



6.3 **3A/339 WILLIAMSTOWN ROAD, PORT MELBOURNE**

LOCATION/ADDRESS:	3A/339 WILLIAMSTOWN ROAD, PORT MELBOURNE
EXECUTIVE MEMBER:	CLAIRE FERRES MILES, GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT
PREPARED BY:	ROSANNE MASSEY, SENIOR URBAN PLANNER
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area
APPLICATION NO:	1060/2016
APPLICANT:	Acer Capital Pty Ltd C/- SJB Planning
EXISTING USE:	Office
ABUTTING USES:	Commercial/Light Industrial, JL Murphy Reserve (Public Park), and Dwellings.
ZONING:	Capital City Zone - Schedule 1
OVERLAYS:	Special Building Overlay – Schedule 1 Design and Development Overlay – Schedule 30 Parking Overlay – Schedule 1 Development Contributions Overlay – Schedule 2
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

1. PURPOSE

- 1.1 To consider and determine application P1060/2016 for the demolition of the existing buildings on site, and construction of a four level building comprising 16 townhouses.

2. EXECUTIVE SUMMARY

- 2.1 The application site is located within the Wirraway precinct of the Fishermans Bend Urban Renewal Area.
- 2.2 The City of Port Phillip is the Responsible Authority for the application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for development with a building height of 4 storeys or greater, and use and development of 60 or more dwellings.
- 2.3 The site is located within the Capital City Zone (Schedule 1), and is affected by a Design and Development Overlay (Schedule 30), Parking Overlay (Schedule 1), Development Contributions Overlay (Schedule 2), and a Special Building Overlay (Schedule 1). Williamstown Road is a Road Zone Category 1.



- 2.4 The Design and Development Overlay (DDO30) prescribes a mandatory maximum height of 4 storeys. These height limits are interim and were introduced in April 2015 for two years while the State Government reviews the Fishermans Bend Strategic Plan and Planning Controls. The Draft Controls and Draft Strategic Framework are currently under consideration with the Panel due to take place within the coming months.
- 2.5 The proposal would have a good level of compliance with the proposed controls and framework which identify a 4 storey height maximum for the site. The proposal would have a FAR slightly over the recommended 2.1:1 identified for the site, however would be a minor exceedance (FAR of 2.54:1 proposed) and does not raise any significant concerns nor significantly compromise the proposed controls. The proposed dwelling density of 126 per hectare would fall below the maximum dwelling density identified for the site (131 per hectare). The proposal may cast minor shadows to JL Murphy Reserve between 11am to 2pm on 21 June to 22 September which is restricted within the draft controls. It is considered that any additional shadows to the park would be minor and would not unreasonably impact an area of the park which is used. Shadows would fall within an area of the park just outside of the site's title boundaries and within a largely vegetated area. Further assessment of the application in light of the draft controls and strategic framework can be found at section 8.4.3 of this report.
- 2.6 The application for sixteen townhouses would comply with the Design and Development Overlay Schedule 30 with a building height of 3 to 4 storeys. Dwellings would have a good level of internal amenity and would not result in any unreasonable external amenity impacts. The front setback of the development and landscaping within this setback would provide a good transition from the existing heritage building to the west to JL Murphy Reserve to the east.
- 2.7 The proposal has been reviewed by internal departments, and no major objections have been expressed. Some minor alterations to the plans and Sustainable Management Report could be achieved through conditions to address Urban Design, ESD and Traffic Engineering referral comments.
- 2.8 It is recommended that Council supports the application subject to the recommended conditions.



3. RECOMMENDATION

3.1 That the Planning Committee adopts Recommendation “Part A” and “Part B”, to advise VCAT that:

- It supports the application with conditions.
- In the event that VCAT determines to grant a permit for the application, any permit should incorporate the conditions to this report.
- Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

RECOMMENDATION “PART A”:

3.2 That the Responsible Authority issue a Planning Permit to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street), at Lot 3A/399 Williamstown Road Port Melbourne, subject to the following conditions.

3.3 That the decision be issued as follows:

1 Amended Plans Required

Before the 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 plans referred to as drawings 000 to 601 prepared by Crone Architects, and received by Council on 27/11/2017 but modified to show:

- a) Privacy screening, or a minimum sill height of 1.7m from the finished floor level of the room, applied to the second floor north facing window of Townhouse 7.
- b) Privacy screening, or a minimum sill height of 1.7m from the finished floor level of the room, applied to the second floor west facing window of Townhouse 8.
- c) Compliance with Australian Standards for internal bicycle parking spaces.
- d) Confirmation that the ground level of the development is DDA compliant.
- e) A demolition plan detailing all existing buildings and works on site to be demolished and removed, including the chain wire mesh fence along the eastern title boundary.
- f) Relocation of the site services from the south-eastern corner to an alternative location not adjacent JL Murphy Reserve, and incorporated into the design of the development.
- g) A notation on the ground floor plan detailing connections for WSUD initiatives.
- h) Third Pipe connection location.



- i) Details of car park ventilation noted.
- j) Any amendments associated with the revised Sustainable Management Plan required by Condition 3 of this permit.
- k) Any changes associated with Condition 6 of this permit (Acoustic Report).
- l) Any changes associated with Condition 5 of this permit (WSUD).
- m) Car park dimensions (width and length).
- n) Car park headroom clearance.
- o) Swept path analysis detailing a B85 design vehicle can access/exit critical car parking spaces with suitable clearances.
- p) A note advising the wheel stopper is installed to Australian Standards.
- q) Pedestrian sight triangles to each side of the driveway.
- r) A loading area for on-site waste collection and servicing, with appropriate headroom clearances, and any subsequent changes.

2 Privacy Screens - Cross-Sections Required

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the windows must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views internally and to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

All to the satisfaction of the Responsible Authority.

3 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) a revised Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed. The SMP must be generally in accordance with the SMP prepared by Norm Disney & Young dated 22 November 2017, revision 4.1 2017, but modified to;

- a) Publish the BESS Assessment.
- b) Commitment to provide a photovoltaic array or solar hot water including sufficient solar preheating array to achieve a minimum 30% energy boost.
- c) Provide dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network.



- d) Provision of an electrical car charge station.
- e) Individual meters to each dwelling.
- f) All stormwater generated on site managed within the development footprint.
- g) Capture of runoff from 100% of the roof area and successfully retain onsite at least 50% of the volume of runoff derived from a 5 year, 72 storm event.
- h) Stormwater captured on site reused in toilet flushing and irrigation, with low or no demand for controlled release.
- i) WSUD report attached to the SMP.

4 Incorporation of Sustainable Design initiatives

Prior to the occupation of the additions allowed by this permit, the project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

5 Water Sensitive Urban Design

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 how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended, and the requirements listed within Condition 4 f), g), and h) of this permit.

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

6 Noise Attenuation for Apartments

Prior to the occupation of the apartments allowed under this permit the project must incorporate the noise attenuation measures listed within the Acoustic Report Prepared by Cogent Acoustics and dated 07/07/2017, and;

External traffic noise intrusion within apartment 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 must comply with the following:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.



7 Incorporation of Water Sensitive Urban Design initiatives

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

8 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.

9 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.

10 Arborist Report

The endorsed Arborist report, prepared by Treeologic, referenced 008079, dated 26 April 2017 will form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

11 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

12 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.

13 No equipment or services

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.



14 Parking and Loading Areas Must Be Available

Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

15 Car Parking Space Allocation

Car parking for the approved development must not exceed 1 space per dwelling, to the satisfaction of the Responsible Authority.

16 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 16 dwellings may be constructed on the land.

17 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.

18 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.

19 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).

20 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.

**21 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;
1. 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 Metropolitan Planning Authority.
- (f) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan 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.

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22 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 to the satisfaction of the Responsible Authority.

23 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.

24 Lighting baffled

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

25 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.



26 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.

27 Waste Management

An adequate waste management arrangement must be provided, in accordance with Council's Community Amenity Local Law No:3 to the Satisfaction of the Responsible Authority. Without the further written consent of the Responsible Authority, waste management for the proposal must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 24 August 2016 but amended to;

- a) Provide on-site waste collection.

Waste management must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

28 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, unless the Port Phillip Planning Scheme exempts the need for a permit.

29 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.

Notations:

• **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.



- **Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **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.

- **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.

- **Broadband, Communications and Digital Economy**

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

- **Council contacts**

Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council's Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209 6253
- Health Department (Community Amenity) 9209 6262
- Local Laws 9209 6852
- Development Engineer 9209 6774

RECOMMENDATION "PART B":

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

4. RELEVANT BACKGROUND

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



Application No.	Proposal	Decision	Date of Decision
926/2000	Thirty eight lot subdivision in accordance with planning approval for the building and works to existing commercial buildings. Stage 1.	Approved	27/09/2000
514/2001	Refurbish & extend existing warehouse	Approved	17/07/2000
1310/2000	Demolition of two existing buildings	Approved	3/11/2000
406/2001	A reduction in the standard car parking requirements associated with office, warehouse and industry uses	Approved	5/06/2001
442/2001	Buildings & works for the construction of mini self storage facilities & reduction in the standard car parking requirement	Approved	17/07/2001
1639/2003	Construction of a warehouse with associated landscaping and dispensation for car parking.	Approval	11/03/2004
887/2003	The construction of four warehouses in addition to a dispensation from the Planning Scheme car parking requirements.	Approved	14/11/2003
169/2004	Seventeen (17) lot subdivision. Stage 2.	Approved	7/06/2004
1040/2004	Subdivision of 4 lots. Stage 5.	Approved	20/09/2004

4.2 The following applications have been considered/are being considered for nearby properties:

Application No.	Proposal	Decision	Date of Decision
5/2017/MIN 365 – 391 Plummer Street, Port Melbourne	Demolition of existing buildings and construction of a mixed use development comprising three towers, accommodation (dwellings), office, retail, food and drink premises, supermarket and childcare centre, and parking in excess of the Parking Overlay requirements	Undecided – Ministerial Call in	N/A
PA1700301 18 – 22 Salmon Street, Port Melbourne	Demolition of the existing buildings and works, and construction of a mixed use development comprising three 12 storey towers, including Accommodation (Dwellings), Retail, Office, Education Centre inc. Primary School, Place of Assembly inc. Community Hall and Library, and Supermarket	Undecided – Ministerial Call in	N/A
2/2017/MIN 19 Salmon Street, Port Melbourne	Part demolish existing buildings and construct 135 four level townhouse dwellings (including 26 with optional ground floor level commercial) and associated car and bicycle parking, construct and carry out works, use land for Accommodation (dwellings) in the CCZ1. Alter access to a road in a Road Zone (RDZ1)	Approved	10/09/2017
2/2014/MIN	Demolish existing buildings and construct a mixed use development comprising a 12 and	Approved	12/08/2015



320 Plummer Street, Port Melbourne	15 level building with retail and commercial, dwellings and associated car spaces.		
1/2016/MIN Lots 10/11/12, 339 Williamstown Road	Demolish existing building and construct a 12 storey mixed use development inc.50 dwellings, 272.6m2 retail/office, 48 car, 37 bicycle parking spaces	Approved	18/05/2017
2/2015/MIN Lot 9A / 339-441 Williamstown Road	Development of a Multi Storey Mixed use Building and Associated Parking Dispensation 7 (6 x 3BR, 1 x 4BR) dwellings.	Approved	25/10/2015
1130/2013 Lot 9A/339 Williamstown Rd	Internal buildings and works in association with the use of the existing two-storey buildings as a dwelling and a variation of the car parking requirements pursuant to the Parking Overlay	Approved	16/12/2013
2/2015/MIN Lot 9A/339 Williamstown Rd	Development of a multi-storey, mixed use building (including 7 dwellings) and associated parking dispensation	Ministerial Approval	25/10/2015
1/2016/MIN Lot 10/339 Williamstown Rd	To demolish and construct a mixed used, multi level (12 storeys and 50 dwellings) development in a capital city zone.	Ministerial Application - VCAT Approved	18/05/2017
277/2016 Lot 13/339 Williamstown Rd	Buildings and works for the creation of one dwelling on a lot	Approved	277/2016

5. PROPOSAL

5.1 The proposal is detailed within the below table.

	Proposal
Site area	1269m2 approx.
Type of development	Townhouse development.



Demolition

Demolition of existing double storey brick office building and existing hard surfaces/works on site.



No. dwellings

TOTAL: 16 (14 x 3BR, 2 x 4BR)

Dwelling Areas and POS

Dwelling Area	POS Area
3BR; 143.9m ² – 171.2m ²	3BR; 24m ² – 101.3m ²
4BR; 231.9m ² – 243.8m ²	4BR; 69.5m ² – 72.1m ²

Affordable housing?

No; not required under Cl. 22.15.

Commercial Use and Floor Area

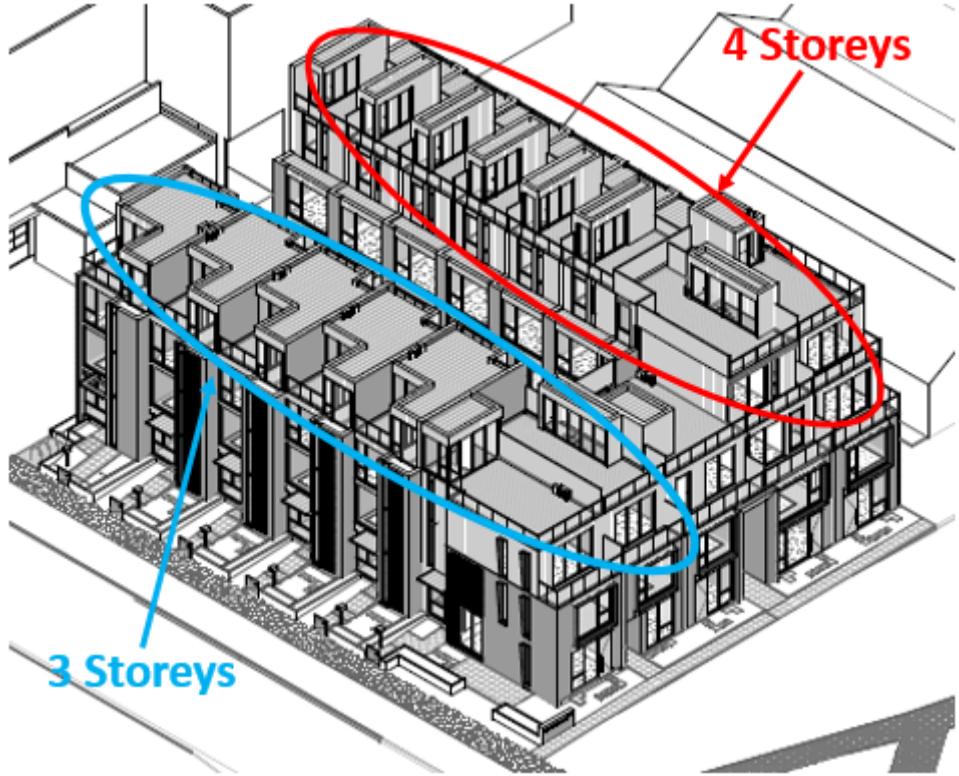
Nil


Height

The south-eastern part of the development (closest to Williamstown Road) would be 3 storeys in height, and the north-western part of the development would be 4 storeys in height.

3 storeys; Max. 9.8m (12.64m AHD) to Level 3 rooftop, 15.64m AHD to top of services.

4 storeys; Max. 12.8m (15.64m AHD) to Level 4 rooftop, 13.2m (16.04m AHD) to

	<p>Level 4 parapet, 15.8m (18.64m) to top of Level 4 rooftop stairs).</p>  <p>Townhouses 6 to 16 would contain roof top terraces.</p>			
Setbacks	North (rear)	South (Front/Williamstown Road)	East (Side/ JL Murphy Reserve)	West (side)
GF	0m	4m – 5m	2.8m	
FF	0m	4m – 5m	2.8m	
SF	0m	4m – 5m	4.3m (balconies with 1.5m)	
TF	0m to 3.2m	N/A	5.6m	
Dwelling Access	Dwellings; individual access via Williamstown Road, proposed pathway adjacent to JLMurphy Reserve, and to the north via existing common property.			
Crossovers	Vehicle access is proposed via the existing crossover to Williamstown Road and the existing common property driveway.			
Loading bay	No dedicated loading bay is proposed.			
Car parking	16 = 1 / per dwelling			
Motorcycle parking	Nil			

Bicycle parking	16 (1/ per dwelling). Bike parking would be located to the south-western corner of the site and within the site within a bicycle enclosure.
Stores	Not shown
Open space	Nil.
Communal Area	Level 1 communal courtyard (213.3m ²). 
Gross floor area / Floor area ratio	Gross Floor Area (GFA): 3,234.9m ² ; Site area = 1,269m ² Floor Area Ratio (FAR): 2.54:1

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	1,269m ²
Existing building & site conditions	The site is located on the northern site of Williamstown Road in the Wirraway Precinct of Fishermans Bend, approximately 96m to the east of the intersection with Salmon Street. The site is part of a larger commercial site which contains a number of single to double storey developments, with common property for vehicle access throughout. The site is Lot 3A and located to the south-eastern corner of the site,

	<p>with a frontage to Williamstown Road and a side interface with JL Murphy Reserve.</p> <p>The subject site has a frontage of 41.21 and a depth of 30.79m. The site contains a two storey brick office building (1269m²), with at grade parking in the northern area, a landscaped front setback, and side setback. The building is currently occupied by Absolute Electronics; a company which provides computer repair, support, and maintenance, and digital press sales and support. The site contains 11 on site car spaces, and the business operates generally from 8.30am to 5pm Monday to Friday.</p> <p>Vehicle access is provided via the existing crossover to Williamstown Road and the common property driveway. The site is relatively flat with a fall of less than .40m from north to south.</p>
<p>Surrounds/neighbourhood character</p>	<p>As noted above the site is located within a commercial development/business park known as 'The Base'. The below image, taken from page 5 of the permit applicants submission, identifies the wider site in yellow and the subject site in orange. The site extends from Williamstown Road to Plummer Street. Of note is the existing building adjacent to the subject site (within The Base) which is used as self storage and is subject to an individual heritage overlay.</p>  <p>To the east of the business park is JL Murphy Reserve. To the west of the site are a number of industrial/commercial buildings. The land to the south of the site is outside of the Fishermans Bend Urban Renewal Area and is zoned Neighbourhood Residential Zone – Schedule 3 and comprises predominantly of single and double storey dwellings.</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?
<p>Clause 37.04 - Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) 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 is proximate to warehouse and light industrial uses and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, 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 an apartment development must meet the requirements of Clause 58.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, 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 1 to the CCZ1: 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 43.02 - Design and Development Overlay – Schedule 30 (DDO30)</p>	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p>
<p>Clause 44.50 Special Building Overlay Schedule 1 (SBO)</p>	<p>Pursuant to Clause 44.05-1 a permit is required to construct a building or to construct or carry out works.</p>
<p>Clause 45.06 - Development Contributions Plan Overlay (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 a boundary realignment. <p>A permit is required under this clause.</p>
Clause 45.09 - Parking Overlay (PO1)	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay.</p> <p>The proposed parking provision does not exceed the maximum rates set out in the Table, and therefore no permit is required under this clause</p>
Clause 52.10 - Uses with Adverse Amenity Potential	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met.</p> <p>A permit is required under this clause</p>
Clause 52.06 - Car Parking	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the PO operates in conjunction with the requirements of Clause 52.06.</p>
Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1	<p>The proposal involves a change in the use and traffic movements for the site which is accessible via Williamstown Road and Plummer Street (both Road Zone Category 1 roads), and is therefore considered to trigger the provision.</p>
Clause 52.34 Bicycle Facilities	<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 not required under this clause as bike parking provision is proposed to exceed the standards.</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 11.01 Activity Centres, 11.02 Urban Growth, and; 11.04 Metropolitan Melbourne
- Clause 15 Built Environment and Heritage including 15.01-1 Urban Design, and; 15.02-1 Sustainable development Energy and resource efficiency;
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

8.2 Local Planning Policy Frameworks (SPPF)

The following local planning policies are relevant to this application:



- Clause 21.03 Ecologically Sustainable Development, including Clause 21.03-1 Environmentally Sustainable Land Use and Development, and Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including; Clause 21.04-1 Housing and Accommodation, and; Clause 21.04-5 Public Open Space and Foreshore
- Clause 21.05 Built Form, including; Clause 21.05-1 Heritage, 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 Fishermans Bend Urban Renewal Area

8.3 **Local Planning Policy Framework (LPPF)**

The following local planning policies are relevant to this application:

- Clause 22.04 Heritage Policy
- Clause 22.12 Stormwater Management: WSUD
- Clause 22.13 Environmentally Sustainable Development
- Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

8.4 **Other relevant provisions**

- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 58 Apartment Development
- Clause 61.01 Administration and Enforcement of this Scheme
- Clause 65 Decision Guidelines

8.5 **Relevant Planning Scheme Amendment/s**

8.5.1 The Planning Scheme controls affecting the site were changed by Amendments GC50 and GC59 on 14 and 29 November 2016 respectively. The Amendments introduced:

- A Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- A Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The height and setback controls apply on an interim



basis until 31 March 2018 (unless extended by the Planning Minister) to allow time for permanent controls to be developed and tested by the Fishermans Bend Taskforce.

- An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016). The Framework is an incorporated document to Port Phillip Planning Scheme.

8.5.2 Clause 58 (Apartment Developments) was introduced to the Port Phillip Planning Scheme on the 13/04/2017 which applies to a development which includes; *a dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings*. The proposal was submitted before the introduction of Clause 58 and does not include a dwelling located above or below the ceiling level of another dwelling as it is a townhouse development. Therefore the clause does not apply to the assessment of the application.

8.5.3 Draft Controls and Strategic Framework: on 21 October 2017, a draft revised Fishermans Bend Framework was released by the State Government for consultation in October 2017 (Amendment GC81). On 31 October 2017, associated draft Planning Scheme Amendment GC81 setting out revised State and Local policy, zone, overlay and general provisions for Fishermans Bend was released for consultation. The draft Framework Plan proposes (relative to the subject site and surrounds):

- A potential metro station and tram route are located along Plummer Street to directly the north of the subject site.
- Plummer Street and Salmon Street are proposed cycling corridors.
- A 22m wide new road is proposed which would cut through the business park and connect to JL Murphy Reserve.
- The site is located within the non-core (mixed use) Wirraway precinct with a FAR control of 2.1:1. The proposal has an FAR of 2.54:1 which is just slightly over the requirement of 2.1:1. This is not a mandatory control within the draft controls/strategic framework.
- The site is located within a 4 storey height maximum (part mandatory and part discretionary).
- The site is located within an investigation area for education and community (secondary school).
- The Draft controls encourage/ introduce the following items:
 - Substantial residential growth is encouraged within the Fishermans Bend area.



- The draft controls and framework introduce a Floor Area Uplift (FAU) control requiring developments to provide affordable housing or community infrastructure or public open space (or a mix of these) in return for development exceeding the FAR (generally up to the preferred maximum height). The proposal does not include any uplift.
- A minimum non-residential floor area of 1.9:1 for the Wirraway precinct. The lack of non-residential component this is considered to be acceptable due to the scale of the development. Furthermore the site is not one which is identified as being within a core area or with an active front requirement within the draft framework.
- A Maximum dwelling density of 131 per hectare. The proposal involves a dwelling density of 126 per hectare with a total of 16 townhouses on a 0.1269 ha allotment.
- Developments with residential uses at the ground level should integrate well with the street, create a sense of address within individual entries to the street, achieve a balance between privacy and activation, and avoid providing garage doors along street frontages. The proposal responds well to the direction provided in the draft Clause 22.15 by providing individual entries for all townhouses, with the entries for townhouses 1 to 6 provided to Williamstown Road. All townhouses would have a sense of address, with adequate fenestration and activation, and low front fences.
- Draft controls encourage sustainable design, the proposal responds to this by providing adequate sustainable design initiatives as detailed within the assessment of the application.
- Family friendly housing is encouraged. It is considered that the dwelling sizes, layouts, and central communal area would provide family friendly housing.
- The parking requirement would be 0.5 spaces per dwelling. The proposal involves 1 car space per dwelling which meets the current parking overlay requirement. The provision is considered to be acceptable due to the type of the development, dwelling density, and size of the townhouses (3 – 4 bedrooms each).
- In addition to the height maximums listed within the draft DDO30, the provision also includes overshadowing restrictions for JL Murphy reserve between 11am to 2pm on 21 June to 22 September. Due to the current controls overshadowing plans have been provided for September and detail no additional overshadowing to JL Murphy Reserve. While there may be some additional shadows within from June to September, it is likely to be limited due to the 4 storey height of the development.

Any additional shadow would likely fall within the landscaped setback to the existing pathway and would not result in any unreasonable reduction in the quality of the park. The assessment of this application must have regard to the draft controls

- 8.5.4 Submissions regarding the draft Framework and Planning Scheme provisions closed on 15 December 2017, after which they and the Framework will be reviewed by the independent Panel. It is estimated the new framework and controls will not be resolved or implemented before circa mid-2018.
- 8.5.5 Strategic Amendment VC142 removes permit requirements for loading and unloading of vehicles by deleting Clause 52.07 – Loading and unloading of vehicles. Updates are made to Clause 65 (decision guidelines) to ensure that loading and unloading facilities, amenity and traffic flow are considered. The amendment has also made multiple minor changes to the Planning Scheme including amended references to a number of uses.

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 9.

Heritage Advisor

No heritage issues. The adjacent site is an individually significant heritage place, but the proposal will not impact upon the significance of that place.

Urban Design Officer

Council's Urban Design Officer has provided a number of comments and recommendations regarding the following items;

- *A return to the U shaped block with strong and active frontages to Williamstown Road, JL Murphy Reserve, the common property to the north and courtyard access to/from JL Murphy Reserve is supported.*
- *Questions raised with the common property use and acoustics.*
- *Removal of high chain wire mesh fence and direct access to JL Murphy Reserve.*
- *Services on the south-eastern corner and unappealing interface with the reserve. Suggested that the services and external bicycle parking are swapped to address the issue, if services cannot be located elsewhere.*
- *DDA access at ground level to be clarified.*
- *Access to communal area via car park.*
- *Introduction of windows to western façade.*



- *Provision of colour-back glazing appears unnecessary.*
- *Erosion of upper north and south-east corners of the façade due to façade treatment, materials and setbacks, and balustrade design.*
- *Shadow diagrams incorrect date.*

Planning Officer Comment:

Recommended conditions include changes to confirm the high wire chain mesh, services relocated from the south-eastern facade, ground floor DDA access, and acoustic conditions to address the interface with existing commercial uses.

Common property is available to the site to use for vehicle and dwelling access and would be acceptable. The townhouses facing JL Murphy Reserve would have direct access to the reserve, and it is understood that the existing fence would be removed from the site and is not detailed on the proposed ground floor plan. The materials and façades are considered to be acceptable and further changes will not be requested of the applicant. The suggested west facing windows will not be requested due to the orientation, and proposed dual aspect design of the townhouses.

Traffic Engineer

Council's Traffic Engineer has provided a number of comments and recommendations for the application;

Parking Layout and Access Arrangements:

- *Car parking space dimensions required on the plans.*
- *Head room for car parking spaces dimensions required on the plans, and clear of obstructions.*
- *Swept path analysis showing a B85 design vehicle can access/exit critical parking spaces with suitable clearance required.*
- *The wheel stopper proposed must be installed in accordance with the relevant Australian Standards.*

Pedestrian Sightlines and Access:

- *Sight triangles required in accordance with Clause 52.06 to the proposed car park, none currently proposed.*
- *The applicant has proposed a splay at the corner of the south-west boundary. This is considered acceptable to provide vehicles exiting the estate common accessway to Williamstown Road.*



- *There are no dedicated footpaths provided along the common accessway for the estate. The lack of pedestrian facilities for this and other developments within the estate is a concern. Item remains unresolved however noting this is a broader consideration for the master site (i.e. 339 Williamstown Rd).*

Parking Overlay and Parking Provisions

- *It is proposed to provide 16 resident parking spaces, which equates to a rate of 1.0 spaces/dwelling. This level of parking for residents is considered high and not in line with the FBURA target rate. It is recommended reducing the level of off-street parking for residents.*

Traffic Generation

- *Traffic generation assumptions of 8 inbound and 3 outbound movements. The total traffic generation from the proposal is 112 movements for entry and exit volumes per day. This is considered satisfactory.*
- *Please note that 0.7 vehicle trips per car space has been used. No cumulative trip generation for other developments have been considered.*
- *I recommend a traffic generation assessment for all site within 339 Williamstown Road to be undertaken to determine the likely impact on the common accessway and the surrounding network in particular Williamstown Road and Plummer Street.*

Provisions for Loading and Waste Collection

- *Can the applicant please provide additional information regarding proposed loading activities for the residents? All loading activities must be wholly contained within the site.*

Provision for Bike Parking

- *The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling.*
- *The applicant has proposed 16 bicycle parking within the undercroft car park and 7 spaces for visitors near the south-west boundary. The amount proposed is considered acceptable.*
- *Please note, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).*

Other

- *All redundant crossovers must be reinstated to Council satisfaction. All proposed crossovers must be installed to Council satisfaction.*



Planning Officer Comment:

The additional information required on plans, and general conditions, have been included within the recommended conditions. The number of bike spaces in total complies with the FBSFP requirements which is considered to be acceptable. The proposed development should have on site waste collection and space for service vehicles to meet the requirements of the FBSFP and Council expectations. A recommended condition has been included requiring a loading area for waste collection and other service vehicles to be provided on site with appropriate clearances.

Sustainable Design

Council's Sustainable Design Officer has raised a number of items and made recommendations in relation to the below;

- *Cross ventilation*
- *Standard conditions regarding incorporation and implementation of ESD and WSUD Initiatives*
- *Layout of living areas*
- *BESS report unpublished*
- *Individual meters*
- *Commitment to substitute cement/concrete with recycled content*
- *Daylight access; in particular for living area of townhouse 7 and car park below*
- *Double glazing*
- *Shading for northern windows*
- *Car park ventilation*
- *On-site renewable energy generation and reduce energy peak demand (Solar panels)*
- *Third pipe*
- *On site detention*
- *Rainwater tank notations and connections, and maintenance manual*
- *Bicycle parking; internal to be to Australian standards*
- *Urban ecology; urban heat island effect, irrigation, communal areas*



- *Low emissions vehicles*

Planning Officer Comment:

Recommended conditions include requirements for an updated SMP and additional details on plans to address the above, excluding dwelling layouts as the layouts as it is considered that the layouts would provide a good level of amenity. Furthermore it is considered that the majority of the townhouses would have a good level of ventilation.

Waste Management

No concerns with the submitted WMP, suitable for endorsement.

Planning Officer Comment:

The proposal involves off site waste collection to Williamstown Road. To meet the requirements of the FBSFP, and to address any potential cumulative impacts for all future developments within the overall site, on site waste management should be provided. This is addressed within the recommended conditions.

Open Space and Recreation

The Arboricultural Report is clear and concise, and officers from Council's Parks Services team agree with the observations and conclusions in the report. Council officers recommend that the observations and conclusions be implemented as written in the report, particularly in relation to the protection measures for the four Pine Trees in the adjacent J.L. Murphy Reserve.

The Arboricultural Report correctly identifies that the trees within the subject site are not Significant under Council's Local Law, therefore they do not require any specific protection measures. If these trees are removed, Council officers recommend that they must be replaced within the landscape plans with suitable tree numbers and species that are able to replace the projected canopy lost by their removal.

The Arboricultural Report recommends that only the four adjacent Pine Trees be retained, which suggests that the Plane Tree within the nature strip should not be retained if it presents a constraint to the proposed development.

If Council officers are to consider the removal of this tree, it would be subject to approval by Council's Tree Removal Assessment Panel and Council officers would apply Council's amenity valuation policy. The applicant would be charged the amenity value plus removal and replacement costs. Please refer the applicant to page 48 of Council's Greening Port Phillip 2010 in relation to calculating the amenity value of the trees, including removal and replacement costs.



Planning Officer Comment:

The street tree is detailed as to be retained within the submitted Architectural Plans and Landscape Plans, and is noted as viable for retention within the Arborist Report. The street tree is not proposed to be removed.

Subdivision

It appears that they are utilising the common property driveways shared with the other lots on a very large site (confirmed on plan of subdivision). The main issues will be that they will be sharing that driveway with trucks, etc. associated with the existing development. The other issue is that there are implied easements over the whole of the site, so there may be drains, sewers, etc. running through lot 3.

Asset Planning and Property Development

A gate to the park seems highly convenient. Usually, the issue is the potential impact on the use and future use of the park. In this instance JL Murphy is crown land and protected from long user rights. It is also certain that JL Murphy will remain as open space for centuries.

We do however want the ability to manage develop and maintain the park as we choose. It would be good to have an acknowledgement from the applicant that the gate is allowed on that basis or a note on the permit to the effect while the gate is approved on the plans, access to the park could be affected by future development of the park.

9.2 **External referrals**

Referral Authority	Response	Conditions
Melbourne Water	No response to date	N/A
VicRoads	No response to date	N/A

No referral responses have been received from the above-mentioned authority and have therefore missed the statutory timeframe to provide a response.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It is noted that an application to demolish or remove a building or works, construct a building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone and an application affected by the Design and Development Overlay, are 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.



- 10.2 An application affected by the Special Building Overlay and Development Contributions Plan Overlay are 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.
- 10.3 No exemptions to the notice provisions are provided within Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. It has been considered that no material detriment would occur and the proposal does not require advertising in light of the following points;
- The existing office/retail use on site contains 11 car spaces, the proposed development and use would provide a maximum of 16 car spaces on site, 5 more than the existing use. This is not considered to be a significant increase in on site car parking.
 - Traffic generation is assumed to be a total of 8 inbound and 3 outbound movements (total 11 movements) during the AM peak and 7 inbound and 4 outbound movements (total 11 movements) within the PM peak as detailed within the submitted Traffic Engineering Assessment. It is likely that the peak AM and PM movements would be less or the same than those associated with the existing use of the site, excluding weekends when the existing use does not operate, as the site contains 11 car spaces. The movements associated with the proposed use would likely be more spread out throughout the day due to the nature of the use (residential), in comparison to the existing office/retail use which usually involves traffic movements in a concentrated period of time in the morning and afternoon.
 - No physical changes are proposed to the existing Williamstown Road or Plummer Street vehicle access points.

11. OFFICER'S ASSESSMENT

Local Policy

11.1 Use

Pursuant to the Capital City Zone – Schedule 1 the use of the land for the purpose of accommodation (dwellings) requires a permit as the site does not meet the threshold distances from industrial/warehouse uses listed within Clause 52.10. The residential use would assist in achieving the aim to provide 80'000 high density housing options within the Fisherman's Bend Urban Renewal Area, however the interfaces with industrial/warehouse uses need to be managed. Residential amenity within FBURA is not expected to be the same as within a residential zone. The benefits of living within the area, such as future public transport, future commercial uses and hospitality uses, and proximity to the City would be balanced against typical residential amenity for future residents, much like living within an established activity centre. Furthermore acoustic issues due to the interface with commercial/warehouse uses would be addressed through a recommended acoustic condition.



In accordance with the requirements of the Capital City Zone a sensitive use (accommodation) must not commence prior to an environmental audit. The standard condition is included within the recommended conditions and should be included on any permit issued.

11.2 **Heritage**

The site is located adjacent to a significantly graded heritage building with an individual heritage overlay. The proposed development has a 4m to 5m front setback which responds to the setback of the heritage building. The setback provides an appropriate response and would to maintain the vantage point of the building. Council's Heritage Advisor has no concerns with the proposal.

11.3 **Design and Development Overlay – Schedule 30**

Building Height

The south-eastern part of the development (closest to Williamstown Road) would be 3 storeys in height, and the north-western part of the development would be 4 storeys in height

The site is located within area A1 of the DDO30 which prescribes a mandatory maximum height of 4 storeys with the exception of architectural features, landscaping, or building services. The proposal would meet the height requirements with a maximum of 4 storeys and Max. 12.8m (15.64m AHD) to Level 4 rooftop, 13.2m (16.04m AHD) to Level 4 parapet, 15.8m (18.64m) to top of Level 4 rooftop stairs).

Setbacks/Streetwall

The DDO30 requires that 'towers' must be setback 10m to the street above a street wall, and that a tower must be setback 10m to all title boundaries, or the centreline of any laneway. The proposal does not include a street wall, and is not a tower, therefore this requirement is not applicable to the proposal.

The current Fishermans Bend Strategic Framework identifies a non-mandatory requirement for a 6m landscaped setback to JL Murphy Reserve within the Precinct Vision for The Civic Boulevard. The proposal provides a 4m to 5m landscaped setback which is considered to respond to the requirement adequately. While the setback is 1m to 2m less than the 6m suggested within the Framework Plan, it would be well landscaped which would provide a transition from JL Murphy Reserve, and would provide an appropriate response to the existing heritage building adjacent to the west of the site. The 6m landscaped setback requirement is not detailed within the draft strategic framework plan or controls currently under consideration.

11.4 **Residential Diversity**

Clause 22.15-3 (Dwelling Diversity and Affordable Housing) of the Port Phillip Planning Scheme encourages dwelling diversity and affordable housing for developments of over 12 storeys which include accommodation uses.



The proposal does not have a height of over 12 storeys, and therefore no affordable housing is required and the 30% 3 bedroom requirement is not applicable. The proposal includes only 3 to 4 bedroom dwellings which would provide adequate diversity.

11.5 **Current Fishermans Bend Strategic Framework Plan**

The proposal has a good level of compliance with the relevant objectives and standards of the current Design Guidelines within the Fishermans Bend Strategic Framework Plan as detailed within the corresponding attachment. The plans (and additional reports/amended reports) should however be updated to address the following to ensure all relevant aspects of the framework plan are met;

- Site services relocated
- Car park ventilation details
- DDA access to ground level of townhouses
- The requirements of Objective 7.2 and 7.3 relating to reduction of potable water consumption, precinct wide recycled water supply, and stormwater reuse

11.6 **Residential Amenity**

Clause 58 (Apartment Developments) does not apply to the proposal as noted within section 8.4.2 of this report, however some of the standards can be of assistance when assessing the extent of residential amenity proposed. Residential amenity has been broken up into sections below.

11.6.1 Daylight access for dwellings: the daylight access for bedrooms and habitable rooms would be good with no reliance on borrowed light or snorkel windows.

The majority of open plan living, dining and kitchen areas would be dual aspect, however sole aspect living/kitchen/and dining areas of Townhouse 7 to 9 would have a depth of over 9m. Floor to floor heights would be 3m (no floor to ceiling measurement provided). A habitable room with a sole aspect window should have a depth of no more than 9m with a floor to ceiling height of 2.7m in accordance with Clause 58.07-2 (Room depth objective), this can be used as a guide rather than an applicable standard. Townhouses 7 to 9 would face north-east and would have wide windows (approximately 4m). while the living areas are deep for these sole aspect living areas, the arrangement does not comprise the majority of the townhouses and the living areas should receive adequate daylight due to the window width and orientation.

11.6.2 Functional layout: all townhouses would have adequate sized living areas and bedrooms. Bedrooms would range from approximately 3m x 3m (not including the wardrobes) to 3.3m x 4.5m (not including the wardrobes). Townhouses would have generous areas and the bedroom dimensions and living room dimensions would meet the standard requirements of Clause 58.



- 11.6.3 Natural ventilation: The majority of the townhouses would have good cross ventilation opportunities with operable windows provided to dual aspect living areas, and operable windows to bedrooms. The sole aspect living areas of Townhouses 7 to 9 would have lesser cross ventilation options however would be acceptable as this would comprise only 3 of the 16 townhouses.
- 11.6.4 Private Open Space/Communal Open Space: private open spaces would comprise ground floor courtyards and roof terraces. POS areas would be easily accessible and would range in size from 24m² – 101.3m² for 3 bedroom dwellings, and 69.5m² – 72.1m² for four bedroom dwellings. These areas would exceed Clause 58 requirements.
- The Communal Open Space would be centrally located at the first floor and accessible via the open plan living/kitchen/dining areas. Townhouses 1 to 5 and 11 to 16 would have windows and sliding doors providing passive surveillance of the area.
- 11.6.5 Internal views: 1.7m high privacy screens would limit views between roof top terraces, and privacy screens would be located on the habitable room north-western windows of Townhouse 1 to 5 to address overlooking at the first floor and second floor. The second floor north facing window of the second bedroom would require privacy screening to address overlooking to Townhouse 9, and privacy screening should be applied to the second floor west facing bedroom window of Townhouse 8. These requirements are included within the recommended conditions.
- 11.6.6 External views: the subject site does not abut any existing residential development, and the existing dwellings to the southern side of Williamstown Road are separated by more than 9m which is used as a guide when considering overlooking. The second and third floor north facing windows of townhouses which abut the common property to the north are screened to address privacy and provide equitable development opportunities for the adjacent site. A cross section of all of the privacy screening should be provided by a condition, this is included in the set of recommended conditions.
- 11.6.7 In summary the proposal would provide/achieve;
- Good daylight and natural ventilation to all dwellings.
 - Bedrooms and living rooms would have adequate dimensions, noting that not all bedrooms would meet clause 58 standards.
 - Generous sized POS areas, and a well-designed central communal area.
 - Townhouse 09 would include a lift to all levels for DDA access. Confirmation that the ground floor levels are DDA compliant should be provided via a condition.
 - No unreasonable internal views would occur due to the design.



- Each townhouse would have a sense of address and would form part of the uniform development. The development would be contemporary in design and would be appropriate in the context of the site, noting the heritage building to the west and the public park to the east of the subject site.
- Appropriate landscaping including the provision of medium sized trees along the front setback to Williamstown Road, and the retention of the existing street tree, and adequate protection of the existing trees within JL Murphy Reserve.

11.7 **Traffic and Parking**

The proposal involves centrally located at grade car parking which would be allocated at a rate of 1 space per dwelling. This meets the Parking Overlay requirement and is considered acceptable.

Council's Traffic Engineer has recommended minor changes to the plans and additional information which could be addressed through the recommended conditions, such as pedestrian sightlines, swept path diagrams, and clearance and parking dimensions.

Traffic generation would be acceptable in light of the intensity of the development.

11.8 **Bicycle Parking**

Clause 52.34 (Bicycle Facilities) is applicable for a new use and prescribes a rate of 1 to each 5 dwellings in developments of four or more storeys, and 1 to each 10 dwellings. The proposal would require a maximum of 5 spaces involving 3 residential spaces and 2 visitor spaces (rounded up from 1.6). The proposal would exceed these requirements with a total of 16 spaces.

The proposal would meet the rate required within the Fishermans Bend Strategic Framework Plan (1 per dwelling) with a total of 16 spaces. It is noted that the internal bike parking spaces should be designed to meet Australian Standards via a condition.

11.9 **Waste**

Council's Waste Officer has advised that the waste collection would be adequate. It is proposed that waste would be stored on site and collected on Williamstown Road by a private contractor. Waste collection should occur on site to meet the requirements of the FBSFP, this would also provide space for service vehicles. It is appreciated that this requirement may have an impact on the design to an extent due to the headroom proposed within the car park due to the first-floor communal area. While the proposed development in isolation may not raise a significant issue it does not meet the requirements of the FBSFP, and if the larger site is redeveloped the cumulative impact would be of concern.



11.10 Sustainable Design and Water Sensitive Urban Design

Refer to internal referrals section of this report and attachment A for details. Recommended conditions include requirements in relation to Sustainable Design and WSUD/stormwater management in line with Council's Sustainable Design Officer, and the current Fishermans Bend Strategic Framework Design Guidelines.

11.11 Development Contributions

The proposal will require standard development contributions conditions in accordance with the Development Contributions Overlay (Schedule 2) which affects the subject site.

12. COVENANTS

12.1 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 3 of Plan of Subdivision 429255Y [Parent Title Volume 10484 Folio 158].

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

14.2 Approve with changed or additional conditions

14.3 Refuse - on key issues

15. CONCLUSION

15.1 The proposal has been considered in light of the relevant planning policy and draft controls and strategic framework and would respond well. The proposal would provide a residential development at an appropriate scale and design in its context. The proposed dwellings would provide a good level of internal amenity and would not result in any unreasonable external amenity impacts. Parking and bike parking provision would be acceptable and would not exceed the parking overlay or be less than the bike parking requirements. Minor amendments to the plans and additional information would satisfy Urban Design, Traffic Engineering, and Sustainable Design referral comments and form part of the recommended conditions.



PLANNING COMMITTEE
28 MARCH 2018

TRIM FILE NO:
ATTACHMENTS

- PF16/707424**
- 1. FBSFP Assessment**
 - 2. Architectural Plans**
 - 3. Urban Context Report**
 - 4. Landscape Plan**