



**6.5** **60 - 82 JOHNSON STREET, SOUTH MELBOURNE**  
**LOCATION/ADDRESS:** **60 - 82 JOHNSON STREET, SOUTH MELBOURNE**  
**EXECUTIVE MEMBER:** **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**  
**HELEN PRITCHARD, FBURA PLANNER**  
**PREPARED BY:** **SIMON GUTTERIDGE, PLANNING COORDINATOR CANAL WARD AND FISHERMANS BEND**

## 1. PURPOSE

- 1.1 To consider an amendment to Ministerial planning permit MPA14/0003-1 and determine Council's position on the proposed changes, in response to a Ministerial Referral in the Fishermans Bend Urban Renewal Area.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area
<b>APPLICATION NO:</b>	9/2013/MIN/A
<b>APPLICANT:</b>	SALVO PG Pty Ltd
<b>EXISTING USE:</b>	Warehouse
<b>ABUTTING USES:</b>	Light industrial
<b>ZONING:</b>	Capital City Zone (CCZ1)
<b>OVERLAYS:</b>	Parking Overlay (PO1) Design & Development Overlay (DDO32) Special Building Overlay (SBO2) Environmental Audit Overlay (EAO) Infrastructure Contributions Overlay (ICO)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	N/A

- 2.1 The Minister for Planning 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.
- 2.2 A permit was granted on 20 May 2015 by the Minister for Planning for "demolition of existing building; construction of four residential towers above a shared podium; and use of the land for dwellings, a supermarket and home occupation".



- 2.3 The permit was amended on 17 October 2016 by the Minister for Planning, allowing “Demolition of existing building; construction of four residential towers; and use of the land for dwellings and home occupation”. The references to a “shared podium” and “supermarket” were deleted from the preamble as the amendment included a design change to split the podium in two and deletion of the supermarket.
- 2.4 The October 2016 amendment also included creation of a central carriageway between the two podiums for vehicle access, reconfiguration of the four towers with no decrease to setbacks from the site boundaries and no decrease to setbacks between towers.
- 2.5 The October 2016 amendment was considered at Council’s Statutory Planning Committee meeting of 20 September 2016. At that meeting Council resolved to advise the Minister for Planning that the proposed amendments were supported subject to an additional condition requiring updated waste management plans to be provided and subject to additional Condition 1 (amended plan) requirements as follows:
- Provision of one bicycle parking space per dwelling,
  - Minimum car parking ramp clearance of 3m,
  - Provision of dedicated staff bicycle parking with at least one space per retail tenancy,
  - Full details of external materials for the podium car park,
  - Pedestrian sightlines at the vehicle entrance to each podium,
  - The design and construction of the central carriageway to accord with Council’s Design & Technical Standards for Fishermans Bend.
  - The current application to amend the permit proposes:
  - Introduction of stages of development.
  - Delete “home occupation” from uses in permit preamble and introduce new office and childcare centre uses.
  - Delete condition 1(n) which requires provision of one bicycle space per dwelling.
  - Delete condition 1(o) which requires 3m high car park entry ramps.
- 2.6 The current application seeks to introduce office and childcare uses, as well as amend details on plans including introduction of a two-level basement to each podium and construction of vehicle and pedestrian bridges between the podium levels. No change to building height is proposed. The application also seeks to amend various permit conditions as follows:
- Amendment to Condition 2 to require a landscaping plan to be endorsed before landscaping works commence. Currently the condition requires a landscape plan to be endorsed before commencement of development.
  - Amendment to Condition 22 to require a construction management plan for each stage of the development to be endorsed before that stage commences. Currently the condition requires one construction management plan to be endorsed before commencement of development.



- Amendment to the wording of pre-commencement Conditions (1, 19, 20, 21, 23, 25 & 48) to allow *bulk excavation, site preparation works, and any works required by the Auditor*, to be carried out before these conditions are satisfied.
- 2.7 Council needs to respond to this Ministerial referral by advising the Department of Environment, Land, Waste and Planning (the Department) if it supports the proposed amendments to the permit and plans.
- 2.8 As this application seeks to amend the existing planning permit pursuant to Section 72 of the Planning and Environment Act 1987, the responsible authority can only consider the impact of the proposed changes compared to the approved development. This application does not enable re-consideration of the in-principle, underlying characteristics of the development.
- 2.9 This assessment finds that the proposed amendments are acceptable in principle subject to permit conditions requiring increased bicycle parking provision and additional clarifying details for waste management and car and bicycle parking dimensions.
- 2.10 It is recommended that Council advise the Department that it supports the application to amend the permit subject to changes to permit conditions.

### 3. RECOMMENDATION

- 3.1 That the Council advise the Department of Environment, Land, Water and Planning that:
- 3.2 Council supports the amended preamble subject to inclusion of wording to allow provision of car parking spaces for dwellings in excess of the Parking Overlay maximum rate.
- 3.3 Council supports the proposed amendments to the following conditions:
- Condition 1 (Amended Plans) preamble.
  - Condition 2 (Landscape and Public Realm).
  - Condition 21 (Noise Attenuation)
  - Condition 22 (Construction Management Plan)
  - Condition 23 (Developer Contribution)
  - Condition 48 (Contaminated Land)
- 3.4 Council has no objection to the amendment of Condition 19 (Melbourne Water – Stormwater Connection Application), subject to the approval of Melbourne Water.
- 3.5 Council supports the amended plans subject to additional details on plans via amended Condition 1 (Amended Plan) criteria as listed below:
- 1 Retain existing Condition 1(n) Residential bicycle parking.
  - 2 Retain existing Condition 1(p) Staff bicycle parking.



- 3 Retain existing Condition 1(q) External materials details for podium car park.
- 4 Provision of four additional commercial bins in the bin storage area of the north podium.
- 5 The location of any charity collection bins to be detailed on the plans.
- 6 A minimum loading bay clearance height of 4.5m (south podium) and 5m (north podium) dimensioned on the relevant plans.
- 7 Addition of extensive green walls and roofs to each stage of the development, to adequately compensate for the removal of level 6 and 7 landscaping approved via the 17 October 2016 permit.
- 8 All internal roadways to align with the City of Port Phillip Design and Technical Standards for Fishermans Bend.
- 9 Clearance between car park spaces and walls dimensioned on the floor plans, to be in accordance with Planning Scheme requirements.
- 10 Width and length dimensions on floor plans for each row of car parking.
- 11 Length and width of DDA spaces dimensioned on floor plans.
- 12 All ramp grades and lengths dimensioned on plans to demonstrate no scraping/ bottoming out.
- 13 Bicycle parking type to be specified on plans with at least 20% of bicycle parking to be horizontal, ground level spaces (not wall mounted).
- 14 Width, length and access aisle dimensions for bicycle parking provided on floor plans in accordance with Australian Standards.

3.6 Council requests the following amendment to Condition 20 (Amended Wind Report)

**20 Amended Wind Report**

Before the development starts, excluding demolition, bulk excavation, site preparation works, and any works required by the Auditor, an amended comprehensive wind tunnel testing and environmental climate assessment report of the development by a suitably qualified engineering consultant must be undertaken and submitted to the responsible authority in consultation with the Port Phillip City Council. The amended report must be generally in accordance with the MEL Consultants Report 130/17 "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 82 Johnson Street Development, South Melbourne, by J. Kostas and S. Powell", dated November 2017 but amended as follows:

- a) Include wind tests taken at various points within the surrounding road and laneway network, carried out on a model of the approved building inclusive of the modifications required under Condition 1 of this permit, to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve wind conditions at Test Location 46 (at the substation) to meet walking comfort criteria or better for the staged scenario.



- b) Provide recommendations for any modifications which must be made to the design of the building to ensure wind conditions at the external childcare space on level 6 would meet long term stationary comfort criteria or better for the staged scenario and basic scenarios.
- c) No worsening of wind conditions in any other locations as a result of the amendments required by criterion a) of this condition.

- 3.7 Council requests the following amendment to Condition 24 (Environmentally Sustainable Development (ESD))

**24 Environmentally Sustainable Development (ESD)**

Before the building is occupied, a report that clearly summarises the nominated initiatives that have been implemented, with these initiatives tabled against the relevant Green Star credit strategy provided must be submitted to and approved by the responsible authority. The report shall reference the recommendations of the Sustainability Management Plan (March 2013 Rev 2) prepared by Wood and Grieve Engineers and must include a point tally to indicate that the nominated Green Star base benchmark level had been met or exceeded.

- 3.8 Council requests the following amendment to Condition 25 (Waste Management)

**25 Waste Management**

Before the commencement of a stage or part of a stage, excluding demolition, bulk excavation, site preparation works, and any works required by the Auditor, an updated Residential Waste Management Plan and Commercial Waste Management Plan must be submitted to and approved by the Port Phillip City Council. The plans must be generally in accordance with the Waste Tech Residential Waste Management Plan (09 July 2018 Version) and the Waste Tech Commercial Waste Management Plan (09 July 2018 Version) but amended as follows:

- a) Waste collection times to be restricted to outside of peak commuter hours.
- b) Details of type and location of any provision of charity collection bins and details of their collection, including access and collection frequency.

- 3.9 Council requests the following amendment to Condition 37 (Traffic and Transport)

- 37** Without the further written consent of the responsible authority, on site car parking for the development must not exceed a ratio of 0.66 spaces per dwelling, 0.98 spaces per 100m<sup>2</sup> for office and retail premises use, and 0.21 spaces per child for the child care centre.



#### 4. RELEVANT BACKGROUND

The chronology of the existing permit is as follows:

- 18 April 2013: Application made to the then Minister for Planning C/- the Department of Planning and Community Development (DPCD) for demolition of the existing building, construction and use of four residential towers above a shared podium, comprising residential apartments, retail and place of assembly. The proposed tower heights were 22 storeys (Tower 2B), 28 storeys (Tower 1B), 54 storeys (Towers 1A and 2A).
- 22 April 2013: Application referred to Council. The application was assessed against the Fishermans Bend Urban Renewal Area Draft Vision and Interim Fishermans Bend Design Guidelines.
- 18 February 2014: Application considered at Council's Statutory Planning Committee Meeting. Council determined to advise the then Minister for Planning that it supported the application in principle subject to conditions requiring changes to podium heights and building setbacks, dwelling density, environmentally sustainable design, community facilities, the mid-block link (on the southern side of the site), public realm works, car and bicycle parking rates and layouts, vehicle crossovers and road improvements.
- 24 February 2014: Council issued its advice to the then Minister for Planning in accordance with its resolution from the 18 February 2014 Statutory Planning Committee Meeting.
- 20 May 2015: The permit (first version) was approved by the current Minister for Planning. By this time interim mandatory height controls were in place as introduced by Planning Scheme Amendment GC29 in April 2015. These controls limited new applications at the subject site to 18 storeys. However, a transitional provision was in place at Clause 3.0 of Schedule 1 to the Capital City Zone, exempting applications lodged before the gazettal of GC29 from compliance with the interim height controls.
- 29 June 2016: Application made to the Minister for Planning c/- the Department of Environment, Land, Water and Planning (DELWP) to amend the planning permit pursuant to Section 72 of the Act. The amendment proposed to divide the large podium into two with resulting tower reconfigurations, creation of a through-block link between Johnson Street and Governor Road, a reduction in height of the two tallest towers from 54 storeys to 46 storeys (Tower 1A) and 43 storeys (Tower 2A) and a reduction to the number of dwellings from 1600 to 1379.
- 5 September 2016: Section 72 application to amend the permit referred to Council.
- 20 September 2016: Section 72 application considered at Council's Statutory Planning Committee Meeting.
- 23 September 2016: Council advised the Minister for Planning, c/- DELWP, that it supports the proposed amendments subject to changes to permit conditions.
- 17 October 2016: Amended permit issued by DELWP, ref MPA14/0003-1.
- 21 May 2018: A second application to amend the permit pursuant to Section 72 of the Act was lodged with the Minister for Planning c/- DELWP.
- 6 June 2018: Second Section 72 application referred to Council. This application is the subject of this report.



- 5 October 2018: Planning Scheme Amendment GC81 gazetted, introducing new planning controls for the Fishermans Bend Urban Renewal Area and incorporating the Fishermans Bend Framework September 2018 into the Port Phillip Planning Scheme. Refer to Section 8.4 of this report for details.

## 5. PROPOSAL

5.1 Key details of the proposal as shown on the submitted amended plans are provided in the table below. This report assesses the proposed amendments only and does not reconsider the in-principle merits of the development due to the application being an amendment to an existing permit. Details of the amendments to plans and conditions are discussed in the officer's assessment at Section 11 of this report. The amendments can be summarised as:

- Amendment to staging
- Introduction of two levels of basement to each podium
- Introduction of bridges between podium levels
- Reduced dwelling numbers and deletion of home office units
- Introduction of office use and child care centre
- Increased retail floor space
- Increased communal residential amenity space with additional facilities
- Amended apartment layouts to comply with condition 1t) of existing permit
- Reduction to bicycle parking provision

	<b>Amendment Proposal</b>
<b>Site area</b>	9,776m <sup>2</sup>
<b>Development type</b>	Tower-podium type consisting of two podiums with two towers above each, separated by a through-block link
<b>Land uses</b>	Accommodation - 1,129 dwellings Office – 7,587m <sup>2</sup> Child care centre – 110 places Retail premises – 2,607m <sup>2</sup>
<b>Demolition</b>	Demolition of existing single storey buildings and works on site
<b>No. dwellings</b>	1,129
<b>Area of dwellings</b>	49.5m <sup>2</sup> – 90.4m <sup>2</sup>
<b>Private open space for dwellings</b>	6.2m <sup>2</sup> - 11.9m <sup>2</sup>
<b>Affordable housing</b>	Nil
<b>Setbacks</b>	5m – 10m
<b>Street wall height (podium)</b>	21.7m / 6 storeys
<b>Tower height</b>	1A - 148.8m



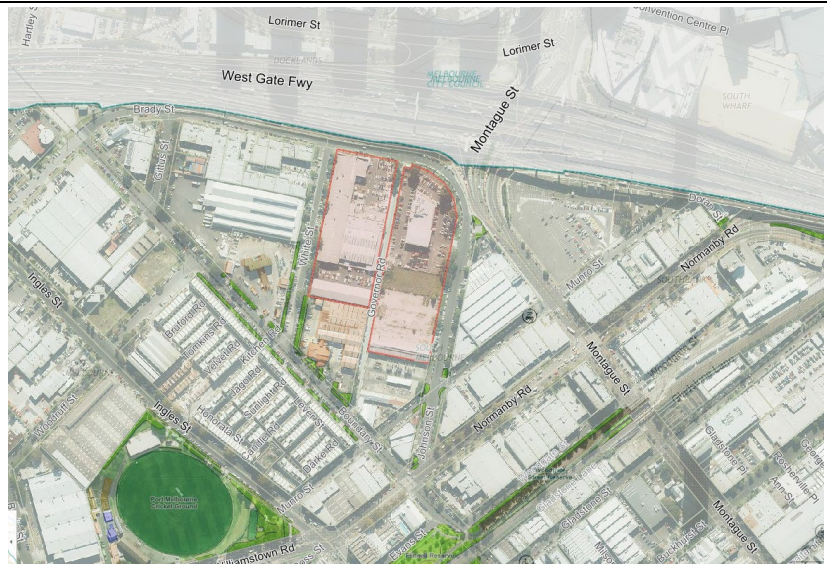
	1B - 75m 2A – 158.2m 2B – 93.1m
<b>Loading bay</b>	One in each podium Access via Governor Road
<b>Car parking</b>	Total spaces – 874 Residential spaces –750 /0.66 per dwelling
<b>Motorcycle parking</b>	Total spaces - 8
<b>Bicycle parking</b>	399
<b>Open space</b>	12,721m <sup>2</sup>
<b>Communal areas</b>	Residential amenity space - 4,367m <sup>2</sup> Including pool, sports centre, BBQ areas, cinema and communal dining and lounge
<b>Stores</b>	785
<b>Vehicle access</b>	Via southern podium only, with skybridge for movement between two podiums
<b>Gross floor area</b>	160,143.5m <sup>2</sup>
<b>Is the site culturally sensitive?</b>	No

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
<b>Site Area</b>	9,776m <sup>2</sup>
<b>Existing building &amp; site conditions</b>	<p>Located within the non-core area of the Sandridge precinct of the FBURA.</p> <p>Site is bound by Johnson Street to the west, Governor Road to the East, Brady Street to the north and Boundary and Munro Streets to the south.</p> <p>Site frontage to Johnson Street approx. 119m</p> <p>Site depth approx. 82m</p> <p>A single storey warehouse occupies the southern portion of the site. The central portion of the site contains a concrete slab. The northern portion is vacant.</p>
<b>Surrounds/ neighbourhood character</b>	<p>Low-density development surrounds the site, consisting of light industrial uses:</p> <p>North –A single storey motor vehicle sales building and outdoor car parking is located directly north. The Westgate freeway is located further north.</p> <p>South – A Citipower substation containing sheds and associated substation structures is located directly south of the site.</p> <p>East – A two and three storey brick building occupied by Mazda is located on the east side of Johnson Street, opposite the site.</p> <p>West – A mix of light industrial buildings and uses, as well as car parking, are located on the west side of Governor Road, opposite the site.</p>



**2018 Aerial Photograph of site and surrounds**



This application relates to the south-eastern portion of the site outlined in red.

**7. PERMIT TRIGGERS**

An amendment to the permit is required as the application seeks to make changes to the permit preamble, plans and to permit conditions, pursuant to Section 72 of the Planning and Environment Act 1987.

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

Zone or Overlay	Why is a permit required?	New Permit Trigger?
<p><b>Clause 37.04 - Capital City Zone (CCZ1)</b></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 4.0 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>A planning permit is required under this clause.</p>	<p>No</p>
<p><b>Clause 43.02 - Design and Development Overlay – Schedule 32 (DDO32)</b></p>	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.2 of Schedule 32 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>No</p>



<b>Clause 44.50 Special Building Overlay Schedule 2 (SBO)</b>	Pursuant to Clause 44.05-1 a permit is required to construct a building or to construct or carry out works.	No
<b>Clause 45.03 – Environmental Audit Overlay (EAO)</b>	Pursuant to Clause 45.03-1 of the EAO: 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; <ul style="list-style-type: none"> <li>• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• 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.</li> </ul> A planning permit is required under this clause.	Yes (previously considered under Clause 37.04 prior to GC81)
<b>Clause 45.09 - Parking Overlay (PO1)</b>	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.	Yes
<b>Clause 45.11 – Infrastructure Contributions Overlay (ICO1)</b>	Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into the Planning Scheme.  Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plans has been incorporated into the scheme for: <ul style="list-style-type: none"> <li>• An existing use of land provided the site coverage is not increased.</li> <li>• A sign;</li> <li>• Consolidation of land or a boundary realignment.</li> </ul> The application is for an amendment of a permit that has been granted.	No (previously considered under Clause 45.06 prior to GC81)
<b>Clause 53.10 Uses with Adverse Amenity Potential</b>	The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 53.10 are required to be met.  A permit is required under this clause.	No (previously considered under Clause 52.10 prior to GC81)
<b>Clause 52.06 Car Parking</b>	Pursuant to Clause 45.09-1 (Parking Overlay), the PO operates in conjunction with the requirements of Clause 52.06.	No
<b>Clause 52.34 Bicycle Facilities</b>	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.  A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.	No

## 8. PLANNING SCHEME PROVISIONS

### 8.1 Planning Policy Frameworks (SPPF)

The following Planning Policies are relevant to this application:

- 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, including



- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.04-4 Industry
- Clause 21.04-5 Public Open Space and Foreshore
- 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 Fishermans Bend Urban Renewal Area

## 8.2 **Local Planning Policy Framework (LPPF)**

The following local planning policies are relevant to this application:

- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.15 Fishermans Bend Urban Renewal Area Policy

## 8.3 **Other relevant provisions**

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

## 8.4 **Relevant Planning Scheme Amendment/s**

8.4.1 Since the issue of the Planning Permit, the Minister has Gazetted Planning Scheme Amendment GC81 (5 October 2018), which modified some of the controls affecting the site as follows:

- Modification of Local Planning Policy, Clause 22.15 Fishermans Bend Urban Renewal Area Policy (formerly the Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area policy), 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.
- Modification of the Capital City Zone Schedule 1 introducing maximum dwelling densities, and specifying mandatory rates for bicycle, motorbike and car share spaces, as well as mandatory permit conditions for environmentally sustainable design via a Green Star rating.



- Three modified Design and Development Overlays, Schedules DDO30, DDO32 and DDO33 which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.
- Modification to the Parking Overlay Schedule 1, to reduce the maximum parking rates for residential dwellings.
- Introduction of the Fishermans Bend Framework, September 2018 (The Framework), as a reference document to Port Phillip Planning Scheme.

## 9. REFERRALS

### 9.1 Internal referrals

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

#### Transport Safety Engineer

##### PARKING LAYOUT AND ACCESS ARRANGEMENTS

- *Proposed access to off-street parking facilities is via two proposed crossovers to a private internal roadway between Governor Road and Johnson Street. This is considered satisfactory. **All internal roadways should align with the City of Port Phillip Design and Technical Standards for Fisherman's Bend.***
- *On-street parallel car space dimensions and lane widths are considered satisfactory.*
- *Off-street car space dimensions of 2.6m x 4.9m accessed from a 6.4m aisle are considered satisfactory, noting plans provided indicate most spaces located adjacent to walls/columns have been provided with additional clearance. **However, can plans please be updated to show adequate clearance for spaces adjacent to walls has been provided in accordance with the planning scheme.***
- *The traffic report states that tandem parking spaces have been provided with an additional 0.5m clearance between spaces, in accordance with the planning scheme.*
- *Several rows of car parking spaces, including parallel spaces, have been provided without width or length dimensions shown. **Please update plans to include width and length dimensions for each row of car parking to determine if planning scheme requirements have been met.***
- *The traffic report states that all DDA spaces, and adjacent shared area, have been provided in accordance with Australian Standards. **Can the plans please be updated to show length and width dimensions of DDA spaces to confirm accordance with relevant standards.***
- *Vehicles can satisfactorily enter/exit the site in a forward's direction.*



- *The traffic report states that all ramp grades and transition changes have been provided in accordance with the planning scheme, this is considered acceptable. **However, can plans please be updated to show all ramp grades and lengths in order to determine if sufficient grade changes have been provided to prevent scrapping/bottoming out.***
- *Access grade of no steeper than 10% within 5 metres of the frontage has been indicated and must be adhered to.*
- ***Please ensure a minimum height clearance of 3.0m is provided above ramps to align with the directions of the Strategic Framework Plan.***
- *Vehicles can satisfactorily enter and exit the site in a forward direction.*
- *Access ways at the entrance are considered acceptable.*

#### PARKING OVERLAY AND PARKING PROVISIONS

- *Condition 37 of the Planning Permit (MPA14/0003-1) states that without the further written consent of the responsible authority, on-site car parking for the development must not exceed a ratio of 0.66 spaces per dwelling.*
- *It is proposed to provide 750 parking spaces for the 1,129 residential apartments, which equates to a parking rate of 0.66 spaces/dwelling. This level of parking is in accordance with condition 37 of the planning permit and considered acceptable.*
- *The FBURA maximum rate for the provision of retail/commercial parking is 1 space/100m<sup>2</sup>.*
- *It is proposed to provide 100 retail/commercial parking spaces, which equates to a rate of 0.98 spaces/100sqm. This level of parking for retail/commercial is in line with the FBURA target rate and considered acceptable*
- *The traffic report indicates that 24 parking spaces will be provided on-site for the childcare centre. This level of parking is considered acceptable.*

#### TRAFFIC GENERATION

- *Traffic generation assumptions for the revised development scheme indicate an additional 70 inbound and 27 outbound movements during the AM peak and 41 inbound and 83 outbound movements during the PM peak when compared to the previously approved permit.*
- *The total additional traffic generation generated by the amended proposal is 97 movements during the AM peak hour and 124 movements during the PM peak hour. This is considered satisfactory.*
- *The traffic generation rates adopted within the traffic report have been checked and are considered appropriate.*
- *The traffic report indicated that the 98<sup>th</sup> percentile queue length generated by the site will be two (2) cars, which can be catered for within the site. This is considered acceptable.*
- ***Please note that 0.3 trips per apartment with a car space has been used. No cumulative trip generation for other developments have been considered.***



#### PEDESTRIAN SIGHTLINES & ACCESSIBILITY

- Pedestrian sight triangles have been provided in accordance with Clause 52.06 and is considered acceptable.
- Please ensure minimum height from footpath level to the canopy is 2.5m

#### PROVISIONS FOR LOADING & WASTE COLLECTION

- Two loading areas have been provided on-site, one in each of the northern and southern building envelopes. Under current conditions, access has been satisfactorily demonstrated with swept paths for a 10.8m Volvo FM11 8x4 Rigid, 8.8m MRV and 6.4m SRV vehicle. Noting that the swept path analysis provided indicates that each vehicle must reverse into the site from Governor Road, this is considered acceptable in this case given this movement was previously approved and it can be achieved with the existing on-street parking along the western side of Governor Road. **All Loading operations MUST occur outside of commuter peak periods to ensure minimal conflicts between loading vehicles and cars travelling along Governor Road.**
- The proposed Loading areas are considered acceptable.
- Waste Management plan to be referred to Council's Waste Management department for assessment.

#### PROVISIONS FOR BIKE PARKING

- The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling.
- It is proposed to provide the following bicycle parking spaces:
  - 349 residential bike spaces
  - 50 visitor bike spaces
- This level of bicycle parking equates to a rate of 0.31 spaces/dwelling. This level of parking for residents is considered very low and not in line with the FBURA target rate. **It is recommended increasing the level of bicycle parking for residents. Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).**
- The plans indicate resident/staff bicycle parking will be provided within the basement carpark, over several locations. Australian Standards for security, access and ease of use recommend that all day bicycle parking is stored within a secure communal compound and accessed via an attendant or by use of duplicate keys. **It is recommended locating all resident/staff bicycle spaces in one central location for carpark B1 North and B1 South, within a secure compound to improve security and prevent potential bicycle theft.**
- The plans indicate a mixture of floor and wall mounted bicycle parking spaces throughout the site. **Can the applicant please update plans to show width, length and clear access aisle dimensions for bicycle parking space. Noting bicycle parking must be provided in accordance with Australian Standards.**



- *All visitor spaces have been provided at ground level and in a prominent and safe location. **However, Can the applicant please provide additional information regarding the type of bicycle spaces intended. Also update plans to show width, length and clear access aisle dimensions. Noting bicycle parking must be provided in accordance with Australian Standards.***

#### **Planners Comment**

Car parking is discussed at Section 11.6 of this report

#### **Sustainable Design**

*The Sustainability Statement, and revised drawings for the above project was reviewed against the amended permit and The Fishermans Bend Strategic Framework Plan (V7 July 2014).*

*Changes proposed in the Statement are noted to: "... either comply with or exceed the standards within the previously endorsed SMP and planning permit requirements" however the Statement appears to: propose lower standards, not correlate with the SMP, remove clarity, and remain silent on the environment impact of significant changes proposed to the building form. As one of the largest developments in the City, covering the two city-blocks, and containing four individual towers, the level of detail and clarity is inappropriate.*

*Further clarity is sought regarding the intent of the Sustainability Statement, and further detail is sought of how any proposed changes in the Statement correlates to the SMP, the Green Star benchmarking proposed. It is suggested a copy of the endorsed SMP be revised with changes tracked - to clearly indicate any proposed changes to this document. This is as opposed to the highlighting currently provided, which does not provide adequate comment.*

*Detailed comments are provided below:*

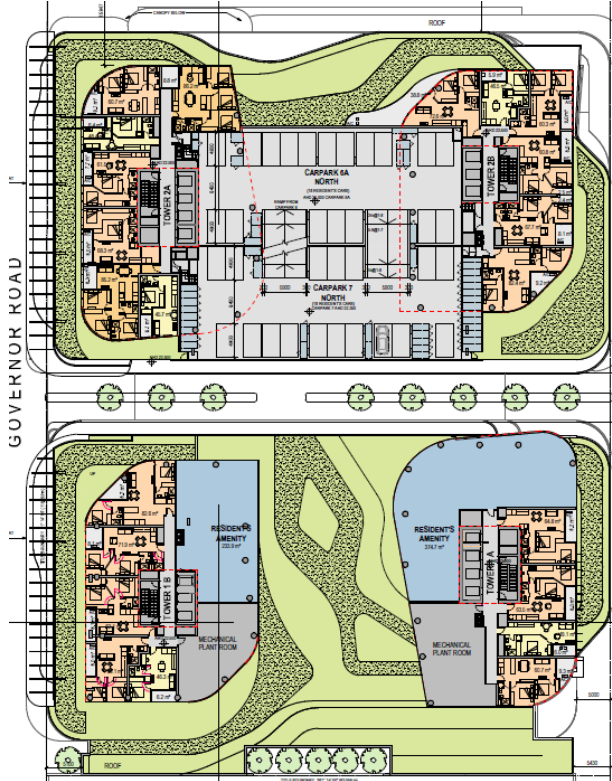
#### **Drawings**

##### **Landscaped podium areas:**

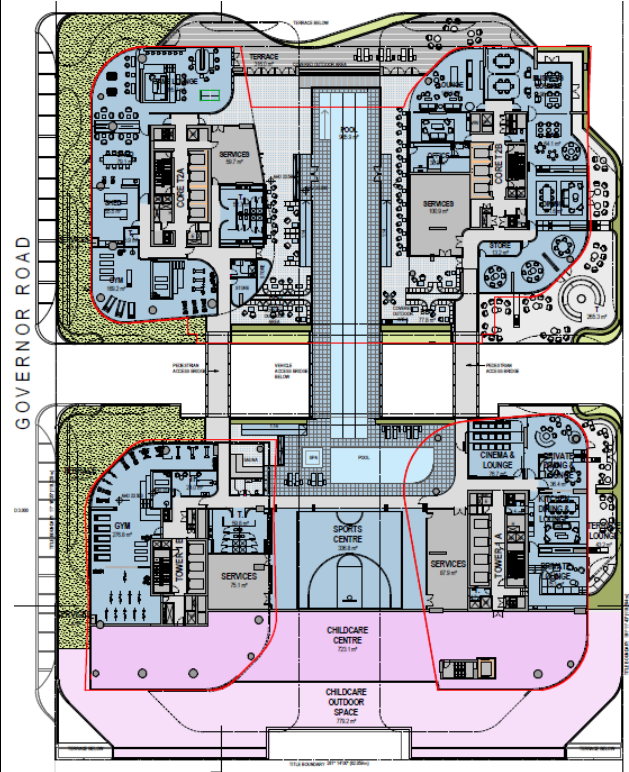
*The changes proposed to the development would see a drastic reduction in landscaping of the podium levels. The approved scheme indicates that the entire podium top-levels are to be landscaped as noted on Level 6 and 7 floor plans, however the proposed plans only indicate a small portion of this.*

*Landscaping offers the potential of increasing urban greening, animal habitat, biodiversity, mitigation of Urban Heat Island Effect, stormwater detention, stormwater treatment, as well as providing biophilic benefits for the building occupants. The Sustainability Statement is silent on the general impact of the proposed changes, and the corresponding specific impact on stormwater management.*

*The changes proposed are not supported without these elements being adequately addressed.*



**Former proposal – significant green areas, including the next level over.**



**Current proposal – shows a substantially reduced landscaped area with no greening shown on the level over.**

**Sustainability Statement**

**NatHERS:**

On the first page of the Sustainability Statement it is noted that the proposed changes will: “comply with or exceed the standards within the previously endorsed SMP and planning permit requirements”, however the text then goes on to ‘commit’ to the bare legal minimum rating of six stars. A minimum 6 star commitment is already made in the Executive Summary of the SMP, and page 8 notes “Where practical, improvements upon this standard shall be pursued”.

Further to this, the Energy section of Green Star has as a Conditional Requirement: “... the average thermal performance of the dwellings must be improved by 10% compared to the regulated thermal performance standard in the relevant jurisdiction.” This therefore requires a minimum of a 6.6 star average rating.

Endorsing the Statement could be seen to lower standards and is not supported.

**Non-residential areas – Section J requirements:**

The Sustainability Statement notes that the non-residential area will meet the legal minimums prescribed by Section J in the Building Code. SDAPP is concerned with raising standards, not legal minima. Minimum legal building code requirements are the concern of building certifiers and should not be within planning documentation.





*Endorsing the Statement could be seen to lower the standard endorsed, and is thus not supported.*

**Lighting:**

*There has been rapid development of lighting technology in recent years with much of this being LED. The running cost of LED is seen to be the lowest due to lower energy demand, however this Sustainability Statement proposes to provide the older CFL lamps in carparks.*

*There appears little reason to endorse a document that would replace the existing endorsed SMP which notes on page 8 “Energy efficient lighting selections (compact fluorescent, T5 and or LED)”*

**Stormwater Objective 7.1:**

*The Sustainability Statement notes that the stormwater detention requirements were applied in an amended planning permit of 22/2/18. Significant changes to the podium green areas appear to be proposed, however the application is silent on how this affects stormwater detention capacity.*

*The Statement proposes that details to indicate how this requirement will be met, will be provided in the future, however details are sought for review as part of consideration of the changes proposed.*

**Stormwater Objective 7.2:**

*The Sustainability Statement notes: “... that the landscaped and terrace areas at podium levels have been discounted from the roof catchment area”, however all podium areas are required to be captured unless landscaped areas can demonstrate an engineered catchment volume.*

*Further detail is required to indicate how this condition will be met. This has not be provided, nor a Site Layout Plan which clearly indicates the various catchment zones and their area, with descriptions of the proposed stormwater treatment option for each. Note that this would need to include the intra-podia bridges.*

**Stormwater modelling** – A STORM assessment has been used within the SMP, however the above stormwater management Objectives impact this assessment. Council’s WSUD Compliance Guidelines note that STORM is only suitable for simple projects with a maximum of 1000m<sup>2</sup>. This site is 10 times this size. Page 17 of the SMP notes a MUSIC assessment will be completed in the future.

Modelling - MUSIC modelling is sought to demonstrate conformance with Melbourne Water’s MUSIC modelling guidelines ([www.melbournewater.com.au/sites/default/files/2018-02/Music-tool-guidelines-2018.pdf](http://www.melbournewater.com.au/sites/default/files/2018-02/Music-tool-guidelines-2018.pdf)). Provide evidence of modelling inputs, in the form of an electronic file for MUSIC stormwater modelling ('.sqz' format) for assessment.

**Endorsed SMP**

**Highlight sections** – The Sustainability Statement has appended to it a copy of the endorsed Sustainable Management Plan with segments of text highlight.

*There is no comment provided to address the items that are highlight, and the items noted in the Sustainability Statement do not have a clear correlation with the highlight text. Significant further detail is required.*



**Green Star commitment** – The Executive Summary notes of the endorsed SMP: “...the developments commitment to ESD is informed via a ‘best practice’ design intent with supporting guidance from both City of Port Phillip SDAPP and property industry design tools such as Green Star Multi-unit Residential V1.” However no point tally was provided in the Green Star Benchmark Study (page 14) to calibrate the credits nominated with the minimum Green Star rating. Insufficient detail and clarity has been provided for the proposed changes. Should this be adequately addressed in the future, it is recommended that any amended permit be accompanied by a condition that requires the applicant to provide a report before occupation of the building that:

*clearly summarises the nominated initiatives that have been realised, with these initiatives tubulised against the Green Star credit strategy provided*

*provide a point tally against the same table indicating that the base Green Star benchmark level has been met or exceeded*

**Non-potable water** – Greater clarity is required on the conditions that were said to be part of an amended permit issued earlier this year. Stormwater and third pipe would generally be expected for far greater than the 45 toilets noted in SMP. This text is highlight, with no clear replacement text offered. The development is proposed in an area nominated to be provided with a future third pipe connection.

*The applicant is strongly encouraged to consider a proposal that is third-pipe ready for non-potable water uses through-out the development. This would include: toilet flushing, fire services, irrigation, laundry and cooling.*

#### **Planners Comment**

Sustainable Design and Water Sensitive Urban Design is discussed at Section 11.5 of this report

#### **Waste Management**

- *Waste and recycling estimates are accurate.*
- *Residential and commercial bin rooms need to be separate. It is currently difficult to tell where the commercial bins are being stored (unless I’ve missed something) because the bins within each room currently don’t meet that stated on the WMP (including spare bins).*
- *Additionally, the bin room layout/collection is different from that of the sweep path diagrams provided within the WMP and therefore difficult to assess.*
- *While bin rooms are being re-worked, seeking to reduce recycling collection frequency for Tower 2A residential recycling is recommended to improve traffic amenity. I understand this is a large development and up to 5 times a week recycling collections will be required due to challenges in compacting recycled material, but collections should be an upper limit of five if possible instead of daily.*
- *Is the specified height of 4.5m / 5m clearance for the waste collection vehicles specified on page 10 of WMP accurate? Most trucks meet 2.5m / 3m of a similar length, and the plans do not demonstrate a clearance height of 4.5m / 5m.*
- *Use of charity bins is strongly recommended for a development of this size.*



### Planners Comment

Waste Management is discussed at Section 11.9 of this report

#### 9.2 External referrals

The application was not required to be externally referred.

## 10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 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.

## 11. OFFICER'S ASSESSMENT

### 11.1 Staging of Development

The application proposes to stage the development, with the southern podium and towers to be developed first, followed by the northern podium and towers. The tallest tower of each podium would be constructed first for each of the two main stages. The existing amended permit already allows for the development to be staged. The original permit contained a condition (1i) requiring the final set of plans for endorsement to show;

*The staging of the development, if any, including the treatment of blank facades and the use of vacant land.*

This condition was deleted from the amended permit. While the sequence of each stage was not specified for the previous permit amendment, the condition was not considered necessary because both the northern and southern portions of the development were considered to appear acceptable from all aspects, with no potential blank facades, therefore providing an acceptable outcome regardless of which stage is constructed first.

The proposed amended floor plans include clear notation of the two proposed stages, with a staging line shown along the southern edge of the northern podium. Therefore the plans are considered to include sufficient detail relating to the proposed staging and no additional permit conditions are recommended in this regard.

### 11.2 Amended Uses

#### Accommodation:

The approved development contains 22, two-storey home office units on the west side of both podiums on levels 1 - 4. The amendment proposes to delete home office units from the plans, with deletion of the term "home occupation" from the permit preamble.

The total number of dwellings is also proposed to be reduced by 250, from 1379 to 1129.



The approved development contains a mix of uses. However, the predominant use is residential. This would remain the case with the amended proposal. Therefore the proposed removal of 22 home-office units is not considered to have a strategic impact and this would not result in a significant change to the end product.

The reduction to the number of dwellings is welcomed as the apartment sizes on the proposed amended plans now comply with the size requirements of existing permit condition 1t) as follows;

*Modifications to the floor plans as follows:*

- i. Minimum living room dimension of no less than 3.5 metres width for each dwelling;*
- ii. All bedroom windows to have direct access to light with any light corridor achieving a ratio of no less than 2:1, with the calculation to be inclusive of any balcony.*

The proposed reduction in apartment numbers provides improved internal amenity and is therefore considered to be an improvement to the plans.

Office:

The amended plans would introduce 7,587m<sup>2</sup> office floor space, on the west side of both podiums on levels 1 - 5. Each podium would contain a ground floor office lobby. This is considered to be appropriate for a mixed-use development at this scale and in this location. The site is located within the Sandridge precinct of the FBURA, which is envisioned to become;

*“One of Melbourne’s premium office and commercial centres, balanced with diverse housing and retail,”*

as designated within the Fishermans Bend Framework, September 2018 (the Framework).

Retail:

The amount of retail floor space is proposed to be increased by 863m<sup>2</sup>, from 1,744m<sup>2</sup> to 2,607m<sup>2</sup>. The additional retail space is located at ground floor level in the centre of the northern podium, in place of car parking and residential storage units that were in this location on the previously approved plans. The proposed amended plans do not include any car parking at ground floor level in the northern podium as vehicle access is now proposed to be solely via the southern podium (parking in the northern podium is proposed at basement level and on levels 1 to 5 of the podium).

The proposed additional retail space would add a 1523m<sup>2</sup> tenancy to the core of the northern podium. This is not supported as it would introduce a significant change to the nature of the retail spaces. The approved plans include multiple small-scale retail units ranging from 39m<sup>2</sup> to 252m<sup>2</sup>, located around the edges of the two podiums. The smaller tenancies would likely accommodate cafes and small shops. However, a larger retail unit that could accommodate a supermarket for example, is not considered appropriate as the land is not the core area of the Sandridge Precinct.



The Framework) designates Fennel and Plummer Street as the civic spine for the Sandridge precinct. The Activity Cores map at Figure 11 of the Framework identifies the subject site as being for mixed use medium to high intensity, for non-core activity.

The Fishermans Bend Urban Renewal Area Policy at Clause 22.15 seeks to direct the provision of employment floor area to the core area of each precinct in FBURA. Table 1 of Clause 22.15-4.1 requires a minimum plot ratio of 3.7:1 for employment uses in the Sandridge precinct. Therefore the proposed additional 1,523m<sup>2</sup> retail unit would undermine the intent of the Framework and Clause 22.15.

The original permit included a supermarket in the permitted uses contained in the permit preamble. The previous application to amend the planning permit sought to delete the supermarket use, which Council supported as noted in the report to Council's Statutory Planning Committee, 20 September 2016, for the same reasons given above, namely that the site is not in a strategically appropriate location for provision of large retail premises.

#### Child Care Centre:

The proposed amended plans introduce a child care centre on level 6 of the southern podium, with an indoor area of 723m<sup>2</sup>, an external area of 779m<sup>2</sup> and a proposed capacity of 110 children. The centre would be accessed from Johnson Street via a separate lobby provided in the south-eastern corner of the development.

The previously approved plans included a retail unit in the ground floor location where the childcare lobby is now proposed. Level 6 on the previously approved plans included mechanical plant rooms, apartments and some landscaped external space in the location where the childcare centre is now proposed. The proposed amended plans are considered to provide an improved use of space at the top of the southern podium as the mechanical plant rooms have been removed and the space would contain both the child care centre and improved communal residential facilities (discussed in greater detail below). Therefore the inclusion of a privately run childcare centre as shown on the proposed amended plans is considered to be acceptable and appropriate to the mix of uses in this development.

The above conclusion is subject to wind conditions for the external area of the proposed childcare centre being demonstrated as appropriate and comfortable for outdoor play. The submitted Wind Tunnel Assessment (MEL Consultants, November 2017) provides extensive results for modelled wind conditions measured in the public realm and on other sites directly surrounding the application site. However, no measurement of podium-level wind conditions have been provided for the external space. The report designates recorded wind conditions into categories such as stationary criteria for long and short term exposure, and walking criteria etc. It is considered to be reasonable to require that wind conditions for the proposed external area of the childcare centre along the southern edge of the south podium achieve long-term stationary criteria, given that children and staff at the centre would spend prolonged time playing in the external space. A recommended amendment to Condition 20 (Wind Tunnel Test Report) is provided in the Recommendation section of this report.

### 11.3 Key changes to plans

The key changes are:



- Introduction of a two level basement to each podium.
- Creation of a bridge between the two podiums on levels 1 to 6.
- Changes to communal residential facilities on level 6.
- Amended apartment layouts.

#### Basement levels:

The approved development included a small lower ground level to each podium containing bicycle storage and bin storage areas. By contrast, the proposed amended plans include two full basement levels across the entire site, including beneath the through-block link, containing car and bicycle parking, bin storage, residential storage and some building services. Vehicle access is proposed to be solely via the southern podium, with ramps to both the basement and upper podium levels.

The proposed basement would not result in any change to the building height or external appearance. Bicycle parking would be contained on level B1, which can be accessed either via lift or via the car park ramps. Bicycle parking in the approved development is located at lower ground level and only accessible via lift. Therefore the proposed amended configuration provides a slight improvement for bicycle users.

#### Podium bridges:

The proposed amended plans show bridge structures connecting car park levels 1 – 5 of the podium, that are wide enough for two vehicles to pass in either direction. All parking on levels 1 – 5 of the northern podium would be accessed via a bridge from the southern podium, with the ramps between each level contained only in the southern podium.

In addition to the car bridges, the top of the podium at level 6 would contain a long lap pool as part of the residential communal amenities which connects the two podiums via a central bridge. This level would also contain two pedestrian bridges connecting the residential amenities on top of both podiums.

The car bridges and lap pool are supported because they would be setback from Johnson Street and Governor Road and the through-block link would still be largely open to the sky due to the relatively narrow width of the bridges. The two podiums would still appear as two separate building masses with lightweight connection between them.

The plans do not clearly detail the proposed external material for the car parking levels on the internal elevations. Consistent with Council's recommendation to the Department for the previous permit amendment, it is considered appropriate to require that the external car park material on both internal elevations of the podium be agreed via a permit condition. Careful selection of this material is considered to be important to avoid dull, blank facades and to enhance visual interest.

#### Changes to residential facilities

The approved development contained four separate internal areas of residents' amenities with some external space provided on top of the podiums. The spaces are located on levels 6 and 7 with a total residential amenity area of 1,426m<sup>2</sup>.

The proposed amended plans provide a major increase to residential communal amenity of 4,367m<sup>2</sup> in total, mostly provided on level 6, with two spaces provided within the towers on level 37 (Tower 2A) and on level 39 (Tower 1A).



The internal space includes lounges, dining spaces, cinemas, gyms, a pool and a sports centre. Two external landscaped terraces and three external seated terraces are also proposed. Two pedestrian bridges and the pool bridge would connect the two podiums. Overall the spaces are well configured and the connection of the two podium-top levels via bridges makes all of the facilities easily accessible for all occupants. The type and configuration of residential amenity space is therefore considered to be significantly improved compared to the approved development.

While the improved residential facilities are considered to be worthy of support, the amendment to plans would unfortunately result in complete loss of the previously approved podium-top green landscaping on levels 6 and 7. As noted in referral comments from Council's Sustainable Design Advisor, this landscaping significantly contributed to stormwater treatment and reduction of urban heat island affect (UHI), both objectives still being critical to the delivery of all development in the FBURA. Therefore, an additional permit condition is recommended to incorporate extensive green landscaping to other aspects of the development. Opportunities exist to provide this above podium level and on tower-tops. The proposed additional condition would be non-prescriptive as to the locations of the green landscaping, in order to enable the project team to come up with an innovative outcome that would produce at least the same level of benefit as that of the approved development in relation to stormwater treatment and UHI reduction.

The proposed amendments to communal facilities also result in an increase to the amount of enclosed internal space on level 6. The increased building envelope on this level has been considered in relation to the requirements of Schedule 32 to the Design and Development Overlay (DDO32). DDO32 states that the requirements of the schedule do not apply to applications to amend a planning permit granted before the approval date of Amendment GC81, except where the proposed amendment would increase non-compliance with DDO32. The proposed additional enclosed space on level 6 would be compliant with the setbacks from site boundaries required by DDO32. However, external canopies proposed on the east and west sides of each podium would not comply with the DDO32 minimum required setback above the street wall of 10m for buildings over 20 storeys high, as set out in Table 4 of Clause 2.8. DDO32 states that a *permit cannot be granted* to vary a requirement of the schedule expressed with the term "must". Therefore the proposed level 6 canopies are not permitted and must be deleted from the plans. It is noted that the required setback applies to "*any part of the building above the Maximum street wall height*", with no exemption for architectural features.

#### Amended apartment layouts

Condition 1t) of the permit requires a minimum living room width of 3.5 metres and a minimum light corridor ratio of 2:1 for bedrooms. The apartments on the proposed amended plans have been designed to comply with this condition. As a result of compliance with condition 1t and other proposed reconfigurations, the total number of apartments would be reduced by 250, from 1,379 to 1,129 in total. The apartments on the proposed amended plans are considered to provide improved internal amenity including better natural daylight access, compared with the previous version of plans.

#### Other changes

The proposed plans include a red line which indicates the outline of the approved development. The proposed amendments include minor changes to the building outline. However, the key elements of the built form envelope would be unchanged,



namely building heights and setbacks, with the exception of the proposed inter-podium bridges and the two basement levels

The proposed ground floor plan shows the greatest amount of change to the building envelope, which has been partially extended towards the street on the east and west sides. This is considered to be acceptable as it would increase the development's consistency with the current built form controls, particularly the Design and Development Overlay (Schedule 32), which seeks to provide street walls of four to six storeys.

The level 6 plan is also notably different, with an increase to the building envelope proposed to accommodate the childcare centre, a pool and a sports centre. There inter-podium bridges are proposed on level 6, two for pedestrians and one containing the swimming pool. The majority of the additional internal space proposed would be located between towers on top of both podiums, with the exception of the bridges.

The tower levels include very minor variations to the curvature of towers 1B and 2B, resulting in a slight reduction to the tower floor area.

Overall the minor changes to the building envelope are considered to be acceptable and would not introduce any additional non-compliance with the current built form controls specified in the Design and Development Overlay (DDO32).

#### 11.4 Proposed Changes to Conditions

The applicant has submitted a draft amended permit, which proposes multiple amendments to permit conditions, as discussed below:

- Condition 2, Landscape and Public Realm, amended to require an updated landscape plan to be approved before landscaping commences, instead of prior to commencement of development.

This is considered to be acceptable as updates to the landscape plan would not affect other aspects of the development. An additional amendment to this condition is proposed to address the reduced green landscaping on levels 6 and 7 resulting from proposed changes to communal residential facilities.

- Amendments to condition 1 (Amended Plans), 19 (Melbourne Water storm water connection application), 20 (Amended Wind Report), 21 (Noise Attenuation), 23 (Development Contribution), 25 (Waste Management), 48 (Contaminated Land), to allow demolition, site excavation, site preparation and any works required by the Auditor to occur before these conditions are discharged.

Currently these conditions all require the respective details to be provided and approved prior to commencement of development. As demolition, excavation etc. are all classed as "development" these actions cannot currently occur before these conditions are discharged. The proposed amended wording would allow detailed environmental investigations and any associated remediation works to be undertaken prior to the final set of plans being endorsed. The ability to do this while the often lengthy process of finalising endorsed plans is taking place is considered to be reasonable. It is noted that Melbourne Water would have to consent to the proposed amendment of condition 19.





- Condition 22, Construction Management Plan, to be amended to require submission and approval of a Construction Management Plan CMP for each stage of development.

The current wording requires submission of one CMP for the entire development. An amendment to allow one CMP per stage is considered to be acceptable

#### 11.5 Sustainable Design and Water Sensitive Urban Design

Condition 24 of the existing permit requires the recommendations contained within the approved Sustainability Management Plan to be implemented to the satisfaction of the RA prior to occupation of the building. This application to amend the permit included a Sustainability Statement, which proposes to change the recommended approach in relation to Energy Efficiency and Stormwater Management. All other aspects of the environmentally sustainable design would remain as per the recommendations in the SMP referred to in the existing permit condition. This SMP is appended to the submitted Sustainability Statement. Therefore the Sustainability Statement could be considered as an addendum to the approved SMP.

Council's Sustainable Design Advisor has reviewed the Sustainability Statement and found that the proposed amended approach to energy efficiency and storm water management would not provide any improvement to the outcome relative to the recommendations in the approved SMP. Additionally, these recommendations would at best ensure that the development meets the mandatory minimum standards under the National Construction Code for energy efficiency. Therefore the recommendations in the proposed Sustainability Statement are not supported as they are not sufficient to meet the overarching sustainability goals in the Framework, in particular no. 5, "A water sensitive community", and no. 7 "A low carbon community".

Council's Sustainable Design Advisor notes;

*As one of the largest developments in the City, covering the two city-blocks, and containing four individual towers, the level of detail and clarity is inappropriate.*

On this basis an improved outcome is sought, via a recommendation to amend the wording of Condition 24 (Environmentally Sustainable Development (ESD)) to require a comprehensive, pre-occupancy report that demonstrates implementation of the ESD initiatives.

In addition to the outstanding issues in the Sustainability Statement, Council's Sustainable Design Advisor also notes that the proposed amendments to plans would significantly reduce the amount of green, landscaped surface area on levels 6 and 7, due to the proposed increase to the communal residential amenity area. This matter is not referred to in the submitted Sustainability Statement. The extensive green, landscaped areas on the approved plans provide storm water treatment opportunities and reduce urban heat island affect and should be retained. However, the proposed enhanced residential amenities are considered to be a positive change to the development.

Therefore, in order to ensure that the storm water management and urban heat island reduction features of this development aren't diminished, a condition is recommended to require the introduction of green walls and roofs elsewhere on the plans, to provide an equal or greater extent of coverage.



### 11.6 Car Parking

The proposed amended plans contain 874 car spaces located within the five podium levels plus the two proposed basement levels.

The amendment application proposes to reduce the total number of dwellings and increase the retail floor space provision, as well as introducing two new uses; office and childcare. Therefore the residential rate should be assessed in relation to the existing permit requirements, which were established prior to the current parking rates set out in the Parking Overlay Schedule 1. Uses with a proposed increased floor area and proposed new uses should be assessed in relation to the current planning controls.

#### Residential car parking:

Amendment GC81 (gazetted October 2018) sets a maximum parking rate of 0.5 spaces per one and two-bedroom dwelling and 1 space per three-bedroom dwelling or larger in Schedule 1 to the Parking Overlay (PO1). These rates are also stated under Objective 1.6.1 of the Framework to “*Support long-term sustainable transport patterns*”, which sits under Sustainability Goal 1 for *A Connected and Liveable City*. Therefore PO1 would allow the following maximum residential parking provision:

One & two-bedroom dwellings =  $1046 \times 0.5 = 523$  spaces

Three-bedroom dwellings =  $83 \times 1 = 83$  spaces

Total maximum residential parking provision = 606 spaces

The amended plans provide 750 residential car parking spaces. Therefore a new permit trigger is introduced as a permit is required to exceed the maximum rate specified in the Parking Overlay.

The current permit was issued prior to this requirement and contains a condition (37) setting a car parking rate of 0.66 spaces per apartment, irrespective of the number of bedrooms.

The application to amend the permit does not state what the proposed parking allocation would be for one and two-bedroom apartments and three-bedroom apartments. A total of 750 residential spaces are proposed. With 1,129 dwellings proposed on the amended plans, the provision of 750 spaces would comply with the 0.66 rate specified at Condition 37. This is considered to be appropriate as the application proposes to amend an existing permit that has a clear maximum parking rate set by permit condition. The proposed amendment does not seek to exceed this established rate.

#### Commercial car parking:

The Parking Overlay Schedule 1 sets a maximum parking rate of 1 space per 100m<sup>2</sup> for office and retail premises. One hundred (100) spaces are proposed for use by the retail and office uses at 2,607m<sup>2</sup> and 7,587m<sup>2</sup> respectively. This would result in a parking rate of 0.98 spaces per 100m<sup>2</sup>, which is therefore acceptable.

#### Child care centre:

24 spaces are proposed for the childcare centre. Pursuant to the Parking Overlay Schedule 1, a rate of 0.22 spaces per child applies as specified under column B of Table 1 to Clause 52.06. One hundred and ten (110) child places are proposed at the centre, which would result in a proposed car parking rate of 0.21. This is therefore considered to be acceptable.



Details required on plans:

Council's Traffic Engineer has requested the following details to be provided on plans to be endorsed:

- All internal roadways to align with the City of Port Phillip Design and Technical Standards for Fishermans Bend.
- Clearance spaces between car park spaces and walls in accordance with Planning Scheme requirements.
- Width and length dimensions for each row of car parking.
- Length and width of DDA spaces.
- All ramp grades and lengths to demonstrate no scraping/ bottoming out.
- Minimum height clearance of 3.0m above ramps to align with the directions of the Strategic Framework Plan.
- Increased residential bicycle parking provision.
- At least 20% of bicycle parking to be horizontal, ground level spaces (not wall mounted).
- Provision of all non-visitor bicycle parking in one location within a secure compound on level B1 of each podium for improved security.
- Width, length and access aisle dimensions for bicycle parking in accordance with Australian Standards.
- Bicycle parking type specified.

The majority of the above items could be required by conditions. A ramp clearance height of 3 metres is not considered necessary as the car park levels within the podium each have a 3m clearance height, which would satisfy the objective of the Framework to ensure that parking levels are suitable for future adaptation to other uses.

The suggestion of locating bicycle parking in one central location within each podium for increased security could be difficult to implement in this case, as it would require extensive reconfigurations. It is noted that the approved development contained a central bicycle parking area within each podium, at lower-ground level, which was preferable. In addition to the issue of bicycle parking location, the amount of bicycle parking provided is considered to be extremely low for a development of this scale. The requirement for increased residential bicycle parking is discussed in detail at section 11.7 of this report.

In addition to the above requirements, the Traffic Engineer has also specified that loading operations occur only outside of commuter peak periods. This could be required by condition to be specified in the final versions of the Waste Management Plans for endorsement.

### 11.7 Bicycle Parking

399 spaces are proposed overall. The application states that this number exceeds the statutory minimum bicycle parking rates required at Clause 52.34 of the planning scheme, which is correct. Clause 52.34 requires 1 space per 5 dwellings in developments of four or more storeys, 1 space per 300m<sup>2</sup> for offices and retail premises.



This would result in a total minimum requirement of 226 residential spaces, 34 staff spaces and 126 visitor spaces pursuant to Clause 52.34. Therefore 386 bike spaces are required as the statutory minimum.

However, the provision of 13 spaces above the statutory minimum is considered to be too low for a major development in Fishermans Bend. Condition 1n) of the existing permit requires provision of one bicycle space per dwelling and condition 1p) requires at least one bike space per retail tenancy to be provided. The proposed amended plans seek to accommodate changes required by other conditions of the existing permit, such as apartment configuration. Therefore it is considered reasonable to expect the bicycle parking requirements to also be factored into the proposed amendments to plans.

Current strategic requirements for the FBURA clearly emphasise the need to enable a high frequency of trips by sustainable transport methods. Sustainability Goal 1 of the Fishermans Bend Framework, September 2018, seeks to “*Make Fishermans Bend an exceptional place to cycle*” (objective 1.3). The strategies listed thereunder require:

- Provision of one bicycle space for each dwelling and one space per 10 dwellings for visitors.
- Provision of one bicycle space per 50m<sup>2</sup> for workers and one space per 1000m<sup>2</sup> for visitors in non-residential areas.

While this is a proposed amendment to an old permit that was originally granted prior to current controls, the bias in favour of sustainable transport has been a consistent theme throughout the various iterations of policy for the FBURA.

Two change rooms for cyclists is provided in basement level 1 for occupants of the commercial facilities, adjacent to the lifts to the office lobbies.

#### 11.8 **Motorcycle Parking**

Eight motorcycle spaces would be provided. The Parking Overlay Schedule 1 requires 1 space per 100 car parking spaces. Therefore with a total of 874 car spaces proposed, the provision of 8 motorcycle spaces would comply with this minimum.

#### 11.9 **Waste Management**

Council’s Waste Management Officer raised a number of queries in relation to the submitted Commercial and Residential Waste Management Plans (WMPs), which are summarised and addressed below:

- Residential and commercial bin rooms should be separate - This is provided on the plans. Commercial bin storage is located at ground level, adjacent to the loading bays in each podium, separate to residential bin storage.
- Number of bins shown on plans do not match numbers stated in the WMPs - An additional four commercial bins are required to be shown on plans in the northern podium.
- Swept path diagram layout of loading areas in the WMP differs from proposed plan layout – The loading bay layouts on plans and in the WMPs appear the same. Access for waste collection vehicles has been assessed as acceptable by Council’s Traffic Engineer.



- Reduced recycling collection for tower 2A recommended to improve traffic amenity, with a maximum of five collections per week recommended – No reduction to traffic movements has been recommended by Council’s Traffic Engineer, who assessed traffic movements and trip generation as acceptable. However, Council’s Traffic Engineer has specified that access to loading bays should occur only outside of peak commuter periods.
- Plans do not specify a minimum loading bay clearance height of 4.5m (south podium) and 5m (north podium), which is noted in the WMP – The required clearance appears to be provided on the plans and the floor to floor heights allow for sufficient clearance to loading bays. However, the specific dimension isn’t noted on the plans.
- Inclusion of charity bins is recommended for a development of this scale – Should charity bins be provided, their location must be shown on the plans.

#### 11.10 Wind Tunnel Test Report

A Wind Tunnel Test Report was carried out for the proposed amended plans, with the key changes to the built form envelope being the introduction of bridges between the podium levels, increased internal area on level 6 at the podium top and minor variations to the external wave curvature of the towers 1B and 2B (these variations are minor, as demonstrated by the red line outlines on the tower levels of the proposed amended plans).

Wind tunnel testing was carried out for the entire development scenario (called the basic configuration in the report) and for the staged scenario of the southern portion only, not including street trees. Modelling of existing conditions was also provided for comparison. One location directly south of the subject site, within the electricity substation, is shown as having wind conditions “above walking comfort” for the staged configuration. Otherwise, wind conditions for all scenarios were found to be acceptable with conditions being “walking criteria” or better.

The staged scenario produced stronger wind conditions in some locations in the absence of the shielding effect of the northern portion of the development, but these were still within walking criteria. For the entire development (“basic configuration”) many of the wind test locations showed wind speeds meeting the “stationary criteria”.

Therefore, once the entire development is constructed, wind conditions will be acceptable. However, wind conditions should also be acceptable for the staged scenario. Gusts above the walking comfort criteria are not considered to be acceptable. Therefore the proposal should be amended to ensure that all wind impacts are within the comfortable for walking range. Specifically, the southern portion of the development should be amended so that wind conditions at Test Location 46 (at the substation) are improved to at least walking comfort.

An amendment to condition 20 (Wind Tunnel Test Report) is recommended to require the above, as set out in the recommendation section of this report. In addition to the proposed amended requirements for condition 20, it is also recommended the criterion b) of the existing condition be deleted, which requires;

- b) Confirm that the wind conditions comply with the standards set out in the Capital City Zone Schedule 1 of the Port Phillip Planning Scheme.*



The Capital City Zone Schedule 1 as amended by planning scheme amendment GC81 does not include any wind conditions standards. Therefore this part of the condition is no-longer considered relevant. Amendment GC81 introduced new wind conditions requirements to the Design and Development Overlay (Schedule 30) but these do not apply to amendments to existing permits provided that the proposed amendments do not increase existing, approved non-compliance with current DDO requirements (Clause 2.2 DDO32).

In summary, the wind tunnel test report submitted with this application (MEL Consultants, dated November 2017), demonstrates that acceptable wind conditions would be achieved, with the exception of one location which could be addressed by the recommended re-wording of condition 20.

#### 11.11 Fishermans Bend Framework September 2018 and GC81

Planning scheme amendment GC81 was gazetted on 5 October 2018, amending the planning controls for the FBURA and introducing the Fishermans Bend Framework, September 2018 as a reference document to the Port Phillip Planning Scheme. Collectively the Framework and the amended planning controls set a multitude of requirements for the FBURA, including height controls, density controls, affordable and social housing policy, environmentally sustainable design requirements, sustainable transport requirements and precinct plans for the sub-precincts (Montague, Sandridge and Wirraway).

In summary the following controls now apply to the subject site:

- Proposed open/ urban space and green link designated along the northern site boundary, connecting Johnson Street and Governor Road – As shown on the Public Transport map at Figure 4, the Green Links map at Figure 14 and the Infrastructure delivery in Sandridge map at Figure 19 of the Framework.
- Proposed public open space and new 22m wide road along the northern site boundary – As shown on the Road Network map at Figure 6, the Public space map at Figure 15 and the Infrastructure delivery in Sandridge map at Figure 19 of the Framework.
- Designation of hybrid (predominantly mid-rise) building typology, as part of sub-precinct S-5 – As shown on the Sub-precincts and building typologies map at Figure 8 of the Framework.
- Dwelling density of 218 dwellings per hectare – as shown on the Dwelling Density Ratios map at Figure 9 of the Framework.
- Building height limit of 81m (24 storeys) – As shown on the Building Heights map at Figure 10 of the Framework
- Medium / high intensity mixed-use. The site is not within the core activity area for Sandridge. The northern edge of the site is designated for a secondary active frontage – As shown on the Activity cores map at Figure 11 of the Framework.
- The site is located within an investigation area for a sports and recreation hub – As shown on the Community facilities and services map at Figure 13 of the Framework.



- The existing warehouse building located on the south side of the site is designated as “Recommended for heritage investigation” – As shown on the Celebrating heritage map at Figure 16.
- New laneway located along the southern site boundary – As shown on the Infrastructure delivery in Sandridge map at Figure 19 of the Framework.

This application proposes an amendment to an existing permit. Therefore this assessment is limited to the changes only. Elements of the development that are not proposed to be amended cannot be reconsidered against the latest planning controls.

## 12. COVENANTS

- 12.1 The applicant has completed a declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Crown Allotments 6A, 11 and 12 Section 104 City of South Melbourne Parish of Melbourne South.

## 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 Council advise the Department of Environment, Land, Water and Planning (the Department) that it supports the amended permit preamble.
- 14.2 Council advise the Department that it supports the amended plans subject to additional permit conditions and amendments to existing permit conditions..
- 14.3 Council advise the Department that it does not support the amended plans, permit preamble and conditions.

## 15. CONCLUSION

- 15.1 The majority of the proposed amendments are considered to enhance the outcome, particularly the inclusion of childcare and office uses, the improved residential communal facilities and the construction of bridges between podiums to enhance connection for occupants.
- 15.2 The inclusion of a large format retail tenancy is not supported as it would not align with the strategic vision for the Sandridge precinct to direct key retail space along the civic spine of Plummer Street and Fennel Street, which forms the core area of Sandridge.
- 15.3 The reduction of bicycle parking provision to less than one space per dwelling and less than one space per retail tenancy is also not supported as it is considered to diminish the sustainable transport requirements of the existing permit and is at odds with the clear strategic vision for the entire FBURA to deliver a high frequency of trips by sustainable transport means.



- 15.4 Other items are considered to be appropriately dealt with via amended permit conditions such as the inclusion of green walls and roofs on the amended plans prior to endorsement, in order to offset the reduction of podium-top landscaping resulting from the improved communal residential amenity layout.
- 15.5 The proposed amended development is considered to be worthy of support as it would provide an improved outcome compared to the current permit approval, subject to conditions as set out in the recommendation section of this report.

1.

- TRIM FILE NO:** PF18/17503
- ATTACHMENTS**
1. Site Plan
  2. s72 Title Documents
  3. s72 Proposed staging plan
  4. s72 Application Plans
  5. Current permit
  6. Approved plans