



4.1	10 - 16 BOUNDARY STREET, SOUTH MELBOURNE
LOCATION/ADDRESS:	10 - 16 BOUNDARY STREET, SOUTH MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	HELEN PRITCHARD, URBAN PLANNER
TRIM FILE NO.:	P0293/2016-02
ATTACHMENTS:	1. Site Location Plan 2. Plans 3. Existing and Proposed Shadow Diagrams 4. Landscape Concept Plan
P01 WARD:	Emerald Hill
TRIGGER FOR DETERMINATION BY COMMITTEE:	Use and development for accommodation in Fishermans Bend
APPLICATION NO:	P0293/2016
APPLICANT:	Emctwo Pty Ltd
EXISTING USE:	Warehouse/ office
ABUTTING USES:	Residential, Auto repair workshop
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Development Contributions Plan Overlay (DCPO2) Parking Overlay (PO1) Special Building Overlay (SBO2) in part
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Demolition of the existing building and construction of 30, four-storey townhouses with a basement car park.

I. EXECUTIVE SUMMARY

- 1.1 This application proposes to demolish the existing double storey warehouse/ office building and construct 30 dwellings in the form of three rows of four storey townhouses, with a basement car park.
- 1.2 The subject site is located in the Fishermans Bend Urban Renewal Area (FBURA).
- 1.3 Council is the Responsible Authority for planning applications in this part of the Montague Precinct, as designated in the map at Figure 2 of the Schedule to Clause 61.01.



- 1.4 The subject site is located within a four storey mandatory height limit area as designated by Schedule 1 to the Capital City Zone (CCZ).
- 1.5 The application was internally referred and officers raised concerns relating to the interface between buildings, lack of activation on Boundary Street and to the south-eastern laneway, solar access and energy efficiency, internal daylight, waste management and loading.
- 1.6 In response to those concerns, the applicant has submitted amended plans pursuant to Section 50 of the Act. These plans are subject of this report. The amended plans are considered to respond to the majority of concerns raised, particularly in relation to spacing and interface between dwellings, solar access and internal daylight and waste management. The amended plans also demonstrate an improved outcome for on-site landscaping, street interface and the car parking rate.
- 1.7 This report discusses the Section 50 plans (hereafter referred to as *the plans*) and recommends that a planning permit be granted for the proposed development, subject to a number of conditions that are set out in Section 14 of this report.

KEY ISSUES

- 1. Dwelling separation distances
- 2. Solar access and energy efficiency
- 3. Street interface
- 4. Car parking
- 5. Loading and waste management.

2. RELEVANT BACKGROUND

There is no relevant history or background for this application.

3. PROPOSAL

- 3.1 The application proposes to demolish the existing double storey brick warehouse/ office building and construct 30 dwellings (21 x four bedroom dwellings, 9 x three bedroom dwellings) in the form of three rows of four storey townhouses, with a basement car park.
- 3.2 The townhouses would be sited in rows of ten. Block A would contain dwellings 1 – 10 and would face Thistlethwaite Street. Blocks B and C would contain dwellings 11 – 20 and 21 to 30 respectively. These two blocks would be sited behind Block A. The rear of Block C would abut the south-eastern site boundary.
- 3.3 Basement car park:



- 3.4 The basement car park would contain 27 car parking spaces. Car parking is provided in individual garages within the basement enclosed by a roller door. The individual garages would contain one bicycle storage space and a residential storage cage. The garages would also contain stairs providing access to the ground floor level of each dwelling.
- 3.5 The basement would also contain a 60,000 litre rainwater tank and a bin storage room as well as a services cupboard.
- 3.6 Block A:
- 3.7 Block A dwellings would face Thistlethwaite Street with a ground level street setback of between 0.4m - 1.04m containing planter boxes and small entry courtyards. The first, second and third floor above would be constructed to the street boundary, with roof terraces on top setback 1.44m from the street. Each dwelling would contain a lift from the ground floor to all levels above including the roof terrace.
- 3.8 Dwellings 1 – 9 within Block A would have very similar floor plans, while dwelling 10 would have a different configuration due to its location adjacent to the basement access ramp.
- 3.9 Dwellings 1 – 9 would measure 4m wide by 9.4m deep. They would contain the following accommodation:
- 3.10 Ground floor: An entry hall, one bedroom and a bathroom.
- 3.11 First floor: An open plan kitchen and living area.
- 3.12 Second floor: One double bedroom and one single bedroom, a bathroom and a laundry.
- 3.13 Third floor: A master bedroom with en suite bathroom and walk in robe.
- 3.14 Roof terrace: Each dwelling would have a roof terrace measuring 19m² accessed by stairs and a lift. The terraces would all contain a pergola.
- 3.15 Dwelling 10 would measure 3.8m wide by 9m deep on the ground floor, with an increased width of 9.6m on the upper levels, which are sited above the basement ramp. The dwelling would contain the following accommodation:
- 3.16 Ground floor: Entry hall/ study.
- 3.17 First floor: Open plan kitchen and living area with a balcony and a WC.
- 3.18 Second floor: Three bedrooms, two bathrooms and a laundry.
- 3.19 Third floor: A master bedroom with en suite bathroom and a roof terrace with pergola measuring 32m².
- 3.20 Block B:



- 3.21 Block B dwellings would be sited in parallel to Block A in the centre of the site. Dwellings 19 and 20 would be oriented towards Boundary Street, whereas dwellings 11 – 18 would face the rear of Block A.
- 3.22 The two pedestrian laneways between the blocks of dwellings would provide access to the front and rear of dwellings 11 - 18. These dwellings would have small front entry courtyards and planter boxes along the laneway to the rear of Block A. Each dwelling would contain a lift from the ground floor to all levels above including the roof terrace.
- 3.23 Dwellings 11 – 18 would measure 4m wide by 9.4m deep internally. They would contain the following accommodation:
- 3.24 Ground floor: A bedroom, a bathroom and a study, and a 3.5m³ external store.
- 3.25 First floor: An open plan kitchen and living area.
- 3.26 Second floor: One double bedroom, a single bedroom, a bathroom and a laundry.
- 3.27 Third floor: A master bedroom with an en suite bathroom and a robe.
- 3.28 Roof terrace: Each dwelling would have a roof terrace measuring 22m² accessed by stairs and a lift. The terraces would all contain a pergola.
- 3.29 Dwellings 19 and 20 would face Boundary Street and have similar floor plans. Both dwellings would have small front entry courtyards. They would contain the following accommodation:
- 3.30 Ground floor: A bedroom and a bathroom and a study.
- 3.31 First floor: An open plan kitchen and living area with a balcony and a WC.
- 3.32 Second floor: Two bedrooms, a bathroom and a laundry.
- 3.33 Third floor: A master bedroom with en suite bathroom.
- 3.34 Roof terrace: Both dwellings would have a roof terrace measuring 19 m² accessed by stairs and a lift, containing a bench with a sink. The terraces would both contain a pergola.
- 3.35 Block C:
- 3.36 Block C dwellings would be sited parallel to Blocks A and B. The dwellings would face the rear of Block B and the dwellings would abut the north-west side boundary of no. 8 Boundary Street. To the rear, dwellings 22 to 30 would have small courtyards measuring 2m by 1.6m abutting the south-eastern site boundary.
- 3.37 Dwellings 22 to 30 would measure 4m wide by 9.4m deep internally. They would contain the following accommodation:



- 3.38 Ground floor: A bedroom and a bathroom and a study.
- 3.39 First floor: An open plan kitchen and living area.
- 3.40 Second floor: A bedroom, a bathroom, a study and a laundry.
- 3.41 Third floor: A master bedroom with en suite bathroom.
- 3.42 Roof terrace: Each dwelling would have a roof terrace measuring 20 m² accessed by stairs and a lift. The terraces would all contain a pergola.
- 3.43 Dwelling 21 would have a ground floor Boundary Street setback of 2.55m. The first floor balcony would overhang this setback. The street setback would contain a planter box and a building services room. The dwelling would be accessed via the laneway between Blocks B and C via a small front entry courtyard. The dwelling would have no rear courtyard and would contain the following accommodation:
 - 3.44 Ground floor: A bedroom, a bathroom and a store.
 - 3.45 First floor: An open plan kitchen and living area with a balcony and a WC.
 - 3.46 Second floor: Two bedrooms, a bathroom and a laundry.
 - 3.47 Third floor: A master bedroom with an en suite bathroom and robe.
 - 3.48 Roof terrace: The roof terrace would measure 18 m² accessed by stairs and a lift, with a pergola.
- 3.49 Building heights:
 - 3.50 Block A: Top of third floor = 13.7m / Top of stairs to roof terrace = 15.5m
 - 3.51 Block B: Top of third floor = 13.8m / Top of stairs to roof terrace = 15.5m
 - 3.52 Block C: Top of third floor = 13.8m / Top of stairs to roof terrace = 15.5m
- 3.53 Building separation:
 - 3.54 Blocks A and B would have the following separation distances:
 - 3.55 Ground floor: 5.4m
 - 3.56 First, second and third floor: 7.5m narrowing to 4m between dwellings 1 and 19 adjacent to Boundary Street.
 - 3.57 Roof terraces: 7.5m narrowing to 4.4m between dwelling 1 and 19.
 - 3.58 Blocks B and C would have the following separation distances:
 - 3.59 Ground floor: 5.2m



- 3.60 First, second and third floor: 7.5m, narrowing to 3.5m between dwellings 20 and 21 adjacent to Boundary Street.
- 3.61 Roof terraces: 7.5m, narrowing to 4.9m between dwellings 20 and 21.
- 3.62 Boundary setbacks:
- 3.63 North-west (Thistlethwaite Street): The ground floor Block A dwellings would be setback between 0.4m and 1.8m. The first, second and third floor above would have no street setback. The roof terrace balustrades would be setback 1.44m from Thistlethwaite Street.
- 3.64 North-east: Blocks A and C would abut the boundary of 135 Thistlethwaite Street. The third floor of Block A would be setback 4.68m from the boundary with a roof terrace and pergola located in the setback. Block B would be setback 4.25m from the north-east side boundary.
- 3.65 South-west (Boundary Street): Block A would have a marginal setback of 0.29m from Boundary Street at ground and first floor level. The setback increases to 0.65m at second and third floor level with an expressed window surround projecting into the setback on both levels. Block B would have varied ground floor street setbacks of 0.4m to 0.65m with first floor balcony setbacks of 0.25m and 0.5m. The third floor/ top level would be setback between 1.05m and 2.05m and the roof terraces would be setback by 2.46m. Block C would have a street setback of 2.55m with a first floor balcony setback of 0.55m. The third floor/ top level would be setback 2.18m and the roof terrace would be setback 3.5m.
- 3.66 South-east: Part of each Block C dwelling (22 – 30) would be constructed on or within 300mm of the south-eastern boundary, abutting no. 8 Boundary Street and a laneway. Part of each dwelling would be setback from the south-eastern boundary by between 1.5m and 2m. The roof terraces would generally be setback 2.8m from the south-eastern boundary.
- 3.67 Materials and Finishes:
- 3.68 The proposed materials palette is varied including brick cladding, ribbed panel cladding, concrete, compressed cement sheet, profiled metal wall cladding and fencing, aluminium cladding, steel privacy screening, decorative metal panel screening, metal louvre screening, Colorbond roof cladding and steel pergola posts. A neutral colour palette is proposed including brown and grey of varying tones and black and white.
- 3.69 Landscaping:
- 3.70 A number of planter beds are proposed at ground floor level along Boundary Street and Thistlethwaite Street and along the internal laneways, containing native shrubs and native grasses. Screen planting (rosemary Grevillea) is proposed along Boundary Street adjacent to the proposed services room at the end of Block C.



- 3.71 The internal laneways between dwelling blocks would contain planter beds including several small trees (Crepe Myrtle) plus outdoor seating.
- 3.72 Two street trees are proposed to be planted, one on Boundary Street and one on Thistlethwaite Street.

4. SUBJECT SITE AND SURROUNDS

- 4.1 The site is located on the south-eastern corner of the intersection of Boundary Street and Thistlethwaite Street, South Melbourne in the Montague Precinct of the FBURA.
- 4.2 The site is located within a four storey mandatory maximum height limit area (A1 in Figure 2 of Schedule 1 to the Capital City Zone).
- 4.3 The site has a 44.3m frontage to Boundary Street and a 49m frontage to Thistlethwaite Street, with a site area of 2096m².
- 4.4 The site contains a double storey brick warehouse and office building. The building is constructed to all site boundaries except for a partial setback from the north-east side boundary containing a driveway from Thistlethwaite Street.
- 4.5 The north-eastern site boundary abuts 135 Thistlethwaite Street, which contains a single storey building with no boundary setbacks that is used for auto repairs.
- 4.6 The south-western site boundary abuts 8 Boundary Street and a bluestone laneway. 8 Boundary Street contains a single storey dwelling with a rear courtyard. The laneway connects to Boundary Street via a dog-leg and abuts the boundaries of 2, 4, 6 & 8 Boundary Street and 588 – 590, 592, 600, 602 and 604 City Road. There are a number of roller doors and fences along the laneway.
- 4.7 The surrounding land to the east of Boundary Street contains single and double storey warehouse type buildings with high site coverage. Surrounding land uses include warehouses, auto repairs, gyms, a bakery, offices, showrooms and residential uses (namely 2, 4, 6 and 8 Boundary Street). Landscaping is generally confined to street trees.
- 4.8 Land to the west of Boundary Street predominantly contains residential development on smaller lots, typically between one and two storeys with some small landscaped front and rear setbacks. Directly opposite the subject site on Boundary Street is a development containing four storey townhouses with minimal street setbacks.
- 4.9 The subject site is located within close proximity of two lightrail stops served by two separate tram routes to the CBD. The Montague Street lightrail stop is 0.5km from the site. The 109 service stops here, connecting Port Melbourne to Box Hill via the CBD. The South Melbourne Market lightrail stop is located within 0.6km of the site. The 96 services stops here, connecting St Kilda to East Brunswick via the CBD.
- 4.10 The Bay Street Activity Centre is located within 0.25km of the site and the South Melbourne Market and the South Melbourne Central Activity Centre are located 0.65km away.



5. PERMIT TRIGGERS

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

Planning Scheme Provision	Why is a planning permit required?
<p>Clause 37.04 - Capital City Zone Schedule I (CCZI)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZI and Clause 1 of the Schedule to the CCZI, a planning permit is required to use land for use not in Section 1 or 3 of the Schedule to the zone, including Accommodation if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land abuts warehouse and industrial uses and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZI and Clause 3.0 of the Schedule to the CCZI, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZI, and Clause 4.0 of Schedule I to the CCZI, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>Pursuant to Clause 6.0 of Schedule I to the CCZI:</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p>



<p>Clause 45.06 - Development Contributions Plan Overlay Schedule 2 (DCPO2)</p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development. • The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. - A single dwelling on a lot - An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. - A sign. • The permit only allows the consolidation of land or boundary realignment. <p>A permit is required under this clause.</p>
<p>Clause 44.05 – Special Building Overlay Schedule 2 (SBO2)</p>	<p>A permit is required to construct a building or to construct or carry out works, pursuant to Clause 44.05-1.</p> <p>An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.</p> <p>Schedule 2 to the Special Building Overlay relates to the Port Phillip City Council local drain. There is no referral authority specified. An application will be considered by the City of Port Phillip as the authority responsible for local drains, pursuant to Clause 2.0 of Schedule 2.</p>
<p>Clause 45.09 - Parking Overlay Schedule I (PO1)</p>	<p>Uses including Dwelling, Office, and Retail premises are listed in Schedule I to the Parking Overlay.</p> <p>The proposed parking provision would not exceed the measures set out in the Overlay.</p> <p>A permit is not required under this clause.</p>



<p>Clause 52.10 - Uses with Adverse Amenity Potential</p>	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met in order for accommodation to be a Section 1 (Permit not required) use pursuant to Schedule 1 of the Capital City Zone.</p> <p>The site abuts warehouse and industrial uses therefore the Clause 52.10 threshold distances are not met and a permit is required for the proposed use as accommodation, pursuant to Schedule 1 of the Capital City Zone.</p>
<p>Clause 52.06 - Car Parking</p>	<p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p> <p>A permit is required under this clause.</p>
<p>Clause 52.34 - Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A permit is required under this clause.</p>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The SPPF contains a number of clauses that are relevant to the applications including:

Clause 11 Settlement, including

Clause 11.02 Urban Growth

Clause 11.04 Metropolitan Melbourne

Clause 15 Built Environment and Heritage, including

Clause 15.01-1 Urban Design

Clause 15.01-5 Cultural Identity and Neighbourhood Character

Clause 15.02-1 Energy and resource efficiency

Clause 18 Transport

6.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses that are relevant to these applications as follows:

Clause 21.03 Ecologically Sustainable Development, including:

Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.03-2 Sustainable Transport

Clause 21.04 Land use



Clause 21.05 Built Form, including

Clause 21.05-2 Urban Structure and Character

Clause 21.05-3 Urban Design and the Public Realm

Clause 21.05-4 Physical Infrastructure

Clause 21.06 Neighbourhoods, including

Clause 21.06-8 Fisherman's Bend Urban Renewal Area

The following clauses of the LPPF are also relevant:

Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

Clause 22.13 Environmentally Sustainable Design

6.3 Other relevant provisions

Clause 52.06 Car Parking

Clause 52.10 Uses with Adverse Amenity Potential

Clause 52.34 Bicycle Facilities

7. REFERRALS

7.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

Development Engineer:

I have no objection to the proposed development. In regards to stormwater management, objective 7.1 of the Fishermans Bend Strategic Framework Plan applies.

Fire Safety Officer:

It appears that this development is not so high-rise as the others which MAY possibly mean a greater reliance on other fire safety systems rather than automatic fire sprinklers.

- *The development has 3 main buildings over a basement, which can be separated with relevant fire walls and fire protection for ease of design and assessment.*
- *The closest fire hydrant is approx. 17m away from the site on Thistlewaite Street. My opinion is that this hydrant is nearly TOO far as AS 2419.1 mentions that the maximum distance to be no greater than 20m from the site to the hydrant.*
- *City Road has another fire hydrant 45m away. This does not provide coverage.*
- *Attack fire hydrants (rather than feed fire hydrants) will have to be designed and placed at complying locations on the ground floor common pedestrian accessways in order to provide full hydrant coverage. NOTE: MFB Access within the common areas of the site are not wide enough for any fire brigade appliance (fire truck) so the brigade will have to rely on these attack fire hydrants located throughout common area. I wouldn't think that architectural design changes are required for this change. It can be something that is considered by the relevant building surveyor upon building permit application. The fire services designer will have to document this at building permit application stage.*



- Hydrants to the front of the building will also need to be considered by your services designer.
- The front (Boundary Street) frontage would be the ideal location for the fire services such as the fire hydrant and fire sprinkler booster assemblies.
- FIP (fire indicator panel) location will need to be in a prominent location off the street frontage and marked accordingly, there may also be a need for 'mimic' panels here due to the individual nature of the buildings.
- Both street widths (Boundary and Thistlethwaite) seem to be wide enough for brigade access so no issues there.

Traffic Engineer:

PARKING LAYOUT AND ACCESS ARRANGEMENTS

- Proposed access way is at least 3.0m wide
- Ramp Grades and transition changes are considered acceptable and satisfactorily demonstrated in Autotrack diagrams.
- Vehicles can satisfactorily enter and exit the site in a forward direction.
- Access ways at the entrance are considered acceptable.
- Swept path diagrams satisfactorily demonstrate vehicle entry and egress for proposed garages.

TRAFFIC GENERATION

- Traffic generation assumptions of 19 trip ends for entry and exit volumes for peak hours are considered satisfactory. Please note that 6.5 trips per dwelling been used. No cumulative trip generation for other developments have been considered.

PEDESTRIAN SIGHTLINES

- They have proposed a 2.5m x 2m splay to the NW side which is satisfactory.
- The NE side had no sightline triangle has been proposed given the abutting existing building. It is accepted that this cannot be improved.

PROVISIONS FOR LOADING

- The proposal does not provide loading facilities onsite – this does not confirm to the SFP design guidelines. All buildings should cater for the loading/unloading requirements including that of removalists relating to residential occupation and waste.
- Current on-street loading facilities will be removed in the future following implementation and roll out of more pedestrian and bike rider friendly streetscapes.

BICYCLE PARKING

- A proposed 27 residential bicycle parking spaces are proposed and 6 visitor bicycle parking spaces

Fishermans Bend Team:

- Note that Boundary street is nominated as a green link/lineal park.
Site is located on a prominent corner of two main streets and should be activated.



- *Noted that a new north-south laneway are proposed in the Places Vic draft to align with the extension of Arthur Street located further north. Further consideration could be given to this network and if the link is necessary*
- *Concern with the location of substation on primary main road frontage*
- *I note a lack of mixed use (commercial). Residential on Boundary Street alone could be supported with home offices along Thistlethwaite Street*
- *Further consideration should be given to waste management, including access required.*
- *Height & Setbacks:*
 - o *The subject sites falls within the mandatory 4 storey height limit and the proposal is for 30 x 4 level townhouses.*
 - o *Given the suitable proposed scale within a 4 storey area, building to boundary with no setback is supported as this will provide a consistent street wall to Thistlethwaite and Boundary Streets.*
- *Architecture & Form:*
 - o *Proposed blank facades/blank wall proposed on the northern elevation can be justified as the adjacent site to the east is within a 8 storey area, so this transitional response is satisfactory.*
- *Street Activation:*
 - o *No other uses are proposed on site which limits street activation on the Thistlethwaite Street and Boundary Street interfaces.*
 - o *Car parking spaces are proposed at basement level, this is supported as it means the proposed street layout will service pedestrians and cyclists without vehicular conflict.*
 - o *The proposed built form does not appear to respond to the existing laneway to the south and therefore does not positively contribute towards the existing and future laneway network. The immediate interface to the laneway consists mostly of sections of blank wall.*
 - o *There is no pedestrian permeability through the site which is not supported.*
- *Open Space:*
 - o *No open space is proposed on the site so would be seeking an OS cash contribution.*
 - o *Has the provision of communal open space on site been considered by the applicant, perhaps an activated pocket park could be located to link with the existing laneway network?*
- *Access & Layout:*
 - o *Loading facilities are not provided onsite. SFP requires this.*

City Design:

It is expected Boundary and Thistlethwaite Streets will have an asphalt character with bluestone kerbs. The footpath on the southern side of Thistlethwaite Street is expected to increase in width to provide more pedestrian space and greater opportunity for street trees.



This is effectively a gated development with internal laneways not publically accessible and not managed by Council. For these reasons full alignment with the Design and Technical Standards is not critical however designers are encouraged to carefully consider the interfaces between public and private realms.

The crossover to the parking entrance is to align with Council standard details and match footpath materials to provide a consistent streetscape.

Waste Management:

- *Placement of 8 x 1100 litre bins on Thistlewaite Street is not ideal from an area amenity point of view. Thistlewaite Street is a main walkway and heavily used to Bay Street for current businesses and use will increase in the future.*
- *The use of a mechanical tug for residents to transfer bins from the basement to ground floor level is not an ideal solution with possible OHS issues.*
- *Onsite collection for this size of development would overcome points one and two.*
- *Waste and recycling volumes in the WMP meet our requirements.*

Sustainable Design:

This application is not yet of a standard where I could approve it as meeting Council's current expectations for sustainable design.

To counter this, the applicant should address the following points if they wish to have their Sustainable Management Plan approved:

ESD Assessment

- *A full copy of the STEPS assessment should be provided in the appendix of an updated Sustainability Management Plan.*

Indoor Environment Quality (not meeting best practice)

- *The SMP indicates high levels of thermal comfort through the use of high performance glazing. More information should be provided in this section (or reference to the appendix) including proposed glazing type (i.e. double glazed with argon fill), its related U-value and solar heat gain co-efficient (SHGC).*
- *External shading devices should be provided to glazing to all habitable spaces (living and bedrooms). Adjustable or fixed devices should be provided to north facing glazing whilst adjustable devices should be provided to all east and west facing glazing. Efforts should be made to achieve natHERS cooling loads of a maximum of 23MJ/m².*
- *Claims about solar access should be supported by an analysis. For example grouping of apartments to indicate what percentage of living spaces receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice.*

Energy (not meeting best practice 32% STEPS)

- *The thermal performance of the entire building envelope is very poor.. It is advised to improve the performance of these dwellings to at least 10% above NCC minimum (6.5 stars) or 20% above elemental provisions.*
- *In addition to the 6 sample ratings provided, townhouses 1, 10,11 + 21 should be provided.*



- Provide further information on the appliances that will be provided as part of the base building and their related efficiencies.
- The SMP provides no information in regards to renewable energy being provided for the development. Due to the poor response to thermal fabric opportunities for solar PV systems or solar hot water should be investigated.
- More information on the proposed performance of the split system efficiency should be provided including Co-efficient of Performance (CoP) and Energy Efficiency Ratio (EER) and related star ratings.
- An assessment for lighting (internal and external areas) should be provided with a commitment to achieve a 10% improvement on minimum standards i.e. 4w/m² to habitable areas.

Water (meeting best practice 36% STEPS)

- Commit to providing a third pipe to supply non-potable water uses in the development such as toilet flushing, fire services, irrigation and cooling. A building connection point that ensures readiness to connect to future precinct scale alternative water supply.

Stormwater (meeting best practice MUSIC)

- The MUSIC assessment indicates that a proprietary stormwater water treatment system will be included to treat run-off from the podium (ground level). This is not acceptable practice in the City of Port Phillip. It is advised to look at raingardens as a solution of treatment for stormwater to these areas.
- A copy of the MUSIC modelling file should also be submitted to council (via email, electronic file transfer or provided on a transfer device).
- Additional requirements for stormwater detention need to be considered as the development is in the Fishermans Bend Urban Renewal Areas (FBURA). Refer to objectives 7.1 and 7.2 of the Strategic Framework plan for further information:
- A note should be provided on the town planning drawings that indicates the 60 000L rainwater tank is connected to all toilets within the development for flushing.
- 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.

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 Builder' User's Guide or a Building Maintenance Guide.

*An example of the maintenance manual can be located on our website here:
http://www.portphillip.vic.gov.au/Maintenance_Manual_Rainwater_Tank.pdf*



Transport

- The SMP needs to state the total number of bicycle parking spaces that are being provided. Bicycle parking spaces should also be provided for visitors at a rate of 1 for every 4 dwellings (25%).

7.2 External referrals

The application was not required to be externally referred. However, a general enquiry was sent to Melbourne Water in relation to the required level for a basement apex. The enquiry was general to the FBURA, not a referral specifically relating to this application.

In April 2013 Melbourne Water advised the Department of Planning and Community Development that a floor level of 2.4 metres AHD plus 600mm mechanical freeboard is recommended for garages and car park entries.

The Fishermans Bend Strategic Framework Plan April 2015 contains a different floor level requirement at Objective 7.3 of the Design Guidance at Section 2, that entry/ exit points to basements should incorporate a continuous apex that is at least 0.6 metres above 3.0 metres AHD.

The general enquiry to Melbourne Water requested clarification of whether a floor level of 3.0 metres AHD or 3.6 metres AHD would be required for a basement entry ramp.

Melbourne Water responded on 15 August 2016, confirming that a continuous apex of any entry ramp to a basement must be constructed to at least 3.0 metres AHD.

The proposed basement ramp would have an apex at 3.0m AHD, as shown on the proposed ground floor plan, which would meet the Melbourne Water requirements.

8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 Notice of the application was not required to be given because an application to demolish or remove a building or works, construct a building or carry out works, or use land (other than for a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

9. OFFICER'S ASSESSMENT

- 9.1 **Fishermans Bend Strategic Framework Plan (FBSFP)**
- 9.2 Key Elements:
- 9.3 The key elements of the FBSFP are; street network, sustainable transport, open space and a series of places. In relation to these key elements the FBSFP envisages Boundary Street to remain as a local street in the form of a green link.
- 9.4 Plan 3: Open Space, shows that Boundary Street would form part of a green link connecting City Road at the south of the Montague Precinct to land beneath the Westgate Freeway along the northern edge of the adjacent Sandridge Precinct of the FBURA. This would take the form of a street containing a lineal park.



The proposed plans show that the development would result in some overshadowing of Boundary Street between 11 am and 1 pm at the equinox. While additional shadow to public open space is not encouraged by the FBSFP, the intended green link along Boundary Street is not considered to be a primary public open space. It would function as a green, transitional space, rather than a recreation space. The extent of shadow that would result from the proposed development is not considered to be significant. It would be reasonable to anticipate some additional shadow to Boundary Street due to the four storey height limit in place along the north-eastern side of the street.

- 9.5 Plan 6: Montague Urban Village, identifies the dog-leg laneway to the south-east of the site as an existing laneway to be extended further to the north-east. Based on the intent of the Montague Urban Village Plan it is envisaged that the laneway use will intensify over time as nearby sites in the precinct are developed. The proposed development would reduce the amount of solid wall on the boundary to the laneway compared to existing conditions. There is currently a solid two storey, 6.4m high brick wall on the laneway boundary. Recesses on the south-east side of Block C dwellings would provide visual relief compared to the existing continuous wall. Small windows and the selection of materials to the laneway elevation would also provide visual interest.
- 9.6 Height:
- 9.7 The proposed four storey height is considered to be appropriate in this location, which is within the mandatory four storey height limit area (A1) at Schedule 1 to the Capital City Zone.
- 9.8 The subject site is located opposite an existing four storey townhouse development on the south-west corner of the intersection of Boundary Street and Garton Street.
- 9.9 Access to the roof terraces of each dwelling would be via a staircase and a lift, which would both be enclosed at roof level with a door to the roof terraces. As the roof level enclosure is for the purpose of access to the roof terrace only, this part of the development is not considered to constitute a storey. The roof level of each dwelling would consist of private open space, not internal space. Therefore the proposed height is considered to be four storeys, which is consistent with the mandatory height controls in place.
- 9.10 Setbacks:
- 9.11 The proposed townhouses would have minimal to no setbacks from Thistlethwaite Street and Boundary Street. Dwelling entries would have small setbacks of between 0.4 – 1.8 metres. The architectural features of the dwellings such as expressed window shrouds and louvres would generally have no street setback. The dwellings would also abut part of the north-eastern and south-eastern site boundaries.
- 9.12 A lack of boundary setbacks could be supported from an urban design perspective as the FBSFP envisages street walls of between 4 – 6 storeys throughout the precinct, noting that the subject site is within a mandatory four storey area. The townhouses would provide a built form with a strong street wall that is consistent with the existing four storey building height on the opposite side of Boundary Street.



- 9.13 The proposed height and lack of street setbacks is considered to be acceptable in this location as it would integrate with the established four storey built form scale on the opposite side of Boundary Street and would provide an appropriate edge to this side of the Montague Precinct.
- 9.14 The lack of Block A and Block C setbacks from the north-eastern side boundary is considered to be acceptable. The adjacent site to the north-east, 123 – 133 Thistlethwaite Street, is located within an eight storey mandatory height limit area. Therefore the provision of blank walls to the common boundary of up to four storeys on the subject site is considered to provide an acceptable transition that would enable future development on the adjacent site to abut these walls.
- 9.15 Block C dwellings would be constructed abutting the south-eastern site boundary, partially abutting an existing laneway and abutting the side boundary of no. 8 Boundary Street. No. 8 Boundary Street currently contains a single dwelling and is located within a four storey mandatory height limit area. In future the site could be redeveloped, potentially up to four storeys high. The rear of dwellings 22 – 30 in Block C are partially setback from the south-eastern side boundary. The setbacks provide light courts to the rear of the dwellings, ensuring natural daylight provision to the rear aspect of the dwellings.
- 9.16 The FBSFP does not contain detailed guidance relating to setbacks from laneways. Objective 3.1 of the design guidance states that a low scale frontage may not be required to laneways that do not form part of the main pedestrian network. Therefore there is no objection in principle to Block C dwellings partially abutting the rear laneway.
- 9.17 Objective 3.2 of the FBSFP design guidance encourages visual interest and direct surveillance of adjoining streets, public spaces and through block links through the use and positioning of windows, doors and balconies to the street frontage within the first 20 metres of building height. The rear (south-east) elevation of dwellings 26 – 30, facing the laneway, would contain windows to stairways on the second and third floor and windows to habitable rooms on the first and second floor. The proposed materials selection for the laneway elevation would include concrete walls and Colorbond fencing.
- 9.18 **Dwelling separation distances**
- 9.19 The separation distances between dwellings are detailed at Section 3 of this report and can be summarised as follows:
- 9.20 Block A to Block B:
- 9.21 The average distance between dwellings at ground floor level would measure 5.4m. At first, second and third floor level the average distance between dwellings would measure 7.5m.
- 9.22 The gap between the two blocks is narrower adjacent to Boundary Street, between dwelling 1 in Block A and Dwelling 19 in Block B at 4m - 4.4m wide.



A narrower separation distance could be supported in this location as the principal outlook of the Block B dwelling (19) would be to Boundary Street, not towards Block A. This narrower distance is considered to be acceptable as it creates a visual gateway and a sense of entry to the internal laneway.

- 9.23 Block B to Block C:
- 9.24 At ground floor level the dwellings would measure 5.2m apart. At first, second and third floor level the dwellings would be sited 7.5m apart.
- 9.25 The gap between the two blocks is narrower adjacent to Boundary Street measuring 4m at ground floor level, 3.1m at first floor level, 3.5m at second floor level and 5.1m at third floor level. A narrower separation between blocks is considered to be acceptable between dwelling 20 (Block B) and dwelling 21 (Block C) because both dwellings are oriented to Boundary Street, not towards each other. The narrower space would also provide a visual gateway to the wider internal laneway.
- 9.26 Screening and outlook:
- 9.27 The majority of dwellings are oriented facing north-west and the north-west elevation provides the primary outlook, with floor to ceiling height glazing to living rooms and bedrooms. The rear, south-east elevations of each block contain windows which provide natural daylight and natural ventilation to the dwellings but do not provide outlook. To prevent overlooking from the front (north-west) side of each block to the rear (south-east) of the adjacent dwellings, the south-east elevation glazing of each block is generally obscure glazed. Some windows on the south-east elevation can be opened but with restricted opening to retain privacy between each row of dwellings.
- 9.28 The rear windows of Block C dwellings would not be as extensively screened as Blocks A and B, as the south-east elevation of dwellings 26 – 30 faces a laneway, rather than a row of townhouses.
- 9.29 Dwellings 19, 20 and 21 adjacent to Boundary Street would have a single aspect outlook towards Boundary Street. Windows to side elevations would be obscure glazed to prevent overlooking to adjacent dwellings with these windows enhancing natural daylight and natural ventilation.
- 9.30 Dwelling 1 on the corner of Boundary and Thistlethwaite Street would have outlook to both streets and would also have obscure glazing in the rear (south-east) elevation, providing additional internal daylight.
- 9.31 The proposed layout of the majority of dwellings with outlook from large windows to the north-west and obscure glazing to smaller windows on the rear (south-east) elevation would ensure that all dwellings have a sense of outlook to open space, either the street or the 7.5m wide internal laneways, while the internal habitable space would not be overlooked from the rear elevation of the opposite block.
- 9.32 **Solar access and energy efficiency**
- 9.33 Dwellings in Block A would contain a large expanse of glazing to habitable rooms on all levels on the north-west (Thistlethwaite Street) elevation.



The north-west elevation includes some external louvres although they appear to be for aesthetic purposes, as opposed to providing external shading to glazing.

- 9.34 The north-western orientation of the large expanses of glazing facing Thistlethwaite Street would result in significant solar heating to Block A dwellings in summer. External shading to the majority of glazing facing Thistlethwaite Street would enhance the thermal comfort of the dwellings and would reduce reliance on mechanical cooling. Therefore, external shading to the north-west elevation of Block A would be required by a condition, if a permit is granted.
- 9.35 Block B and C dwellings also contain large expanses of glazing on the north-west elevation. These windows would not be exposed to late afternoon sun, which would be screened by the opposite row of townhouses. However, early to mid-afternoon sun in summer could reach the glazing, causing significant heat gain internally. Therefore the largest expanses of north-west facing glazing to Block B and C dwellings, at first, second and third floor, should be provided with some external shading, such as projecting eaves or horizontal louvres. This could be required by a condition if a permit is granted.
- 9.36 **Street interface**
- 9.37 Objective 3.2 of the FBSFP encourages developments to provide visual interest and surveillance of adjoining streets and public spaces and notes that the use of art work and green walls to visually articulate a façade is not a substitute for an active frontage. The proposed Thistlethwaite Street elevation (north-west) and Boundary Street elevation (south-west) are considered to contain sufficient activation in the form of doors and windows to provide interaction with the street and street surveillance.
- 9.38 The development would not contain any commercial uses, such as retail premises or small office spaces/ home offices. The proposed outcome of residential only is considered to be acceptable in this location as the site is located a block away from the principal activity centre in the Montague Precinct, which will be located on Buckhurst Street. The proposed townhouse development typology would limit the type of commercial use that could be offered, such as small home office spaces.
- 9.39 The provision of a residential only development at this site in the form proposed is considered to be acceptable as it would integrate with the existing townhouse development on the opposite side of Boundary Street. The site's location on the edge of the Montague precinct is in close proximity to the established residential development of Port Melbourne.
- 9.40 **Car parking and transport**
- 9.41 One car parking space in an individual garage in the basement is provided for all but three dwellings, which provides a total of 27 spaces for 30 dwellings, resulting in a proposed car parking rate of 0.9 per dwelling. Objective 6.4 of the FBSFP encourages a car parking rate of 0.5 spaces per dwelling, while Schedule 1 to the Parking Overlay allows for up to one car parking space per dwelling and a planning permit is required to exceed this rate.



- 9.42 A rate of 0.5 spaces per dwelling is considered best suited to apartment buildings. The proposed rate of 0.9 spaces per dwelling would mean that three of the dwellings would not have an on-site car parking space. This is considered to be acceptable as the subject site is currently located within 0.6km of two tram stops to separate tram routes direct to the CBD. Therefore the site is currently well served by public transport options and the provision of convenient transport infrastructure is likely to improve further as FBURA is developed over time.
- 9.43 The individual garages would also contain space for one bicycle to be parked, as well as a storage cage. The proposed plans do not include one secure bicycle space and 6m³ of storage for the three dwellings that do not have a garage. The basement contains sufficient space to provide secure bicycle parking for these dwellings, which would be required by a condition if a permit is granted.
- 9.44 The dwellings that do not have garages, 16, 17 and 18, have 3.5m³ external stores at ground floor level. Some additional secure storage space is required to ensure that these dwellings would have at least 6m³ storage, which would be required by a condition if a permit is granted.
- 9.45 The proposal also involves widening the existing vehicle crossover to Thistlethwaite Street from 5m to 5.85m, which is acceptable according to advice from Council's traffic engineer.
- 9.46 The provision of one bicycle space per dwelling, as well as eight visitor spaces on site, is supported as the provision of convenient and secure bicycle storage can facilitate cycling which contributes to the sustainable transport aspirations for FBURA. The provision of one bicycle space per dwelling is encouraged by objective 6.4 of the FBSFP, noting that a condition would be required to ensure that at least one secure space is provided for each of the three dwellings without garages.
- 9.47 **Loading and waste management**
- 9.48 There is no provision for a loading bay on site. Bin storage would be located within the basement. Planning Scheme Clause 52.07, *Loading and Unloading of Vehicles*, does not apply to the proposed development as the clause only applies to development proposals that include manufacturing, servicing, storage or sale of goods or materials. However, Objective 6.2 of the FBSFP seeks to ensure that all servicing and loading occurs on site, stating that waste collection must occur on site and encouraging provision of an adequately sized loading dock to be provided for furniture removal and other servicing.
- 9.49 In relation to waste management, the general waste and recycling bin storage capacity proposed within the Waste Management Plan is sufficient as advised by Council's Waste Management Officer. Consistent with the objectives of the FBSFP on-street waste collection is not supported, particularly as the profile of Thistlethwaite Street is set to change to provide a wider footpath and more space for street trees. Leaving bins on the street for collection is not an option.



- 9.50 The applicant proposes to use a mini rear-loader type waste collection vehicle, for private waste collection from the site. The dimensions of the collection vehicle have been provided, along with swept path diagrams which show that this type of waste collection vehicle could sit at the top of the access ramp to the basement, while leaving sufficient space for a car to pass and access the basement.
- 9.51 With the proposed waste collection method, an automatic bin tug would be used to bring the 1,100 litre bins from the basement bin store to the top of the ramp, for unloading into the waste collection vehicle. A dedicated space has been provided within the basement to store the bin tug. The private waste collectors would be responsible for taking the bins up and down the ramp using the tug.
- 9.52 Council's Traffic Engineer has advised that the proposed method of collection would be acceptable as access to and from basement parking would not be blocked while collection takes place. However, collection should not take place during peak hours as the additional width at the top of the basement ramp should be available to enable two cars to pass at peak times. This limitation to collection hours could be specified by a condition, requiring an updated Waste Management Plan, which would state that no collection would take place between 7 am - 9 am and 4 pm – 6pm, Monday to Friday. This can be incorporated as a condition of any approval if a permit was to be issued.
- 9.53 While no dedicated loading bay is proposed, waste collection could occur satisfactorily on-site, consistent with the requirements of the FBSFP, which states that on-street waste collection is not supported.
- 9.54 It is noted that the three dwellings that do not have a garage, 16, 17 and 18, do not have access to the basement, where the bin store would be located. If a permit is granted, a condition is recommended requiring pedestrian access to be provided for these three dwellings to the basement, to ensure convenient access to the bin store. The applicant has agreed to this condition.
- 9.55 The FBSFP encourages provision of a loading bay for the purpose of furniture removals. The provision of a loading bay for this purpose is not considered to be essential in this instance due to the proposed development layout and typology. Unloading of large items such as furniture to the basement level would not be practical as access to dwellings is via stairs from the basement level. If a loading bay were to be provided at ground floor level, there would be no optimal location for this, due to the location of individual dwelling entries via two separate internal laneways and two street frontages. This is different to apartment buildings where apartments are accessed via shared lobbies and lifts. Restricted on-street parking is available on Thistlethwaite Street and Boundary Street. The profile of Thistlethwaite Street will change in future as Council's Design and Technical Standards are implemented in Fishermans Bend. However, adequate on-street parking would remain available on Boundary Street to service removals.
- 9.56 **Environmentally Sustainable Design**
- 9.57 Indoor Environment Quality:



- 9.58 The dwellings would achieve sufficient natural daylight within all habitable rooms due to the provision of glazing on at least two sides of each dwelling and due to the depth of habitable rooms. The deepest habitable rooms would be the open plan kitchen/ living areas, which would have windows on both sides of the room, including floor to ceiling height glazing on the north-west elevation.
- 9.59 All dwellings would benefit from natural cross flow ventilation, due to the positioning of operable windows.
- 9.60 Energy Efficiency:
- 9.61 Council's Sustainable Design Architect advises that the overall energy efficiency of the proposed development is likely to be very poor as proposed due to the poor thermal performance of the entire building envelope. While this could potentially be improved by committing to higher levels of insulation and a good glazing specification, it is also considered essential to include adequate external shading to north-west facing windows, which would reduce solar heat gain during summer. This would be required by a condition if a permit is granted.
- 9.62 The proposal also does not include any renewable energy such as solar PV or solar hot water systems and Council's Sustainable Design Architect has requested further information about the potential efficiency of the proposed split system heating and cooling units. Therefore the application is not currently demonstrating that an acceptable outcome for environmentally sustainable design would be achieved in relation to energy efficiency, although this could be achieved by a condition if a permit is granted.
- 9.63 Stormwater:
- 9.64 The proposal has not fully responded to the on-site detention and stormwater treatment requirements of Objectives 7.1 and 7.2 of the FBSFP, which include requirements in addition to the stormwater management objectives of Planning Scheme Clause 22.12. Council's Sustainable Design Architect also notes that the proposal includes the use of a proprietary product (Ecosol stormwater pit) which is not supported. Non-proprietary treatment types for stormwater treatment are required such as rain gardens, which could be incorporated into the proposed landscape plan for the development. The applicant has agreed to investigate the option of installing some rain gardens.
- 9.65 Overall, the biggest environmentally sustainable design issues raised by the proposal relate to energy efficiency and stormwater management, which could be addressed by conditions if a permit is granted.
- 9.66 **Environmental Audit**
- 9.67 A preliminary Environmental Site Assessment has been undertaken for the site by Landserv Pty Ltd, which identified that the site has been predominantly used for commercial and manufacturing purposes, as well as some residential uses from the 1890s to the present. Commercial and manufacturing uses included a grocer, sand supplies, fuel merchants a garage and a cartage contractor.



Preliminary soil testing was carried out. The report concludes that contamination is likely to be present on site due to the former use as a fuel merchant, garage and cartage contractor. More detailed soil investigation and removal of any contaminated soil is recommended in the report's conclusion. A full environmental audit has not yet been undertaken for the land.

- 9.68 Pursuant to Clause 6 of the Schedule to the Capital City Zone:
- 9.69 Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;
- 9.70 A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- 9.71 A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.
- 9.72 This could be provided for by a condition of any approval that may issue for the proposal.
- 9.73 **Development Contributions**
- 9.74 The proposed triggers a requirement for a development contribution.
- 9.75 It is recommended that any approval include a condition that development contributions be provided via a S173 Agreement. The condition should require an owner to enter into an agreement before the development starts, with 10% of development contributions payable at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).

10. 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 Units 1 and 2 on Strata Plan 022237R [Parent Title Volume 09763 Folio 725].

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Approve as recommended.
- 12.2 Approve with additional or amended conditions.
- 12.3 Refuse on key issues.



13. CONCLUSION

- 13.1 The proposed development would provide family sized dwellings within a four storey building envelope, which is consistent with the mandatory height controls for this edge of the Montague Precinct. The scale and type of development proposed would integrate sympathetically with the existing four storey townhouse development on the opposite side of Boundary Street and would be of an appropriate transitional scale between the established low-rise residential development to the west in Port Melbourne and the increased building heights anticipated within the Montague Precinct.
- 13.2 The proposed dwellings would have access to ample natural daylight, while maintaining privacy and providing good quality private open space in the form of individual roof terraces.
- 13.3 The proposed landscaping within the internal laneways would create a pleasant external communal space between the rows, with some small trees and some seating.
- 13.4 The interface of the proposed development with Boundary Street and Thistlethwaite Street is considered to be acceptable, with sufficient street activation provided by doors and windows to also enable street surveillance. The proposed mix of materials and architectural features also enhance visual interest facing both streets.
- 13.5 Sufficient car parking is provided, with a small number of dwellings not being provided with on-site car parking, which could be supported, given the proximity of existing fixed rail public transport to the site.
- 13.6 Final details relating to bicycle parking and storage for the three dwellings with no garage would be required to be resolved as a conditional requirement of any permit. The plans demonstrate that there is sufficient space on site to accommodate these requirements.
- 13.7 The proposed waste collection details are considered to be acceptable but would be conditional on an amended waste management plan to ensure that collections do not occur during peak times.
- 13.8 In relation to environmentally sustainable design, solar gain to dwellings should be reduced by including external shading to north-west facing glazing and the Sustainability Management Plan should be updated to ensure that the thermal performance of the development is to an acceptable standard in relation to the Environmentally Sustainable Development Policy at Clause 22.13 and the Energy objectives of the FBSFP. Stormwater management should also be revised to ensure that the stormwater management objectives of the FBSFP would be met. All of these matters can be resolved by permit conditions.
- 13.9 In addition to the preliminary environmental site assessment that has been submitted with this application, an environmental audit is necessary and any remediation required would have to be carried out prior to commencement of the proposed residential use. This would be required by conditions if a permit is granted.



- 13.10 The proposed development is considered to provide dwellings that would have a high level of internal and external amenity and would meet the relevant objectives of the FBSFP.

14. RECOMMENDATION - Approve

- 14.1 That the Responsible Authority issue a Planning Permit
14.2 That the permit contain the following conditions:

1 Amended Plans Required

Before the development and/or use 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) A secure bicycle parking space for dwellings 16, 17 and 18;
- (b) A secure storage area of at least 6m³ provided for dwellings 16, 17 and 18;
- (c) Full details of materials at roof level to provide visual differentiation from the third floor walls.
- (d) Location of all mechanical plant to achieve minimal visibility from the street.
- (e) Convenient pedestrian access to the basement for dwellings 16, 17 and 18 to provide convenient access to the bin storage room;
- (f) External shading devices to the north-west facing glazing of all dwellings;
- (g) Notation on the basement plan that the 60,000 litre rainwater tank is connected to all toilets for flushing;
- (h) Clear glazing to the second and third floor stairwell windows on the south-east elevation of dwellings 26 – 30;
- (i) A south-east elevation for Block B;
- (j) A north-west elevation for Block C;
- (k) A north-east elevation;
- (l) A roof plan;
- (m) The development to include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority and the Responsible Authority (condition 12);



- (n) A Development Schedule including but not limited to GFA m², No. car spaces / GFA m², Commercial floor area / GFA m² and NLA m², General amenities, lobbies etc. m², No. dwellings / m² / No. bedrooms, No. bicycle spaces, No. stores / m³, No. motorcycle spaces and private and communal open space m².

2 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;
- (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.

3 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.

4 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), an updated Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit.

The updated Plan must include reference to the following:

- The measures set out in the Waste Management Plan entitled 10 – 16 Boundary Street South Melbourne, Final (5 April 2016) prepared by Wastemin Waste Management Consultants, but with changes as necessary to incorporate;
- Waste collection vehicle model and dimensions including height clearance for 1,100 litre bin lift,



- Mechanical bin tug type,
- Collection frequency. Bin collection will NOT take place between 7 am – 9 am and 4 pm – 6 pm Monday to Friday,
- The location and space allocated to the garbage and recycling bin storage area and collection point including mechanical tug storage,
- The waste services collection point for vehicles,
- Waste collection provider,
- How occupants will be regularly informed of the waste management arrangements,
- Scaled waste management drawings,
- Signage.

Once submitted and approved, the Waste Management Plan must be carried out to the satisfaction of the Responsible Authority.

5 Waste Management

An adequate waste management arrangement must be provided for the premises, in accordance with Council's Community Amenity Local Law No: 3.

Without the further written consent of the Responsible Authority, waste management for the proposal must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

6 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The plan should include:

- (a) The measures set out in the Sustainable Management Plan entitled Proposed Residential Development 10 – 16 Boundary Street South Melbourne, 14 April 2016 prepared by Ark Resources, but with changes as necessary to incorporate;
- (b) A full copy of the STEPS assessment provided in an appendix to the SMP;
- (c) An average energy rating of at least 6.5 stars (NatHERS);
- (d) Glazing specification, including type, U-value and Solar Heat Gain Co-efficient (SHGC);
- (e) Provision of external shading devices to the north-west facing glazing;
- (f) Sample energy ratings for dwellings 1, 10, 11 and 21;
- (g) Efficiency of appliances provided as part of the base build including heating and cooling systems, washing machines, dryers and dishwashers;
- (h) Commitment to a lighting efficiency of 4w/m² in habitable rooms;



- (i) Revised stormwater management initiatives consistent with the Water Sensitive Urban Design Response required by Condition 8.
- (j) Specify total number of resident bicycle parking spaces (at least 30) and total number of visitor bicycle parking spaces (at least 8).

Once submitted and approved, the Sustainable Management Plan must be carried out to the satisfaction of the Responsible Authority.

7 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.

8 Water Sensitive Urban Design Response

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate the following;

- That the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended,
- That runoff from 100% of the roof area will be captured and at least 50% of the runoff volume derived from a 5 year 72 hour storm event will be successfully retained on site,
- That passive irrigation of all landscaping is maximised,
- That stormwater generated from surfaces such as pavements and open space is managed on-site.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the water sensitive urban design initiatives listed.

9 Maintenance Manual for Water Sensitive Urban Design Initiatives

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.

10 Incorporation of Water Sensitive Urban Design Initiatives

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response.

11 Site Management Water Sensitive Urban Design

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.

12 Dual Water Reticulation

Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority and to the satisfaction of the Responsible Authority.

13 Contaminated Land

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- (a) A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the Environment Protection Act 1970; or
- (b) A Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970 confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.



14 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, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

15 Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

16 Agreement Under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- (a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority;
- (b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
- (c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement.



The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The developer to pay a development contribution of:
 - \$15,900 per dwelling
 - \$180 per sqm of gross commercial floor area;
 - \$150 per sqm of gross retail floor area;or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- (b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- (c) Require registration of the Agreement on the titles to the affected lands as applicable.
- (d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
- (e) Confirm that contributions will be payable to the Victorian Planning Authority.
- (f) Confirm that the contributions will be used by the Development Agency as stipulated by the Victorian Planning Authority to deliver the schedule of types of infrastructure.
- (g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
- (h) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- (i) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the Subdivision Act 1988.
- (j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

17 Noise Attenuation for Dwellings

Prior to the occupation of the buildings allowed by this permit, the applicant/owner must ensure that external noise intrusion into dwelling bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:



- (a) Between 10pm and 7am in bedrooms areas must not exceed LAeq (9 hour) 40dB(A);
- (b) Between 7am and 10pm in living rooms must not exceed LAeq (15 hour) 45dB(A).

18 Incorporation of Noise Attenuation Measures

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the noise attenuation measures listed in the endorsed Acoustic Report and shown on the endorsed plans to the satisfaction of the Responsible Authority.

19 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

20 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.

21 3D Model

Before the development starts (other than demolition or works to remediate contaminated land in accordance with an Auditors direction, or site preparation works), a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and the City of Port Phillip and be to the satisfaction of the Responsible Authority and the City of Port Phillip in conformity with the Department of Environment, Land, Water and Planning Advisory note 3D Digital Modelling.

In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority and the City of Port Phillip.

The 3D model must be accompanied by a signed statement declaring that by submitting the model, the applicant / owner grants, and warrants they are authorised to grant, the State of Victoria and the City of Port Phillip free of charge a sub-licensable, irrevocable, non-exclusive worldwide licence to use the model for any planning related purpose, and that further the applicant / owner indemnifies the State of Victoria and the City of Port Phillip against any loss, damage, claim, action or expense which the State of Victoria and the City of Port Phillip (including their officers, employees and agents) suffer as a direct result of a breach of this warranty.



22 No Damage to Existing Street Trees

The proposed development and works must not cause any damage to any existing street tree. Root pruning of any adjacent street tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.

All adjacent street trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

23 Vehicle Crossings

Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

24 Alteration/ Reinstatement of Council of Public Authority Assets

Prior to the occupation of the building(s) allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
- (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

25 Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.



26 Services to be Underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

27 No Alterations

The layout of the site and the size, levels, design and location of buildings and works, and external materials, finishes and colours shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

28 Lighting Baffled

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

29 No Equipment and Services

No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

30 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.

31 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 30 dwellings may be constructed on the land.

32 Water Supply/ Recycled Water/ Sewerage Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

33 Energy Supply Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.



34 Time for Starting and Completion

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

- (a) The development is not started within three years of the date of this permit.
- (b) The development is not completed within two years of the date of commencement of works.
- (c) The use is not commenced within two years of the completion of the development.

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

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