



6.2

245 - 251 NORMANBY ROAD, SOUTH MELBOURNE

LOCATION/ADDRESS:

245 - 251 NORMANBY ROAD, SOUTH MELBOURNE

RESPONSIBLE MANAGER:

GEORGE BORG, MANAGER CITY DEVELOPMENT

AUTHOR:

HELEN PRITCHARD, URBAN PLANNER

TRIM FILE NO.:

MINRA0013/2015

ATTACHMENTS:

- 1. 245 - 251 Normanby Road - Location Plan**
- 2. Architectural Drawings and Urban Context Report - pages 1 to 20**
- 3. Architectural Drawings and Urban Context Report - pages 21 to 40**
- 4. Architectural Drawings and Urban Context Report - pages 41 to 58**
- 5. 245 - 251 Normanby Road - Draft Conditions**

WARD:

Emerald Hill

TRIGGER FOR DETERMINATION BY COMMITTEE:

Development and use of a dwelling in the Capital City Zone

APPLICATION NO:

MINRA0013/2015

APPLICANT:

BEG Developments

EXISTING USE:

Panel beaters & wholesale warehouse

ABUTTING USES:

Oxford University Press and wholesale warehouse

ZONING:

Capital City Zone

OVERLAYS:

**Parking Overlay (PO1)
Development Contributions Plan Overlay (DCPO1)
Special Building Overlay (SBO2)**

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL

Expired

PROPOSAL

Demolish existing buildings, construct a 40 storey building containing retail use on the ground floor and 536 dwellings.

I. EXECUTIVE SUMMARY

- I.1** The application proposes demolition of the existing building on the land and construction of a 41 storey high tower with a five storey podium, containing three ground floor retail spaces, a through-block link (laneway) and 536 dwellings above with associated car and bicycle parking and building services.



- 1.2 The subject site is located in the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 1.3 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 as the proposal is for a building greater than 4 storeys high and use and development of more than 60 dwellings.
- 1.4 The Minister has provided Council with the opportunity to comment on the application, which can be used by the Minister and his department in their assessment of the proposal.
- 1.5 Council's advice is provided on an informal basis as the Capital City Zone (CCZI) exempts most applications from notice and review.
- 1.6 The subject site is in a mandatory 40 storey maximum height area pursuant to interim mandatory height controls introduced in April 2015 for two years while a review of the precinct was carried out.
- 1.7 The proposal was internally referred and officers have raised concerns including building height, front and rear tower setbacks, location of the proposed laneway, projections beyond title boundaries, dwelling and balcony size, lack of social housing or affordable housing and poor environmentally sustainable design outcomes, as well as a number of minor matters.
- 1.8 Not only would the building as proposed exceed the maximum mandatory height limit of 40 storeys but the front and rear tower setbacks are significantly less than the preferred ten metre setback sought by the Fishermans Bend Strategic Framework Plan (FBSFP). The location of the proposed laneway connecting Normanby Road to Woodgate Street diverges from the location sought in the FBSFP and the location proposed would not contribute to the bigger-picture strategy for street connectivity in the Montague Precinct.
- 1.9 The proposed development is therefore not considered to provide an appropriate response to the design guidance in the FBSFP and the variety of concerns raised in this report would result in a proposal that does not provide high quality living space for all occupants.
- 1.10 It is recommended that Council advise the Minister that it does not support the application as proposed.

KEY ISSUES

- 1. Tower height and setbacks
- 2. Projection over crown land
- 3. Location of laneway
- 4. Dwelling and balcony size
- 5. No social or affordable housing
- 6. Poor environmentally sustainable design response including stormwater management



2. RELEVANT BACKGROUND

There is no relevant history or background for this application.

3. PROPOSAL

- 3.1 The proposed development would consist of a 41 storey residential tower containing three retail tenancies on the ground floor and 536 apartments. The podium would be 5 storeys high, containing building services, car parking, bicycle parking and residential storage. The proposal includes a laneway on the eastern side of the site that would connect Normanby Road and Woodgate Street.
- 3.2 More particularly the proposal comprises:
- 3.3 Ground floor level: Three retail tenancies measuring 385m² in total, two residential lobbies (one facing each street), 267 bicycle parking spaces, building services including substation, switch room, metres, fire control room, fire pumps and waste storage rooms, a vehicle access ramp from Woodgate Street to two loading bays and a second vehicle access ramp from Woodgate Street to podium level car parking. A laneway is proposed on the eastern side of the site.
- 3.4 Level 01: 43 car parking spaces, 40 residential stores, 15 bicycle parking spaces, 4 motorcycle parking spaces, two 2-bedroom apartments and two 3-bedroom apartments.
- 3.5 Level 02: 51 car parking spaces, 40 residential stores, 15 bicycle parking spaces, four 1-bedroom apartments and two 2-bedroom apartments.
- 3.6 Level 03: 51 car parking spaces, 40 residential stores, 15 bicycle parking spaces, four 1-bedroom apartments and two 2-bedroom apartments.
- 3.7 Level 04: 50 car parking spaces, 40 residential stores, 15 bicycle parking spaces, one 2-bedroom split level apartment and one 3-bedroom split level apartment on the south side of the building and a communal residential recreation space on the north side of the building measuring 204m², consisting of four dining rooms/meeting rooms and one lounge.
- 3.8 Level 05: Top of podium. Containing three 1-bedroom apartments, four 2-bedroom apartments and communal residential facilities (measuring approximately 730m²) including a lap pool, cinema, gym, a dining room and a club lounge and a large external terrace.
- 3.9 Levels 6 – 24: Tower containing six 1-bedroom apartments and eight 2-bedroom apartments.
- 3.10 Levels 25 & 26: Four 1-bedroom apartments, nine 2-bedroom apartments and a communal lounge “sky bar” measuring 95m².
- 3.11 Levels 27 – 29: Six 1-bedroom apartments and eight 2-bedroom apartments.



- 3.12 Levels 30 - 40: Five 1-bedroom apartments, eight 2-bedroom apartments and one 3-bedroom apartments.
- 3.13 Roof level: External communal terrace measuring 516.5m² and a building services enclosure including a solar PV system.

3.14 **Development Summary**

	Retail m ²	Recreation m ²	1BR	2 BR	3 BR
Ground	194+120+71	-	-	-	-
Level 1	-	-	-	2	2
Level 2	-	-	4	2	-
Level 3	-	-	4	2	-
Level 4	-	204	2	-	1
Level 5	-	730	3	4	-
Levels 6 - 24	-	-	6	9	-
Levels 25 & 26	-	95	4	9	-
Levels 27 - 29	-	-	6	9	-
Levels 30 - 40	-	-	5	8	1
Roof	-	519.5	-	-	-
Total	385m ²	1643.5m ²	208	314	14

- 3.15 **Setbacks**
- 3.16 Podium
- 3.17 Normanby Road (north-west) boundary:
 - 0.6m – 12.2m at ground floor level



- 0 – 2.6m at levels 1 – 5 with boundary overhangs of up to 1.9m
- 3.18 Woodgate Street (south-east) boundary:
- 3.3m - 13.2m at ground floor level
 - 0 – 3m at levels 1 – 5 with boundary overhangs of up to 2m
- 3.19 North-east side boundary:
- 3.2m – 4m at ground floor level
 - 2.5m at level 1
 - 1.8m at level 2
 - 1.3m at level 3
 - 1.8m at level 4
 - 2.4m at level 5
- 3.20 South-west side boundary:
- Zero setbacks levels 1 – 5
- 3.21 Tower
- 3.22 Normanby Road (north-west) boundary:
- 3.6m – 5.6m
- 3.23 Woodgate Street (south-east) boundary:
- 6.5m – 8.9m
- 3.24 North-east side boundary:
- 8m – 10m
- 3.25 South-west side boundary:
- 8m – 10m
- 3.26 **Heights**
- 25.5m [27.2 AHD] to the top of the podium



- 134.7m [136.7 AHD] to the top of the tower (roof level), 136.2m [138.2 AHD] to the top of the roof plant screen, 136.9m [138.9 AHD] to the top of the lift overrun.

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the south-east side of Normanby Road, between Montague Street to the north-east and Boundary Street to the south-west. Woodgate Street abuts the rear site boundary.
- 4.2 The site is located within the Montague Precinct of the Fishermans Bend Strategic Framework Plan (FBSFP). A maximum mandatory height limit of 40 metres applies to this site (Area A6).
- 4.3 The site is regular in shape and measures 2640m². The land currently contains two double storey warehouses that are constructed to all site boundaries except for a front setback 15 of metres from the Normanby Road boundary containing hard standing for car parking.
- 4.4 There are two existing vehicle crossovers from Normanby Road to the subject site. There is a nature strip containing a mature tree adjacent to the Normanby Road site frontage.
- 4.5 There are also two vehicle crossovers from the subject site to Woodgate Street.
- 4.6 The adjacent site to the north-east contains a two storey warehouse that abuts the site boundary and the adjacent site to the south-west contains the Oxford University Press which is setback from the subject site boundary by approximately 17 metres. A car parking area for the Oxford University Press directly abuts the south-western side boundary of the subject site.
- 4.7 This section of Normanby Road, between Boundary Street/ Johnston Street and Montague Street, generally contains double storey warehouse buildings with car parking in the front setback, with the exception of the five storey Access Self Storage warehouse building on the corner of Montague Street and Normanby Road.
- 4.8 To the south of the site, Woodgate Street generally contains the rear of warehouse buildings located on Normanby Road with no street setback on the north side, with a landscaped buffer between the road and the light rail on the southern side of the street. There are a number of vehicle crossovers along the north side of the street.
- 4.9 Woodgate Street is a two way street with on-street car parking on both sides. The northern side of the street contains a footpath with some small street trees. There is no footpath on the south side of the street.

5. PERMIT TRIGGERS

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



Planning Scheme Provision	Planning Permit requirement
<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 use not in Section 1 or 3 of the Schedule to the zone, including Accommodation if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land abuts warehouse and industrial uses and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the 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 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>An application to</p> <ul style="list-style-type: none"> • Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop); • Construct a building or construct or carry out works; • Demolish or remove a building or works; or • Erect or construct or carry out works for an advertising sign; <p>is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1:</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p>



<p>Clause 45.06 Development Contributions Plan Overlay (DCPO2)</p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development. • The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. - A single dwelling on a lot - An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. - A sign. • The permit only allows the consolidation of land or boundary realignment. <p>A permit is required under this clause.</p>
<p>Clause 45.09 Parking Overlay (PO1)</p>	<p>Uses including Dwelling, Office, and Retail premises are listed in Schedule 1 to the Parking Overlay.</p> <p>The proposed parking provision for the dwellings, office and/or retail premises do not exceed the measures set out in the Overlay.</p> <p>A permit is not required under this clause.</p>
<p>Clause 52.10 Uses with Adverse Amenity Potential</p>	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met.</p> <p>A permit is required under this clause.</p>
<p>Clause 52.06 Car Parking</p>	<p>Car parking should meet the design requirements of Clause 52.06-8.</p> <p>A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p> <p>A permit is required under this clause.</p>
<p>Clause 52.07 Loading and Unloading Of Vehicles</p>	<p>A permit is required to waive or vary the loading bay requirements associated with buildings and works for the sale of goods.</p> <p>A permit is not required under this clause.</p>



<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> • Create or alter access to: • A road in a Road Zone, Category 1. • Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. <p>A permit is required under this clause.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A permit is required under this clause.</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for a development including 60 or more dwellings is required to be referred to Public Transport Victoria.</p>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State 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 21.04-8 Social Impact Assessments
- 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

6.2 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 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development

6.3 Other relevant provisions

- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.34 Bicycle Facilities
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys

7. REFERRALS

7.1 Internal referrals

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

Fire Safety:

According to Dekho, there is a dual head fire hydrant right outside this site in the nature strip – this is fantastic but numerous fire hydrants will need to be proposed within the site and within the building as well for building permit issue.

The design of this building will and should incorporate automatic fire sprinklers THROUGHOUT residential, retail and car parking spaces.

Due to the above, standard ‘pumper appliances’ will be required to attend site rather than aerial platform appliances which means less stringent on access as sprinklers should suppress fire to room of origin.

Minimum 3500mm road width required for these appliances which is easily achieved.

Access from all ends are provided and no dead-ends exist.

Waste Management:

The current WMP will require 20 waste and recycling truck movement per week in this area which will affect the amenity of the future residents in this location. I would recommend waste and recycling compaction units which would reduce collection truck movements to a minimum.

Table 2 of the WMP states 10 x 1100 waste and 10 x 1100 litre recycling and plans only have a total of 18 x 1100 litre bins, there is no room under the chutes on ground floor to house the extra 2 x 1100 litre bins.

I have concerns with the size of the truck stated in the WMP 2.2, as the truck has a 6.4 tonnes gross, all waste or recycling will not be able to be collected during one collection services, vehicles will be required to attend site multiple times during the day and there are 4 collections per



week. This is going to cause amenity issues with traffic and noise in the local area.

Property Services:

There appear to be some encroachments into the air space above Normanby Road and Woodgate Street. The air space is effectively part of the land in the roads. The roads are Crown land. The applicant should obtain permission from the Department of Environment, Land, Water and Planning.

Subdivision:

It is recommended that such a “laneway”, with development cantilevered above, and fancy paving should only be taken over by Council (as Road limited to height) if Council’s engineers are satisfied with the clearances and the construction details. If it is to be transferred to Council, it will need to be constructed to the relevant standard. It appears that at ground level, the lane changes widths. There also appears to be some architectural features protruding into the laneway which might be an issue if Council takes it over. Alternatively if the laneway was to be retained in common property, an easement for way in favour of Council should be required, probably with a 173 agreement to ensure it is maintained to a reasonable standard and remains open.

There are projections over the title boundary, which are not preferable, particularly if they form part of an apartment as ownership can’t be given. Most instances show planters or a small part of the balcony outside the title, but the apartments in the north western corners of Podium Levels 2 & 3 and the north eastern corners of Podium Levels 2,3 & 4 have their walls and a small part of the floor plan over the street alignment in addition to part of their balconies. Legally they will not be able to get title to those areas unless part of the roads are closed (again limited to height).

The allocation of car parks need to be clear. As there is a shortfall of car spaces, flexibility will be required for the subdivision. Therefore a section 173 agreement requirement to control future sale and use of car spaces might be better within the development permit – more certainty prior to sales.

Drainage Engineer:

This property is in SBO2 but Fishermans Bend finished floor levels are set by Melbourne Water at 3m AHD for the ground floor. A proposed plan shows a ground floor level of 2.4m AHD, which would only be acceptable if Melbourne Water approve this proposed level floor.

Stormwater management is to meet Objective 7.1 of the Fishermans Bend Strategic Framework Plan as part of Legal Point of Discharge and Stormwater approval for FBURA.

Streetscape and civil assets are to be reinstated as per existing alignment and follow council standard drawing. Please refer to FBURA landscape architect comment.

Community Health and Service Planning:

There is no proposed community infrastructure in this application. This development application is located out of the preferred areas for ‘mixed used development’ (based on the Fishermans Bend Community Infrastructure Plan draft). Therefore, Council does not encourage accommodating any community infrastructure in this development at this stage.

City Business:

One of the biggest strategic challenges facing the inner Melbourne region is the displacement of



commercial floor space and associated jobs by residential re-development.

The CBD is consolidating its position as the primary hub of knowledge jobs for Victoria. However surrounding inner city areas, including Port Phillip, are losing their traditional stock of knowledge jobs as space becomes less affordable and is ultimately converted/ redeveloped to residential uses.

Accordingly, land use and development proposals which maintain or increases the Councils quantum of space for knowledge workers should be strongly encouraged.

Transport Safety Engineering:

The following comments based on the current town planning drawings dated 23/03/2016 and TTM's report dated 6 April 2016:

- 1. Application plans must be updated to show existing street assets (crossovers, trees, etc). Existing street trees are located along Woodgate Street where the new crossover is proposed (proximity unknown) and therefore may require assessment by the Parks Services team.*
- 2. Existing crossovers (two each on Normanby Road and Woodgate Street) must be removed and reinstated to Council's satisfaction. New crossover must be constructed in accordance with Council's standard construction drawing SD4101.*
- 3. Typical car space dimensions shown and referenced in the TTM report comply with Clause 52.06 requirements.*
- 4. Loading bay dimensions shown do not comply with Clause 52.07 or AS2890.2 requirements. Height clearance in the loading area is unknown.*
- 5. Swept path diagrams in the TTM report must be updated to reflect the current application plan and road conditions. Swept path diagrams do not demonstrate satisfactory service vehicle access with respect to on-street parking and on-site loading bays.*
- 6. TTM report argues that additional traffic volumes generated by the development (in isolation) will have minimal impact to the road network. A wider strategic precinct assessment on the cumulative traffic impacts should be undertaken however acknowledge that this may be onerous to impose on a single developer.*

Other transport related matters:

New Laneway Link

- Design concept for the new laneway link should be simplified and relate to the Central City Laneway concepts current experienced with the Hoddle Grid.*
- Design concept should be revised and consolidated between Landscape Plans provided and architectural drawing set. Concern remains over the width of the ramp element and potential landscaped garden beds adjacent to the ramp. The ramp will be an important access way for bike riders and those with mobility constraints. Sufficient width should be provided for two-way movement simultaneously.*
- Laneway should be built to the City of Port Phillip Standards and handed over to Council at the completion of building works.*
- The laneway should align with the City of Port Phillip Design and Technical Standards for*



Fishermans Bend, which should be required by permit condition.

- *The laneway should remain open to the public 24:7, which should be required by a permit condition.*

Car Park Access & Layout

- *The combined vehicle access point on Woodgate Street is welcomed. Locating both loading access and car park access aligns with the design guidance provided in the Strategic Framework Plan.*
- *The eastern side of the podium car parking is not sleeved by active uses as directed within the Strategic Framework plan.*

Bicycle Parking

- *Applicant should include a number of bicycle hoops to cater for short term bicycle parking demand associated with visitors to both residents and retail/commercial facilities within their building forecourt areas, which should be required by a condition.*
- *Bicycle parking is proposed at approximately a rate of 0.67 parking spaces per dwelling. Whilst this exceeds the minimum requirements of the Port Phillip Planning Scheme it is still significantly less than the target rate of 1:1 within the Strategic Framework Plan.*
- *The location of bicycle parking at ground floor level aligns with the requirements of the Strategic Framework Plan.*
- *Dedicated access via the new laneway is welcomed for providing safe and direct connections to the bicycle parking.*

Loading Bay Access

- *Request that traffic consultants undertake swept path analysis with Medium Rigid Vehicle (8.80m long) with the proposed ground floor layout*
- *Current analysis included in TIA is for a different ground floor layout and does not show the entire manoeuvre.*

Cumulative Transport Impacts

- *The TIA has not taken a cumulative impacts assessment of traffic and people generated movements from the site to ensure that the wider road network and public transport network has sufficient capacity to meet the needs of this development and those planned/permitted on adjacent sites which will use Woodgate Street as the primary point of access.*

City Strategy:

Tower form

- *The tower exceeds the 40 storey mandatory height limit as the plans show 41 storeys.*
- *Tower design is relatively unimaginative - being basically rectangular in shape.*
- *The cumulative impacts of this tower plus other proposed towers along Normanby Road must be considered. A variation in height across the sites is desirable however it is understood that every owner wishes to maximise their yield. The concern is that this outcome will lead to a very uniform and uninteresting skyline. Further guidance is needed from the State Government on this issue.*



Separation distances

- *The tower is proposed to be set back a maximum of 10m from the side boundary at its widest. It is closer than 10m at the centre of the site, however this dimension is not scaled. It appears to be around 8m.*
- *Plans should show this dimension to enable accurate assessment.*
- *The SFP requires 20m between towers. Smaller separation distances are only supported with suitable justification. Further justification is required to support any reduced setbacks.*

Laneway

- *The ramp should be avoided if possible. (Noting it is required to address the SBO).*
- *The laneway needs to read as publicly accessible – an excessive gradient could affect this. A section should be provided to show gradient of the ramp and the differences in level with the existing footpath as well as the height of the roof.*
- *It is also unclear if this laneway will be open 24 hours or gated.*

Podium

- *The five level podium is supported and complies with the SFP.*
- *However the elevations show little design detail. Elevations showing more detail would enable better assessment of the podium. The elevations do not adequately illustrate the textures / design.*
- *The tower only achieves upper level setbacks of 3.6m - 5.6m from the street. A 10m upper level setback is required by the FBSFP. Not justification is provided why a less distance is proposed. It is also noted that 3.6m setback is substantially less than the 10m required by the FBSFP and is not supported.*
- *Sleeving of car parking is supported – however the resulting dwellings are very narrow in depth. (They are not dimensioned but appear no more than 5m at their widest.)*

Housing diversity

- *Dwellings are a reasonable size.*
- *The design minimises the use of saddleback bedrooms.*
- *Dwelling diversity is poor with 522 single bedroom dwellings and two bedroom dwellings. Council is seeking 10% 3 bedroom dwellings.*

Mix of uses and active frontages

- *Reasonably sized retail / commercial spaces provided on the ground floor.*
- *Suggest the site could support an increase in commercial floor space (not just at ground level).*
- *Support retail on lane however this retail does not present an active frontage to Normanby Road or Woodgate Street – retail spaces are setback from these streets with plantings.*

Urban Design – Fishermans Bend Team:



Height and Setbacks

- o *Tower setbacks onto Normanby Road are very minimal in places, 3.6m-5.6m where 10m would be preferred. Tower setbacks onto Woodgate Street are 6.5-8.9m. Given the proposal is developing to the maximum envelope in terms of height (40 storeys within a 40 storey area), more generous setbacks, particularly on Normanby Road, should be sought.*
- o *Tower setbacks from the site boundaries are 10m (supported), however this reduces to 8m at the site mid-point, which would impact on future tower separation distances.*

Architecture & Form

- o *Well thought out and documented architectural concept based on the aviation history of the area, but I question whether this is delivered through the final building form. The chamfering is discreet and the result is still a rather bulky tower form, as illustrated by the elevation drawings.*
- o *The architectural concept does deliver a degree of varied facade treatments and articulation through the horizontal facade blades. Perspectives are rather generous to make the tower appear very slender, but I am not convinced this is the case due to the tower footprint and height.*

Mix of Uses & Street Activation

- o *Retail/commercial uses on the ground floor fronting the proposed laneway are supported, however there could be a stronger activated edge to Normanby Road.*
- o *Apartments sleeve the car park on podium levels 2-4 which creates active upper levels onto Normanby and Woodgate streets, this is supported.*
- o *The building entry points from both Normanby Road and Woodgate Street are set back and generous in size. Consider whether use this area can be enhanced and activated, e.g. retail spill out.*
- o *Seek advice from community development department about whether this is a suitable location for community uses.*

Laneways

- o *The proposed laneway is located on the eastern boundary of the site. This differs to the SFP proposed location on the western boundary, which also allows enough space for another link further to the east.*
- o *Due to the realignment this poses a risk of future development not delivering another link between Boundary and Montague Streets, and therefore not maximising pedestrian permeability in the area. We should question the strategic location of this laneway, and why it can't be delivered on the other side.*

Open Space

- o *In terms of private open space, the balconies on Levels 2-4 of the podium are of limited size and shape, and the layout means some parts of these balconies are unusable. The balconies on the tower levels, although a better layout, are also limited in size (some as small as 5.5m²). It is recommended the design of these balconies is reconsidered and sizes increased where possible.*



- o In addition to the proposed communal open space on roof, there is a communal open space on top of podium. The use/function of this is unclear and it should be considered how this can be used to its full potential.

Access and Layout

- o Support car parking access from Woodgate Street.
- o Woodgate Street is identified by the Design & Tech Standards as the primary cycling route, access to the bike parking is from this street which is supported.
- o Lift lobby connecting the two main lobbies is narrow, consider widening.

Sustainable Design:

These comments are in relation to the Sustainable Management Plan, Daylight Study and the Architectural drawings submitted as part of the application for 245 - 251 Normanby Road, South Melbourne - MINRA0013/2015.

This application is not yet of a standard where I could approve it as meeting Council's current expectations for sustainable design. To counter this, the applicant should address the following points if they wish to have their Sustainable Management Plan approved:

ESD Assessment Tool

- As indicated on our website a development of this scale should be achieving 5 star Green Star which is 60-74 points. The current assessment of 4 star Green Star which is just meeting the minimum threshold of 45 points is fairly poor for a development of this scale and if it was to be certified it would potentially lose some of the points through this process. The version of the tool is also out dated and will need re-assessing under the Design and As-built V1.1 where the residential and non-residential components can be included within the same assessment.

Indoor Environment Quality / Daylight Modelling – Currently not meeting best practice

- Some of the battle-axe bedroom configurations are a concern where the access section exceeds 2.5m in depth and often includes a balcony which will be restricting daylight to these areas. The daylight modelling indicates that this is only a concern for apartments on APT 25.6 and 25.9 (of level 25 which was assessed). You can see from looking at the floor plan that both of these bedrooms have an access section of their battle axe that exceeds the other adjoining apartments. Whilst the width and length of the access way (1.5m and 2.5 respectively) addresses good design layout from a daylight perspective the external line of the windows is set back from the external line of the building which will be reducing daylight access as indicated by the modelling. Some remodelling of these apartments should be done to strike a balance between balcony and front bedroom proportions in order to increase daylight access to the saddleback rooms.
- The daylight modelling fails to document daylight access to the living areas in addition to the bedrooms.
- The modelling should provide a graphic representation (rendered image) which shows the daylight factor lighting gradients that support the numeric percentages provided in the table supplied in the report.
- The assumption for Visual Light Transmittance (VLT) for tinted glazing (70%) seems quite high, typically VLT of 40-50% would be expected for tinted glazing and 70-80% for clear glazing.



- In addition to this the following daylight modelling parameters need to be explained:
 - Sky conditions (advised that a uniform overcast sky is used)
 - Location and co-ordinates
 - Time of year and time of day
 - Orientation
 - Visual Light Transmission (VLT) for all glazing modelled.
 - Reflectance surface properties (for materials within the apartment and in the wintergarden)
 - A 3d view to indicate that the adjoining developments have been modelled.
 - Plan views of the assessed apartment that graphically show the extent of daylight penetration to the apartment which will support the stated figures.
- A series of commitments have been made under the IEQ section of Green Star that have not been explained in the SMP. These include IEQ-9 Formaldehyde Minimisation, IEQ-13 Electric Lighting Levels and IEQ-21 Dwelling Ventilation.

Energy – Currently not meeting best practice

- The number of sample ratings conducted to demonstrate a 10% improvement on section J is too small. For a development of this size assessments should be conducted for all apartments on the podium (4), level 05 (6), level 06 (15), level 16 (15) and level 40 (14). This is a total of 54 sample ratings should be conducted.
- No information has been provided on the non-residential component of the building in regards to thermal fabric efficiency, this should be addressed through the design and as built assessment.
- The planning drawings need to indicate the size of the PV system (20kw) and a note should be provided which indicates it is for common area energy usage.
- More information on the proposed performance of the split system efficiency should be provided including Co-efficient of Performance (CoP) and Energy Efficiency Ratio (EER) and related star ratings.
- There's no benchmarking of the lighting specification in regards to minimum standards. Is this a 10% or 20% improvement?
- A series of commitments have been made under the Energy section of Green Star that have not been explained in the SMP. These include Ene-7 Unoccupied Areas, Ene-11 Energy Efficient Appliances and Ene-12 Peak Electricity Demand Reduction.

Water – Currently not meeting best practice

- Commit to providing a third pipe to supply non-potable water uses in the development such as toilet flushing, fire services, irrigation and cooling. A building connection point that ensures readiness to connect to future precinct scale alternative water supply as specified in Objective 7.2 of the FBSFP.
- Provide further information on the size of the fire system test tank and its intended re-use and reference to its location on the town planning drawings. The planning drawings should



also show the size of the tank(s) and its intended re-use.

- A series of commitments have been made under the Water section of Green Star that have not been explained in the SMP. These include Wat-3 Landscape Irrigation, Wat-4 Heat Rejection Water and Wat-8 Swimming Pool/Spa Water Efficiency.

Stormwater – Partly meeting best practice

- A drawing should be provided which indicates which catchment areas are connected to the rainwater tanks, which catchment areas are not being treated and permeable paving areas. An example is provided on our website, this information should be provided as a planning drawing (ie not a diagram provided in an updated SMP) such as a roof plan or a specific stormwater plan.

http://www.portphillip.vic.gov.au/Stormwater_Management_and_STORM_calculator_site_plan_example.pdf

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

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

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

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

- A series of commitments have been made under the Emissions section of Green Star that have not been explained in the SMP. These include Emi-1 Refrigerant ODP, Emi-4 Insulant ODP, Emi-7 Light Pollution and Emi-8 Legionella.

The proposal does not address the stormwater retention requirements of the FBSFP. The application must demonstrate how the development would comply with Objective 7.2 Guideline 2 and Objective 7.2 Guideline 4 of the FBSFP, which set out the on-site detention requirements for stormwater in Fishermans Bend.

Transport – Currently meeting best practice

- The SMP should include the minimum number of bicycle spaces required by the planning scheme for a development of this size and compare it to the Green Star standard being sought. The design and as-built assessment will be slightly different to the multi-residential calculator that has been used. It should then address the requirements for active transport facilities under the Sustainable Transport section of Green Star Design and As Built tool.
- A series of commitments have been made under the Transport section of Green Star that have not been explained in the SMP. These include Tra-4 Commuting Mass Transport and Tra-5 Trip Reduction – Mixed Use. Emi-4



7.2 **External referrals**

Council is not required to externally refer applications that the Minister for Planning is the Responsible Authority for.

8. **PUBLIC NOTIFICATION/OBJECTIONS**

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

9. **OFFICER'S ASSESSMENT**

9.1 **Fishermans Bend Strategic Framework Plan**

Key elements:

The key elements of the FBSFP are; street network, sustainable transport, open space and a series of places. In relation to these key elements the FBSFP envisages Normanby Road to remain as a main road, while Woodgate Street would provide a key recreational link parallel to the light rail, as shown on Plan 3 of the FBSFP. The recreational link will be suitable for use by cyclists and pedestrians, noting that Woodgate Street would continue to be accessible to vehicles. The Montague Urban Village Plan (Plan 6) in the FBSFP shows that the western end of Woodgate Street is proposed to be closed where it currently curves to connect to Boundary Street. Therefore Woodgate Street would become a no through road for vehicles while providing a key link through the precinct to cyclists and pedestrians. The site is located proximate to the existing light rail stop on the corner of Gladstone Lane and Montague Street. Plan 6 in the FBSFP also shows the western side of the site as a location for a laneway to connect Normanby Road and Woodgate Street.

Vehicle access to the site would be via a single crossover location on Woodgate Street. This would result in the removal of two existing crossovers on Normanby Road and one existing crossover on Woodruff Street. The majority of bicycle parking for the development would be provided at ground floor level which would provide convenient access to the recreation link on Woodgate Street.

Through-block link

The development proposes a through-block link along the north-eastern side of the site. This is the opposite side of the site as the potential laneway location set out in the Montague Urban Village Plan (Plan 6) of the FBSFP, which demarcates the south-western site boundary as a potential laneway location. Another potential laneway location is shown in Plan 6 on land to the north-east of the site, which would form part of a network of through-block links connecting the northern part of the Montague Precinct with the Buckhurst Street activity centre.



The laneway proposed on the application plans along the north-eastern part of the site boundary would diminish the potential to provide convenient and strategically placed through-block links in this part of the Montague Precinct. The proposed laneway location would be approximately 40 metres away from the other proposed laneway location between Normanby Road and Woodgate Street. The FBSFP seeks to locate through-block links no more than 100m apart, hence the intention to provide two laneways through this block between Montague Street and Boundary Street, which has a block width of approximately 270m².

If a laneway were to be approved in the location proposed by this application, this would undermine the case for the provision of the two laneways in the locations sought by the FBSFP, due to this laneway being within 40m and 37m respectively of the preferred laneway locations.

The provision of laneways in the locations envisaged in the FBSFP is highly preferable, particularly due to the fact the one of them would form part of a broader link through the north-western part of the Montague Precinct from the Buckhurst Street activity centre. The location of the other potential laneway in FBSFP, in alignment with the south-eastern site boundary, would align with the proposed location of a through-block link as part of the proposed four tower development on the opposite side of Normanby Road. While the outcome of the multiple tower application on the opposite site has not yet been determined, notwithstanding Council's lack of support for numerous aspects of the proposal, the location of the proposed laneway on the south-eastern side of that site took account of the laneway network as envisioned by the FBSFP.

The provision of laneways in the locations sought by the FBSFP should be sought in the first instance in order to ensure that the strategic objectives of the plan are realised, as well as providing clear expectations to developers. The location of the laneway proposed by this application should not be supported as it would jeopardise the provision of one or both of the laneways as per the FBSFP and would reduce the overall connectivity of this part of the Montague Precinct.

The proposed laneway would be supported if it were provided along the opposite side (south-eastern) boundary, which could be achieved by inverting the proposed floor plans.

Height and setbacks:

The proposed podium height of five storeys is consistent with the guidance in the FBSFP, which encourages an average podium height of five storeys or 20m, while allowing variation of between four to six storeys to prevent monotony. The podium would measure approximately 23.7m high and this variation to the recommended 20m height could be supported, given that between 4 – 6 levels is contemplated in the guidelines.

The proposed building would include 41 storeys altogether, which would exceed the maximum mandatory height controls as set out in Schedule 1 to the Capital City Zone (CCZI). Therefore, in the event that the Minister for Planning determines to support the proposed development, any permit issued must contain a condition requiring the number of storeys to be reduced so as not to exceed the mandatory controls.



The FBSFP requires buildings over 40m high to be setback by 10m from the street, with a reduced setback of 5m being considered for buildings of between 20m – 40m high dependant on case by case justification. Setbacks from laneways are not prescribed in the guidelines. Objective 3.5 refer to the need for laneway setbacks to take account of the intended function of the laneway, as well as potential amenity issues with adjoining buildings.

The proposed tower would measure 134.7m therefore the 10m street setback clearly applies to the tower. However upper level setbacks of 3.6m - 5.6m are proposed from Normanby Road. Proposed tower setbacks from Woodgate Street are between 6.5 - 8.9m. The application does not provide a clear justification for these reduced setbacks.

In terms of side setbacks, the tower would be setback 10m from the north-east and south-west boundaries, decreasing to an 8m side setback in the centre of the building. The proposal includes a laneway on the eastern side of the site, measuring between 3.2m – 4m wide. Podium levels 1 – 5 would partially overhang the side laneway, leaving a minimum setback of 1.3m clear to the sky. It is therefore considered that the podium, rather than the tower, would result in an imposing impact as viewed from the proposed laneway.

The proposed building is considered to appear bulky partly due to the discreet nature of the side chamfering, which would not provide visually strong articulation/ variation to the square tower form.

The combination of building bulk and significantly reduced street setbacks are not supported as this would result in excessive building bulk as viewed from Normanby Road and Woodgate Street.

Cumulative impacts with other Normanby Road developments:

At the Statutory Planning meeting of 17 April 2016, Council considered a proposal for the construction of six towers along Normanby Road, of which four would be located on the opposite side of the street to the subject site. While the Minister for Planning has not yet determined this application, this application does not contemplate the cumulative impact of these proposals or of the potential development on adjacent sites on the south-eastern side of Normanby Road.

9.2 Dwelling Layout, Amenity and Diversity

9.3 The development would contain mostly 1-bedroom and 2-bedroom apartments:

- 1-bedroom apartments = 208 / 38.8%
- 2-bedroom apartments = 314 / 58.6%
- 3-bedroom apartments = 14 / 2.6%

9.4 The number of 3-bedroom apartments is considered to be too low. At least ten per cent of apartments should be 3-bedroom to contribute to dwelling diversity.



- 9.5 Dwelling floor areas are proposed as follows:
- 1-bedroom apartments: 47m² – 63m² internally / 0 - 19m² balcony
 - 2-bedroom apartments: 59m² – 71m² internally / 5m² – 14m² balcony
 - 3-bedroom apartments: 99m² - 115m² internally / 7 - 25m² balcony
- 9.6 Council's submission of July 2015 on the State Government's Better Apartments discussion paper recommends the following minimum net internal area for apartments and minimum balcony sizes:
- 1-bedroom apartments: 50m² internally with 8m² balcony
 - 2-bedroom apartments: 65m² with 10m² balcony
 - 3-bedroom apartments: 90m² with 12m² balcony
- 9.7 There are many one and two bedroom apartments proposed that do not meet these minimum areas, both internally and the balcony spaces.
- 9.8 The majority of 1-bedroom apartments would not have a balcony (171 out of 208, equivalent to 82 per cent) and a large number of 2-bedroom apartments would have balconies much less than 10m² in area.
- 9.9 The proposed 3-bedroom apartments are considered to be an acceptable size internally. However, the majority of these apartments (11 out of 14, equivalent to 78 per cent) would have a balcony measuring 7m², well below Council's preferred minimum balcony size of 12m² for a 3-bedroom apartment.
- 9.10 Overall many of the apartments are considered to have poor internal amenity due to one or more of the following factors:
- Lack of internal space.
 - No private open space or lack of private open space.
 - Poor natural daylight to living rooms with a single aspect onto a recessed balcony.
 - Poor natural daylight to battle-axe bedrooms.
 - Galley/ corridor kitchens.
- 9.11 **Projections Beyond Title**
- 9.12 The podium design results in parts of the development projecting beyond the title boundary over Crown Land. The projections are significant and not only include architectural features, such as planters and balcony edges, but also include internal floor space of apartments.



- 9.13 Council's Subdivision Officer has raised significant concerns with this aspect of the proposal, stating that it would not be possible for the overhanging internal space to be included on title for the apartments. This therefore prevents private ownership of a number of the proposed apartments and is a major prohibiting factor to the success of the proposed development.
- 9.14 **Open Space**
- 9.15 Open space would be provided by a mixture of private balconies and a number of communal open spaces. The communal open space would consist of the level 4 balcony (14m²) podium level terrace (approx. 200m²), balconies on levels 25 & 26 (25m² each) and the rooftop terrace (516m²).
- 9.16 While the proposed development would contain a number of communal open space areas with different functions (balconies, terraces, spas etc.) this does not justify the provision of 171 x 1-bedroom apartments with no private open space. The provision of communal open space is also not considered to justify the relatively small balcony sizes of the majority of apartments.
- 9.17 **Social Housing**
- 9.18 The proposal does not include provision of social housing. The applicant's covering letter states *"the development proposal does not preclude one or more dwellings being purchased by a housing provider when the dwellings are made available for purchase in the future."*
- 9.19 **Community Facilities**
- 9.20 No community facilities are proposed and Council's Community Health and Service Planning team confirm that no community facilities would be required at this site.
- 9.21 **Special Building Overlay**
- 9.22 The rear (Woodgate Street) side of the site is affected by the Special Building Overlay, Schedule 2, which is controlled by Council. Council's Drainage Engineer advises that the proposed finished ground floor level of 2.4m AHD could only be supported if Melbourne Water does not object, as the 3.0m AHD recommended finished floor level specified in the FBSFP is set by Melbourne Water.
- 9.23 The applicant has provided a referral response from Melbourne Water stating that a minimum finished floor level of 2.4m AHD is required for the proposed retail spaces and a minimum finished floor level of 3.0 AHD is required for gas metres, the fire control room and the substation. The proposed ground floor plan demonstrates that these finished floor levels would be achieved.
- 9.24 Council's Development and Drainage Engineer requires Objective 7.1 of the FBSFP to be met as part of the legal point of discharge approval for the development. Guideline 2 of Objective 7.1 requires both that runoff be captured from 100 per cent of the roof area and that 50 per cent of the volume of the runoff derived by a 5 year, 72 hour storm



event be successfully retained on site. While application for the legal point of discharge occurs after the planning application stage, the planning application drawings and supporting documentation should address the requirements of Objective 7.1 now to demonstrate how the development has been designed to enable the required outcome.

9.25 Wind Impacts

9.26 The applicant has submitted a Wind Tunnel Test report (WTT) undertaken by Vipac Engineers and Scientists. The report is based on wind tunnel testing for two scenarios being the existing development conditions surrounding the site and a second scenario of additional development adjacent to the site. The second scenario is based on only a two storey development height at the two adjacent heights due to the fact that even this small increase in building height results in lower wind conditions at the subject site. The report finds the following:

- The proposed design would fulfil the recommended criterion for safety for all test locations at ground floor level, on the podium and the roof top terrace.
- The proposed design along with recommended wind control strategies would enable the criterion for walking to be achieved in all footpath locations, for standing at the main entrances and for sitting in the outdoor seating areas.
- The proposed design along with the proposed wind control strategies would enable the criterion for walking to sitting to be achieved on the podium and on the rooftop terrace.

9.27 The WTT report recommends that occupants of the proposed development should be educated about wind conditions at high-level terraces/ balconies during high-wind events including tying down lightweight furniture.

9.28 The recommended wind control strategies involve the construction of a 3m deep canopy over level 1, to provide wind speeds within recommended walking criterion along the laneway.

9.29 The installation of three porous canopies/ pergolas is recommended on the podium level external recreation space.

9.30 It is noted that the WTT report findings are based on modelling of a previous version of the tower design. In the event that a permit is granted for the proposed development an updated WTT report would be required demonstrating that safe and comfortable wind conditions could be achieved for the final design, ensuring that the design incorporates any necessary wind control strategies recommended by the updated WTT. This could be required by a condition.

9.31 Environmentally Sustainable Design and Stormwater Management



- 9.32 Overall the proposed development has not demonstrated that it could reach an acceptable outcome for Environmentally Sustainable Design. A Sustainability Management Plan (SMP) has been submitted, which outlines the key sustainable design features of the proposed development and provides a list of anticipated Green Star credits in the report appendices. For a development of this scale, a Green Star Design and As Built rating of 5 stars or more is expected. Instead, the submitted Sustainable Management Plan (SMP) provides a benchmark assessment of the proposal against the now retired Green Star Multi Unit Residential assessment tool, with an outcome of 4 stars being targeted. Four stars is the lowest possible rating achievable under the green star framework, with a minimum of 45 points required. The SMP targets 45 green star points and is therefore aiming for the lowest possible outcome to achieve an equivalent outcome of a 4 star Green Star rating.
- 9.33 The various aspects of environmentally sustainable design, including stormwater management, are considered below:
- 9.34 Indoor Environment Quality
- 9.35 Natural daylight provision to many apartments is likely to be poor as many windows to battle-axe rooms would also face into recessed balconies or are located in recessed areas of the façade, which is a layout that would further restrict daylight to these rooms.
- 9.36 While daylight modelling has been provided for a small selection of apartments, the results cannot be verified as key information about methodology and assumptions for the modelling are not provided, such as sky conditions, time of year and day and reflectance of surface properties.
- 9.37 The assumed visible light transmission (VLT) of the proposed glazing is likely to be too high, with a figure of 70 per cent assumed. However, 70-80 per cent visible light transmittance is normally typical of clear glazing, with lower figures of 40 – 50 per cent being normal for tinted glazing.
- 9.38 Other matters relating to indoor environment quality, such as dwelling ventilation, have been targeted in the list of Green Star credits but have not been included within the SMP report.
- 9.39 Energy Management
- 9.40 The SMP does not demonstrate that the thermal fabric efficiency of the development would be sufficient, as too few sample ratings have been provided for the apartments and no information has been provided for the non-residential components of the development.
- 9.41 The SMP includes a commitment to the installation of a 20kW solar PV system, which is welcomed and the actual size of the system should be clearly set out on the proposed roof plan. Currently only an indicative location is shown and the roof plan and the size of the PV array would be too small for a 20kW system.



- 9.42 A lack of information has been provided in relation to other aspects of energy management such as the efficiency of lighting and split systems. There are also credits targeted on the Green Star list that are not addressed in the SMP, such as energy use in unoccupied areas and peak electricity demand reduction.
- 9.43 Water Efficiency
- 9.44 The application currently does not address the FBSFP requirement for all developments to demonstrate readiness to connect to a precinct-wide alternative water source. This must be required by a condition if a permit is granted.
- 9.45 The SMP does not include a commitment to provide third pipe supply non-potable water uses such as for toilet flushing, fire services, irrigation and cooling.
- 9.46 Details of water tank sizes and water re-use purposes must be clarified on the plans to be consistent with the details in the SMP.
- 9.47 A number of water efficiency related Green Star credits are included on the list that are not addressed in the SMP, such as landscape irrigation and swimming pool water efficiency.
- 9.48 Stormwater Management
- 9.49 The SMP demonstrates that best practice stormwater quality could be achieved, which means that stormwater leaving the site would contain pollutants such as nitrogen and phosphorous and suspended solids at acceptable levels in accordance with the objectives of the Stormwater Management Policy at Clause 22.12 *Stormwater Management (Water Sensitive Urban Design)*.
- 9.50 However, the stormwater on-site detention requirements of the FBSFP have not been met, namely objective 7.1 Guideline 2. This should be addressed at the application stage as the requirements could result in design changes, such as significantly increased water tank requirements to provide sufficient water storage capacity.
- 9.51 The SMP must also address maintenance requirements for the stormwater management system. Key maintenance tasks must be identified and the frequency of and responsibility for these tasks must be assigned.
- 9.52 Sustainable Transport
- 9.53 The list of targeted Green Star credits refers to matters that are not addressed in the SMP such as trip reduction for mixed use and mass transport commuting.
- 9.54 Construction and Building Management
- 9.55 The SMP commits to the production of Building Users Guide and to a construction and demolition waste recycling target of 80 per cent, which is acceptable.
- 9.56 **Waste Management**



- 9.57 The current waste management proposal would result in some 20 waste collections vehicles accessing the site each week, which is excessive and would not enhance the liveability of the area. Council's Waste Management Officer suggests that the use of compaction systems would be a suitable solution in this case, as compaction would significantly reduce the number of weekly collections.
- 9.58 The number of general waste and recycling bins specified in the Waste Management Plan has not been provided on the proposed floor plans. An additional four 1,100 litre recycling bins are required.
- 9.59 While bin storage space could be addressed by internal reconfiguration of the bin storage area, more significant changes could be required in order to accommodate the storage and loading requirements of a compaction system.
- 9.60 **Traffic and Transport**
- 9.61 Vehicle access
- 9.62 Vehicle access to the site is proposed via a single location from Woodgate Street, containing two ramps. One ramp would lead up to the podium level car parking and the other would lead to the ground floor level loading bay/ waste collection area. The two existing crossovers to Normanby Road would be removed and crossovers to Woodgate Street would be reduced from two to one.
- 9.63 Council's Transport Safety Engineering team advise that the existing crossovers on Normanby Road and Woodgate Street must be reinstated to Council's satisfaction, with the new Woodgate Street crossover to be constructed in accordance with Council's standard construction drawing.
- 9.64 Typical car parking space dimensions are acceptable. However, the loading bay dimensions do not meet the requirements of Clause 52.07 *Loading and Unloading of Vehicles* and loading height clearance has not been specified.
- 9.65 A 3.0m floor to ceiling height for the podium level car parking has been provided to enable future conversion of the space to other uses, in accordance with the FBSFP design guidance.
- 9.66 The swept path diagrams in the TTM report have not been updated to reflect the latest version of the plans and they do not demonstrate satisfactory service vehicle access, taking into account on street parking and the dimensions of the on-site loading bay.
- 9.67 No cumulative assessment of the impact of traffic generation from this and surrounding developments has been provided. The Traffic Impact Assessment states that traffic generation from this development would have minimal impact on the surrounding road network. While traffic generated from this development alone might not overwhelm the road network, Council's Transport Safety Engineering team continue to underline the need for a strategic cumulative impact assessment of the precinct both in relation to traffic generation and people generation with associated impact on public transport capacity.



- 9.68 Car parking and bicycle parking rates
- 9.69 279 car parking spaces are proposed, all of which would be allocated to the apartments. Therefore no parking would be provided for the proposed retail tenancies. This would result in a car parking rate of 0.52. The rate would align with the FBSFP preferred rate of 0.5 spaces per dwelling.
- 9.70 The provision of no car parking for the three proposed retail tenancies is considered to be acceptable as the planning scheme sets a maximum parking rate for development within the FBURA. Pursuant to Schedule 1 of the Parking Overlay a maximum car parking provision of one space per 100m² retail floor space is permitted and a planning permit is required to exceed this provision. Therefore the provision of no car parking for the retail spaces would be acceptable as the maximum permissible rate would not be exceeded.
- 9.71 363 bicycle spaces are proposed. These would be provided within two large bicycle store rooms on the ground floor within the core of the building. The podium car park would also contain 15 bicycle spaces on each level (Level 1 – 4).
- 9.72 The plans and the Traffic Impact Assessment report does not state how the spaces would be allocated between the retail and residential uses and for visitors. However, the report notes that Clause 52.34 *Bicycle Facilities* does not require any bicycle parking to be provided for the proposed retail space. Therefore, based on the bicycle parking being allocated to the apartments only, a rate of 0.67 spaces per dwelling is achieved. This does not allow for any allocation to visitors.
- 9.73 Clause 52.34 of the planning scheme sets a minimum bicycle parking requirement of one space per five dwellings for residents and one space per ten dwellings for visitors. Based on the planning scheme rate, a total of 107 bicycle spaces for residents and 53 spaces for visitors. While the proposed provision would exceed the planning scheme rate, it is well below the FBSFP preferred rate of one space per dwelling. An additional 173 bicycle spaces would be required to meet the preferred rate. The preferred rate of one bicycle space per dwelling is considered to be a reasonable expectation, not only due to the sustainable transport aspirations for the FBURA overall, but also given that the subject site would be located adjacent to the recreational link running parallel with the light rail, which would be a key cyclist and pedestrian link.
- 9.74 Provision of a number of bicycle hoops within the building forecourt area would also be encouraged to cater for short-term bicycle parking for visitors to the retail spaces.
- 9.75 Four motorcycle parking spaces are proposed on level 1 of the podium. Schedule 1 of the Parking Overlay (PO1) states that motorcycle parking at a rate of one space per 100 car parking spaces is required in the FBURA, unless the responsible authority is satisfied that a lesser number is sufficient. The Parking Overlay requirement for motorcycle parking is fulfilled.
- 9.76 Laneway access



- 9.77 Laneway width must be sufficient to allow two-way movement as it would provide an important access way for pedestrians and cyclists. The current width is too narrow and the laneway should be widened to be consistent with the requirements of the City of Port Phillip Design and Technical Standards for FBURA.
- 9.78 The abovementioned Design and Technical Standards are still in draft form and are not currently publicly available. However, in its current form, the document requires laneways to be at least 4m wide. However, the laneway width is dictated by the proposed function of the space. Destination and active laneways are required to be nine metres wide, to allow for a mixture of access, outdoor dining and tree planting.
- 9.79 In the case of the proposed development, the laneway should be considered as an active space, not just a transition space/ access way, due to the layout of the retail uses addressing the laneway. It is understood that the laneway has been designed based on the concept that a laneway space of equal width would be provided on the adjacent site, when it comes to be redeveloped, in order to provide an acceptable width overall for the laneway. This concept is demonstrated on the proposed landscape plan, drawing no. LCD-001 Rev B, which shows location for future street canopy trees aligned with the north-eastern site boundary indicating that the laneway would also be constructed into the adjacent site.
- 9.80 In order to achieve the nine metre width required by the Design and Technical Standards, a larger proportion of the laneway would have to be provided on the adjacent site, as the proposed laneway currently measures 3.26m at its narrowest. Should a permit be granted for the proposed development, the ground floor plan should provide a laneway width that would be equal to the width required to be provided in future on the adjacent site.
- 9.81 **Development Contributions**
- 9.82 The construction proposed as part of the permit application triggers a requirement for a development contribution.
- 9.83 Any approval should include a condition that development contributions be provided via a S173 Agreement, with 10% of contributions payable at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).
- 9.84 **Preliminary Site Investigation – Contamination**
- 9.85 The site was historically occupied by Dunlop for use for rubber goods manufacturing.
- 9.86 The Preliminary Site Investigation (PSI) notes that the entire site was redeveloped for the current light industrial uses in the early to mid-1980s and that the entire site area is covered in concrete/ bitumen, which limits exposure to contamination to an acceptable level for the existing commercial/ light-industrial uses. However, the site's former industrial use means that a broad range of contaminants could be present in subsurface soils.



- 9.87 The PSI report finds that, due to former industrial uses on and surrounding the site, an environmental audit should be undertaken prior to the development of the site for residential use. This would be required by conditions if a permit is granted.
- 9.88 **Acoustics**
- 9.89 An external noise intrusion report has been submitted by the applicant, which identifies traffic noise from Normanby Road as the primary noise source to the building. The report sets out the following recommendations to achieve an acceptable internal noise level for occupants:
- No acoustic upgrades required to the roof material on the basis that a concrete slab roof would be installed.
 - No acoustic upgrades required to façade elements on the basis that the façade would consist of glazing, concrete or masonry.
 - Wall penetrations to be sealed gap-free with a flexible sealant.
 - Ventilation openings to be treated to maintain the acoustic performance of the external wall construction.
 - Mechanical plant to be designed to ensure noise levels comply with SEPP N-1, which can be achieved by standard acoustic treatment such as internally lined ductwork, acoustic attenuators, variable speed drives, solid screens and vibration mounts.
 - The report identifies domestic air conditioning units located on balconies as a potential noise source, noting that in order to meet the EPA criteria for Fixed Domestic Plant, units may need to be switched off at night.
- 9.90 The location of air conditioning units on balconies is not considered to be a good outcome for a development of this scale, due to multiple amenity impacts including noise sources close to habitable rooms and reduction of useable space on already constrained balconies. The acoustic advice in relation to this also highlights an issue, if air conditioners would need to be switched off at night occupants could have to endure high internal temperatures at night during hot periods.

10. COVENANTS

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Volume 09926 Folio 295 and Volume 09870 Folio 028.

11. OFFICER DIRECT OR INDIRECT INTEREST

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



12. OPTIONS

- 12.1 Provide comments to the Department of Environment, Land, Water and Planning as recommended
- 12.2 Provide changed or additional comments to the Department to those recommended.
- 12.3 Refuse to provide comments to the Department.

13. CONCLUSION

- 13.1 The proposal does not provide an appropriate outcome for this location of the FBURA. The tower would exceed the maximum 40 storey height limit that currently applies to the subject site and the application lacks justification for the extremely short tower setbacks from the front and rear boundary.
- 13.2 Several levels of the podium would overhang the Normanby Road and Woodgate Street boundaries. The development also proposes to locate a laneway in a location that is inconsistent with the FBSFP.
- 13.3 Many of the apartments would be small and some would have no private open space while many would have very small balconies.
- 13.4 The proposal does not include provision of any social housing or affordable housing.
- 13.5 The proposed development demonstrates a poor outcome in relation to environmentally sustainable design, including daylight access to a number of apartments. Essential water efficiency and stormwater management requirements of the FBSFP are also not addressed in the application.
- 13.6 Waste collection has not been adequately resolved with regards to storage space on-site and collection vehicle access.
- 13.7 Bicycle parking provision is also insufficient in relation to the FBSFP.

14. RECOMMENDATION

That the Council advise the Department of Environment, Land, Water and Planning that:

- 14.1 It does not support the application in its current form based on the matters set out in Sections 7 and 9 of this report.
- 14.2 In the event that the Minister determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the Attachment to this report.