrise tower
Land uses	Food and Drinks Premise (134sqm) and Office (2722sqm).
Demolition	Demolition of the existing building.
Building height	7 storeys 25m to parapet and 26.75m to the top of the lift shaft. The building is designed with a 6 storey street wall to City Road and Ferrars Street with a 7 th storey setback between 1.3m and 3.5m from City Road (no setback is provided from Ferrars Street).
Loading bay	No loading bay would be provided.
Car parking	18 car parking spaces in 6 x triple car stackers on the ground floor and basement. All 18 spaces would be provided for the office with no parking spaces allocated to the food and drinks premises.
Bicycle parking	29 bicycle spaces on the ground floor with end of trip facilities.
Materials and finishes	The building would be primarily constructed from brick with concrete, corten metalwork and steel framed glazed windows and doors.



Fig 1: Northern Elevation (City Road)



Fig 2: Western Elevation (Ferrars Street)

Amended Plans

The plans listed above are amended from an earlier set of plans that was originally lodged for this application. The plans were amended following concerns raised by internal referrals and the planning department, particularly in relation to height and traffic impacts. Significant changes were made to the proposal including changing the main use from residential to office and reducing the height of the building from 10 to 7 storeys. The changes included the following:

- Modify the mix of uses to remove dwellings (47 dwellings originally proposed and enlarge the office floor area (from 140sqm to 2722sqm).
- Reduce the height of the building from 10 storeys (34.3m) to 7 storeys (25m).
- Reduce the car parking spaces from 21 to 18.
- Reconfigure the car parking layout within a smaller area with greater provision of parking in car stackers (from 3 x double car stackers to 6 x triple car stackers). The access point onto Ferrars Street retained in the same position.
- Enlarge the food and drinks premises at the front of the ground floor.



- Increase the number of bicycle spaces from 21 to 29 spaces and provide end of trip facilities
- Revised upper floor layouts, removal of balconies and relocation of windows associated with the change in use on the upper floors from residential to office.
- External design changes

The amended plans were formally lodged as a S57A amendment. The Amended Plans were readvertised and 4 additional objections were received. The Amended Plans are the plans assessed in this report.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	594sqm
Existing building & site conditions	<p>The site is irregular in shape with a frontage to Ferrars Street of approximately 50m, a frontage to City Road of approximately 13.11 metres, an eastern boundary length of 54.48 metres and a southern boundary of 9.02m. The site has a total area of 594sqm.</p> <p>The site is occupied by a single storey brick warehouse building built to all side boundaries. The building is currently used for motorcycle servicing and repairs.</p> <p>Vehicle access is via two crossovers from Ferrars Street and one crossover from City Road.</p> <p>The site has a 0.5 metre fall from the south to the north. There is no vegetation.</p>
Surrounds/neighbourhood character	<p>The surrounding area is mixed in terms of use and development. The site and the adjoining property to the south are zoned Commercial 1, while the light rail to the west is zoned Public Use. City Road and Ferrars Street are zoned Road Zone, Category 1. Properties on the opposite (west) side of Ferrars Street are zoned Industrial 1 and properties on the opposite (north west) side of City Road are zoned Capital City (Schedule 1 - Fishermans Bend Urban Renewal Area).</p> <p>The site is located within the South Melbourne Central Major Activity Centre. The activity centre is characterised by a range of commercial residential and community land uses within an established commercial setting.</p> <p>The site is located on the edge of the Ferrars Street light rail corridor. The nearest tram stop is located 220m to the south. The site is also close to the South Melbourne Market (130m to the south east) and approximately 1.5km from Melbourne CBD.</p> <p>The site is well served by public transport with tram services located directly nearby including the light rail and tram</p>



	<p>services on Clarendon Street located within walking distance from the subject site.</p> <p>Built form within this surrounding area is mixed with a range of buildings of various scale and architectural design. Existing buildings in the immediate area are predominantly one to two storeys in height.</p>
<p>Interfacing Property</p>	<p><u>South</u></p> <p>To the immediate south at 201 - 209 Ferrars Street is a single storey warehouse building occupied by a gym and shop. It has approval for a five storey mixed use building under planning permit P977/2015/A. The approved development would comprise 2 commercial tenancies on the ground floor and 19 residential dwellings on the levels above. The development is designed with a blank wall on its northern boundary, on all levels, that would interface with the subject site.</p> <p>This permit is still valid with an Extension of Time approved in 2018 which extended the date of commencement to 1 August 2020.</p> <p><u>East</u></p> <p>To the immediate east is the light rail line which is raised above the subject site and approximately 4.6m above the street level. An existing major promotional sign is situated within the light rail embankment. There are mature trees between the tracks and the subject site.</p> <p>Beyond the rail line is a Commercial 2 zoned area of land within the South Melbourne Central Major Activity Centre. This area generally contains a range of office and warehouse uses. There is a group of dwellings within this area at 147 - 157 Market Street. The nearest dwelling at 155 - 157 Market Street is approximately 27m from the subject site.</p> <p><u>West</u></p> <p>Opposite the site to the west, on the other side of Ferrars Street, is a two storey office building at 387 City Road. Opposite the site to the north on the other side of City Road are single and double storey commercial buildings. This includes the Wayside Inn at 446 City Road (a significantly graded building under HO93) and Rotary Mower Service at 442 City Road (another significantly graded building under HO4).</p>

7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.



Zone or Overlay	Why is a permit required?
Clause 34.01 Commercial 1 Zone	<ul style="list-style-type: none"> ▪ Pursuant to Clause 34.01-1 a permit is not required to use the land for a food and drinks premises and office provided the leasable floor area of all shops or offices do not exceed any amount specified in the schedule to the zone. The property is not listed in any schedule, and therefore a permit is not required. ▪ Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works.
Clause 43.01 Heritage Overlay Schedule 4	<ul style="list-style-type: none"> ▪ Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building and to construct a building or construct or carry out works.
Clause 44.05 Special Building Overlay Schedule 2	<ul style="list-style-type: none"> ▪ Pursuant to Clause 44.05-1 a permit is required to construct a building or construct or carry out works <p>An application will be considered by the City of Port Phillip as the authority responsible for local drains.</p>
Clause 45.03 Environmental Audit Overlay	<p>A permit is not required under the Environmental Audit Overlay. However, before a sensitive use commences or before the construction or carrying out of buildings and works in associated with a sensitive use commences, certain requirements must be met.</p>
Clause 52.06 Car Parking	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.06-3 a permit is required to reduce the standard car parking requirement. <p>Specifically, there is a car parking requirement to provide 85 car spaces (81 spaces for the 2722sqm office and 4 spaces for the 138sqm food and drink premises).</p> <p>The subject site is located within the Principal Public Transport Network Area where the lower car parking rate in Column B of the table to Clause 52.06-5 is applicable.</p> <p>18 spaces would be provided and therefore a reduction of 67 spaces is sought.</p>
Clause 52.29 Land Adjacent to a Road Zone Category 1	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1 <p>Any application must be referred to the Roads Corporation (VicRoads).</p>
Clause 52.34 Bicycle facilities	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.34-2 a permit is not required to vary, reduce or waive the bicycle spaces. <p>The table at Clause 52.34-5 requires 15 spaces for the proposed development. The application proposes 29 bicycle spaces which exceeds the statutory requirement.</p>



8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 11: Settlement, including

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.03-1R: Activity centres - Metropolitan Melbourne

Clause 11.03: Planning for Places including Clause 11.03-1s Activity Centres

Clause 15: Built Environment including

Clause 15.01-2S Building Design

Clause 15.01-1: Built Environment including 15.01-1S: Urban Design and 15.01-2S Building Design

Clause 15.01-5S: Neighbourhood character

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Clause 15.02: Sustainable development

Clause 15.03: Heritage

Clause 17: Economic Development including

Clause 17.02: Commercial including Clause 17.02-1S: Business

Clause 18: Transport including

Clause 18.01: Integrated Transport including Clause 18.01-1S: Land use and transport planning

Clause 18.02: Movement Networks

Clause 18.02-4S: Car parking

Clause 19: Infrastructure including

Clause 19.03-4S Stormwater

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.04: Land Use, notably Sections 21.04 Office & Mixed Areas

Clause 21.06: Neighbourhoods, notably Clause 21.06-5 South Melbourne

Clause 22.06: Urban Design Policy for Non Residential Development and Multi Unit Residential Development

Clause 22.04: Heritage Policy

8.3 Other relevant provisions

Clause 52.06: Car Parking

Clause 52.07: Loading and Unloading of Vehicles



Clause 52.34: Bicycle Facilities

Clause 65: Decision Guidelines

9. REFERRALS

9.1 Internal Referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 11. All referral comments are in relation to the amended application.

Drainage Engineer (Special Building Overlay SBO2)

In regard to the SBO2 requirements, the following are the referral responses.

Notes 1.

- The SBO2 designated flood level for the property is 4.792m (AHD) as indicated below.
- The SBO only partly covers the eastern boundary along the VicTrack Rail Line.

Notes 2.

- The building has been designed to ensure it is protected from flooding along the east boundary interface and around into City Road.
- No openings are proposed and an impermeable floor barrier to AHD4.92 is provided to avoid any flood water entering the building from the east boundary.
- The above have been described and addressed in the drainage submission prepared by GHD Consultants.

Referral responses:

1. There are no objections to the proposed works.
2. All switches and electrical boxes should be installed 600mm above the flood level.

Planners Comments

The referral comments from Council's Engineer indicate that the building has been designed in a manner that would satisfy the requirements of the Special Building Overlay that affects the site.

Strategic Planning

- The proposed use aligns with the C1Z which applies to the site.
- We maintain that a scale of 6 storeys is appropriate for the site. We reiterate that a reduction to 6 storeys would be appropriate, providing a transition in height from Fishermans Bend down to the 5 storey building approved for abutting site 201 - 209 Ferrars Street. Attached is an indicative drawing identifying the a permissible/envisaged scale of surrounding buildings.
- The Ferrars Street frontage remains dominated by vehicle access and services. We encourage investigation of further opportunities to improve the design and activation along the ground floor frontage. Unfortunately, the revised plans replace an apartment on the ground floor (southern end) with a bin room/substation, which results in a significantly worse presentation to the street than previously proposed.



We concur with Urban Design that an entrance for End of Trip / bike facilities would improve the activation of the southern end of the building.

Planners Comments

The drawing referred to in the referral comments is included as attachment 3. Refer to sections 11.1 and 11.2 of this report to the discussion of the above issues.

Urban Design

(Comments copied verbatim)

Earlier Urban Design comments were provided in April 2018 indicating general support for the proposed development. However, concern was expressed regarding the overall proposed height and recommendation was made to reduce the number of storeys down to seven, which would offer a more sensitive transition between the projected surrounding built form.

Despite the amended submission to remove residential use from the development, resulting in considerable changes to the functional layout, many of the Urban Design principles reinforced by the original comments remain relevant and will be assessed accordingly against the revised plans.

Built Form & Detailing

A strong, contextually responsive design was submitted in its first iteration, in part owing to the distinctive use of brick cladding as a primary façade finish. Notwithstanding that the original proposed height was well beyond what is strategically seen as appropriate for the context, the tapering of the corner apex and the stepping down of the building along the southern terraces on the upper-levels down, primarily to offer a transition down to the five-storeys of No.201 - 209, allowed the tower to appear more slender and dynamic, providing definition to the street corner on what is an irregular shaped plot. A row of arched fenestrations / vaulted openings provided a human scale to the street, where the colonnade-like approach reinforced a clear and legible sense of address to the street, as well as providing a threshold which acts as a buffer between the building entry and the surrounding heavy traffic environment.

Unsurprisingly, the reduction in height has dramatically shifted the scale and proportion of the tower. The building envelope is filled out to the boundary line on all levels and has resulted in the loss of the 'sculptural' quality of the building. The façade now appears somewhat 'flat' and unmodulated with the removal of balcony recesses which through their alignment and contrasting corten material, offered some vertical relief by breaking the horizontal banding of the brick. In the revised design, façade fenestrations do vary across the building, however overall, the tower appears more 'squat' with an exacerbated reading of bulk despite the lowering in height. This new composition of fenestrations does little to articulate the overall massing into smaller vertical sections to minimise the impact of a large building on the public realm, which is compounded by the long frontage along Ferrars St. Along the eastern façade facing the railway, the cores are now aligned with the building edge which results in a large, sheer expanse of wall with minimal visual interest.



The development is considered a low mid-rise tower, which has a preferred upper-level 3m setback from the main building edge to offer a visually recessive reading from the street. Despite a lack of setback along the east and west edges on Level 6, this has been offset with generous rooftop terraced areas which act as an extension of the communal kitchen area. The obvious change of material to expressed vertical mullions which act as sunshade is significant enough to infer a recessive presentation. The uppermost services level is contained within the footprint of this upper volume, and is enclosed within a cyclone mesh barrier. With the additional height imposed by the services level, it is preferable that the services footprint be adequately setback from the edge of the building to be reasonably illegible from street-level.

The details and sculptural quality of the original design not only provides visual interest on all facades, but works together to read as being designed 'in the round', contributing to a varied and architecturally interesting skyline. The use of materials (as alternative to default glazed solutions) with a referential approach to context is strongly supported, where here, the use of solid looking brick cladding gives the building a more tectonic and physical presence. However, the contemporary approach in the first iteration, which appears to have successfully reinterpret the industrial vernacular, has been paired back so dramatically that it now almost appears as a close facsimile of the referenced historic style and building form, particularly in an area which is undergoing significant and rapid change. The distinction between 'new and old' should be carefully balanced as not to fall out of scale or character with the contemporary place.

Building Layout

The current layout sees most of the active ground floor use towards the corner facing City Rd. The subject site and the one south at No.201 - 209 are the only two which make up this 'island' block, where the narrowness of this block imposes a high degree of building planning constraints. The two sites are almost mirrored conditions, where No.201 - 209 primarily addresses the corner facing York St instead, relegating the middle section of the block predominantly to services and vehicular access. This would result in around 70m of street frontage across the two sites with inactive frontages. The maximisation of active internal areas along frontages is seen as a key Urban Design consideration to promote high-quality, pedestrianised environments.

Even with the site constraints, Urban Design encourages the applicant to explore an alternative layout that could locate the bike parking and End of Trip facilities to the south (by pushing the carparking further north closer to the original position) to offer more activation along the street edge. A dedicated bike parking entry, directly off the street would also improve the circulatory spaces around the foyer as it appears that bike users would also utilise the main commercial entry. This would mitigate conflict with pedestrians, as well as potential slip hazards that may arise from wet, muddy tyres during poor weather.

The Food and Drinks kitchen and the bin room are located at the opposite ends of the development, where waste from the kitchen would need to travel through the foyer area and along the street to reach the bin room. The movement of waste should occur via dedicated back of house circulatory spaces, further supporting the need to revise the functional layout, noting that a fire-isolated corridor for discharge from the stair to the street will be required anyway. The layout should demonstrate a waste room location



which supports an appropriate waste management strategy, preferably with collection on the property (i.e. collection trucks will reverse into the site, collect and exit in forward direction). Furthermore, waste rooms should also be sleeved with active uses that interface with the public realm.

It is clear that the lift and stair cores have been pushed to edge of the building to maximise contiguous, open office spaces. However, a layout more aligned with the previous ground floor configuration could reasonably achieve all of the objectives above without disrupting the office spaces above.

Entry & Street Address

The main commercial entry is located to address Ferrars Street. The entry is within a recessed alcove area with limited visibility from the City Rd corner, creating a potentially unsafe entrapment space. The entry area should be opened-up, similar to the previous layout, to improve visibility and safety. A secondary entry to the bike parking is recommended (as above) to provide a balance between active uses and services frontages. The Food and Drinks entry as previously shown should be reinstated, not only as it reinforces the Food and Drinks street address and improves connectivity, it removes reliance on the commercial entry and lobby for access.

Landscaping

A small planter along the entry ramp is the only provision of landscaping to the site. Interestingly enough, the shape of the building does not fill the irregular shaped plot, resulting residual space along the Food and Drinks frontage which could be used for landscaping. The impermeable flood barrier could also be integrated into this landscaping element (presumably planter bed). A small motorcycle parking area is provided within the title boundary, however should be consolidated to fit within the secured carparking area.

The original proposal also illustrated vertical landscaping opportunities as part of the balcony spaces. Urban Design encourages the applicant to re-explore opportunities to incorporate green façade elements not only as a compositional element to differentiate building volumes, but to address building performance and urban heat island effect.

Loading

An on-site loading facility would be a desirable and appropriate outcome, where developments would provide their own loading area for the convenience of occupants and couriers. However, given the clear site constraint that does not lend itself to the provision of a dedicated loading bay, it will need to rely on nearby loading zones. The matter should be referred to Council's Traffic Engineers to determine traffic hazards that may arise with the potential of couriers parking illegally in front of the address in no-standing zones.

RECOMMENDATION

Overall, the proposal is still a high-quality response, which eschews the commercial feel of glass for a distinctive masonry presence that does not appear superimposed



onto the site. The first iteration of the design appears to have demonstrated the capacity to contend with some difficult site constraints, as well as reinforcing the significance of the site as an urban gateway through built form. As such, Urban Design is supportive of the proposal and encourages the applicant to re-explore some of the key design moves from the first iteration to reinforce the original architectural proposition.

- The building mass should be broken down into a series of elements to reinforce vertical grain, rhythm and scale of the surrounding context
- Incorporate original detailed design elements to offer better modulation of façade
- Preserve the ‘in-the-round’ reading of the built form by pushing the lift and core in from the building edge (thereby removing large expanse of unarticulated façade)
- Review scale and proportion of the upper-level to obscure the reading of rooftop plant and services
- Reconsider a ground floor functional layout which improves street activation along the entire frontage through a balance distribution of active uses with services/non-active uses
- To the point above, it is recommended that bike parking and End of Trip facilities be located to the southern corner of the site, with a dedicated entry point to enhance direct street connection
- Provide a back of house corridor connection between Food and Drinks kitchen and waste room
- Improve visibility of commercial entry for safety and to reinforce street-address
- Provide dedicated entry point for Food and Drinks tenancy from street (similar to previous layout) to remove reliance on commercial lobby for access
- Motorcycle parking should be provided within the internalised carparking area
- Review landscaping

Planners Comments

The comments from Council’s Urban Designer provide a comprehensive analysis of the design detail of original 10 storey proposal compared to the amended proposal. The scale of the original 10 storey proposal was not considered acceptable to the site and its surrounding context. Therefore, the consideration of the design detail of the earlier proposal is not relevant. A detailed assessment of built form is provided in section 11.2 of this report.

Heritage Advisor

The current building on this site is not significant – it is altered post-war commercial building. I don’t understand why HO4 applies to this site – I think its because it has been drawn to include the historic railway bridge including the side abutments, over City Road.

In any event, the building on this site will not affect the HO4 precinct – the precinct is unusual in that covers an industrial area and is comprised of late nineteenth and early to mid-twentieth century factory and commercial buildings. This building is well separated from and does not have any direct interfaces with other sites in the precinct.



I note also the FBURA strategy envisages mid rise development within the HO4 area, and this development will be consistent with that. The railway bridge itself is significant independent of its context and will not be affected by the new building.

Planners Comments

Council's Heritage Advisor has not raised any heritage concerns about the proposal.

Traffic and Parking

Car Park Layout

Accessway

A 6.8 metre-wide accessway has been proposed on the ground floor to connect to a proposed 6.15-metre-wide crossover along Ferrars Street.

Access to Parking Bays

The swept path diagrams indicate some vehicles require to turn into the site along the southern section of the accessway, typically used only for vehicles exiting a site. I have concerns over this arrangement noting if a vehicle is propped along the southern side of the crossover attempting to exit the site drivers will be forced to drive along the northern section of the accessway and unlikely to be able to enter bays 1 - 6. The absence of a blind aisle within the carpark to assist with turning movements is unfavourable for when this occurs.

I have concerns over the current design of the carpark. It is recommended the carpark be modified to improve access given the difficulties presented.

Splay Areas

Pedestrian splay areas should be provided as per Clause 52.06 of the Planning Scheme. No splay areas have been provided. Pedestrian volumes along the site's frontage to Ferrars Street accommodates a significant number of pedestrian volumes. South Melbourne Primary School is located 200 metres north of the site along Ferrars Street. The installation of a warning light in this instance is not considered an acceptable substitute for splay areas.

The swept path diagrams provided indicate vehicles egressing from the stacker on the northern side of the accessway drive proximate to the garages northern corner. Given the site fronts Ferrars Street which accommodates significant pedestrian volumes, it is recommended a splay area be accommodated on both sides of the accessway as vehicles hug the garage openings northern corner when egressing from the site. Generally, pedestrians expect vehicles to exit from the left-hand side of a dual crossover (left hand side of exiting vehicle). Given the turning paths of vehicles demonstrate vehicles from bays 4 to 6 existing on the right-hand side of the crossover (for an exiting vehicle) splay areas are recommend on both side of the accessway.

It is also recommended splay areas be adopted on both sides of the accessway. This can be implemented as a permit condition.



Mechanical Parking

The applicant has proposed mechanical parking to be accommodated via WOHR 413 car stackers with a double unit stacker being positioned adjacent to a single stacker

- A pit length of 5.4m has been adopted. This is considered acceptable.
- 2.6m platform width has been provided for bays in single stackers and 5.0m for bays in double stackers.
- The applicant must have an action plan in place for when scheduled maintenance of the car stacker occurs and the car stacker is temporarily unavailable.
- The T.I.A states that at least 25% of the car stacker spaces can accommodate a vehicle clearance height of at least 1.8 metres. This is in accordance with Clause 52.06 of the Port Phillip Planning Scheme.

On Street Parking

The existing on-street parking surrounding the site is short term parking.

Traffic Generation

Peak Hour Volumes

Given the adopted traffic generation supplied by the applicant, the expected traffic volume during peak hours will have a minimal effect on the surrounding street network, approximately 9 vehicle movements per peak hour.

Loading and Waste

Loading

The applicant has indicated loading and unloading activities are likely to be very small.

The food and drink premises is likely to require the loading for delivery of goods to and from the site. Although this is in some occasions accommodated via a standard passenger vehicle the only proximate on street loading zone in this instance is on the opposite side of Ferrars Street. Noting this, I have concerns how deliveries to the site are to be accommodated.

All new developments should be self-sufficient regarding loading unloading.

Waste collection

The proposal should be referred to Councils Waste Management department for assessment. Waste collection along the site's frontage is not supported given the absence of short term parking bays proximate to the site.

Waste collection should be contained within the site.

Parking overlay and parking provisions

Clause 52.06 of the planning scheme stipulates the following off-street parking provision:

- 81 spaces allocated to the 2722 sqm of office use



- 4 spaces allocated to the food and drink premises

Given the above, Clause 52.06 requires an off-street parking provision of 85 parking spaces. All 18 parking bays proposed are to be allocated to the office component of the development, subsequently the applicant seeks a waiver of 63 spaces.

The existing on-street parking is generally high turnover. Visitors/staff of the development will not be eligible for resident parking permits and visitors utilising on-street parking provisions will be required to abide by the restrictions displayed.

In terms of car parking provision, reference should be made to City of Port Phillip Sustainable Parking Policy. The sites parking provision is 0.67spaces per 100 sqm of office. This falls well below the planning scheme rate. It is noted the development fails to meet several conditions as per the sustainable parking policy when providing a parking rate less than 3.0 spaces per 100sqm for office, the following conditions have not been met:

- Subsidised public transport
- Upgrade bus/tram/train stops/approaches or other works to facilitate public transport usage directly applicable to the site
- Participation in car share scheme or other similar initiatives
- Other initiatives to reduce usage of motor vehicles.

We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination. Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.

Bicycle parking provisions

Clause 52.34 of the Planning Scheme requires the following bicycle provision:

- Office 9 staff spaces, 3 visitor parking spaces
- 1 space allocated to employees of the retail (food and drink premises).

The site generates a total bicycle parking requirement of 13 bicycle spaces. The applicant exceeds this requirement providing 29 bicycle spaces consisting of 23 vertical spaces for employees and 6 horizontal spaces for visitors.

Approximately 20% of the bike parking provided is in the form of horizontal rails. This satisfies the minimum 20% requirement as per AS2890.3. It is recommended visitor bike hoops be installed on street at a cost to the applicant and the bike park room to be used only by staff of the proposal.

End of trip facilities have also been provided comprising of 36 lockers and 8 showers.

Motorcycle Parking

One motorcycle parking space has been provided along the site frontage within the site boundary. It is recommended the motorcycle parking space is contained within the carpark.



Other

All proposed crossovers must be installed to Council satisfaction.

Redundant crossovers to the site to be reinstated to Council specifications.

All signage and line marking to be installed to Council satisfaction.

Give the proximity of the crossover to an intersection it is recommended the proposed vehicle access configuration is referred to VicRoads.

Planners Comments

Issues raised by Council's Traffic and Parking Unit are discussed at sections 11.4 of this report.

Sustainable Design

I have reviewed the amended plans (Advertised plans under s57A, 1 – 37, Tandem Design Studio) and SMP (Sustainable Development Consultants, October 2018) and provide my comments below.

General

The SMP benchmarks the proposed development against the Green Star Design and As Built rating tool, targeting a 4 star rating, which is the lowest possible star rating, demonstrating best practice in environmentally sustainable design. For a non-residential development greater than 1,000sqm a 5 star Green Star Design and As Built rating, or equivalent, is encouraged.

Specific queries in relation to the initiatives listed in the SMP are detailed below.

Management

Environmental performance targets will be set for energy and water use, as stated on page 8 of the SMP. What will those targets be and what initiatives will be followed if the targets are not met?

Materials

The SMP states that the building will contain a reduction of the mass steel reinforcing in the structure, compared to a similar building. What extent of reduction is targeted?

Energy

The use of vertical sunshades in addition to the high performance glazing is supported.

The preliminary energy modelling report at Appendix 7 of the SMP targets a 5 star NABERS rating, which is supported and should be achieved for this proposal.



It is noted that both the preliminary energy modelling report at appendix 7 and the daylight modelling report at appendix 6 refer to double glazing being used for this development. This should be confirmed by annotation on the plans to be endorsed.

Stormwater

Rainwater reuse should be annotated for the rainwater tanks on level B1 of the plans.

Transport

Good provision is made for employee bicycle parking with excellent end of trip facilities. Can any visitor bike parking be provided at street level to enhance visibility for visitors who are not familiar with the site and so won't know that there are visitor spaces inside?

Urban Ecology

The proposal includes landscaping within the two terraces proposed on level 6. Low-water use species should be used and committed to in the SMP.

Planners Comments

The referral comments from Councils Sustainable Design Officer have not raised any fundamental concerns about sustainable design for the development. It is recommended that should a permit be issued conditions be included requiring the information detailed above.

The recommended conditions including a condition 1 requirement that the plans be updated to include annotations of the proposed double glazing (**recommended condition 1d**) and an annotation added that the rainwater tanks on Level B1 will be used for rainwater reuse (**recommended condition 1e**).

It is also recommended that a condition is included (**recommended condition 4**) which requires the SMP be updated to include the following:

- Management - Details of the environmental performance targets for energy and water use and what initiatives will be followed if the targets are not met?
- Materials - Details of what extent of reduction is targeted in regard to the reduction of mass steel reinforcing
- Urban Ecology - Commitment to the use of low water use species for the landscaping in the two terraces

Waste Management

I have reviewed the amended WMP and plans and provide the following comments:

- The bin room does not look functional and will require changes.
- All bins must be drawn into the plans and hard waste storage must be specified.
- The bin room currently looks difficult to move around in, especially with cleaners trolleys.



- The way the office cleaners and food retail staff would have to move between the lifts/building to the bin room does not seem functional with having to open multiple doors (an unobstructed walkway to the bin room is recommended).
- It is recommended for the WMP to stipulate that private waste collection is to occur outside of peak hours.

Planners Comments

Refer to sections 11.5 of this report for a discussion on the above issues

9.2 **External referrals**

Referral Authority	Response	Conditions
VicRoads	No objection subject to conditions.	Refer conditions 19 to 23.
VicTrack (Non statutory referral)	<p>VicTrack have written to Council (letter dated 5 December 2018) that they object to the proposal on the basis that the proposed building has extensive window openings and car park ventilation directly on the boundary with the rail corridor.</p> <p>The applicant has had discussions with VicTrack and have agreed to make changes to the building so that all windows and openings on the eastern boundary facing the VicTrack land would be setback 1m from the boundary. The proposed condition to read as follows:</p> <p><i>“Amendments to the application plans generally in accordance with the concept plans prepared by Tandem Studio dated 23.01.19 illustrating the removal of all windows and openings on the eastern boundary facing the Victrack land. Any east facing window and/or balconies are to be inset a minimum of 1m from the boundary”</i></p> <p>The provision of a 1m setback to the windows and opening would remove any direct opening onto the boundary with the rail corridor which would satisfy the concerns raised by VicTrack. It is recommended that the above condition is included (Recommended condition 1b).</p>	Refer conditions 31 to 43



	The correspondence from VicTrack has also recommended several additional conditions on the permit. It is recommended that these are included (Recommended conditions 31 to 43)	
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10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (56 letters) and directed that the applicant give notice of the proposal by posting 2 notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 10.2 The application has received 13 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 11):
- Character
 - Design detail / quality
 - Does not reflect the development of 201 - 209 Ferrars Street
 - Height / scale of development
 - Overshadowing
 - Visual bulk / impact on daylight
 - Overlooking
 - Traffic
 - Carparking
 - Works may affect stability of embankment, particularly given frequency of trams and erosion that has occurred over time
- This is a structural matter which would be dealt with under the building regulations, if a planning permit were to issue.*
- 10.3 A consultation meeting was held on 19 March 2019. The meeting was attended by Ward Councillors, the applicant, 1 objector and Planning Officers. The meeting did not result in any changes to the proposal.
- 10.4 It is considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

11. OFFICER'S ASSESSMENT

11.1 Strategic Planning Policy Framework

State Policy

The objective to Clause 17.02-1S (Business) is *to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*



Strategies for this objective include *to locate commercial facilities in existing or planned activity centres.*

The proposed office use is indirectly encouraged through the use being as of right in the Commercial 1 zone. In addition, it is located within the South Melbourne Central Major Activity Centre and is well serviced by public transport. The proposal is therefore largely compliant with State Policy.

Local Policy

The Port Phillip Planning Scheme includes Local Policy objectives and strategies for land use under several different themes. The objectives and strategies that are relevant to this application are those grouped under Office and Mixed Activity Areas at Clause 21.04-3.

The relevant objectives and strategies of this theme include:

1. *To ensure new uses support the future strategic role and function of the office and mixed activity areas, as defined in Table 2.*
 - 1.1 *Support the consolidation of the Business 5 zone area and Schedule 1 to the Capital City Zone as vibrant office and higher density residential precincts.*
2. *To facilitate viable and vibrant business activity in office and mixed use precincts*
 - 2.1 *Encourage business that cater for growing demand in the property and business services, cultural and recreation services, printing, publishing and media services.*
 - 2.2 *Ensure that the nature and intensity of office and commercial activity is appropriate to its location.*
 - 2.3 *Maintain and promote active land uses at ground floor that encourage pedestrian activity.*
 - 2.4 *Ensure new use and development provides appropriate car parking, storage and loading facilities.*

The Port Phillip Planning Scheme also includes particular Local Policy objectives and strategies for the various neighbourhoods of the municipality. The objectives and strategies that are relevant to this application are those grouped together for South Melbourne Central at Clause 21.06-5.

The relevant objectives and strategies for SMC include:

- 6.5.1 *Promote activity, diversity and vitality by:*
 - *Encouraging the provision of active streetscape, outdoor living and vibrant people spaces. In particular encouraging active ground level; frontages within the Activity Centre.*
 - *Encouraging mixed use developments, including vertical layering of land uses and active street frontages.*
- 6.5.2 *Support the local economy by:*
 - *Facilitating the South Melbourne Central as a vibrant and creative business and retail location*



- *Continuing to support the existing economic base of South Melbourne Central in Business services and light industry*
- *Expanding the role of SMC as a location for knowledge based and creative industries exploiting its strategic location adjacent to the Melbourne CAD.*

The application proposes a 2722sqm office development within a 7 storey building. As detailed above, there is local policy support for an office building in this location. Clause 21.04-3 (listed above) includes specific policy guidance for the support of office development in the office and mixed activity areas. There is also policy support in the local strategies for the South Melbourne neighbourhood for those applications that support the local economy with an emphasis to support the existing commercial base of South Melbourne in business services and light industry and the expansion of the area as a location for knowledge based and creative industries. The proposed development of a 2722sqm office would measure favourably with these strategies to support the local economy of South Melbourne and provide a place for future knowledge based and creative industries.

The objectives and strategies for the Office and Mixed Activity areas and the SMC neighbourhood include provisions for the creation of active ground floor frontages to create vibrant pedestrian environments. A detailed assessment of the buildings response to the public realm is considered further in this report.

Local policy provision includes objectives and strategies for built form outcomes for this site as well as provision that appropriate car parking and loading facilities be provided for new development. How the proposed built form responses to the character of the area and the provision of car parking and loading facilities will be considered in detail further in this report.

11.2 Built Form / Character

There is no prescriptive built form guidance in relation to overall height, street wall height or setbacks contained in the planning scheme for this site. Only general built form principles and guidelines (including Clauses 15.01-2 and 22.06) apply.

The site has a unique location with direct abutments to two major (Road Zone Category 1) roads and the light rail corridor which is a substantial physical barrier, particularly where it crosses City Road to the immediate north east of the subject site. It also has interfaces with several distinctly different strategic land use precincts, including two designated Substantial growth areas. Yet the existing surrounding built form is largely one to three storeys in height and does not reflect the relevant strategic visions.

In light of the lack of specific built form guidance and unique context, in considering what an approximate appropriate height for this site would be, it is necessary to consider the built form guidance and strategic direction that applies to surrounding sites.

North - Fishermans Bend Urban Renewal Precinct

To the north of the site on the other side of City Road is the eastern edge of the Fishermans Bend Urban Renewal Precinct. This is an area designated for substantial residential growth under Clause 21.04-1.



Design and Development Overlay Schedule 30 (DDO30) sets out the built form guidance for those sites in the Montague Precinct of Fishermans Bend. DDO30 specifies a mandatory 23m (6 storey) height limit for those properties fronting City Road (identified as area M6). Further to the north beyond the site fronting City Road, DDO30 identifies an 8 storey discretionary height. The sites directly opposite the subject site at 440 and 442 City Road have a preferred height of 8 storeys.

East - South Melbourne Central Major Activity Centre

Land on the opposite side of the light rail line is located in the South Melbourne Central Major Activity Centre. It is provided with built form direction under DDO8 South Melbourne Central. The sites adjacent to the subject site are zoned Commercial 2 and are located within sub-precincts 8a and 8b in the Western Business Precinct. Under DDO8, sub-precincts 8a and 8b have built form requirements for overall maximum height of 23.5 m (6 storeys), with street wall of between 8 and 12 m (2 and 3 storeys).

West - Industrial Wedge

To the west of the site, the wedge of land bounded by Ferrars Street, York Street and City Road is zoned Industrial 1. Under Clause 21.04-4 the precinct has designated strategic roles and functions to provide a primary employment role, core industrial/ manufacturing role, light industrial / service business/ warehouse role and high technology/ knowledge based industry cluster.

This area was investigated as part of the Montague Precinct Structure Plan (adopted by Council in September 2012) in the City Road Corridor. The Montague Precinct Structure Plan was not implemented because the State Government introduced new zones and planning controls for the Fishermans Bend Urban Renewal Area including the Montague Precinct, north of City Road, but excluding the subject site and the City Road wedge. The Minister's new controls effectively superseded Council's strategy. Nevertheless, the current adopted Council position in relation to this industrial wedge remains, although it is not recognised in the planning scheme. The Structure Plan stipulates a 5 storey height with 3 storey street wall for this Industrial wedge. This has been confirmed in the referral comments from the Strategic Planning Unit.

South - 201 - 209 Ferrars Street

The immediately adjoining property to the south at 201 - 209 Ferrars Street has a current approval for a 5 storey (17m high) mixed use building under planning permit P977/2015/A. This approval is still valid with an Extension of Time approved in 2018.

To the south, the thin strip of properties located between Ferrars Street and the light rail line don't have specific height guidance under the scheme, like the subject site. They are zoned Mixed Use and Public Use. Development of these sites is likely to be constrained by their narrowness.

Summary of Surrounding Context

In summary, the built form guidance and strategic directions that apply to the surrounding context are:



- **North** - 6 storeys to the north west (with 8 storeys further north beyond the sites fronting City Road) and 8 storeys directly opposite the site - Fishermans Bend Urban Renewal Precinct
- **East** - 6 storeys - South Melbourne Central Major Activity Centre
- **South** - 5 storeys - Approved development at 201 - 209 Ferrars Street
- **West** - 5 storeys - Montague Precinct Structure Plan

A map detailing the preferred heights in the surrounding context is included at attachment 3.

Height

Given the anticipated built form identified in the strategic direction for Fishermans Bend (north), the Industrial Wedge area (west) and South Melbourne Central (east), a 6 storey height is considered appropriate to the context of the surrounding area. A 6 storey building would correspond with the height anticipated on the other side of City Road which would provide a compatible form on both sides of the street. It would also provide an appropriate transition of built form in Ferrars Street where a 6 storey building would bookend / hold the corner but also provide a modest step up in height from the 5 storey building approved on the site to the south at 201 - 209 Ferrars Street. Council's Strategic Planning Unit also consider a 6 storey building to be an acceptable response on this site.

The application proposes a 7 storey building but for the reason detailed above this is considered to be too large for the site and the surrounding area. It is therefore recommended that a condition is included which removes 1 storey from the building. It is recommended that the proposed condition requires the removal of level 5 rather than the recessed level 6 to ensure the building is lowered but retain a similar architectural form and provide a more compatible street wall form to City Road and Ferrars Street (**Recommended condition 1a**).

Street Wall

In terms of surrounding street wall height requirements, a 4 storey street wall generally applies to the north (City Road); a 3 storey street wall is envisaged to the west (Ferrars Street); a 2/3 storey street wall applies to the east; and, a 5 storey street wall has been approved to Ferrars Street to the immediate south (under P977/2015/A).

The building has been designed with a 6 storey street wall to City Road and a 7 storey street wall to Ferrars Street. It is recommended that the height of the building be reduced to a 6 storey building through the deletion of level 5. This would reduce the street wall to City Road to 5 storeys (given the setback of the top level from City Road) and the street wall to Ferrars Street to 6 storeys.

The reduction of the building by one level would provide a street wall that would better compliment the City Road and Ferrars streetscapes. The street wall to City Road would be 1 storey higher than the anticipated street wall generally sought on the northern side of City Road of 4 storeys. However, given the small and angled nature of the sites City Road frontage a 5 storey street wall on this site would not adversely affect the future City Road streetscape. Along Ferrars Street, the narrowness of the site makes it difficult to provide



any meaningful setback on this side of the site. Along Ferrars Street, a 6 storey street wall would provide a gradual step up in height from the 5 storey street wall that has been already approved for the 201 - 209 Ferrars Street site. Council's Strategic Planning Unit and Urban Designer have not raised any concerns about the proposed street wall.

For these reasons, the street walls (5 storey street wall to City Road and 6 storey street wall to Ferrars Street) associated with a 6 storey building, would have a complementary form to the preferred character of the surrounding area.

Built Form and Design Objectives

The application is required to be assessed pursuant to Clauses 15.01-1S Urban Design and 15.01-2S Building Design of the State Planning Policy Framework (SPPF) and 22.06 Urban Design Policy for Non-residential Development and Multi-Unit New Residential Development of the Local Planning Policy Framework (LPPF).

Clauses 15.01-1S and 15.01-2S set out objectives and strategies for high quality urban design and architecture with the following objectives

Create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

To achieve building design outcomes that contribute positivity to the local context and enhance the public realm.

Clause 22.06 seeks:

To achieve high quality urban design and architecture that:

- *Responds to the context of places within the municipality;*
- *Integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area; and*
- *Protects and enhances the valued elements of the municipality.*

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

An assessment of the proposal against the relevant State and Local Policy is as follows:

Relevant Policy	Officer's assessment
<p>Urban Design and Building Design Strategies (SPPF - Clauses 15.01-1S and 15.01-2S)</p>	
<p>Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate</p> <p>Ensure development responds and contributes to the strategic and cultural context of its location</p>	<p>Achieved with conditions</p> <p>As discussed above, given the preferred character of the surrounding area anticipated under future strategic direction the proposed 7 storey building is considered too high for this site.</p>



	<p>A 6 storey building, with a 5 storey street wall to City Road, would provide a more acceptable response to the preferred character of the surrounding area.</p>
<p>Ensure the interface between the private and public realm protects and enhances personal safety. Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.</p> <p>Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.</p> <p>Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.</p>	<p>Achieved</p> <p>The building is designed with a food and drinks premises that wraps around the City Road frontage and the northern part of Ferrars Street.</p> <p>Council's Urban Designer and Strategic Planning Unit have raised concerns that the Ferrars Street frontage is dominated by vehicle access and services.</p> <p>Greater activation of Ferrars Street would improve the buildings response to the public realm. However, the site is constrained by its narrow width and there is not adequate space on site to rearrange the parking area, waste storage or required substation to other positions within the building.</p> <p>The building is designed with these operational and service facilities at the furthest point from City Road. This is considered to be a site responsive approach to the design of the building where vehicle movement and waste collection would be located as far away as possible from the City Road / Ferrars Street intersection.</p> <p>Given the constraints of the site the proposed activation of the City Road frontage and northern part of Ferrars Street is considered to provide a suitable level of activity and activation of the site.</p>
<p>Ensure development is designed to protect and enhance valued landmarks, views and vistas.</p>	<p>Achieved</p> <p>A reduction in height from 7 storeys to 6 storeys with a recessed 6th floor would retain a mid-level feel, distinct from higher landmark areas in the nearby Fishermans Bend precinct and would respond appropriately to the existing built form.</p>
<p>Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.</p>	<p>Achieved</p> <p>As discussed earlier the site is constrained by its narrow width and there is opportunity</p>



	<p>to increase activation and activity along Ferrars Street.</p> <p>Given the constraints of the site the proposal would provide a suitable relationship between buildings, footpaths and pedestrian spaces by providing adequate street level activation along both street frontages by upper level window openings.</p>
<p>Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.</p>	<p>Achieved with conditions</p> <p>The only landscaping proposed would be on the roof terrace. if a permit were to issue a landscape plan would be required to be submitted for endorsement.</p>
<p>Clause 22.06 - Urban Design Policy for Non Residential Development and Multi Unit Residential Development (Local Planning Policy)</p>	
<p>The Public Realm</p> <ul style="list-style-type: none"> Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways (see Performance Measure 1). <p>Performance Measure 1 <i>New development may meet the above policy for the public realm if, as appropriate:</i></p> <ul style="list-style-type: none"> <i>The building does not exceed 3 storeys in height adjacent to a public space, including a footpath (unless otherwise specified in a DDO),</i> <i>Elements of the buildings greater than 3 storeys in height are set back behind the 3rd storey level (unless otherwise specified in a DDO).</i> <ul style="list-style-type: none"> Discourage building designs that dominate or imply private ownership of public spaces. Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling. 	<p>Achieved</p> <p>See earlier discussion about the public realm.</p>
<p>Street Level Frontages</p> <ul style="list-style-type: none"> Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience. Require pedestrian entrances to buildings to: <ul style="list-style-type: none"> be clearly visible and easily identifiable from streets and other public areas. provide shelter, a sense of personal address and a transitional space between the public and private realms. 	<p>Achieved</p> <p>See earlier discussion about Pedestrian Spaces.</p>



<ul style="list-style-type: none"> • Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas. • Require all buildings to be accessible at ground-floor level to people with limited mobility. • Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment. • Discourage blank walls and car park vents onto pedestrian spaces. 	
<p>Landmarks, Views and Vistas</p> <ul style="list-style-type: none"> • Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to): <ul style="list-style-type: none"> - the Melbourne Central Activities District, - maritime structures such as St Kilda Pier, Kerferd Rd Pier and Station Pier, - landmarks of cultural significance such as town halls, clock towers, church spires, synagogues, grandstands and hotels, - landmark heritage buildings, - the foreshore and adjacent boulevards and promenades, and - public gardens and other key public open spaces. • Encourage, where appropriate, new developments on major strategic sites to seek to create or emphasise landmarks, views and/or vistas by carefully responding to the site's context (a landmark can be expressed in a variety of ways other than building height and may include the restoration and recycling of a heritage place). • Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to: <ul style="list-style-type: none"> - along St Kilda Rd, particularly towards the Shrine of Remembrance, - the Shrine Vista, - from the foreshore and its piers and the Bay towards the Melbourne CAD skyline, - along the beach front roads and boulevards, towards the foreshore and Port Phillip Bay in both directions, - along local roads and streets to Port Phillip Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens, - the built form edge of key open spaces, including the foreshore. 	<p>Achieved with conditions</p> <p>As previously discussed, a reduction in height from 7 storeys to 6 storeys to retain a mid-level feel, distinct from higher landmark areas in the nearby Fishermans Bend precinct.</p> <p>Subject to the proposal being reduced to 6 storeys, the proposal would adequately respond to the adjoining and adjacent sites and would preserve visual prominence of nearby landmarks.</p>



<p>Large Sites</p> <ul style="list-style-type: none"> • Encourage large sites to be developed and subdivided in a manner that provides pedestrian permeability through the block rather than just public access around the perimeter. This may include public laneways or vehicle/pedestrian linkages across the site in a manner that reflects the traditional pattern of streets and lanes and which creates inviting, useable and safe public spaces. 	<p>Not applicable</p> <p>This site is not suitable for a pedestrian link, due to its location and limited dimensions.</p>
<p>Energy and Resource Efficiency</p> <ul style="list-style-type: none"> • Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilisation. • Encourage the use of energy efficient techniques that may include: <ul style="list-style-type: none"> - low energy lighting systems and lighting management controls, - solar and passive heating systems and natural or solar assisted ventilating and cooling systems, - laminated, tinted or double glazing to control heat gain and loss, - use of high thermal performance building materials, - energy recovery systems, - energy storage systems such as heat sinks and air conditioning automatic control systems, - external facade elements which offer climate control benefits, - stormwater retention and use on site, - on site grey water retention and use for appropriate purposes, and - encourage water conservation by the choice of appropriate plant species and irrigation systems for landscaped areas. • Ensure new development does not adversely affect the environmental performance of adjoining properties (e.g. overshadowing of solar panels) 	<p>Achieved with conditions</p> <p>A Sustainability Management Plan has been submitted as part of the application. If a permit were to issue, this could be achieved through conditions in accordance with the comments of Council's Sustainable Design Officer.</p>
<p>Building Design</p> <ul style="list-style-type: none"> • Encourage the design of new development to generally: <ul style="list-style-type: none"> - express the urban grain and block pattern of subdivision and provide façade articulation, - avoid poorly designed and inappropriately located reproduction architecture, 	<p>Achieved</p> <p>A contemporary design is proposed, which would not be 'reproduction architecture'. The quality of the materials proposed is generally high.</p>



<ul style="list-style-type: none"> - include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives, - define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context, - ensure that side walls of taller buildings provide interesting design elements to break up the mass and bulk and reduce the visual impact of blank walls. • Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage. • Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction joints where pre-cast concrete is used to achieve a masonry finish should be carefully detailed. 	
<p>Urban Art</p> <ul style="list-style-type: none"> • Require all new developments where the Total Project Cost* (<i>as shown on the Planning Permit Application Form</i>) exceeds \$2 million to provide an urban art contribution that addresses Principle 1 and 2 of the <i>Urban Art Strategy 2002</i>. <p><u><i>Principle 1: Responsive Design</i></u> <i>The City of Port Phillip commits to a responsive design approach for the development of Urban Art, which reflects the identity of place, community values and innovation and creativity.</i></p> <p><u><i>Principle 2: Integrated Art</i></u> <i>The City of Port Phillip commits to a relational art approach, which will ensure Urban Art Demonstrates appropriate aesthetic appeal, functionality and utility in design development. Within this approach, art emphasises integration (e.g. response, memory and facilitation for 'place-making'), and/or promotes intervention (e.g. provocation, parody and challenge for 'agenda-setting').</i></p> <p><i>* Where staged permits are issued, the aggregated value of all permits relating to one</i></p>	<p>Achieved with conditions</p> <p>The location of urban art is indicated at ground floor level on the Ferrars Street frontage.</p> <p>If a planning permit were to issue, a condition would require the provision of further specifications and commitment, consistent with these requirements.</p>



<p><i>building is the determining value for the Total Project Cost.</i></p>	
<p>Landscape</p> <ul style="list-style-type: none"> • Encourage all new developments to: <ul style="list-style-type: none"> - retain all existing street trees and public landscape elements that contribute to the streetscape and amenity of the area, - locate vehicle access around the location of existing street trees, where appropriate, and - be setback a sufficient distance from street trees to ensure their ongoing survival and health. • Encourage all new developments to provide landscaping to setback areas, ground floor open spaces and outdoor car parking areas that: <ul style="list-style-type: none"> - integrate new buildings and pedestrian spaces into the surrounding neighbourhood and provide pleasant outlooks, and - include vegetation species that reflect those existing in the surrounding locality or otherwise are indigenous to the neighbourhood. • Encourage contributions towards street/public space landscaping, where this is appropriate. • Encourage landscape treatment to enhance the boulevard character and quality, of main boulevards, including Beach St, Beaconsfield Pde, Jacka Boulevard, Marine Pde, Kerferd Rd, Ormond Esplanade, St Kilda Rd, Queens Rd, Kings Way and Albert Rd. 	<p>Achieved with conditions</p> <p>As previously outlined, some landscaping is proposed as part of the design. If a permit were to issue a landscape plan would be required to be submitted for endorsement.</p>
<p>Public Open Spaces</p> <ul style="list-style-type: none"> • Encourage the provision of public open space on-site that: <ul style="list-style-type: none"> - directly adjoins or links to a street frontage where the space will be used by the public, - provides an open space link through a site that will contribute to the pedestrian permeability and accessibility of the site and build on the existing open space network of the neighbourhood, and - provides an outlook for as many occupants of the development as practicable and includes dwelling entries and windows facing the open space area to maximise opportunities for surveillance and informal interaction. • Maximise access to sunlight from key public, recreational and open space areas through 	<p>Not Applicable</p> <p>The development would not include any public open space.</p>



<p>the sensitive design and siting of new development.</p> <ul style="list-style-type: none"> • Ensure new development does not over-shadow public parkland (<i>land in the Public Park and Recreation Zone</i>) between the hours of 10.00am and 4.00pm on 22 June (winter solstice), unless otherwise specified in a DDO. 	
<p>Private and Communal Open Space</p> <ul style="list-style-type: none"> • Require any new dwelling to have: <ul style="list-style-type: none"> - private open space with access from a main living room, which must be adequate in area and dimension to be demonstrably usable and to meet the needs of future occupants (a minimum area of 8m² with a minimum width of 1.6m is considered appropriate for a balcony/terrace), or - access to adequate communal open space, where it can be demonstrated by the applicant that this will better serve the needs of residents, and where the building design, site constraints and/or heritage constraints prevent the supply of individual private open space areas. • Encourage the location and design of private and communal open space to take advantage of solar access, have reasonable levels of privacy and be designed to respect the privacy of private open space of surrounding dwellings. • Where on-site communal open space is proposed, encourage a variety of spaces including rooftop gardens and ensure that the space is appropriate to the needs of residents (e.g. in developments that include dwellings that are likely to accommodate families with children, the communal open space area(s) should provide safe and interesting play areas/equipment for children). • Encourage new balconies/terraces to be contained wholly within the site boundary. • Projections outside the site boundary are discouraged unless they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of the building's design, and do not extend more than 500mm beyond the property line and no more than 2.5m in length if fully cantilevered. 	<p>Not Applicable</p> <p>The building would not contain any dwellings.</p>
<p>Fences</p> <ul style="list-style-type: none"> • Encourage new front fences to: 	<p>Not applicable</p>



<ul style="list-style-type: none"> - be compatible with fencing in the surrounding area, - relate to the architectural style and use of the building and any adjacent open space areas, and - respond to the character and amenity of the surrounding area. Aspects such as the degree of transparency, height, materials and finishes of fences should be carefully considered. • Discourage front and side fences on St Kilda Rd to maintain the existing character and openness of the boulevard. 	<p>No fencing is proposed.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m. and 3.00p.m. on 22 September (the equinox). • Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected. • Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices. • Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas. 	<p>Not Applicable</p> <p>The building would not contain any dwellings.</p>
<p>Car Parking and Pedestrian Access</p> <ul style="list-style-type: none"> • Ensure streets, footpaths and driveways provide safe, manageable and convenient access to buildings. • Ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike. • Encourage vehicle access points to: <ul style="list-style-type: none"> - be via a single crossover or, if appropriate, from an existing crossover (multiple crossovers which result in a loss of on-street car parking are discouraged), and - enable vehicles to move safely and efficiently between the development and the street network. • Encourage car parking to be contained within a building or located at the rear of a 	<p>Achieved</p> <p>The proposed single accessway off Ferrars Street is generally acceptable, providing a central access point for all vehicles.</p> <p>The pedestrian access ways are reasonably well defined, although one is covered.</p> <p>While some car parking is proposed at the ground floor level, this extent is accepted given the constraints of the site.</p>



<p>building and not visible from the street. If located above ground level, encourage the façade of car parks to be designed to integrate with the building and to screen views of cars from public areas and adjoining buildings.</p> <ul style="list-style-type: none"> • Minimise hard paved areas over and above the building footprint to minimise stormwater runoff. • Ensure that car parks clearly define the location of visitor and/or customer parking, and make adequate provision for disabled parking and the queuing of vehicles on site. • Ensure that car parks are separated from habitable room windows to avoid noise and fumes entering dwellings. 	
<p>Loading Facilities</p> <ul style="list-style-type: none"> • Encourage loading facilities to be located at the rear of a building and/or near an area of low pedestrian activity and separate from parking areas. • Avoid the design of loading facilities that require vehicles to reverse off-site. • Ensure that loading facilities are screened from view of the street when not in use. • Ensure that loading and unloading can occur wholly within the site boundaries. 	<p>Achieved</p> <p>No on-site loading is proposed.</p> <p>Given the constraints created by the narrowness of the site it is not considered practical to provide on site loading facilities.</p>
<p>Site facilities</p> <ul style="list-style-type: none"> • Ensure garbage, recycling bin enclosures and collection points are located within the building wherever possible, are adequate in size and appropriately screened from view, are located for convenient access by occupants and collection vehicles and away from residential uses, and are sited and designed to not detract from the character and amenity of the streetscape. • Ensure that mailboxes are well designed, located for convenient access by occupants, and satisfy the requirements of Australia Post. 	<p>Achieved through conditions</p> <p>Council's Waste Officer has outlined some aspects of the design that need to be addressed to ensure waste is dealt with appropriately.</p>

11.3 Amenity Impacts

The subject site benefits from interfaces to two roads and the light rail. The only direct interface to private property is to the south where there is a warehouse with approval for an apartment building with a blank wall on the shared boundary.

This means that the proposed development has only limited potential to cause unreasonable off-site amenity impacts to existing and future dwellings.



There would not be any unreasonable overlooking from the proposed development given this distance from the nearest residences is well in excess of the 9m distance typically applied to assess overlooking impacts.

The submitted shadow diagrams show that the building would not overshadow the residential dwellings at 147 - 157 Market Street. The overshadowing impact would be further improved by the reduction of the building by an additional storey.

11.4 Traffic and Parking

Car parking is proposed to be provided on the ground floor in 6 x triple car stackers which would provide a total of 18 car parking spaces for the development. The car park would be accessed from Ferrars Street via a double width (6.1m) accessway and new crossover.

Traffic

Council's Traffic and Parking Unit have provided comments that the expected 9 vehicle movements per peak hour would have a minimal effect on the surrounding street network.

Parking

The proposed development would provide 18 car parking spaces which would all be allocated to the office. Clause 52.06 of the Planning Scheme requires 4 spaces for the proposed food and drinks premises (138sqm) and 81 spaces for the proposed office (2722sqm) which results in a total requirement of 85 spaces. Therefore, the reduction in parking that is being sought is 67 spaces.

Council has adopted a Sustainable Transport Policy which allows for a reduced rate for office use of 2.0 spaces per 100sqm. The 18 spaces that would be provided would provide a rate of 0.66 spaces per 100sqm of office. This application would not meet this rate where a rate of 0.66 spaces per 100sqm of office is proposed.

In this instance, the lower rate of car parking proposed for the office is considered acceptable given the unique characteristics of the site. These being the constraints of the site due to its narrow width and location near a major intersection and the benefits of the site due to its strategic location within the South Melbourne Central Major Activity Centre and proximity to the Melbourne CBD.

The site has a width of 9 metres which is a significant physical constraint to provide parking spaces and the required access arrangements for car parking. Car parking for the proposed development is designed with 6 x triple car stackers which would be accessed from a single access aisle. Given the narrow width of the site this is the only type of car parking configuration that could really work on this site. There is not the physical space to provide access ramps and the narrow nature of the site would make it difficult to provide car lifts or turntables, where there is no space for vehicles to prop or wait if a car lift or turntable was being used by another vehicle. Any further expansion of the car park area across the length of the site is also not desirable as this would negatively impact the provision of an active frontage to Ferrars Street.

The site is also constrained by its location at the intersection of City Road and Ferrars Street which are both busy main roads. The provision of car parking creates additional traffic and car parking numbers closer to the statutory parking rate could have traffic impacts that would adversely affect traffic conditions at this intersection. Council's Traffic and Parking Unit have provided comments that the traffic associated with the proposed 18 spaces would have a minimal impact on the surrounding street network but this may not be the case if more car parking was provided on this site. The proximity to the intersection also means that it is not possible for vehicles to queue within the street without having a detrimental impact on traffic conditions.

The sites strategic position provides justification for a reduced car parking rate. The site is located within the Principal Public Transport Network where a reduced car parking rate is applied to the rate of car parking due to the sites proximity to major public transport infrastructure. Moreover, the site is located within the South Melbourne Central Major Activity Centre and close to the Melbourne Central Business District (CBD). The CBD is within walking distance from the subject site, all of the services and the myriad of public transport opportunities in the CBD would be available to future employees of the office. It is noted that sites on the opposite side of City Road in Fishermans Bend are affected by a Parking Overlay (Clause 45.09) which stipulates a maximum number of car spaces of 1 space per 100sqm of office space.

The sites location on Ferrars Street means that the light rail tram services (route 96) is easily accessible from the site plus several other tram and bus services located nearby. These include Bus Route 234 which operates along City Road, directly past the subject site and Bus route 236 which operates along Cecil Street and City Road (approximately 345m walking distance from the site). The 109 and 12 tram routes are also located close by. The map below taken from the applicant's Traffic Impact Assessment details the range of public transport located near the subject site.

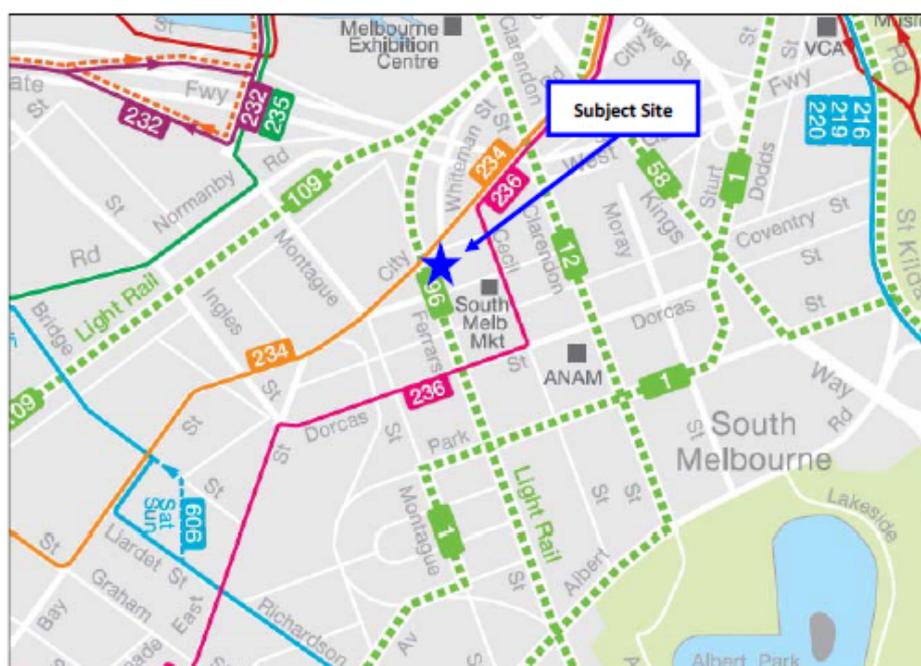


Fig 3: Public Transport located near the subject site



Dotted line refers to trams and sold lines refers to buses

In addition, there are 4 on street car share spaces near the subject site. The submitted Traffic Impact Assessment detailing that RACV car share, Flexicar, GreenshareCar and GoGet car share spaces are located within walking distance from the site. The Traffic Impact Assessment details that the RACV car share space is located 145m from the site and the other car share spaces located within a 300m distance. The position of the site within the South Melbourne Central Major Activity Centre also provides a range of services within walking distance for employees of the office. The excellent access to public transport and the proximity to local services would ensure that suitable public transport alternatives are readily available to employees and that services are easily accessible for employees without the need to rely on private transport.

Council's Sustainable Transport Policy details a range of criteria that should be met to obtain a reduced rate of parking. As detailed below, the proposal measures favourably against this criteria except for the provision of motorcycle parking and the upgrade of public transport which is not considered feasible for an application of this nature.

Component	Assessment
Mandatory Conditions	
Within an Activity Centre (defined by business zoning)	The site is located within the South Melbourne Activity centre within a Commercial 1 zoned site.
No more than 200 metres to fixed rail public transport	The site is located adjacent to the light rail tram service (Route 96).
Strict control of on street parking in surrounding streets	The on street car parking in the area surrounding the subject site is strictly controlled.
Provision of motor scooter / motorbike parking on site	Given the constrained nature of the site there is not sufficient room to provide motor scooter / motorbike parking
Provide the full bicycle and amenities provision as required under Clause 52.34.	The proposed bicycle provision exceeds that required under Clause 52.34 of the Planning Scheme, and end of trip facilities are provided.
Additional Requirements	
Total supply of car parking is pooled or shared (section 173 agreement), i.e. mixed use development.	The on site car parking will be pooled
Subsidised public transport.	It is anticipated that subsidised public transport will be offered to staff. It is recommended that this is noted in the condition requiring the Green Travel Plan (Recommended Condition 18)
Exceed bicycle and amenities provision as required under Clause 52.34.	The proposed bicycle provision exceeds that required under Clause 52.34 of the Planning



	Scheme, and large end of trip facilities are provided.
Upgrade bus/tram/train stops/approaches or other works to facilitate public transport usage directly applicable to the site.	No details have been provided that any upgrade works would be provided. The upgrade of public transport facilities is not considered feasible for an application of this nature.
Participation in car share scheme or other similar initiatives.	A number of existing car share spaces are located within close proximity to the site. These existing car share spaces will be available for use by staff of the development.

The recommendation to remove level 5 of the building would improve the rate of car parking proposed for the office. The removal of level 5 would reduce the office floor area by 516sqm. This would reduce the car parking requirement under Clause 52.06 by 15 spaces (the total reduction would be reduced from 67 spaces to 52 spaces). It would also improve the rate of car parking for the office from 0.66 spaces per 100sqm of office to 0.81 spaces per 100sqm of office.

Given the constraints of the site, the availability of public transport and provisions of transport alternatives (particularly car share and bicycle parking) the reduction of car parking is considered acceptable and in this instance, would not create any effects that would adversely affect the surrounding area. It is recommended that should a permit be issued a condition is included requiring the submission of a Green Transport Plan (**Recommended condition 18**).

Access and Manoeuvring

Council's Traffic Engineers have assessed access and manoeuvring associated with the development and provided comments that there appears to be difficulties for vehicles to enter and exit some of the parking bays when more than one vehicle is trying to enter or exit the site. It has been recommended that the car parking layout be redesigned and that a blind aisle be included within the car park design.

The narrow width of the site would make it difficult for changes to be easily made to the proposed car parking configuration. The ground floor plan shows that the two banks of triple car stackers virtually extend across the entire site. There is not sufficient room with the proposed parking configuration to be able to provide blind aisles on either side of the car stackers. Given the narrow constraint of the site and the anticipated low level of traffic for the development the proposed car parking configuration is considered acceptable.

Council's Traffic Engineers have recommended the following matters be included as conditions:

- Details of splay areas be provided on both sides of the accessway (**recommended condition 1f**).



- All proposed crossovers must be installed to Council satisfaction (**recommended condition 19**).
- Redundant crossovers to be reinstated to Council specifications (**recommended condition 20**).
- All signage and line marking to be installed to Council satisfaction (**recommended condition 15**).

Subject to the inclusion of the conditions detailed above, access and manoeuvring for the development is considered acceptable.

11.5 Waste Management

The application does not propose any on site waste collection facilities. Given the narrowness of the site it is not possible to provide on site waste collection.

The submitted Waste Management Plan (prepared by Leigh Design dated 10 October 2018) proposes waste collection to be from a pick up point on Ferrars Street in front of the site. The referral comments from Council's Waste Management Coordinator has not raised any concerns about the lack of on site waste collection or the proposed collection on Ferrars Street, except that they recommend waste be collected outside of peak hours.

There are four 15 minute loading zones located close to the subject site with the nearest loading zone, approximately 20m south of the site outside 201 - 209 Ferrars Street. There are three other loading zones located nearby with another loading zone further south on the eastern side of Ferrars Street and 2 loading zones on the western side of Ferrars Street, opposite the subject site. The loading zones operate between 8am to 6pm Monday to Saturday.

These loading zones would be able to provide suitable alternatives for waste collection for the proposed development. The recommendation of Council's Waste Management Coordinator that waste should be collected outside peak periods does not correspond to the operating times of the loading zone. Provided the loading zones are utilized for waste collection a restriction on when waste can be collected is not considered necessary. It is recommended that the Waste Management Plan is updated to detail that waste would only be collected from the loading zones on Ferrars Street (**recommended condition 11**).

Council's Waste Management Coordinator has raised concerns about the lack of connection of the bin room to the food and drinks premises and the office. The location of the bin room does not provide a direct connection with the food and drinks premises and the office. A bin haul route has not been provided in the Waste Management Plan but it is assumed that waste would need to be moved from the northern part of the site (where the lifts are located) to the southern part of the site where the bin room is located. The lack of a direct connection to the bin room is not adequate. However, the southern part of the ground floor is considered the best location on the site to enable collection from a pick up point on Ferrars Street. It is therefore considered that the location of the bin room is acceptable in this instance noting the difficulties that the narrowness of the site has on the development of the site.



Concerns have also been raised about the functionality of the bin room. It is recommended that a condition is included to require the enlargement of the bin room with details of the bins and hard waste to be provided on the plans as well as details of sufficient space to be able to move within the bin room. Details of how waste / bins would be moved between the food and drinks premises / office and the bin room should also be provided (**recommended condition 11**).

11.6 Impact on Major Promotion Sign

The proposed building will block views of an existing Major Promotion sign located on the railway embankment, immediately to the east of the site. The application was advertised to the adjacent landowner and no objection has been received concerning the impact on the existing Major Promotion sign. There is no easement on the title of the subject site or any other controls that protect the view of the sign from future development of 195 - 199 Ferrars Street. Therefore, the impact of the proposed development on the adjacent Major Promotion sign is considered acceptable.

11.7 Cultural Heritage Management Plan

Mapping of cultural heritage sensitive sites has recently been updated and the subject site has now been included as a site that may require a Cultural Heritage Management Plan (CHMP). The update to the mapping of cultural heritage sensitive sites and the potential requirement for a CHMP has been raised with the applicant. In response to this matter the applicant has provided a heritage assessment prepared by Archaeology at Tardis Heritage Advisors. The submitted heritage assessment has found that the project **does not** require the preparation of a mandatory CHMP due to significant ground disturbance. Based on the information provided by the applicant that the site has been subject to significant ground disturbance a CHMP is not required.

11.7 Environmental Audit Overlay

The subject site is affected by an Environmental Audit Overlay. It is recommended that should a permit be issued conditions are included requiring the submission and approval of an environmental audit or statement from an approved auditor (**recommended conditions 24 and 25**).

12. COVENANTS

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 on Plan of Subdivision 527200E [Parent Title Volume 10827 Folio 382].

13. OFFICER DIRECT OR INDIRECT INTEREST

13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

14. OPTIONS

- 14.1 Approve as recommended as per recommendation "Part A"
- 14.2 Approve with changed or additional conditions
- 14.3 Refuse - on key issues



15. CONCLUSION

- 15.1 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme being an office development in the office and mixed activity area that would help support the local South Melbourne economy and help foster knowledge based and creative industries.
- 15.2 Subject to the removal of 1 storey, to create a 6 storey building, the height and form of the building would be appropriate to the preferred character of the surrounding area, given its interface with area M6 of the Montague Precinct of Fishermans Bend.
- 15.3 The building would achieve an interesting design response that would make a positive contribution to the character of the area.
- 15.4 The proposed building would not create any external amenity impacts on adjoining property, given the nearest residential property is 27m away.
- 15.5 Given the constraints of the site, the availability of public transport in the local area and additional provisions made for other transport alternatives the reduction of car parking is acceptable.
- 15.6 It is considered that the development as proposed is appropriate in this instance subject to conditions and therefore should be supported. It is recommended that Council advise VCAT that, had it been the Responsible Authority for the determination of the application it would have issued a Notice of Decision to Grant a Permit.

TRIM FILE NO:

PF17/328196

ATTACHMENTS

1. Advertised Plans
2. Photo Montages
3. Map showing anticipated building height in surrounding area
4. Concept plans showing removal of windows and openings on the eastern boundary
5. Objector Map