



4/2016/MIN/A - 272-280 NORMANBY ROAD, SOUTH MELBOURNE

**LOCATION/ADDRESS:** 272-280 NORMANBY ROAD, SOUTH MELBOURNE  
**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT  
**PREPARED BY:** PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER

**1. PURPOSE**

1.1 To provide a Council position for an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 272-280 Normanby Road, South Melbourne, including for the Fishermans Bend Standing Advisory Committee.

**2. EXECUTIVE SUMMARY**

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Accommodation (Dwelling) in the Fishermans Bend Urban Renewal Area
<b>APPLICATION NO:</b>	<b>DELWP Ref:</b> PA16/00106 and PSA C177port <b>CoPP Ref:</b> 4/2016/MIN/A and PSA C177 port
<b>APPLICANT:</b>	Urbis Pty Ltd
<b>EXISTING USE:</b>	Two-storey commercial building
<b>ABUTTING USES:</b>	Commercial, warehouse and industrial
<b>ZONING:</b>	Capital City Zone (CCZ1) Abuts Road Zone Category 1 (RDZ1) (Normanby Road)
<b>OVERLAYS:</b>	Design and Development Overlay (DDO30) Parking Overlay (PO1) Infrastructure Contributions Overlay (ICO1) Environmental Audit Overlay (EAO)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	23 July 2020



- 2.1 This report is to provide Council's comments on a request to the Minister for Planning to prepare, adopt and approve a Section 20(4) Amendment to the Planning Scheme, for a project which involves, amongst other matters, the demolition of the existing buildings on the land and the construction a 30-storey mixed-use building.
- 2.2 A previous application on the site was lodged in May 2016 to demolish the existing buildings and construct a 40-level mixed use building comprising a podium with retail and commercial tenancies, a community room, car, motorbike and bicycle parking, building services and dwellings with a through block link between Normanby Road and Munro Street along its north-east side, and a tower comprising dwellings and communal amenities.
- 2.3 At time that time, the subject site was in a mandatory 40 storey maximum height area pursuant to interim mandatory height limits introduced in April 2015 for two years while a review of the Fisherman Urban Renewal Area was carried out.
- 2.4 On 16 August 2016 Council determined not to support the application.
- 2.5 On 4 October 2017 Council considered an amended proposal in response to amended controls introduced in November 2016 and April 2017. Concerns with this development were raised with the Department of Environment, Land, Water and Planning (DELWP).
- 2.6 On 19 December 2017, and then on 21 February 2018, the Minister) called in 26 live Ministerial planning permit applications in FBURA, including this application.
- 2.7 In October 2018, the Minister:
  - Released a revised Fishermans Bend Framework;
  - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA; and
  - Appointed the Fishermans Bend Standing Advisory Committee (the SAC) to advise on site specific planning controls to facilitate proposals within Fishermans Bend, prior to the introduction of an Infrastructure Contributions Plan for the called in applications and new proposals.
- 2.8 The permit applicant elected to revise the proposal and it is this revised application that is the subject of this report.
- 2.9 The revised proposal generally includes:
  - 280 apartments (57 x 1-bedroom, 192 x 2-bedroom, and 31 x 3-bedroom).
  - 12 social housing units, representing 4% social housing (based on current development summary).
  - 1,060 square metres of communal recreational space for residents.
  - 858 square metres of retail floors pace located at the ground floor level.
  - 236 square metre through-block laneway along the eastern interface.



- 222 car spaces (including 2 car share) and 8 motorcycle spaces within the podium levels.
  - 328 bicycle parking spaces.
- 2.10 If this application were made subject to the requirements of the Port Phillip Planning Scheme, the following planning permit triggers would apply:
- Buildings and works (including demolition) in the Capital City Zone, Schedule 1.
  - Use of land for dwellings and retail premises in the Capital City Zone, Schedule 1.
  - alter access to a road in a Road Zone, Category 1
  - Buildings and works in the Design and Development Overlay, Schedule 30.
  - To provide car parking for dwellings in excess of the Parking Overlay rates in Parking Overlay, Schedule 1.
- 2.11 Several pre-application meetings throughout 2019 and 2020 were held with government stakeholders including, the Department of Environment, Land, Water and Planning (DELWP), the City of Port Phillip and the Fishermans Bend resulting in the submission of an amended proposal considered in this report for a 30-storey mixed use building.
- 2.12 The proposal considered in this report generally responds to feedback and concerns previously raised by Council officers.

### **Application Matters**

- 2.13 The Capital City Zone (CCZ1) identifies that the site is located within:
- The Montague 'core' area;
  - Character Precinct Area M1;
  - A primary active frontage area to Normanby Road;
  - A secondary active frontage area to Johnson Street;
  - No crossovers permitted area to Normanby Road; and
  - A preferred height limit of 68m (20 storeys).
  - In addition to this, Map 1 of CCZ1 identifies a 9m laneway located along the eastern boundary of the site. 4.5m of which is located within the site.
- 2.14 The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 68 metres (20-storeys).



- 2.15 The preferred precinct character is mid (i.e. 7 to 15 storeys) to high-rise (i.e. 16 storeys or higher) developments, including on larger sites, a hybrid of perimeter blocks with some slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.
- 2.16 The building is proposed to reach a maximum height of 98.8 metres above ground level (to top of plant), comprising 30 storeys with a 6-storey street wall height.
- 2.17 The proposed height exceeds the preferred mid-rise 7-15 storey height for the land, and the 20-storey discretionary maximum height. Council's Urban Designers recommend the proposed development at 10 storeys above the preferred building height outlined in DDO30 be reduced to a height more in keeping with the proposed precinct character. They also commented that the scale, typology and architectural form was not supported as it is considered that the tower form and proposed setbacks does not result in a 'slender' tower and does not minimise the perception of visual bulk.
- 2.18 The reductions in tower height from the 40 levels of the original 2016 planning permit application to the current proposed 30 levels is considered a satisfactory response to the preferred and emerging precinct character, where development in excess of the 20 and 24-storey preferred heights have been approved, including the site immediately to the south of the road reserve at 253-273 Normanby Road at 40 storeys.
- 2.19 The proposed uses on site are supported but officers note, Clause 22.15-4.1 sets a minimum plot ratio for floor area not used for a dwelling at 1.6: 1. Based on a site area of 2,609sqm the proposal should provide a minimum of 4,174sqm of non-residential floor area. The application proposes 2,226sqm retail and commercial floor area. This is significantly less than the minimum plot ratio set out in this policy. Council officers note that the adaptability of the podium levels could provide for the desired commercial floor spaces in future.
- 2.20 The proposal was internally referred, and officers raised concerns primarily relating to lack of detail in the application material. All other aspects of the proposal including traffic, car parking, sustainable environmental design, open space and waste management are acceptable subject to receipt of additional information. A number of these design and operational concerns could be addressed by recommendations.
- 2.21 A new 4.5-metre-wide pedestrian lane, clear to the sky is proposed between Normanby Road and Munro Streets. This will form one side of a 9m wide pedestrian link with the adjoining property at 264-270 Normanby Road (Site 1). The link will enhance connectivity, permeability and pedestrian amenity for the site and surrounding area.
- 2.22 The proposal is located adjacent to Johnson Street, which is envisaged to form Open Space pursuant to the Fishermans Bend Framework. The applicant is open to a works-in-kind arrangement (in lieu of development contributions) that contributes to the realisation of the Johnson Street Park.
- 2.23 The proposed development is considered to offer a suitable level of activation to the future public park and officers recommend suitable public realm works plan is



developed in consultation with Council to ensure the open space standards and systems are appropriately integrated.

- 2.24 This proposal offers 12 affordable housing units (4.3% of overall apartments), which will be transferred to a housing association (i.e. a participating registered agency) in perpetuity.
- 2.25 Council's Housing Officer generally welcomed the terms of the offer, in line with the 6% policy objective but recommend that the 12 units be increased by 5 dwellings to equal 6% (17 dwellings).
- 2.26 It is recommended that the Statutory Planning Committee resolve to advise the Department that
- The Council supports the application subject to amendments to the plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.
  - In the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment includes conditions to address Council's concerns outlined in Sections 9 and 11 of this report.



### 3. RECOMMENDATION

#### 3.1 RECOMMENDATION – Part A

3.1.1 That the Statutory Planning Committee advise the Department of Environment, Land, Water and Planning that:

3.1.1-1 The Council supports the application subject to amended plans and reports to address Council’s concerns outlined at Sections 9 and 11 of this report.

3.1.1-2 That in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment includes conditions to address Council’s concerns outlined at Sections 9 and 11 of this report.

#### 3.2 RECOMMENDATION - PART B

3.2.1 That Council authorise the Manager City Development to instruct Council’s Statutory Planners and/or solicitors on any future VCAT application for review and/or any future proceedings for the application including any independent advisory committee appointed by the Minister for Planning.

### 4. RELEVANT BACKGROUND

#### Planning History

4.1 There is one minor permit application, P0877/2010 recorded to use the land for trade supplies and display of business identification signage. A permit was granted on 03 December 2010. The current use of the land operates pursuant to this permit.

4.2 Planning application MINRA0004/2016 was lodged with the Department of Environment, Land, Water and Planning (DELWP) on 31 May 2016 to demolish the existing buildings and construct a 40 level mixed use building comprising a podium with retail and commercial tenancies, a community room, car, motorbike and bicycle parking, building services and dwellings with a through block link between Normanby Road and Munro Street along its north-east side, and a tower comprising dwellings and communal amenities.

4.3 At the time of considering the application, the subject site was in a mandatory 40 storey maximum height area pursuant to interim mandatory height limits introduced in April 2015 for two years while a review of the FBURA is carried out.

4.4 On 16 August 2016 Council determined not to support the application.



- 4.5 In November 2016, after Council considered the original plans, the Planning Scheme controls were amended to introduce a mandatory podium height limit of 5 storeys or 20m (whichever is the lesser) and mandatory minimum 10.0m tower setbacks, and Local Policy for employment, dwelling diversity and housing affordability.
- 4.6 In April 2017, the Planning Scheme was further amended to introduce new apartment design provisions.
- 4.7 On 4 October 2017 Council considered an amended proposal in response to the amended controls and concerns raised by Council and the Department of Environment, Land, Water and Planning (DELWP).
- 4.8 The amended plans satisfactorily address a number of Council concerns with the original application regarding tower setbacks, loading bay design, car park layout, car park ramp angles and headroom and vehicle exit splays, and new Local Policy for dwelling diversity, but did not meet the amended Local Policy for employment or affordable housing.
- 4.9 The amended plans also didn't respond to Council concerns regarding tower height, and changes to the podium and tower façade treatments and the tower lobby and internal corridor design are considered inferior to the original scheme.
- 4.10 Council determined not to support the amended scheme. Details of the relevant reports and attachments can be viewed at: <http://www.portphillip.vic.gov.au/october-2017-meetingsagendas.htm>
- 4.11 On 19 December 2017, and then on 21 February 2018, the Minister) called in all 26 live Ministerial planning permit applications in the FBURA on the grounds that:
- The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance.
  - The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan having regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved.
  - Twenty-one of the called in applications are in the City of Port Phillip and five are in the City of Melbourne.
- 4.12 In October 2018, the Minister:
- Released a revised Fishermans Bend Framework;
  - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA; and
  - Appointed the Fishermans Bend Standing Advisory Committee (the SAC) to advise on site specific planning controls to facilitate proposals within Fishermans Bend, prior to the introduction of an Infrastructure Contributions Plan for the called in applications and new proposals.



- 4.13 The permit applicant elected to revise the proposal.
- 4.14 On 15 July 2019, the permit applicant applied to the Minister to prepare a Section 20(4) PSA and have the proposal assessed by the Advisory Committee. The development continued to propose to demolish the existing buildings and construct a mixed-use building with a podium of six storeys and a maximum height of 40 storeys.
- 4.15 Several pre-application meetings throughout 2019 and 2020 were held with government stakeholders including, the Department of Environment, Land, Water and Planning (DELWP), the City of Port Phillip, the Fishermans Bend Taskforce and Melbourne Water resulting in the submission of an amended proposal considered in this report for a 30-storey mixed use building.
- 4.16 This report relates to the amended PSA plans and reports.

#### **Background / Strategic Planning Matters**

- 4.17 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 4.18 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 development with a building height of 4 storeys or greater.
- 4.19 A history of Strategic Planning matters is detailed at **Attachment 3**.

## **5. PROPOSAL**

- 5.1 The proposed development involves the following:
- Demolish the existing buildings on the site.
  - Construct a multi-level, mixed use building on the site comprising a six-level podium and tower with a mix of retail and commercial tenancies, dwellings, car, motorbike and bicycle parking, buildings services, and communal amenities.
  - The building would have maximum height of 30 storeys / 95.8 above ground floor, 101.8 metres to the top of the plant and 103.2 metres to the top of the lift overrun.
  - The podium is to be constructed at a 6-storey(26.8m) street wall height, to all boundaries but for the east, which incorporates a 4.5 metres wide pedestrian through block lane/link abutting Site 01. The link will alter the access to a Road Zone Category 1 (i.e. remove an existing vehicle crossing on Normanby Road). The link would be open to the sky but for canopy cover to the east facade.
  - The tower form is to be set back above the podium a minimum of 10 metres from the south interface with Normanby Road, 5 metres from the north interface with





Munro Street and 4 metres from the western (side) interface with Johnson Street. The tower will be setback 10 metres from the title boundary to the east side with 264-270 Normanby Road.

- The ground floor area will total 2,387 square metres. Typical floor plate areas within the tower form will average 1,109 to 1,116 square metres. Five commercial premises have been incorporated on the ground floor fronting Normanby Road, Johnson Street, Munro Street and the new laneway. The remainder of the ground floor comprises lobby areas, bicycle parking spaces, a loading area, services and car park entry. Car parking is provided from levels 1 to 5 of the podium, accessed via a new entry point from Munro Street.
- Façade materials and finishes are proposed to be:
  - Podium:** Ground floor retail tenancies will be treated with glazing. Above this, a staircase defines the street corner, with textured dark finish concrete planters with vegetation include expressed horizontal metal fins and wire mesh screen behind sleeve car parking areas with grey / blue glass to other habitable areas.
  - Tower:** The tower will be finished in a mix of glazing, with light grey textured concrete upstand and balustrades with clear glazing. The main body of the tower adopts a strong horizontal form on the south, east and west, with a fine grain vertical design on the northern section of the tower. Above this, a glazed element with vertical framing forms is provided to the upper two levels and the plant area.
- More particularly, the proposal comprises:
  - 280 apartments (57 x 1-bedroom, 192 x 2-bedroom, and 31 x 3-bedroom).
  - 12 social housing units, representing 4% of all dwellings (based on current development summary).
  - 1,060 square metres of communal recreational space for residents.
  - 858 square metres of retail floors pace located at the ground floor level.
  - 236 square metre through-block laneway along the eastern interface.
  - 222 car spaces (including 2 car share) and 8 motorcycle spaces within the podium levels.
  - 328 bicycle parking spaces.

5.2 A summary of the application is set out in Table 5.1 below:

**Table 5.1: Application Summary**

<b>Address</b>	272-280 Normanby Road, South Melbourne
<b>Planning Scheme Amendment (PSA) No.</b>	PSA C177 Port
<b>Plans assessed</b>	Plans prepared by Fender Katsalidis, Job No: 19013, Dwg No: TP000- TP004 all Rev 4 dated 29/05/2020; TP100-TP108 all Rev 4 dated 29/05/2020; TP108 Rev 3 dated 29/05/2020; TP109 Rev 1 dated 29/05/2020; TP130 Rev 2 dated



	29/05/2020; TP131 Rev 4 dated 29/05/2020; TP200 and TP201 all rev 4 dated 29/05/2020; TP250 Rev 3 dated 29/05/2020; TP450 and TP451 Rev 3 dated 29/05/2020; TP500-TP508 and TP550 all Rev 2 dated 29/05/2020; all Council date stamped 03/06/2020
<b>Site area / Title particulars</b>	Volume 09666 Folio 398 – Plan of Consolidation 161638A 2,609m <sup>2</sup> approx. (0.206ha) 80.83m Normanby Rd) /23.03m (Munro St) (w) x 50.29m (Johnson St) / 76.65 (side) (d) Right of carriageway and drainage easement (E-1) (min. 2.25m / max. 3.2m) along NE side (with corresponding easement [A-1] on adjacent site to north-east), with reciprocal rights for both sites.
<b>Minimum plot ratio not used for Dwelling (Core areas)</b> <b>Clause 22.15-4.1</b> <i>Note: Clause 73.01: Plot ratio: The GFA divided by the area of the site. (Includes any proposed road, laneway and pos.)</i>	Montague Core area ratio = 1.6:1 x 2,609m <sup>2</sup> (0.26ha) = 4,174m <sup>2</sup>
<b>Non-residential floor area</b>	Retail = 858m <sup>2</sup> Office = 1,368m <sup>2</sup>  Total = 2,226m <sup>2</sup>
<b>CCZ1 Dwelling Density</b> <b>Clause 22.15-3</b> <i>Dwelling density (dw/ha) means the number of dwellings on the site divided by the total site areas (hectares) including any proposed road, laneway and public open space.</i>	Montague Core area @ 450 dw/ha x 0.2069 ha = <b>93 dwellings</b>
<b>No. dwellings (inc. 12 social housing dwellings)</b> <i>25% 3BR required</i>	<b>280</b> (57 / 20.4% x 1BR, 190/ 67.8% x 2BR, 33 / 11.8% x 3BR)
<b>Affordable housing</b> <b>Clause 22.15-4.3</b> <i>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</i>	Four (4) per cent (12 dwellings) of all dwellings to be provided as Social Housing (Refer below) <b>Note:</b> 6% of 93 = 5 (5.58) dwellings. 6% of 280 = 16 (16.8) dwellings.
<b>Social housing</b> <b>Clause 4.2 of Schedule 1 to the CCZ.</b> <i>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of</i>	<b>12 dwellings</b> being 4.3% of all dwellings to be gifted to a housing agency at no cost.  280 dwellings - 93 dwellings = 187 dwellings @ 1 per 8 = <b>23 (23.37) social housing dwellings required for uplift.</b>



<i>dwelling allowable under the specified Dwelling density</i>	<p><b>Note:</b> Plans show 8 x 1BR social housing dwellings in L 2, 3, 4 and 5 of podium.</p> <p><b>Note:</b> 12 dwellings = 12 (12.9) % of all <i>dwelling permitted under the dwelling density requirements in the CCZ.</i></p> <p><b>Note:</b> 12 dwellings = 4 (4.28) % of all dwellings.</p> <p><b>Note:</b> Social housing not required under ToR.</p>
<b>Basement</b>	N/A
<b>Street wall (podium) height</b>	<p><b>6 levels:</b> 26.8m above ground floor to podium roof.</p> <p><b>7 levels to top of feature stairs:</b> 29.8m above ground floor.</p> <p><b>Note:</b> NGL = 1.96m AHD to Normanby Rd, 1.97m AHD to Johnston St and Munro St (all mid-block) Johnson Street and 1.85m to Munro Street.</p>
<b>Maximum height (Tower)</b>	<b>30 storeys</b> / 95.8 metres above ground floor, 101.8 metres to the top of the plant and 103.2 metres to the top of the lift overrun.
<b>Street wall (podium) Setbacks</b>	<p><b>Normanby Road:</b> 0m setback</p> <p><b>Johnson Street:</b> 0m setback</p> <p><b>Munro Street:</b> 0m setback</p> <p><b>East setback to 264-270 Normanby Road:</b> 4.5m</p>
<b>Tower Setbacks</b>	<p><b>Normanby Road:</b> 10m setback</p> <p><b>Johnson Street:</b> 4m and 5m setback</p> <p><b>Munro Street:</b> 5m setback</p> <p><b>East setback to 264-270 Normanby Road:</b> 10m setback to title boundary</p>
<b>Tower separation</b>	<b>North-east (side):</b> Min. 15.0m (Subject site = 10.0m; Site 01 = 5.0m)
<b>Loading bay</b>	<p>Accessed via new crossover to Munro Street.</p> <p>10m turntable diameter. 4m clearance.</p> <p>Refuse zone at ground level.</p>
<b>Car parking</b>	<p><b>222 within the podium levels</b></p> <p><b>Residential:</b></p> <ul style="list-style-type: none"> <li>• 1 BR: 0 spaces.</li> <li>• 2 x BR: 134 spaces provided for 190 dwellings (rate 0.71 spaces per dwelling)</li> <li>• 3 x BR: 66 spaces provided for 66 dwellings (rate 2 spaces per dwelling)</li> <li>• Visitor: 0</li> </ul> <p><b>Retail:</b></p> <p>858m<sup>2</sup>: 9 spaces (rate approx.. 1.05 spaces per 100m<sup>2</sup>)</p> <p><b>Office:</b></p> <p>1368m<sup>2</sup>: 13 spaces (rate approx. 1 space per 100m<sup>2</sup>)</p> <p><b>1 DDA space allocated to retail use.</b></p> <p><b>133 spaces within mechanical stackers</b></p> <p><b>88 at grade spaces.</b></p>



	<p><b>Note:</b> Maximum residential = 156 spaces; Maximum Commercial/Retail = 22 spaces                  Car share: 2 spaces                  EV charging: none</p>
<p><b>Motorcycle parking</b>                  1: 50 dwellings req.</p>	<p><b>11 spaces</b> (1:25 dwellings)</p>
<p><b>Bicycle parking</b></p>	<p><b>328</b> (287 residential dwelling], 28 visitor, 13 commercial), end-of-trip facilities (1 x male and 1 x female)</p>
<p><b>Stores*</b>  <i>*Note: Excludes storage in Apartments per BADS.</i></p>	<p><b>79</b> (L1, 2, 3, 4, 5) (0.28/dwelling)</p>
<p><b>Communal facilities</b></p>	<p><b>Level 06 (Podium rooftop):</b> Resident amenities, dining room, 20m lap pool, spa, pool terrace, landscaped terrace, Perimeter running track.  <b>Top of roof top plant:</b> Rooftop terrace – 226m<sup>2</sup> (access from stairs and lift).</p>
<p><b>Community (public) facilities</b></p>	<p><b>Level 0 (Ground):</b> 4.5m (w) lane proposed along north-east (side) (50% of 9.0m lane in conjunction with adjacent Site 01 (264-270 Normanby Road)  <b>Level 06 (Podium rooftop):</b> Viewing platform accessed via external stairs on Johnson Street podium wall.  <b>Note:</b> Architectural drawings show a landscape design for a future park on Johnson Street (road closure), including Normanby Rd, Johnson St and Munro St footpaths. This is illustrative only and does not form part of the application. Framework Plan notes Johnson Street road closure as a Medium Term (i.e. 2020-2025) key project.  <b>Note:</b> Framework does not expressly refer to consequential development of park.</p>
<p><b>New Roads / Laneways</b></p>	<p>4.5m wide pedestrian laneway adjacent to 256-262 Normanby Road.  <b>Note:</b> Council does not wish to acquire the lane. Lane to remain in private ownership, but with S173 for 24/7 public access</p>
<p><b>Vehicle access</b></p>	<p>Munro Street: 1 x 6.5m (w) crossing to podium parking and ground floor loading area.                  All other crossovers, including vehicular crossover to Normanby Road (Road Zone Category 1 removed).</p>
<p><b>Dwelling access</b></p>	<p>Lobby access via central Apartment lobby access via Normanby, Johnson and new laneway.                  Second apartment lobby accessed via Normanby Road to podium apartments at the junction between Normanby Road and Johnson Street.</p>
<p><b>Retail/commercial access</b></p>	<p>All tenancies are presented to a street / laneway frontage.</p>
<p><b>Staging</b></p>	<p><b>N/A</b></p>
<p><b>Gross floor area (GFA) / Plot ratio</b></p>	<p><b>Gross Floor Area (GFA):</b> 42,206m<sup>2</sup></p>

## 6. SUBJECT SITE AND SURROUNDS

6.1 The subject site is located on the corner of Normanby Road, Johnson Street and Munro Street, South Melbourne.



- 6.2 The land is irregularly shaped and includes a frontage width to Normanby Road of 80.83m, a frontage to Johnson Street of 76.65m, a frontage to Munro Street of 23.03m and a depth of 50.29m for an overall area of 2,609m<sup>2</sup>.
- 6.3 The east side of the land is encumbered by a 2.25m to 3.2m wide easement (E-1) for drainage and carriageway in favour of the adjoining property at 264-270 Normanby Road, South Melbourne (Site 01 of the Normanby Road precinct applications).
- 6.4 This easement matches a 2.25m to 3.2m wide easement (A-1) also for drainage and carriageway on the south-western side of 264-270 Normanby Road, South Melbourne (Site 01) in favour of the subject land.
- 6.5 The land is generally flat with no discernible slope in any direction. Survey particulars show only minor falls in the order of 0.12m from Munro Street to Normanby Road and 0.5m along Normanby Road from the north-east side to the Johnson Street corner.
- 6.6 The land is developed for a two-storey commercial building dating from the 1980s and currently used for trade supplies and associated offices and car parking.
- 6.7 There is one existing vehicle crossing to the land off Normanby Road, and two crossings off Munro Street (one of which aligns with Easements E-1 and A-1).
- 6.8 Land surrounding the subject site is developed as follows:

Boundary	Notable features:
<b>East (rear)</b>	<p>Four contemporary single storey glass façade and tilt-slab concrete office and warehouse buildings with at- grade car parking along one side or the front, accessed via crossings off Normanby Road and/or Munro Street, a four storey warehouse (with two-storeys of apartments on the roof) at the south-east corner of Normanby Road and Montague Street, Montague Street, further one and two-storey commercial buildings, the West Gate Freeway, Melbourne Convention and Entertainment Centre, and Docklands beyond.</p> <p>264-270 Normanby Road is known as Site 1 and subject to an Application for a Planning Scheme Amendment C165 Port for a 20 level (previously 40-level) tower. The SAC Hearing date of this application is postponed until January 2021.</p> <p>Further east this site is:</p> <p>256-262 Normanby Road (Site 2) which is also the subject of PSA Application C166 Port for a 20-storey tower.</p> <p>248-254 Normanby Road (Site 3) which is subject to PSA Application C164 Port for a 20-storey tower.</p>
<b>South (front)</b>	<p>Normanby Road, a 30-metre wide road reserve with two-way traffic, street trees, footpaths and on street car parking. Beyond this is 253-273 Normanby Road occupied by the Oxford University Press. This site includes one and two storeys commercial, industrial and warehouse</p>



	<p>buildings. A Planning Permit has been issued for a 40-storey mixed use development comprising two towers and a five-storey podium.</p> <p>Further beyond is the elevated Port Melbourne light rail line, and further one and two storey commercial, industrial and warehouse buildings and some older houses further beyond.</p>
<b>West (side)</b>	<p>Johnson Street, a 30 metre wide road reserve with two-way traffic. On the opposite site, a single-storey commercial / industrial building and a substation and one and two storey office and industrial and warehouse buildings, and three and four-storey townhouses on Boundary Road</p>
<b>North (side)</b>	<p>Munro Street, a 20-metre-wide road reserve with two-way traffic, street trees, pedestrian pavements and on street parking.</p> <p>On the opposite side of the road is a single storey warehouse (City Mazda) at 80 Munro Street. This warehouse is largely constructed to the site boundaries. This site has an application to construct 1 x 26, 1 x 28 and 1 x 34 storey towers (inc. 2 x 5 storey podiums and two basement levels) mixed use commercial and residential buildings (PSA C176 Port).</p> <p>Further north and on the opposite side of Johnston Street at 60-82 Johnston Street has approval for 4 towers ranging from 21 to 46 storeys.</p>

6.9 Surrounding land in all directions is mostly developed for one or two-storey commercial / industrial buildings, used for offices, car sales and repairs, light industry, warehousing and the like.

## 7. PERMIT TRIGGERS

7.1 While the following zone and overlay controls apply to the site, with planning permission required as described, any incorporated document issued via the s20(4) process will prevail over any of the planning controls outlined below.

<b>Planning Scheme Provision</b>	<b>Why is a planning permit required?</b>
<b>Clause 36.04: Road Zone Category 1</b>	<p>Pursuant to Section 2 of Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. This may include a substantial increase in traffic to or from a Road Zone.</p> <p>A planning permit is required under this clause.</p>
<b>Clause 37.04: Capital City Zone (CCZ1)</b>	<p>Pursuant to Clauses 37.04-1 and 37.04-2 of the CCZ1 and the Table of uses at Clause 1 of the Schedule to the CCZ1, <b>a planning permit is not required to use land for an office.</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:</p>



	<ul style="list-style-type: none"> <li>• <b>Dwelling</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not be within an Amenity buffer shown on Map 4.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> <li>• <b>Retail premises (other than Hotel, Shop and Tavern (i.e. Bar))</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not exceed 1000m<sup>2</sup> gross leasable floor area.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> </ul> <p>The land is in in a Core Area, the Amenity Buffer for Council’s Resource Recovery Centre in White Street and is within 450m of the South Melbourne to Brooklyn pipeline. <b>A permit is required to use the land as a Dwelling, and a Retail premises (other than Hotel, Shop and Tavern</b> under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> <li>• The demolition or removal of temporary structures;</li> <li>• The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.</li> </ul> <p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works 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. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p><b>A planning permit is required under this clause.</b></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, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> <li>• An application lodged before the approval of Amendment VC136 (02-Feb-2017).</li> <li>• An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136.</li> </ul> <p>The application was submitted before the introduction of VC136 but as the application now proposed is a S20(4) amendment, the proposal <b>must meet Clause 58.</b></p>
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	<p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works 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. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p>
<p><b>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend - Montague Precinct (DDO30)</b></p>	<p>The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 68 metres (20-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An application to construct a building or construct or carry out works in DDO 30 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><b>A planning permit is required under this clause.</b></p>
<p><b>Clause 45.03: Environmental Audit Overlay (EAO)</b></p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre or primary school) 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"> <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> <p><b>A planning permit is not required under this clause but the above requirements must be satisfied in accordance with the Environmental Protection Act 1970.</b></p>
<p><b>Clause 45.09: Parking Overlay (P01)</b></p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for <b>Dwelling, Retail premises and Office</b>.</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The application proposes to provide car parking for dwellings in excess of the Parking Overlay rates.</p> <p><b>A planning permit is required under this clause.</b></p>
<p><b>Clause 45.11: Infrastructure Contribution Overlay (IC01)</b></p>	<p>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 an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> <li>• A non-government school;</li> <li>• Housing provided by or on behalf of the Department of Health and Human Services;</li> <li>• Any other land or development of land specified in a Schedule to the ICO.</li> </ul>





	<p>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 plan has been incorporated into the scheme for:</p> <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> <li>• Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.</li> <li>• Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose</li> </ul> <p><b>A planning permit cannot be granted for the proposal.</b></p> <p>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</p>
<p><b>Clause 52.06: Car Parking</b></p>	<p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p>
<p><b>Clause 52.34: Bicycle Facilities</b></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><b>A planning permit is not required under this clause.</b></p>

**8. PLANNING SCHEME PROVISIONS**

8.1 Relevant Planning Scheme provisions and relevant Planning Scheme Amendments are included at **Attachment 3**.

**9. REFERRALS**

**External referrals**

9.1 The Minister for Planning C/- the Department is responsible for external referrals, including to Council. Council needs to provide a response.

**Internal referrals**

9.2 The applications were internally referred for comment.

Internal referral responses in full are an **Attachment 4** to this report.

A summary of responses is outlined below:

Internal Department / Referral Officer	Internal Referral Comments (summarised)
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<p><b>Urban Design</b></p>	<ul style="list-style-type: none"> <li>• Excessive height.</li> <li>• Further activation should be provided adjacent to the proposed public open space.</li> <li>• Ground floor levels and universal access to retail unclear in architectural plans.</li> <li>• The proposal presents modified setbacks to Johnson Street (5m &amp; 4m in part) and to the eastern boundary (6m). The reduced setbacks are not supported. The podium terrace is landscaped for communal open space and recreation and a reduced setback is likely to induce adverse wind impacts that affect opportunities for planting and communal uses.</li> </ul>
<p><b>Fishermans Bend Strategy / Strategic Planning</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant setbacks above street walls.</li> <li>• Does not adequately respond to the preferred precinct character of Area M1.</li> </ul> <p>The tower element is not considered slender, the tower will not create “fast moving shadows, the tower form and proposed setbacks will not “minimise the perception of visual bulk when viewed from streets.</p> <p>The proposal will not “<i>limit impacts on the amenity of the public realm as a result of wind.</i>”</p> <ul style="list-style-type: none"> <li>• There is significant concern with the extent of un-sleeved car parking located on Levels 1-6 that face the new park.</li> <li>• Floor levels. The proposal plans indicate that the entire Ground Floor will be at 3.0m AHD. Whilst this floor level should adequately manage flood risk, it must also provide street level presentation and activation to the public realm.</li> <li>• Access to the bicycle parking area on the Ground Floor inconvenient.</li> <li>• <b>Laneway encroachments-</b> it appears that columns encroach approximately 200mm into the laneway for the height of the podium.</li> <li>• It is unclear how the <b>ground level retail premises</b> will access back-of-house / service areas for car parking, deliveries, waste disposal, etc.</li> <li>• Varied form of the <b>tower ‘crown’</b> should be explored to “contribute to a varied and architecturally interesting skyline”.</li> <li>• The detailed design of the proposed internal and external communal areas on Level 06 needs to include areas for people to interact casually, children to play, etc.</li> <li>• The appropriateness of the proposed <b>public viewing platform</b> on Level 6 is unclear, particularly its access via a 6-storey high external</li> </ul>



	<p>stairway. This area may be better suited as communal open space for residents and tenants of the retail / office tenancies.</p> <ul style="list-style-type: none"> <li>• Wind assessment does not comply with the policy requirements. The assessment needs to include all developments in the area that are under construction, approved or under assessment.</li> </ul>
<p><b>Recreation and Open Space Planning</b></p>	<ul style="list-style-type: none"> <li>• Six (6) Council owned nature strip trees on Normanby Rd are proposed to be retained. Further information will be required as a condition of the permit (see below), discussing the impacts to these trees and how they will be protected.</li> <li>• Four (4) Council owned nature strip tree on Johnson St are proposed to be removed to facilitate the design. As it is unlikely that these trees can be retained as part of the development, please include the below as a condition of the permit.             <ul style="list-style-type: none"> <li>○ Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from the City of Port Phillip. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.</li> </ul> </li> <li>• One (1) tree within the property is considered significant under the local law and a permit will be required to facilitate its removal. Given the extent of proposed landscaping works and provided larger canopy trees are planting to offset the canopy loss. It is likely that Council would approve the tree's removal.</li> <li>• The remaining trees within the subject site are not considered significant under the local law. Therefore, Council would not generally object to their removal.</li> <li>• Any new street tree planting is generally undertaken by Council as we have more control over when the trees are planted and their post construction maintenance. Any money reimbursed from the removal of Council trees would be used to fund any new street tree plantings.</li> <li>• This proposed development appears to be well oriented on site, and has limited impact with shadowing of nearby open spaces. The proposed closure of a section of Johnson St will be a key part of the overall amenity of the area around this development.</li> <li>• The Recreation and Open Space Planning Team has no objection to the proposed development.</li> </ul>
<p><b>Environmental Sustainable Design</b></p>	<ul style="list-style-type: none"> <li>• The application does not demonstrate best practice for ESD.</li> <li>• The ESD Opportunities Assessment (SMP) refers to many ESD initiatives that could be implemented in order to achieve planning scheme requirements for FBURA. However, no definite commitments are provided and no Green Star Scorecard is provided. The proposal does not address the integrated water management requirements for FBURA. There are no details of how the third pipe</li> </ul>



	<p>and raintank requirements of Clause 4.3 of the Capital City Zone Schedule 1 will be met. No WSUD report has been provided.</p> <ul style="list-style-type: none"> <li>The ESD Opportunities Assessment (SMP) includes design recommendations to improve the sustainable design outcome. These recommendations are supported. However the report should clearly state the ESD commitments that are proposed, rather than listing potential options.</li> </ul>
<p><b>Traffic Engineers</b></p>	<ul style="list-style-type: none"> <li>Plans indicate a 6.5m wide crossover. As per Clause 45.09 all crossovers should include intermediate pedestrian refuges if the crossover is more than 6.1m. I suggest reducing the crossover width to satisfy CI 45.09.</li> <li>A barrier will need to be setback to the vehicular entry to ensure vehicles queuing do not overhang onto the footpath.</li> <li>Specification sheet indicate the height clearance required for the mechanical stacker is 3.8m. Can the Applicant confirm if there is sufficient clearance within each car parking levels? I note the cross section indicate 3.8m inclusive of floor/ceiling slab.</li> <li>Currently there is no footpath along Munro Street. We suggest a new footpath to be constructed along this section.</li> <li>Along Normanby Road plans indicate 13 visitor bike racks are proposed along the footpath (adjacent to the building). The location of these bike racks is not supported.</li> </ul>
<p><b>Assets</b></p>	<ul style="list-style-type: none"> <li>Under Section 173 Agreement for the Proposed Laneway control in the Incorporated Document, it stated that “The owner must, at its cost, maintain the laneway to the same standards as is reasonably required by the City of Port Phillip for the adjoining road(s)”. Based on this, is it correct to assume that other assets such as street furniture, lighting and servicing infrastructure within the laneway will be also privately owned and maintained?</li> <li>Under Landscaping and Public Realm control can we include the wording “servicing infrastructure” to cover other new assets such as the three conduits that we would like to install as a contingency for additional electrical assets within the public realm.</li> </ul>
<p><b>Waste Management</b></p>	<ul style="list-style-type: none"> <li>Please advise if the commercial bin room has door/roller door, open bin room could potentially be a safety risk, it is important that the bin room is secure,</li> <li>Please provide width of the lobby and residential bin storage entrance room.</li> <li>Number of bins stored in the commercial and residential bin rooms, doesn’t match with the number of bins noted on the WMP.</li> </ul>



	<ul style="list-style-type: none"> <li>Highly recommend allocation of organic/green waste bin storage for future council services.</li> </ul>
<b>Heritage</b>	No heritage issues.
<b>Housing Officer</b>	While the offer of 12 social housing dwellings gifted in perpetuity, based on 4.3% of the total 280 dwellings, is a positive offer, in line with the 6% policy objective I recommend that the 12 units be increased by 5 dwellings to equal 6% (17 dwellings).

## 10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 The Department is seeking the views of the City of Port Phillip with respect to the proposal under S20(5) of the Planning & Environment Act 1987.

10.2 The Council has 20 business days from the date of receiving notice (3 July 2020) to provide a written response. Council is currently within the 20-day timeframe.

## 11. OFFICER'S ASSESSMENT

An assessment of the application against the Fishermans Bend Standing Advisory Committee Terms of Reference is provided as follows:

### 11.1 Responding to Local Policy

#### Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p><b>22.15-4.1 Providing for employment floor area</b> Development in a Core area <u>should</u> provide a minimum floor area ratio not used for dwelling of: Montague: 1.6:1; Sandridge 3.7:1; Wirraway 1.9:1. Exceptions apply.</p>	<p><b>Not achieved:</b> <b>Recommended:</b> 2609m<sup>2</sup> (0.206ha.) site area x 1.6:1 = <b>4,174.4m<sup>2</sup></b> min. floor area ratio not used for dwelling. <b>Proposed:</b> 2,269m<sup>2</sup> (Retail premises: 901m<sup>2</sup> and Offices 1,368m<sup>2</sup>)</p>
<p><b>22.15-4.2 Community and diversity.</b> Proposals of &gt; 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p><b>Not achieved:</b> <b>Recommended:</b> 25% of 280 dwellings = 70 x 3BR <b>Proposed:</b> 11.8% / 33 x 3BR. The applicant's planning report submitted there was insufficient demand for 25% x 3BR dwellings, but tower floor plans illustrated how certain one and two BR dwellings could be combined into 3BR if demand increased. It is considered preferable that the plans be amended to show at least 25% x 3BR dwellings.</p>



<p><b>22.15-4.3 Providing for Affordable housing</b></p> <p><b>Affordable housing</b></p> <p>Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> <li>• The site makes it impractical to do so;</li> <li>• It can be demonstrated the policy objectives can be met by a lesser provision; or</li> <li>• It can be demonstrated meeting the objective would render the proposal economically unviable</li> </ul>	<p><b>Achieved in Part:</b></p> <p>Pursuant to the FBSAC Terms of Reference, the dwelling density requirements of the CCZ do not apply.</p> <p><b>Recommended:</b> 6% of the 93 dwellings permitted under the = 5 (5.58) dwellings.</p> <p><b>Proposed:</b> Four (4) per cent of all dwellings (12 dwellings) proposed to be provided as Social Housing to a registered social housing provider by:</p> <ul style="list-style-type: none"> <li>• Transfer to a registered housing agency or other housing provider or trust; or</li> <li>• Leasing as affordable housing for not less than 20 years; or</li> <li>• If the owner cannot secure a housing agency or provider, payment equivalent to the value of affordable housing that would have been delivered, less the value of any affordable housing provided in the development.</li> <li>• Dwellings to be within the development.</li> <li>• Comprise one, two or three bedroom dwellings, with one or more bicycle parking space per dwelling;</li> <li>• Internal layouts to identical with other comparable dwellings in the development;</li> <li>• Be externally indistinguishable from other dwellings.</li> </ul> <p>– See below</p> <p><b>Note:</b> Montague Core area @ 450 dw/ha x 0.2069 ha = <b>93 dwellings</b></p>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p><b>Not achieved:</b> Mix of one, two <b>or</b> three bedroom affordable housing proposed. This should be amended to one <b>and</b> two <b>and</b> three bedroom dwellings.</p>
<p><b>Social housing</b></p> <p><u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p><b>Achieved in part:</b></p> <p><b>Requirement:</b> 280 dwellings - 93 dwelling density = 187 dwellings @ 1 per 8 = 23 (23.37) social housing dwellings required for uplift.</p> <p><b>Proposed:</b> 12 Social housing dwellings gifted to a registered housing association.</p> <p>The applicant notes, “This proposal offers 12 social housing units (4% of overall apartments), which will be transferred to a housing association</p>



	<p>(i.e. a participating registered agency) in perpetuity.” “It is proposed to gift the social housing units (valued in the order of \$6.34 million), to a registered housing association.”</p> <p>The offer of 4% (12 dwellings) gifted is welcomed but officers consider that 6% (17 dwellings) should be provided to align with policy objectives to deliver housing opportunities for a diverse community. The draft Incorporated Document condition for Affordable (inc. Social) Housing should be amended to confirm the offer.</p> <p><b>Note:</b> Pursuant to the FBSAC Terms of Reference, Social Housing provisions do not formally apply.</p>
<p><b>22.15-4.4 Design Excellence</b>  <u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p><b>Achieved in part:</b>  <b>Recommended:</b> Precinct character area M1 encourages a hybrid (predominantly mid-rise 7-15 level) building typology and maximum 68m (20 storey) building height.  <b>Proposed:</b> 30 storey tower (95.8m) and six-storey podium (26.8m).                  See DDO30 at 11.3 of this report for further discussion.</p>
<p><b>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community</b>  <u>Energy:</u> Assess against:</p> <ul style="list-style-type: none"> <li>• <u>Should</u> achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes, lighting and building services.</li> </ul>	<p><b>Not achieved:</b>                  The Energy section of the SMP does not refer to this policy requirement. The SMP must demonstrate how the development will achieve an increase of at least 20% on the minimum energy efficiency standards.</p>
<ul style="list-style-type: none"> <li>• Residential development <u>should</u> achieve an average 7 star NatHERS rating for each building.</li> </ul>	<p><b>Not achieved:</b>                  The Energy section of the SMP does not refer to this policy requirement. The SMP must demonstrate how the development will achieve an increase at least an average of at least 7-star NatHERS rating.</p>
<ul style="list-style-type: none"> <li>• Developments <u>should</u> incorporate renewable energy generation, on-site energy storage and opportunities to connect to a future precinct wide or locally distributed low-carbon energy supply.</li> </ul>	<p><b>Achieved in part:</b>                  The SMP states that the development should include solar PV (pg. 5). This is insufficient in the FBURA. The proposal must include solar PV and battery storage and the location and capacity of the system should be determined at the planning stage.</p>



<p><u>Urban heat island: Assess against:</u></p> <ul style="list-style-type: none"> <li>• At least 70% of total site <u>should</u> comprise building or landscape elements that reduce impact of urban heat island effect including: <ul style="list-style-type: none"> <li>- Vegetation, green roofs and water bodies;</li> <li>- Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index.</li> </ul> </li> </ul>	<p><b>Not achieved:</b></p> <p>This is not addressed in the SMP or on the plans.</p>
<ul style="list-style-type: none"> <li>• Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance.</li> </ul>	<p><b>Not achieved:</b></p> <p>This is not addressed in the SMP or on the plans</p>
<p><u>Sea level rise, flooding and water recycling and management:</u></p> <p>Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p><b>Not achieved:</b></p> <p>The design proposes to raise internal floor levels above street level.</p> <p><b>Note:</b> the floorplans and elevations do not show how internal areas transition to the noted finished floor levels.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> <li>• Design elements and materials <u>should be</u> resilient inc. water proof doors and windows, elevated power outlets and the like.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The plans and elevation drawings and application documentation do not provide details of flood resilient design and materials.</p> <p>The ground floor finished floor level at 3.0 AHD would generally address flooding requirements.</p>
<ul style="list-style-type: none"> <li>• Land uses at ground level <u>should</u> be able to easily recover from temporary flooding.</li> </ul>	<p><b>Achieved:</b></p> <p>The plan and elevation drawings generally show ground floor levels above the designated flood levels for the site.</p>
<ul style="list-style-type: none"> <li>• Any level changes required between street level and internal ground floor <u>should be</u> integrated into the building design to maintain good physical and visual connection between street and interior.</li> </ul>	<p><b>Not achieved:</b></p> <p>The plan and elevation drawings show insufficient details of level changes to determine this.</p>
<ul style="list-style-type: none"> <li>• Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts.</li> </ul>	<p><b>Not achieved:</b></p> <p>The plan and elevation drawings do not show details of this.</p>
<ul style="list-style-type: none"> <li>• Developments and public realm layout and design <u>should</u> integrate best practice WSUD.</li> </ul>	<p><b>Not achieved:</b></p> <p>The SMP acknowledges that mandatory requirements exist but doesn't confirm what the requirements are or demonstrate how these will be met by the proposed development. There is no rain water tank shown on the plans.</p>





	<p>The application material notes such commitments can be confirmed via a full ESD report via a condition of the Incorporated Document.</p>
<p><b>22.15-4.6 Communal open spaces</b>  <u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p><b>Achieved:</b></p> <p>The design incorporates a 4.5m pedestrian laneway, aligned north-south and abutting 264-270 Normanby Road which will provide the remaining balance of the 9m wide laneway designated in DDO30.</p> <p>This laneway is proposed to be treelined.</p> <p>At the Level 6 podium terrace level, areas of landscaping include hard and soft landscaping areas with the provision of small trees.</p> <p>The plans do not detail any landscaping to the rooftop amenity terrace.</p> <p>Elevations and photomontages details planters with mesh behind to support a green facade as a mechanism of concealing car parking areas and articulating portions of the podium facades.</p> <p>Details on vegetation and how the cascading landscaping is to be managed and maintained have not been provided but can be required as a condition of any Incorporated Document.</p> <p>The proposal is located directly adjacent to Johnson Street, which is envisaged to form Open Space pursuant to the Fishermans Bend Framework. The applicant is open to a works-in-kind arrangement (in lieu of development contributions) that contributes to the realisation of the Johnson Street Park. Concept plans detail landscaping within this space.</p>
<p>Landscape areas <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Contribute to creation of sense of place and identity and preferred character for the precinct.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The landscaped areas and through-block pedestrian lane would provide a shared space for the development but would not appreciably contribute to any sense of particular place or identity or the preferred character for the precinct.</p> <p>The proposed open space to Johnson Street which the development would abut would make a bigger contribution to the preferred character / sense of place.</p>
<ul style="list-style-type: none"> <li>• Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD.</li> </ul>	<p><b>Not achieved:</b></p> <p>The landscape plan and SMP do not propose innovative approaches to flood mitigation and</p>



	stormwater run-off, and best practice WSUD for the landscaped areas.
<ul style="list-style-type: none"> <li>• Incorporate opportunities for community gardens.</li> </ul>	<p><b>Achieved in part:</b></p> <p>It has been indicated the external stair which travels up six storeys to the podium is to a potentially publicly accessible viewing platform. This is not considered to be a particularly accessible area for the community.</p> <p>The applicant has acknowledged opportunities to contribute to the realisation of the Johnson Street Park.</p>
<ul style="list-style-type: none"> <li>• For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage.</li> </ul>	<p><b>Not achieved:</b></p> <p>The open space does not interpret and celebrate heritage and culture including Aboriginal cultural heritage.</p>
<p>Plant selection <u>should:</u></p> <ul style="list-style-type: none"> <li>• Support complex and biodiverse habitat including native and indigenous flora and fauna.</li> </ul>	<p><b>Not achieved:</b></p> <p>Only a Landscape Concept Plan has been submitted in support of the proposal. Insufficient detail has been provided and should be included as a condition of any Incorporated Document.</p>
<ul style="list-style-type: none"> <li>• Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity.</li> </ul>	<p><b>Not achieved:</b></p> <p>Insufficient detail provided but could form a condition of any Incorporated Document.</p>
<ul style="list-style-type: none"> <li>• Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design.</li> </ul>	<p><b>Not achieved:</b></p> <p>A vegetation link is not proposed.</p>
<p>Buildings <u>should:</u></p> <ul style="list-style-type: none"> <li>• Include deep soil zones of at least 1.5m or planter pits for canopy trees.</li> </ul>	<p><b>Not achieved:</b></p> <p>Only a Landscape Concept Plan has been submitted in support of the proposal, this indicates the provision of canopy trees along the pedestrian link. Adjoining the site, provisions can be required to protect existing street tree assets and replace others required to be removed.</p> <p>Insufficient detail has been provided about soil volumes, tree selections, planting schedules, maintenance and management.</p>
<ul style="list-style-type: none"> <li>• Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The landscape plan proposes green facades and rooftop landscaping to the podium.</p> <p>The plans do not detail whether the landscape areas are water efficient, or located and designed</p>



	<p>to be sustainable, viable and resilient and appropriate to micro-climate conditions.</p> <p>As per previous comments, sections of green facades are proposed but insufficient information is provided relating to the detailed design.</p>
<p><b>22.15-4.8 New streets, laneways and pedestrian connections</b></p> <p>New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> <li>• Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block.</li> <li>• Non-core areas: not more than 100m apart and orientated in the preferred direction.</li> </ul> <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p><b>Achieved in part:</b></p> <p>The land is in the Core area and has a frontage width of 80.83m to Normanby Road, 76.55m to Johnson Street and 23.11m to Munro Street and so should provide one new street, laneway or pedestrian connection.</p> <p>The proposed new pedestrian lane between Normanby Road and Munro Streets would comply with the recommended number of connections and generally aligns with the location of a pedestrian laneway detailed in the DDO.</p> <p>The laneway would also meet the preferred direction for a new link providing a north-south link.</p>
<p>Sites &gt;3000m2 <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p><b>Achieved:</b></p> <p>A new pedestrian lane, clear to the sky is proposed between Normanby Road and Munro Streets. This will form one side of a 9m wide pedestrian link.</p> <p>The spaces would define and separate the built form on the subject site with the proposed built form at Site 1.</p> <p>The link will enhance connectivity, permeability and pedestrian amenity for the site and surrounding area.</p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1.</li> </ul>	<p><b>Achieved:</b></p> <p>The pedestrian laneway would align with configuration outlined in the relevant maps of the CCZ1 and DDO30.</p>
<ul style="list-style-type: none"> <li>• Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space.</li> </ul>	<p><b>Achieved:</b></p> <p>The new lane and corridor would provide reasonable access to existing public transport stations and routes, and existing or proposed public open space.</p>
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p><b>Achieved in part:</b></p> <p>The new lane would facilitate pedestrian movement and would generally align with desire</p>



	lines. Any detailed design can ensure appropriate use of materials, placement of street furniture and landscaping.
New streets and lanes <u>should</u> be designed to: Enable views through the street block; Have active frontages in a core area; Be open to the sky; Allow for canopy tree planting.	<p><b>Achieved in part:</b></p> <p>The concept plans provided in support of the proposal indicate an appropriate design can be achieved with retail uses fronting the laneway will provide activation.</p> <p>Council’s Urban designers have provided commentary regarding minor encroachments, height of building canopy and tree locations within this area.</p>
<p><b>22.15-4.9 Sustainable transport</b></p> <p>Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.</p>	<p><b>Achieved:</b></p> <p>The development would not compromise the delivery of future PT inc, new tram, train and bus routes.</p>
Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.	<p><b>Achieved:</b></p> <p>The site does not abut a pedestrian, PT or bicycle priority route.</p> <p>The proposal would remove the vehicular crossover on Normanby Road which would appreciably reduce pedestrian/vehicle conflict points.</p>
Design internal connections to give priority to pedestrians and bicycles.	<p><b>Achieved in part:</b></p> <p>The internal connections give priority to pedestrians. The plans do not show any particular provision for bicycles.</p>
Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.	<p><b>Achieved in part:</b></p> <p>Access to the ground floor bike parking area and end of trip facilities appear to be inconvenient with access to a 176 bike parking area provided via one entry point.</p> <p>The plans do not show details of bicycle parking facilities such as spacing or types of bike racks however these are included within the Traffic Report and generally considered satisfactory.</p>
Encourage developments to provide less than preferred max. no. car spaces.	<p><b>Not achieved:</b></p> <p>Proposal seeks to provide more than the preferred maximum number of car spaces for the dwellings.</p>



Encourage developments to provide for future conversion of car parking to alternative uses.	<b>Not achieved:</b> Floor to ceiling heights no less than 3.8m could facilitate some future conversion but the ramped nature of the access arrangements would require significant work.
<b>22.15-4.10 Land use transition</b> Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.	<b>Achieved:</b> The proposed uses would not prejudice the urban renewal of Fishermans Bend.
Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.	<b>Achieved:</b> The application documentation included both an Air and Noise Amenity Impact Assessment.

## 11.2 Clause 37.04: Capital City Zone (CCZ1)

### 11.2.1 Use of Land

Use for **Dwellings** requires a permit because the land is in the Montague Core area, is partially within the 250m amenity buffer associated with the City of Port Phillip -Resource Recovery Centre, partially within 100m of the Port Melbourne to Symex Holdings pipeline and within 450m of the South Melbourne to Brooklyn gas pipeline.

Use for a **Retail premises (other than Hotel, Shop and Tavern)** requires a permit because the land is in the gas pipeline buffers noted above.

The use as an **Office** does not require a planning permit.

All the proposed uses are considered satisfactory for the site, subject to conditions for any protection measures required for the gas pipelines and for management of amenity impacts such as noise emissions and/or protection from nearby sources of noise etc. such as by the building including noise attenuation measures in its construction.

Please refer to Section 11.2 of this report Residential Amenity (Noise and Air Impacts) discussing the appropriateness of these uses on the subject site.

### 11.2.2 Dwelling Density

Pursuant to the FBSAC Terms of Reference, the dwelling density provisions of the CCZ do not apply to the application.

### 11.2.3 Buildings and Works Requirements

Buildings and works must be generally in accordance with the Urban Structure, Amenity Buffer, Pipeline Buffer and Transport and Infrastructure maps of the Schedule to the CCZ. This does not apply to a new road or laneway marked as indicative.



**Map 1: Urban Structure** seeks proposals to have an active frontage with 80% permeability to Normanby Road and 60% permeability to Johnson Street. A new laneway 9m(wide) is indicated to the eastern portion of the site.

The easterly side of Johnson Street is to incorporate a new linear public open space area opposite.

To the west, it is proposed to close Johnson Street between Munro Street and Normanby Road to create a new park.

**Map 4: Amenity buffers** includes part of the land in the 250m buffer of Council’s Resource Transfer Station. It is considered any impact from the transfer station could be ameliorated by a condition for the building to include noise attenuation measures in its construction.

**Map 5: Pipeline buffers** includes the land in the 450m buffer of the South Melbourne to Brooklyn gas pipeline and within 100m of the Port Melbourne to Symex Holdings pipeline. As above, the proposed developments would be satisfactory subject to conditions for any protection measures required by the gas pipeline operators,

**Map 6: Transport Infrastructure** shows the site is proximate to the Route 109 tram corridor and would not adversely impact on any proposed future transport infrastructure.

#### 11.2.4 **Bicycle, Motorcycle and Car Share Parking**

(Note: See also assessment at 11.72 of this report).

Clause 4.2 of Schedule 1 to the Capital City Zone requires bicycle, motorcycle and car share parking spaces (unless the responsible authority is satisfied a lesser number is sufficient).

A summary of the requirements and provision (based on the Development Schedule) is set out below (Note: The bicycle parking allocation in the Traffic Engineering Assessment differs from that in the Development Schedule and plans):

**Table 11.2.4-1: Bicycle, Motorcycle and Car share parking**

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 280 dwellings = <b>280 spaces</b>	287	1 per 50 dwellings x 280 dwellings = <b>6 spaces</b>	<b>11 spaces</b>	2 spaces + 1 per 25 car spaces x 222 residential car parking spaces = <b>11 spaces</b>	2
	1 visitor space per 10 dwellings x 280 = <b>28 spaces</b>	28	None specified	N/A	None specified	N/A



<b>Total:</b>	<b>308 spaces</b>	315 for dwellings and visitors. 13 additional spaces are provided for commercial use. <b>328 spaces*</b>	<b>6 spaces</b>	<b>11 spaces</b>	<b>11 spaces</b>	<b>2</b>
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*\*As the proposed non-residential floor space does not exceed 10,000m<sup>2</sup>, there is no requirement to provide bicycle, motorcycle or car share spaces for the proposed retail premises and office under this clause (Clause 52.34 applies).*

Bicycle parking

The development would provide more resident and non-residential visitor bicycle parking than required. The non-residential uses would require 11 spaces for the office and retail and 13 are proposed to be provided and thus considered acceptable.

Motorcycle parking

The development would provide 5 additional spaces beyond the required number of motorcycle spaces for the dwellings.

Car share spaces

The plans do not specify the location of the car share spaces.

The Traffic Engineering Assessment (TEA) for the proposal calculated 13 car share spaces would be required. Officer assessment is 11 car share spaces would be required.

The TEA states

*‘We consider the requirement for the provision of 13 car share spaces to be a highly conservative rate for this locality. Given the location and size of the development, we do not expect these car share spaces to be used by multiple commercial car share operators. Rather, these car share spaces are likely to serve staff and residents of the proposed development, it is unlikely that these users will generate such a high demand.*

*Additionally, considering the future development of land surrounding the site, the statutory requirement will provide a significant oversupply. Accordingly, we are satisfied with the proposed car share parking provision.’*

Officers would support an initial reduction in the number of car share spaces on the basis of demand monitoring and review and conditions



requiring the number of spaces to be increased if there is demonstrated demand.

However, officers disagree that a lesser number of car share spaces can be justified on the basis of oversupply of spaces for the dwellings. The number of individual car parking spaces for the dwellings should not exceed the maximum rates of the Parking Overlay.

Any additional parking demand should instead be met from car share spaces.

#### 11.2.5 Conditions on Permits

Clause 4.3 of Schedule 1 to the CCZ sets out mandatory conditions to be included on permits (as relevant). The listed conditions for:

- Green star rating;
- Third pipe and rain tank; and
- Development near gas transmission pipelines

should be included in any approved Incorporated Document for the proposal.

### 11.3 Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend – Montague Precinct

#### 11.3.1 Building Typologies

The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 68 metres (20-storeys).

The preferred precinct character is mid (i.e. 7 to 15 storeys) to high-rise (i.e. 16 storeys or higher) developments, including on larger sites, a hybrid of perimeter blocks with some slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.

#### Assessment

DDO30 seeks to ensure that buildings in Montague North are “a mix of mid and high-rise scales with hybrid and podium–tower typologies” and, among other things “To ensure built form protects where possible, sunlight penetration to key open space, spines and other identified public open spaces, streets and laneways, and facilitates comfortable wind conditions, to deliver a high quality public realm.”

Council’s Urban Designers commented that the scale, typology and architectural form was not supported as it is considered that the tower form and proposed setbacks does not result in a ‘slender’ tower and does not minimise the perception of visual bulk.

The planning scheme does not provide guidance or define ‘hybrid’ building typology or slender towers.





The site is irregular in shape which guides the form any building will present on site and due to the triangular nature of the site will only ever be capable of presenting as slender to the Normanby Road / Johnson Street interface with the built form peeling away from the corner.

The six-storey street wall with a setback of 10 metres above the podium (as required by DDO30) along Normanby Road has a streetwall proportion, upper level setback and tower height that maintains a successful pedestrian environment. A 4-5 metres setback above the six-storey podium to Johnson and Munro Street is sufficient to ensure the tower element facilitates fast moving shadows adjacent to the future public park.

This site has been described as a gateway to the Montague Precinct and its interface with Sandridge (west) represents an important approach to the CBD from Williamstown Road at Boundary Street and into a Core area. Council officers generally agree with this statement and acknowledge that the site is strategically placed to accommodate a high-rise tower such as proposed in this application.

#### 11.3.2 **Overshadowing**

Buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over:

- The existing residential zoned land south of City Road and east of Montague Street between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces shown in **Map 4** of this schedule between the hours of 11.00am and 2.00pm on 22 September.

New public open space is proposed to the north-west of the subject site designated as Area on Map 4. This park is not subject to mandatory overshadowing controls.

The application material includes shadow diagrams for 21 September. The proposal would partially overshadow the southern portion of the proposed public open space at 11am. The overshadowing would be gone by 12 noon. Given the slender nature of the tower as it presents to this interface, the shadows are fast moving and are considered acceptable.

Amendments suggested by Council's Urban Designer to the upper levels of the tower may facilitate removal of overshadowing at 11am.

#### 11.3.3 **Building Height**

##### Street Wall Height



The preferred street wall (i.e. podium) height for the land is **at least four storeys** (except where a lower height is necessary to respond to an adjoining heritage place, and the maximum street wall height is **six storeys**).

A six-storey street wall is proposed to all frontages.

#### **Assessment**

The podium is differentiated through design elements including landscaping and a feature stair leading up to the viewing platform.

#### Tower Height

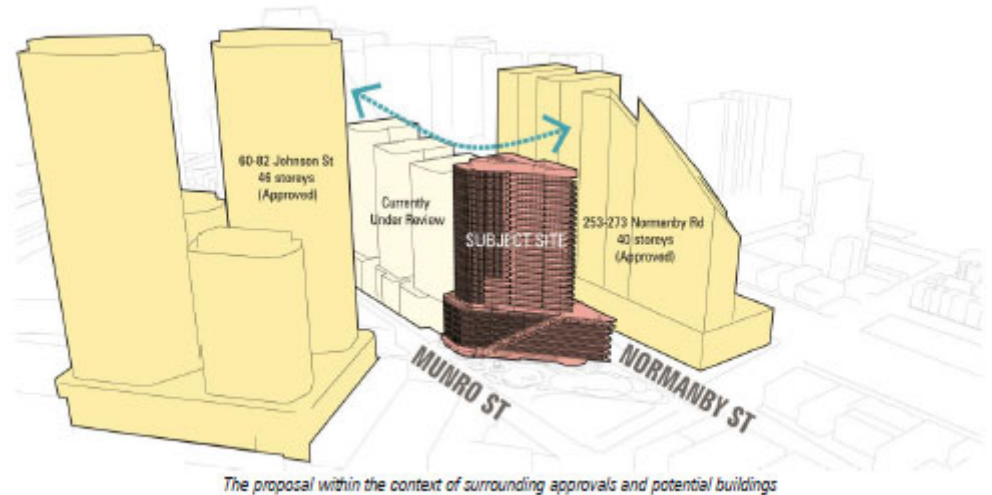
The 30 storey tower height considerably exceed the preferred mid-rise 7-15 storey height for the land, and the 20-storey discretionary maximum height.

#### **Assessment**

Council's Urban Designers recommend the proposed development at 10 storeys above the preferred building height outlined in DDO30 be reduced to a height more in keeping with the proposed precinct character. It could also reduce its impact by quoting the expressed roof form of the adjacent development. This could be achieved by incorporating a sloped roof form of its own that compliments the adjacent building's site response and contributes to develop the characteristic and reduce its visual impact

It is however noted this site would sit in context with the site immediately to the south of the road reserve at 253-273 Normanby Road at 40 storeys. That site (253 Normanby Road) has a sloping roof form that reduces its overshadowing and visual bulk and an expressed roof form that also delivers a unique characteristic to the precinct, as identified by Council's Urban Designers

The reduction in tower height from the 40 levels of the original 2016 planning permit application to the current proposed 30 levels is considered a satisfactory response to the preferred and emerging precinct character where development in excess of the 20 and 24-storey preferred heights have been approved prior to the current planning scheme controls but are only now commencing construction. An illustration below from an Urban Design Memo prepared for the proponent by Hansen Urban Design Team dated 03/06/2020 shows the emerging massing surrounding the subject site. It is noted there is an additional proposal in the background at 2-28 Montague Street which is currently with the Standing Advisory Committee to consider three towers of 26, 28 and 34 storeys.



**Figure 11.3.3:** Extract from Urban Design Memo prepared for the proponent by Hansen Urban Design Team and dated 03/06/2020

Permits have been granted along Normanby Road for four sites comprising twin towers of 28 and 40 storeys and one tower of 40 storeys west of Montague Street and two single towers of 40 storeys east of Montague Street, both of which have commenced construction. There are several other lower tower proposals along Normanby Road at varying stages of the application process.

Notwithstanding these approvals and the two commencements to date to the east, buildings taller than 20-storey height are the exception in the area, and the proposed 3 x 20 level towers to the east to west of Normanby Road would be notably lower.

It is also acknowledged that the proposal includes an offer of Affordable Housing comprising 12 Social Housing dwellings in return for 96 additional dwellings, which, based on the typical 1 and 2BR floor plan yields of 10 dwelling per floor would equate to an additional 9 levels.

Nine additional levels above the maximum 15 storeys for mid-rise character would result in a 24-storey tower. Alternatively, nine additional levels above the 20-storey discretionary preferred maximum building height for the site would be 29 storeys.

It is considered that a maximum tower height of 20 storeys in this highly visible location would represent an awkward transition from the approved built forms within the area, particularly at this gateway location. It is however considered appropriate for lower forms to line Normanby Road behind this site.



The 30-storey podium and tower profile can be considered acceptable and would be generally commensurate with the social housing uplift but would also provide a reasonable transition in built forms to provide an interesting and varied skyline.

It is further considered that a visually prominent corner site such as this, that would provide a backdrop to a new area of public open space. Given the irregular site shape, the height at 30-storeys can be supported and will create an acceptable built form within the precinct.

#### 11.3.4 **Street wall setbacks**

All street walls are constructed to the boundary, except for openings for the pedestrian lane, entry lobbies and driveways. The intersection of Normanby Road is proposed to be 'rounded-off' to provide articulation at ground floor level with the upper podium levels cantilevering. This will provide some shading and weather protection associated with the proposed public open space.

Council is not aware of any referral authorities such as Melbourne Water or others who would require a variation to these setbacks.

#### 11.3.5 **(Tower) Setbacks Above the Street Wall / Side and Rear Setbacks**

The preferred and minimum setback of towers above the street wall and from side and rear boundaries is 10 metres.

Above the podium, the tower form is to be set back a minimum of 10 metres from southern boundary, 5 metres from the northern boundary and 4 metres from the western boundary.

The setback from the title boundary / centre line of the 9m wide laneway, is 10 metres to the east and 5.5 metres from the podium wall at this location.

The applicant advises, *"The amended design proposal has resulted in reduced setbacks to two frontages due to the amended decrease in overall building height. It is deemed necessary to increase the floor plate area by reducing the setbacks to achieve an appropriate gross floor area and a feasible development outcome, whilst achieving a reduction in building height."*

Along Johnston Street and Munro Street, appropriate setbacks and activities have been provided to the frontage which will largely interface the new public open space.

The 4 – 5 metre setbacks above the podium whilst non-compliant are site responsive and do not result in any adverse amenity impacts such as overshadowing, solar access or does not dominate the street owing to the 20-metre-wide road reserve. As previously discussed, the articulation to the Johnson / Munro Street facades assist in breaking up



the perception of massing that may otherwise be achieved by an increase setback above the podium.

#### 11.3.6 Wind Effects on the Public Realm

Vipac Engineers and Scientists Pty Ltd have reviewed the design in line with their previous findings in relation to wind conditions affecting the site, the proposal has not been wind tunnel tested. This report concluded that wind amelioration treatments were required to achieve satisfactory wind conditions within and around the development including:

- Incorporation of a porous artwork or structure at the western corner. The proposed tree near this location would also have a similar effect;
- Landscaping (box planters) as proposed along the 'new laneway'. To be located along the eastern development boundary on the north and east corners;
- With the current adjacent building, a windscreen or sliding doors on the south eastern corner to close of "new laneway" would be required. However, with the future development on the adjacent site, this wind control measure will no longer be required. As such, considering the future built form of the precinct, it is our opinion that this treatment should not be required.

Council's Urban Designers raised concerns that:

- An amended wind assessment needs to be prepared that fully addresses the requirements of Clause 2.11 of DDO30. The assessment area shown in Figures 7 and 10 of the 2016 wind assessment does not align with the assessment distance required in Clause 2.11 of DDO30. Based on the proposed building height, the assessment area should extend approximately 50m from the site boundaries. This area would include a greater extent of the pedestrian areas on Normanby Road (to the east and west), Munro Street (to the east and west) and Johnson Street (to the north). The more exposed areas of the new park immediately to the west (Johnson Street closure) also needs to be assessed.
- Configuration 2 of the assessment needs to include all developments in the area that are under construction, approved or under assessment (particularly at 2-29 Normanby Road & 50 Munro Street) (refer to Section 2.4 of the Planning Report). The latest building envelopes of Sites 1, 2 and 3 (east along Normanby Road) also need to be incorporated (noting that these proposals are still under various stages of assessment);
- The assessment criteria applied for pedestrian comfort needs to be revised in accordance with the intended use of an area. The following areas within the assessment distance should meet the wind comfort criteria outlined in Clause 2.11 of DDO30:
  - Sitting – the new park (Johnson Street closure) and areas in the public realm / publicly accessible private areas that are designed



for outdoor seating (as recommended under Item 1 of Issues that could be conditioned in previous email);

- Standing – both footpaths of Normanby Road, the new laneway and areas outside building / tenancy entries on Munro Street (including proposed developments); and
- Walking – remaining publicly accessible areas.
- Any proposed wind treatments need to be located within the development (not on public land).
- Any proposed changes to the built form and/or wind control measures need to be qualified to demonstrate how an amended proposal will achieve the policy requirements in Clause 2.11 of DDO30. Control measures must also not compromise other outcomes of the proposal (e.g. screens along the new laneway need to maintain function and amenity of this space).

They recommended that wind comfort criteria per DDO30 should be used as follows:

- Sitting (3m/s) – future public open spaces (Johnson Street linear park and new park on opposite side of Montague Street), the new ‘town square’, outdoor seating areas along ‘Market Lane’ and potential outdoor dining areas;
- Standing (4m/s) – internal laneways and outside lobby areas and retail tenancies; and
- Walking (5m/s) – remaining publicly accessible areas.

Further, officers are concerned the application does not include elevation drawings that illustrate the design / appearance of the recommended screens and awnings.

Any Incorporated Document that may be approved for the proposal must include conditions for:

- Further wind reports, including wind tunnel testing to be prepared to confirm that the proposal would satisfy the relevant sitting, standing and walking wind criteria of DDO30 abutting each site and for pedestrian areas within the site and at podium rooftop level.
- The depth of any awning over any adjacent footpath must not impact on any existing street tree or proposed street tree plantings.

#### 11.3.7 **Active Street Frontages**

Normanby Road is designated as a Primary active frontage with 80% clear glazing, Johnson Street is designated as a Secondary active frontage (Type 1) with at least 60% clear glazing, along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base.



The plan drawings and renders are suggestive of the building frontages having glazing in excess of 2.5m height but are not detailed enough or accompanied by elevation drawings to confirm this.

The proposal includes a site plan illustrating a proposed Johnson Street park concept. This concept is generally supported and should be explored as a positive intervention.

Integrating the park with the building could help the proposal create strong linkages and improved access through the site and at the public, private interface.

Meeting the aforementioned parameters above would improve passive surveillance and integration with the public areas in the street and park. Council’s Urban Designer and Strategic Planning Team recommended some housing diversity such as walk-up apartments with doors to the park be incorporated in the design to help activate this space and create diversity in housing types on offer.

The proposed configuration of car parking detracts from the public realm however the introduction of sleeving the most exposed views of the building with offices and apartments provides visual interest and improved CPTED and passive surveillance to streets, lanes and public open spaces. The proposed planted podium garden edge is 5 storeys high. Thus, it is considered that is unlikely to be feasible in the longer term on both north and south aspects without a management plan, irrigation plan or planting schedule.

The podium levels also comprise multiple balconies, windows and openings to allow for passive surveillance to the street.

Any Incorporated Document that may be approved for the proposal must include conditions for detailed plan and elevation drawings including detailed façade strategy elevations for the podium levels for each stage.

### 11.3.8 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
<b>Lower levels up to the height of the street wall</b>	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	<b>Achieved:</b> Ground level floor-to-floor height: 4.6m Podium levels 1 to 6 floor-to-floor height: 3.8m
<b>Car parking areas</b>	<ul style="list-style-type: none"> <li>In areas not in a basement: Level floors.</li> <li>A floor-to-floor height at least 3.8m.</li> </ul> Mechanical parking systems to reduce the area required for car parking	<b>Achieved in part:</b> Level floors at podium levels but for access ramps. Podium levels 1 to 6 floor-to-floor height: 3.8m Mechanical parking system proposed
<b>Dwelling layout</b>	The ability for one and two-bedroom dwellings to be combined or adapted into three or more-bedroom dwellings	<b>Achieved</b>



		Apartment adaptation plans show some one and two-bedroom dwelling could be combined into three or more-bedroom dwellings.
<b>Internal layout</b>	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	<b>Achieved</b> The principle load bearing elements would be the building floors and beams and the perimeter columns, allowing internal spaces back to the service cores to be altered and adapted.

**Assessment**

The development could be easily adapted for future uses.

11.3.9 **Building Finishes**

Façade materials and finishes are proposed to be:

Podium: Ground floor retail tenancies will be treated with glazing. Above this, a staircase defines the street corner, with textured dark finish concrete planters with vegetation include expressed horizontal metal fins and wire mesh screen behind sleeve car parking areas with grey / blue glass to other habitable areas.

Tower: The tower will be finished in a mix of glazing, with light grey textured concrete upstand and balustrades with clear glazing. The main body of the tower adopts a strong horizontal form on the south, east and west, with a fine grain vertical design on the northern section of the tower. Above this, a glazed element with vertical framing forms is provided to the upper two levels and the plant area.

**Assessment**

Street Wall (Podium)

The Architectural Drawings submitted with the application lack detailed elevations of the buildings.

Podium

The ground floor appears to be treated with a textured concrete and stone plinth with integrated stairs, ramps and planter boxes, with glazing above.

At first floor and above, the car parking to the podium levels is appropriately sleeved with apartments and office uses. The design of each apartment includes balconies looking onto Normanby Road, Johnston Street and the proposed pedestrian link, thereby providing passive surveillance to the public realm.

The proposed external stairway provides visual interest along the open space whilst assisting with the concealment of the carparking. The element being yellow is in stark contrast to the remainder of the built form is described as providing visual interest and a ‘showcase feature’ to this corner site. Council officers acknowledge the sculptural quality of the





stairs but are of the opinion they are highly unlikely to be used frequently and would provide for future management issues e.g. are the stairs to be closed after a certain time?

As per previous comments regarding screening to the podium car parking areas, a diligent landscaping and maintenance strategy is required to establish

Tower

The tower element peels away from the corner with a strong horizontal emphasis provided by render and glazing balcony finishes before returning to a recessed element from level 12 and above to Johnson Street. As the façade sweeps around to Munro Street, different fenestration and greater use of glazing provides for a well composed design that manages a long and highly visible site frontage well.

To the Normanby Road frontage, the horizontal emphasis is continued as per the western elevation before a more modularised and vertical emphasis to the built form is presented.

The exclusive use of glazing to the upper two levels and plant creates a ‘crowning’ element to the proposal and assisting in ameliorating any perception of visual bulk.

Any Incorporated Document that may be approved for the proposal must include conditions for detailed elevation drawings including detailed façade strategy elevations for the podium levels and a coloured schedule of all external building materials and finishes and reflectivity requirements.

**11.4 Clause 45.09: Parking Overlay and Clause 52.06: Car Parking**

(Note: See also assessment at 11.7 of this report).

**11.4.2 Car Parking**

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum parking rates for **Dwelling, Retail premises and an Office**. A permit is required to provide parking in excess of the Parking Overlay rates.

An assessment of car parking rates and provision is set out at as follows:

**Table 11.4.1-1: Car parking rates and provision**

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
<b>Dwelling:</b> Max 0.5 spaces per 1 or 2 BR dwelling, Max. 1 space per 3 BR dwelling (Clause 45.09)	
<b>220 dwellings</b>	
57 x 1BR x 0.5 = max 28 spaces	0 spaces



	Complies
190 x 2BR x 0.5 = max 95 spaces	134 spaces = 0.7 space/dwelling <b>Does not comply (+39 spaces)</b>
33 x 3BR x 1 = 33 spaces	33 spaces = 2 spaces/dwelling. <b>Does not comply (+33 spaces)</b>
<b>Total: 156 spaces</b>	<b>Total: 167 spaces - does not comply</b>
<b>Retail premises:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09)	
858m <sup>2</sup> x 1/100 = 8 (8.58)	<b>9 spaces = 1/105m<sup>2</sup> gross floor area.</b> <b>Does not comply:</b> The gross number of staff spaces proposed would exceed the maximum number of spaces specified
<b>Office:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09)	
1368m <sup>2</sup> x 1/100 = 13 (13.68)	<b>Total: 13 spaces. Complies</b>

The gross number of resident spaces and retail spaces proposed would exceed the Planning Scheme maximums.

**Assessment**

The application submits additional car parking is to respond to visitors to the site and the subject site has limited accessibility to public transport services under existing conditions compared to the majority of the Fishermans Bend Precinct and also when compared with other key activity precincts in the vicinity of the site such as the Central City area, South Melbourne, and Docklands. It is noted that only one bus route (Bus Route 235) operates past the site and the Montague Street light rail service (Route 109) is located approximately 400 metres to the south of the site. The Public Transport Plan prepared as part of the Fishermans Bend Urban Renewal Area Framework does not identify any new public transport infrastructure in the immediate vicinity of the site

Council officers note, the subject site is close to light rail and bus routes and is walkable to daily needs shopping in South Melbourne and speciality shopping at South Wharf.

The site is also in an area that experiences very high traffic volumes, where it is desirable that new developments minimise additional traffic generation.

Officers believe the sites location makes it unsuitable for an oversupply of on-site car parking and the number of individual car parking spaces for the dwellings should not exceed the maximum rates of the Parking Overlay.

Any additional car parking demand should instead be met by the provision of car share vehicles within the building(s).

11.4.3 **Design standards for car parking**



As per the internal referral comments set out at Section 7 of this report, Council’s Traffic Engineers raised concerns regarding the car park design and the level of detail in the drawings. All of the concerns raised are aspects that could be addressed through conditions of any Incorporated Document and are not considered fatal to the application.

In addition to previous comments raised regarding car share, the applicant should aim to consider these in conjunction to relevant sustainable design issues addressed in this report such as Green Travel Plans and the provision of electric charging points,

Overall, the car park design is incomplete and cannot be properly assessed.

These matters would need to be provided for by conditions of any Incorporated Document that may issue for the proposal.

## **Other Matters**

### **11.5 Fishermans Bend Framework October 2018**

The Advisory Committee Terms of Reference note proponents will be encouraged, but not required to meet the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018).

It is considered the proposal subject to some variations, generally aligns with the vision Setout for the Montague Precinct.

### **11.6 Clause 58 – Better Apartments Design Standards**

The proposed dwellings do not fully comply with the Standards, including Dwelling diversity, (Standard D3), Energy efficiency (Standard D6), Solar access to communal outdoor open space (Standard D8), Integrated water and storm water management (Standard D13), Building setback (Standard D14), Accessibility (Standard D17), Building entry and circulation (Standard D18), Private open space (Standard D19), Building Storage objective (Standard D20), Waste and recycling (Standard D23) and Natural Ventilation objectives (Standard D27). A detailed assessment is included at **Attachment 5** of this report.

### **11.7 Transport Matters**

#### **11.7.1 Motorcycle Parking**

Motorcycle parking is assessed at Clause 11.2.4 of this report.

#### **11.7.2 Bicycle facilities**

Clause 52.34 of the Planning Scheme sets out different bicycle parking requirements to those specified at Clause 4.2 of Schedule 1 to the Capital City Zone.

Neither Clause 4.2 of the Schedule to the Capital City Zone or Clause 52.34 provides guidance as to whether either clause supersedes the other or the clauses should be read in conjunction with one another.



For this assessment, officers have elected to:

- Use the bicycle parking rates specified at Clause 4.2 of the Schedule to the Capital City Zone because they are the most recent addition to the planning scheme and because they relate specifically to the Fishermans Bend Urban Renewal Area.
- Use the shower and change room requirements at Clause 52.34-5 and the Design of bicycle spaces and Bicycle signage requirements at Clauses 52.34-6 and 52.34-7 because Clause 4.2 of the Schedule to the Capital City Zone does not set out alternative requirements for these matters.

An assessment of the bicycle facilities for the proposal is as follows:

**Table 17.7.2: Bicycle Facilities**

Use	Area	Bicycle parking rates		No of spaces required	No of spaces Proposed
<b>Office</b>	1,368m <sup>2</sup>	<b>Employee</b>	<b>Visitor/Customer</b>	6	13
		1 per 300m <sup>2</sup> of LFA if LFA exceeds 1,000m <sup>2</sup> = 5	1 per 1,000m <sup>2</sup> of LFA if LFA exceeds 1,000m <sup>2</sup> = 1		
<b>Retail premise</b>	858m <sup>2</sup>	1 per 300m <sup>2</sup> of LFA if LFA exceeds 1,000m <sup>2</sup> = 0	1 per 500m <sup>2</sup> of LFA if LFA exceeds 1,000m <sup>2</sup> = 0	0	
<b>Subtotal</b>		5	1	6	13
		<b>Employee / Resident rate</b>			
<b>Showers</b>		If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter		1 shower	1 male and 1 female
<b>Change Rooms</b>		1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room		1 change room	1 male and 1 female

The plans show the indicative details of bicycle facilities required by Clause 52.34-5.



The plans do not show details, including dimensions, of the design of bicycle spaces but do distinguish commercial spaces at ground floor level. Bicycle parking spaces within the upper levels of the podium are not denoted.

The bicycle parking spaces at ground floor level would have reasonable accessibility subject to an amended / additional entry to the parking area and convenience.

The bicycle parking spaces to the upper levels of the podiums would rely primarily on elevators for access and would not be generally convenient.

A redesign to provide more or all bicycle parking at ground level would improve bicycle-parking usability.

The above matters need to be provided for by conditions of any Incorporated Document that may be approved for the proposal.

**11.7.3 Access from a Road Zone Category 1**

The application seeks approval for alteration of access to a Road Zone Category 1 (i.e. Normanby Road).

**11.7.4 Cumulative Traffic Impacts**

Council’s traffic engineers raised a concern the traffic report did not sufficiently consider the cumulative traffic impact of the proposals and other approvals and potential approvals along nearby streets.

Traffic Group notes:

- 2-Bedroom dwellings to generate in the order of 3 vehicles trips per day
- 3-Bedroom dwellings to generate in the order of 4 vehicles trips per day
- Retail and Office Premises can generate 0.5 vehicle movement per staff car parking spaces during peak hours

**Table 11.7.4: Peak Hour Traffic Movements**

	<b>AM peak</b>	<b>PM peak</b>	<b>Daily</b>
<b>Dwellings</b>	10% of daily trip 20% arrival and 80% departures 11 arrivals and 42 departures	10% of daily trip 70% arrival and 30% departures 37 arrivals and 16 departures	534 vehicle trips
<b>Retail/Office</b>	11 arrivals	11 departures	53 vehicle trips
<b>Total</b>	64 vehicle trips	64 vehicle trips	587 vehicle trips

This traffic generation represents on average 1 vehicle movement approximately every minute during each peak hour. Visitor and customer trips will be spread throughout the surrounding road network and do not



need to be taken into account when assessing traffic generated directly to/from the site.

Officers raised concerns regarding cumulative traffic impacts in Fishermans Bend and in particular in the Montague and Normanby Road precinct and note a need for:

- Consideration of the broader Montague Precinct and FBURA when assessing traffic impacts on the road network.
- Modelling or detailed assessment for arterial / local intersections.
- SIDRA (i.e. intersection) modelling to consider future traffic growth, noting that key intersections are already operating at or close to capacity.
- Consider cumulative impacts of currently approved and other potential future developments to provide a better understanding of existing and forecast traffic conditions which would better inform VicRoads and Council on necessary changes to the road network / intersection operating conditions as the area is gradually redeveloped.
- SIDRA modelling of intersection performance to consider a wide route / network assessment using alternative traffic micro-simulation packages (e.g. VISSIM).
- Up-to-date trip generation case study data including afternoon / evening statistics.
- A comparison of parking provision rates of each development i.e. ratio of car spaces to no. dwellings.

In addition, officers note:

- The existing street network is already heavily congested during the morning and evening peaks, particularly along Montague Street leading to and from the West Gate Freeway;
- During peak hours, traffic to and from the Westgate Freeway can congest Munro Street and other local roads making vehicle access difficult / impractical.
- The proposal, and other permit applications and approved permits for sites along Normanby Road and nearby will generate additional traffic movements onto the existing road network
- It is unclear if the existing public transport network has sufficient capacity to accommodate the additional demand generated by these developments.
- The lack of a cumulative traffic assessment addressing the above matters is a concern with the current applications.

Pursuant to Paragraph 19 of its Terms of Reference, the Advisory Committee is encouraged to inform itself further on these matters.

#### 11.7.5 Pedestrian Connectivity



A proposed 4.5m wide through block link along the north-east site of the site, facing a similar link along the south-west side of Site 01; part of these links are encumbered with easements for drainage and carriageway. These links would provide mid-block pedestrian and bicycle access, which would enhance connectivity in the neighbourhood.

The plans do not denote the underside clearance of the canopy as which should be sufficient for (service) vehicle access as necessary until both sites 00 and 01 are completed and should be managed in accordance with the Wind Assessment. The elevation plans indicate that the canopy is to be provided at first floor level but it is considered that setting the canopy higher at second or third floor level would achieve a much more open feel to the spaces below, and space (outside of the easements) for landscaping to incorporate trees.

It appears that columns encroach approximately 200mm into the laneway for the height of the podium. Encroachment into this area should be removed.

This could be provided for by a condition of any Incorporate Document.

The links would not constitute public open space and would not vest in Council. The links should remain in private ownership, but need to be:

- Constructed to Council's design and technical standards including being surfaced in a suitable material such as sawn bluestone;
- Accessible to the general public at all times; and
- Maintained by the owners.

These matters could be provided for by conditions of any Incorporated Document that may issue for the proposal.

## 11.8 Waste Management

The Waste Management Plan (WMP) proposes:

- Collection of residential general waste and recyclables twice weekly, and hard/electronic/liquid and other wastes at call.
- Collection of commercial general waste and recycling once weekly.
- Garden organics shall be collected and disposed by the future landscape maintenance contractor. Waste shall be stored within the development (hidden from external view).
- Users shall sort their waste and dispose garbage and recyclables via the chutes and/or directly into collection.
- A private contractor shall collect waste onsite, within the development's Loading Bay.
- Collection staff shall have access to the Bin Stores, and transfer bins to the truck and back to the stores.
- The waste collection shall be carried-out by rear-lift vehicles (nom. 6.4m long, 2.1m high and 6.4 tonnes gross vehicle mass, needing a 2.5m high clearance when collecting 1100-lt bins).



Council's Waste Management officer advised the application did not provide sufficient details to allow assessment. They advised they needed additional information including:

- Advise if the commercial bin room has door/roller door, open bin room could potentially be a safety risk, it is important that the bin room is secure.
- Width of the lobby and residential bin storage entrance room.
- Clarification on the number of bins stored in the commercial and residential bin rooms as this is inconsistent with the number of bins noted on the WMP.
- The ground floor plan does not show any back of house details or path to the Refuse Zone for the retail tenancies.

From the plans and report provided, they recommended allocation of organic/green waste bin storage for future council services.

The Architectural Drawings and Waste Management Plan need to be revised to demonstrate waste management arrangements would be workable. The arrangements as proposed are not supported.

Any Incorporated Document for the Amendment should include a condition requiring detailed plans and an updated Waste Management Report to be prepared and approved by Council for each stage.

#### **11.9 Loading**

A turntable ground level loading bay is proposed with access from the car parking entry. The loading bay/turntable is 10m in diameter and is suitable for accommodating delivery vehicles up to a size of 8.8m MRV. Swept path analysis have been undertaken for the 8.8m MRV entering and exiting the site in a forward direction and found to be satisfactory.

Council's Traffic Engineer has noted:

- No information was provided regarding the turntable.
- The Applicant must select and confirm with the manufacture of a suitable turntable model for assessment.
- The Applicant must confirm the loading area headroom clearance as per AS 2890.2 2018 MRV requiring a 4.5m headroom clearance.
- The Applicant must confirm if the loading area is accessible to future residents too.

These matters would need to be provided for by conditions of any Incorporated Document that may be approved for the proposal.

#### **11.10 Public Open Space**

The proposed pedestrian link adjacent to Site 1 is discussed at Section 11.1 (Fishermans Bend Urban Renewal Area Policy) and Section 11.7.5 (Pedestrian connectivity)

The proposal is located adjacent to Johnson Street, which is envisaged to form Open Space pursuant to the Fishermans Bend Framework. The applicant is open





to a works-in-kind arrangement (in lieu of development contributions) that contributes to the realisation of the Johnson Street Park.

### **Assessment**

The ground floor uses will present activated and engaging facades to Johnson Street. The ground floor plan illustrates tiered seating outside the title boundary and illustrations of canopy trees and open space features, delivery of the parkland and the building should be investigated in collaboration with council officers to ensure the unified community vision and feedback is integrated in to the site's development.

It is recommended a landscape plan for the Johnson Street parkland be developed with Council to ensure the open space standards and systems are integrated in to the park prior to the delivery of hardscapes in the public realm. A human scale awning (less than 5 metres from NGL) should also be featured along Normanby and Johnson Streets to help improve the pedestrian experience and provide weather protection from wind, sun and rain.

With the subject site including links to the park, it is important that parks are accessible and inclusive. Therefore, universal design principles should underpin any connection to public open spaces. The proposal features an external stairwell however, the urban context report fails to illustrate its interconnections with the public realm and the building itself.

It is recommended more detail be forthcoming to understand where the entry and exit points are intended to be, who may use it, how emergency services can access it and whether it is accessible to the public. It appears no doors are visible from the podium levels and that the stairs only link the park with the podium although this is unclear.

### **11.11 Sustainable Design**

A Sustainability Management Plan (SMP) was submitted with the application.

Council's Sustainable Design officer raised concerns that the SMP and planning drawings contained showed evidence of how the proposal would achieve the applicable 5 star Green Star target but had not been applied to the proposal to confirm.

They recommended the SMP and plans be revised to demonstrate how the proposals sustainable design measures would align with the Fishermans Bend Framework, and provide further evidence how the requirements would be effectively integrated into the design.

To assist, they set out a detailed list of the additional work needed to demonstrate that the proposed 5-star Design & As Built Green Star rating could be delivered in alignment with the aspirations of the Framework.

They advised the key issues that need to be addressed prior to approval are:

Green Star:



- Section 8 of the SMP confirms that the proposed development is committed to achieving a 5-star Green Star Design & As Built certified rating. However, there is no indicative Green Star scorecard in the SMP.

IEQ:

- The external finished legend on the elevations shows that tinted glass will be used. More detail is requested about this. What will the VLT (visible light transmittance) of the different glazing types be?
- The use of tinted glazing, as noted on the drawings, will reduce internal natural daylight. On this basis, daylight modelling of the following apartment types is required: B06, B11, B12, C04, C06.
- Daylight modelling should demonstrate whether the open plan living areas of these apartment types can achieve a daylight factor of 1% for at least 90% of the floor area of the room.

Energy:

- A 20% increase on minimum NCC energy efficiency standards is not demonstrated.
- The SMP does not incorporate on site renewable energy generation, on site energy storage and demonstrate the ability to connect to a future precinct-wide/locally distributed low-carbon energy supply.
- The potential to reduce greenhouse gas emissions through materials selection should be addressed in the SMP.
- The SMP notes design changes for passive / thermal design should be included. These are not detailed on the plans.
- The operable shading recommendation for terraces would increase the year-round functionality of the terraces.

Integrated Water Management (IWM):

- The application must address the third pipe and rain tank requirements. The application must demonstrate how these requirements are accommodated into the proposed design, through commitments stated in the SMP and via details on plans, such as water tank location and capacity, a catchment area plan and notation for a third pipe building connection point
- These matters could be provided for by conditions of any Incorporated Document that may be approved for the proposal.

Waste:

- The SMP refers to on site processing of organic waste, which is supported, but it doesn't confirm how this would be implemented (pg. 7). This **should be a solid commitment** and the SMP should explain how it will be achieved.

Urban Ecology:

- The SMP refers to reducing the urban heat island effect (pg. 9). However it doesn't detail which measures will be employed to implement the required reduction to meet the requirements of Clause 22.15-4.5. This should be demonstrated on a plan showing the proposed combination of vegetation and appropriate materials reduce UHI for at least 70% of the site area.



- The SMP recommendations for habitat construction via use of native species for landscaping (pg. 8) should be a solid commitment and this should be reflected in the Landscape Concept Report by Tract.
- The SMP recommendation to integrate a green roof with solar PV for combined benefits of heat reduction and increased PV efficiency is welcomed (pg. 8 under Innovation heading). This should be a solid commitment with the SMP containing details of the location and extent of green roof and solar PV system.

Transport:

- The SMP recommendation that the provision of a bike workshop is welcomed. If this is going to be provided it needs to be clearly stated in the SMP and its location must be shown on the plans.

Materials:

- Section 7 (pg. 11) of the SMP lists various options for the selection of environmentally sustainable materials. However, the SMP should state which ESD initiatives will be implemented for materials at a minimum.

Building Management & Construction:

- The SMP's construction waste management recommendation should be a solid commitment with a minimum target set for construction and demolition waste recycling (pg. 7). It is currently only a recommendation with no target set. Consideration should be given as to how the target would integrate with the Green Star Design & As Built framework.
- The SMP recommendation to install electric vehicle charging infrastructure should be a solid commitment and this should be detailed on the plans (pg. 7). The life of the building will extend well beyond 2050, when Victoria must reach net-zero emissions. Therefore the car parking should incorporate electric vehicle charging into the design. It is difficult to retrofit electric vehicle charging, therefore it should be designed in now and clearly indicated on the plans.
- The SMP recommends that a period to building tuning should be implemented to ensure optimal operating efficiency of building systems (pg. 7). This should be a solid commitment not just a recommendation and the SMP should consider how this commitment could align with the Green Star Design & As Built rating tool.

Innovation:

- The SMP recommendation for geothermal heat exchange should be a solid commitment (pg. 8).
- The SMP recommendation for use of solar glass balustrades to balconies should be a solid commitment (pg. 8).

**11.12 Residential Amenity (Noise and Air Quality)**

The subject site abuts a main road (Normanby Road) and is proximate to Montague Street and the elevated Westgate Freeway which are also main roads



and the Route 109 City to Port Melbourne light rail line south-east of Normanby Road.

The site is partially affected by a 250 metre amenity buffer from the City of Port Phillip - Resource Recovery Centre.

Adverse Amenity Impacts Assessment were carried out by SLR for both Noise and Air Quality.

The Assessment noted the following in terms of noise:

- The proposed mixed-use development in South Melbourne is currently surrounded by commercial and trade premises that emit negligible noise.
- The site is exposed to local and distant traffic noise and noise from the electrical switchyard at 90 Grosvenor Street.
- Noise from the switchyard is not predicted to comply with EPA noise limits at the apartments facing the switchyard. Advice has been provided in this report for façade treatments to control noise from the switchyard to 'ensure an appropriate level of internal amenity is achieved in dwellings within the development.
- Section 5 of the report also includes recommendations for the building façade glazing to ensure that the identified road traffic noise targets are met within habitable rooms. The nominated glazing types are considered moderate upgrades to the building and are generally achievable with standard building construction.

The Assessment noted the following in terms of air quality:

- An AAIA, has been carried out to assess the potential air quality impact of existing nearby industries on the proposed mixed-used development. The AAIA concludes that the Development site may be considered suitable for residential land uses given that the surrounding land uses were found to pose a low risk of adverse air quality amenity.
- Consequently, with regard to encroachment of sensitive land uses on existing industrial uses, the proposed Development site is unlikely to have any impact on the existing uses. No measures to mitigate potential amenity impacts are deemed necessary.

The recommendations of these report should be required by conditions of any Incorporated Document that may be approved for the proposal.

### **11.13 Community Facilities**

The application proposes:



- Publicly accessible open space at ground level comprising a pedestrian laneway with a total area of 226m<sup>2</sup> (4.5m(w) x 50.29m(l)). (Discussed at Section 11.1 and 11.75 of this report).
- Works towards the realisation of the Johnson Street Park. The applicant has advised they are open to negotiations to facilitate works that contribute to the closure of Johnson Street and realisation of the park (Discussed at Section 11.10 of this report).
- Twenty (12) Social Housing dwellings (Discussed at Section 11.14 of this report).

Officers welcome all four community initiatives and note the recommendations outlined at the applicable section of this report relating to community facilities could be provided for by conditions of any Incorporated Document that may be approved for the proposal.

#### 11.14 Affordable and Social Housing

Clause 22.15-4.3 of the Fishermans Bend Urban Renewal Policy states:

*Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing unless:*

- *The built form envelope available on the site makes it impractical to do so*
- *It can be demonstrated that the development will contribute to the Affordable housing objectives of this policy while providing less than the minimum amount;*
- *It can be demonstrated that meeting the affordable housing objectives of this policy would render the proposed development economically unviable.*

Whilst not a requirement for the application pursuant to the FBSAC Terms of Reference, Clause 4.2 of Schedule 1 to the CCZ states:

*The use of land for a dwelling must not exceed the specified Dwelling density (for the CCZ) unless ...the landowner .... provide(s) at least one Social housing dwelling for every eight dwellings provided above the no. of dwellings allowable under the specified Dwelling density*

#### **Assessment:**

The application proposes to transfer 12 social housing units (4% of overall apartments) to a housing association (i.e. a participating registered agency) in perpetuity.

It is noted that Social Housing Uplift enables an additional 96 dwellings.

The applicant notes:

*"It is considered that the value captured through the proposed social housing provision results in a greater net community benefit, as it is proposed to gift the*



*social housing units (valued in the order of \$6.34 million), to a registered housing association. The provision of social housing will provide for the most vulnerable members of society, and this provision will become of increased importance in light of the extreme economic consequences of Covid-19, which has severely impacted businesses and employment rates in Victoria, and will continue to impact livelihoods for the next few years.*

*Whilst the 12 apartments falls short of the voluntary 6% affordable housing sought, it is noted that the value of this gift is comparable to providing 14% affordable housing or 40 apartments at a 30 per cent discount. In this respect, the proposal for 12 apartments to be gifted, is a substantially greater proposition than is sought by the Planning Scheme and represents a significant contribution to society”.*

Pursuant to the FBSAC Terms of Reference, the dwelling uplift / social Housing provisions of Clause 4.2 of Schedule 1 to the CCZ do not apply to the application.

The application was referred to Council’s Housing Officer who advised while the offer of 12 social housing dwellings gifted in perpetuity, based on 4.3% of the total 280 dwellings, is a positive offer, in line with the 6% policy objective it is recommended that the 12 units be increased by 5 dwellings to equal 6% (17 dwellings).

It is further considered that as Council officers are supporting variations to other aspects of the development such as the under provision of non-residential floor area, height and variations to setbacks etc, that a minimum level of compliance to provide 6% would be reasonable.

#### **11.15 Environmental Audit**

Pursuant to Clause 6 of the Schedule to the Capital City Zone:

*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;*

- *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.*

A site investigation has been undertaken by Topgan Group, report dated 13 November 2015. The investigation has found that "there is no overriding contamination risk that cannot be managed during site assessment and construction".

Topgan Group have recommended that a detailed soil and groundwater investigation be undertaken for both off site waste classification and to evaluate the risks for users of the site. This has been recommended as a condition within the proposed Incorporated Document.



### 11.16 Infrastructure Contribution Overlay (ICO1)

Amendments **VC146** (15 May 2018) and **GC81** (05 October 2018) introduced the Infrastructure Contributions Overlay and Schedule 1 to the ICO respectively.

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 an infrastructure contributions plan (ICP) has been incorporated into the Planning Scheme.

The application for a Planning Scheme Amendment allows assessment and approval of applications in the interim before an ICP has been incorporated into the Scheme.

Pursuant to the FBSAC Terms of Reference, the provision of appropriate development contributions is a matter for the Committee to determine.

### 10.9 Aboriginal Cultural Heritage

All of the land is in an 'area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations 2018*. This includes registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two-part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

This could be provided for by conditions of any Incorporated Document that may be approved for the proposal.

## 12. COVENANTS

- 12.1 A review of the Titles for the sites confirms they are not encumbered by a restrictive covenant or Section 173 Agreement or building envelope or easement.

## 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 Provide comments to the Advisory Committee c/- the Department as recommended.



- 14.2 Provide changed or additional comments to the Advisory Committee c/- the Department to those recommended.
- 14.3 Refuse to provide comments.

**15. CONCLUSION**

- 15.1 It is recommended that the Statutory Planning Committee resolve to advise the Department that
  - The Council supports the application subject to amendments to the plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.
  - In the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment includes conditions to address Council's concerns outlined in Sections 9 and 11 of this report.

**TRIM FILE NO: PF19/24544**

**ATTACHMENTS**

- 1. Architectural Plans**
- 2. Photomontages - Extract from Urban Context Report**
- 3. Strategic Planning Matter, Planning Scheme Provisions and Planning Scheme Amendments**
- 4. Referral Comments**
- 5. Clause 58 Assessment**