

# 118 BERTIE STREET, FISHERMANS BEND

SECTION 20(4) PLANNING SCHEME  
AMENDMENT REPORT

**URBIS**

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# 1. INTRODUCTION

This Planning Report has been prepared by Urbis on behalf of Lateral Estate Pty Ltd in support of a Section 20(4) Planning Scheme Amendment to allow for the redevelopment of the land at No.118 Bertie Street, Port Melbourne into a build to rent mixed use development.

This request seeks approval for the site to be included within Clause 51.01 'Specific Sites and Exclusions' of the Port Phillip Planning Scheme (the "Planning Scheme") to enable the redevelopment of the site via an Incorporated Document, allowing for the construction of a 20-storey mixed use development comprising 165 dwellings, two retail tenancies and six commercial office tenancies. The building is a build to rent community.

A planning permit application for the redevelopment of the site was under assessment at the time of commencement of Amendment GC81, the Minister for Planning has afforded the opportunity to submit a Planning Scheme Amendment, along with proposed development plans for separate consideration and referral to a Statutory Advisory Committee (SAC). This Planning Scheme Amendment seeks the introduction of site-specific controls in the form of an Incorporated Document to vary the requirements of the current Fishermans Bend planning provisions.

The subject site is identified within the Sandridge Precinct in the *Fishermans Bend Framework, September 2018*. This precinct explicitly provides for a diverse range of characteristics to become one of Melbourne's premium office and commercial locations, centring around public transport connections which will provide excellent access to the CBD. This proposal is generally consistent with the *Fishermans Bend Framework, September 2018*, and importantly continues the principles endorsed with that nomination, being:

- A building which meets the design objectives and guidelines of the Fishermans Bend Strategic Framework Plan, Local Planning Policy Framework (including the Municipal Strategic statement) and Design and Development Overlay – Schedule 32.
- Hybrid developments that include predominantly high-rise, perimeter block developments (including towers) as the site is located in the S3 sub precinct and building typology area.
- A high-quality architectural response using innovative and environmentally sustainable design measures.
- A high-rise residential building within an identified activity centre that does not unreasonably cast additional shadows cast by hypothetical buildings.
- A high level of ground floor activation.
- Provision of over 753 square metres of commercial floor space.
- A diverse range of apartment sizes and typologies to cater to a wide demographic of future residents.
- A high proportion of large apartments aimed at attracting families.
- Passive surveillance from both the ground floor uses and the dwellings above which will improve the quality of the pedestrian environment to Bertie Street and the potential new road, should it eventuate.
- A primarily build to rent residential building which contributes to housing affordability in the municipality.
- A building which favours active transport modes over driving by providing more than adequate, highly accessible and secure bicycle parking, reduced provision of car parking and excellent future accessibility to multiple modes of public transport.
- An attractive, comfortable and well serviced urban living option for future residents.
- The provision of communal facilities for the use of future residents.
- The development, if approved, will encourage further investment in the area

This report addresses the appropriateness of the proposed development against the relevant and current planning controls and policies of the Port Phillip Planning Scheme and surrounding built form context. However, in accordance with the Fishermans Bend Standing Advisory Committee Terms of Reference, variations to the dwelling density requirement and accordance with the *Fishermans Bend Framework Plan, September 2018* are proposed.

A detailed assessment of the proposal is set out in the following sections of this report and should be read in conjunction with the architectural plans prepared by Mako Architecture, Revision C, dated 20 May 2019. This Planning Report assesses the merits of the proposed development and how it achieves the overarching objectives of Fishermans Bend and the requirements of the permanent planning controls as set out within the Port Phillip Planning Scheme.

## 2. SUBJECT SITE AND SURROUNDS

### 2.1. SUBJECT SITE

The subject site is located on the north eastern side of Bertie Street, bounded by the West Gate Freeway to the northwest and Fennell Street to the southeast. The site is rectangular in shape with a street frontage and rear boundary of 33.33 metres and depth of 90.93 metres. The total site area is 3031 square metres. The site sits on a northeast to southwest axis and is relatively flat, with a fall of less than half a metre from back to front. The Certificate of Title does not indicate that there are any easements or restrictions affecting the land.

The site is currently occupied by a large warehouse building which is sited toward the front of the property and tenanted by Power Group and an auto repair business. The building is constructed to the northwest and southeast property boundaries and extends through the site along the north western boundary. There is landscaping within the front setback and a large car park and loading area toward the rear of the site.

Vehicle access to the site is via a crossover from Bertie Street, leading through the middle of the site to the rear. The existing building is constructed to bridge over the vehicle accessway.



Picture 1 – View from Bertie Street



Picture 2 – Southeast elevation of subject building

### 2.2. SURROUNDING AREA

Fishermans Bend is undergoing change. Presently an industrial precinct, since the rezoning to the Capital City Zone, the area is slowly evolving to become a mixed use extension of Melbourne's CBD. However, the precinct is still in the early days of regeneration and the majority of the area is typified by industrial and office land use. Bertie Street remains almost entirely occupied with industrial uses, and contains a mix of factory, warehouse and office buildings which are all generally of two to three storeys in height. Front setbacks are fairly consistent along the street with space for landscaping and/or car parking at the front of each building.

Bertie Street is a relatively wide road, with single lane traffic but space for angle parking along both sides. The nature strip along the road is also wide with small to medium trees planted along each side.

The site is located within proximity to a number of commercial precincts including the Bay Street shopping village (1.2km), the South Wharf retail and conference area (1.2km) and the South Melbourne Market (1.8km). At present, the closest public open space is Murphy Reserve (700m). This reserve incorporates sports fields and informal open space.

The closest existing public transport to the subject site includes:

- Bus Route 235 (City – Fishermans Bend via Williamstown Road) – approximately 650 metres to the south of the site, on Williamstown Road.
- Bus Route 606 (Elsternwick Station – Fishermans Bend) approximately 650 metres to the south of the site, on Williamstown Road.
- Tram Route 109 (Box Hill – Port Melbourne) – Montague Street stop is approximately 1.1km southeast of the site.

Figure 1 – Type figure caption here. Figure 1 – Location Map



## 118 BERTIE ST, PORT MELBOURNE SITE LOCATION

## 2.3. IMMEDIATE SURROUNDS

### 2.3.1. North-West

To the northwest of the site is an irregular shaped lot comprising No. 120-128 Bertie Street. The site is under strata title and consists of a mix of one and two storey buildings with offices at the front, facing Bertie Street and warehouses behind. The buildings are setback uniformly at a distance of 3.4 metres from the common boundary. This setback is burdened by a carriageway easement. The interface with the remaining 6.5 metres of the subject site's boundary consists of a single storey warehouse building belonging to No. 297 Ingles Street. This building is constructed to the common boundary.



Picture 3 – No.120-128 Bertie Street



Picture 4 – No.120-128 Bertie Street and the subject site

### 2.3.2. North-East

To the northeast, at the rear of the site, is No. 297 Ingles Street. This site comprises of single storey warehouse buildings constructed to the common boundary and a triple storey glazed office building, facing Ingles Street. The remainder of the site primarily comprises of hard stand car park area limited landscaping.

Figure 2 – insert caption here



Picture 5 – No. 297 Ingles Street, view from Ingles Street



Picture 6 – No. 297 Ingles Street, view from Ingles Street with subject site shown in the background

### 2.3.3. South-East

The adjoining lot to the southeast of the site, at No.277-281 Ingles Street is a large lot with interfaces to both Bertie and Ingles Street. There are some industrial buildings remaining on the site however the majority of the lot is vacant, including the immediate interface with No. 118 Bertie Street. This interface comprises of hardstand concreted area and the remaining structural element of the building left from its previous industrial use. It is understood that there is a revised permit application for the adjoining site and the landowners will also apply for site specific controls at this site, the details of which are unknown.



Picture 7 – No. 277-281 Ingles Street, viewed from Bertie Street



Picture 8 – No. 277-281 Ingles Street and the subject site

### 2.3.4. South-West

To the southwest, across Bertie Street, are a variety of single, double and triple storey office and industrial buildings. In general, the office buildings front Bertie Street with industrial buildings located behind. Directly across the road from the subject site is an industrial park comprising several different businesses and car parking throughout. Adjoining to this is the Toyota head office which comprises a single to four storey office building to the front and a large car parking area behind.



Picture 9 – Industrial park at No. 153 Bertie Street



Picture 10 – Toyota Head Office at No. 155 Bertie Street

Figure 3 – Aerial view



## 118 BERTIE ST, PORT MELBOURNE

SITE LOCATION

## 3. THE PROPOSAL

### 3.1. PLANNING SCHEME AMENDMENT

It is proposed to amend the Port Phillip Planning Scheme to include 118 Bertie Street, Port Melbourne within Clause 51.01 of the Scheme to contain site specific planning controls which will enable the future redevelopment of the site for the construction of a mixed use building comprising commercial uses and residential uses. The building has been designed to respond to the preferred future character of Fishermans Bend, being cognisant of the design objectives of the *Fishermans Bend Framework, September 2018* as well as the built form controls of Schedule 32 to the Design and Development Overlay (DDO32) and the existing and potential future development of adjoining sites.

Specifically, the planning scheme amendment request seeks approval to:

- Insert a new reference in the Schedule of Clause 45.12 (Specific Controls Overlay) to refer to the associated Incorporated Document (No. 118 Bertie Street, Port Melbourne, May 2019).
- Prepare a site-specific Incorporated Document to be inserted as Schedule to Clause 51.01 of the Port Phillip Planning Scheme to facilitate the proposed development, generally in accordance with the architectural plans prepared by Mako Architecture dated 20 May 2019 and as described in the supporting documents, subject to appropriate conditions.
- Update the Schedule to Clause 51.01 Specific Sites and Exclusions to include the associated Incorporated Document for the site.
- Update the Schedule to Documents incorporated in the Planning Scheme at Clause 72.04.

### 3.2. PROPOSED DEVELOPMENT

The revised proposal seeks approval for the construction of a mixed use building comprising commercial uses and build to rent residential above. The building has been designed to respond to the preferred future character of Fishermans Bend, being cognisant of the design objectives of the Fishermans Bend Strategic Framework Plan, the Capital City Zone as well as the built form controls of DDO32 and the existing and potential future development of adjoining site.

The building is proposed to extend to a maximum height of 72.8 metres above ground level, comprising 20 storeys plus a covered rooftop terrace. This is made up of a 6 storey (24 metre) podium form with the residential tower sitting above. The podium is to be constructed to the front, rear and southwest boundaries and is set back by 9 metres from the southeast property boundary to allow space for the new road alignment. The footprint of the tower steps back considerably from the podium façade to comply with DDO32. Two commercial premises have been incorporated on the south western side of the podium fronting Bertie Street and turning the corner to front the new street on the southeast. The remainder of the ground floor comprises bicycle parking space, services and commercial offices, which will be oriented to the new road.

Car parking is provided from Levels 1 to 3 of the podium, accessed via an entry point from the new road. The car parking will be sleeved by apartments so it will not be observed from surrounding streets.

The building form is contemporary in design, comprising of a solid, but highly permeable masonry and glazed podium with an articulated glazed tower above. At the ground floor, the retail tenancies and other commercial space will be glazed to allow for maximum visibility, street activation and surveillance. Above this, the podium incorporates a human scale tactile response using brickwork, framed windows and variation in window and balcony sizes to create an interesting design response which defines the street and anchors the podium.

The tower form above is distinct from the podium and is to be glazed with the intention of creating a lighter structure which will reflect the sky. The mass is to be broken up by variations in the texture using two different glazing systems which will create variations in the reflected light as well as varied openings and detailing to create a further sense of depth within the tower.

Figure 4 – Perspective from Bertie Street



### 3.3. DEVELOPMENT SUMMARY

The key components of the proposal are outlined below.

- 165 apartments (47 x 1 bedroom, 84 x 2 bedroom and 34 x 3 bedroom ).
- 1,207 square metres (comprising 147.2 square metres indoor and 1,059.8 square metres outdoor) of communal recreational space for apartment residents, with a gym on Level 5, communal garden space and internal room on the Level 7 terrace, and a swimming pool and surrounding open space at the Rooftop Level.
- 458 square metres of retail floorspace at the ground floor level
- 295 square metres of commercial office floor space at the ground floor level
- 101 car parking spaces (93 x residential, 6 x car share and 2 x commercial)
- 8 motorcycle parking spaces
- 204 bicycle spaces
- External storage space or large areas of internal storage for all residents

### 3.3.1. Building Layout

The building layout is proposed as follows:

- The Level 1 (ground) comprises of:
  - The main entry lobby, located centrally to the site fronting the new road.
  - Two (2) retail commercial tenancies
  - Six (6) commercial offices, fronting the new road alignment
  - 204 bicycle parking spaces within the bicycle storage room
  - Building services
  - Waste facilities
- Level 2 comprises a car parking area with 33 car parking spaces, 4 motorcycle spaces, 3 apartments (1 x 1 bedroom & 2 x 3 bedroom) and the first floor of the 7 2-bedroom apartments.
- Level 3 comprises a car parking area with 33 car parking spaces, 4 motorcycle spaces, 3 apartments (1 x 1 bedroom & 2 x 3 bedroom) and the third floor of the 7 soho apartments.
- Level 4 comprises 3 apartments (1 x 1 bedroom & 2 x 3 bedroom) and the lower level of 7 apartments with entries above.
- Level 5 comprises 10 apartments (1 x 1 bedroom, 7 x 2 bedroom & 2 x 3 bedroom), plus gym and storage.
- Level 6 comprises 14 apartments (2 x 1 bedroom, 8 x 2 bedroom & 4 x 3 bedroom).
- Level 7 forms the terrace atop the podium and comprises:
  - 8 apartments (3 x 1 bedroom, 3 x 2 bedroom and 2 x 3 bedroom)
  - Communal outdoor garden terrace and communal room
- Levels 8 - 20 comprise 9 apartments (3 x 1 bedroom, 5 x 2 bedroom and 1 x 3 bedroom)
- Rooftop Level comprises:
  - Communal open space and swimming pool
  - The building plant
  - Solar panels

### 3.3.2. Housing Diversity and Build to Rent

A key component of this build to rent proposal has focused on creating an broad mix of housing typologies within the one building, acknowledging the increasing acceptance of high density living for a variety of household types. In striving to provide housing options for a range of demographics, this proposal has provided apartments of various sizes and configurations to cater to different price points and needs including:

- One-bedroom apartments which can cater to students, singles and young professionals,
- Two-bedroom apartments at a variety of sizes, catering to small families, couples or people looking to downsize
- Three-bedroom apartments, some with large garden terraces which can accommodate families or those looking to live in a well-appointed inner-city home. Importantly, over 20% of the apartments are 3-bedroom, complying with the local policy at Clause 22.15.

The proposed build to rent model means that Lateral Estate will retain the dwellings in their ownership for the specific purpose of long-term rental investment. With growing rental demand and housing stress, this model is seen as an important contributor to the housing market as a way of providing long-term renters entry into a secure housing tenure. Refer to the Build to Rent Analysis prepared by Urbis in **Appendix D** for further details.

### 3.3.3. Transport and Movement

Vehicle access to the site is to be provided via a single access point, from the proposed new road. Access to the bicycle parking is also achieved via the new road, with direct convenient access directly from the street to the bike store.

The new road link will improve connections to the site, providing a direct connection to and from Ingles Street to the northeast. The new road means that the site becomes a corner site, making it highly accessible with convenient connections to main roads, the future light rail and the civic boulevard.

### 3.3.4. Landscaping

A landscape plan and design statement has been prepared as part of this proposal. Given the proposed development footprint, rooftop landscaping has become a primary focus of the design with landscaping proposed across all communal areas and large podium terraces.

Significant landscaping opportunity is provided at the Level 7 terrace and the Rooftop Level. These areas have planter boxes which can accommodate deep soil planting to allow for trees and meaningful garden area.

### 3.3.5. Environmentally Sustainable Design

A Sustainability Management Plan has been submitted with this report (**Appendix E**). The key ESD initiatives that have been incorporated into the proposed building include:

- Rainwater harvesting system for toilet flushing and irrigation;
- 26 kW solar photovoltaic system;
- High performance glazing and energy efficient building services, appliances and fixtures; and
- Environmentally preferable internal finishes.

The proposal has also been assessed against the Green Star, MUSIC and benchmarking tools and has achieved the following results:

- An energy rating of 6.5 stars
- A 5 star Green Star rating
- Best Practice Stormwater Quality
- Cooling loads within the 30JM/m<sup>2</sup> cap required by the Victorian Better Apartment Design Standards (Clause 58)

The report concludes that the development will achieve an Australian Excellence Green Star rating, a best practice urban stormwater quality and be compliant with the objectives of the City of Port Phillip ESD policy and the WSUD policy at Clause 22.12 of the Port Phillip Planning Scheme.

For further details on the environmentally sustainable initiatives undertaken for this building refer to the report prepared by Ark Resources, dated 24 May 2019.

### 3.3.6. Waste Management

A Waste Management Plan has been prepared by Elephants Foot Waste Compactors dated 16 May 2019 (**Appendix F**). Residential waste and recycling are proposed to be collected by Council twice a week. Retail and commercial waste will be collected three times week by a private contractor.

Each level of the apartment building will be provided with a waste and recycling chute which lead to a garbage room on the ground floor. Garbage is compacted at the base of the chute. Commercial tenants are required to transport their own rubbish to the waste collection area within the ground floor. There is a loading area within the ground floor car park where garbage trucks can enter and load rubbish onsite.

### **3.3.7. Potentially Contaminated Land**

A site investigation has been undertaken by EI Australia, report dated 13 May 2016 (**Appendix L**). The investigation has found that there is some level of contamination on the site however concludes that the site can be made suitable for the proposed residential land use with minimal opportunities for soil access through the implementation of the recommendations presented within the report.

## 4. RELEVANT HISTORY OF PLANNING CONTROLS AND IMPACTS ON THE PROPOSED DEVELOPMENT

The following is summarised with respect to the subject site and application lodgements of revisions to address the various amendments to the Fishermans Bend Strategic framework:

- The original application for the development of the subject site for the construction of an 18 storey mixed use building comprising 264 dwellings, three soho apartments and four commercial tenancies (Figure 2). When the application was submitted, the land was within the Capital City Zone – Schedule 1 and subject to the Development Contributions Plan Overlay and Parking Overlay. At this time, the *Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015)* was an Incorporated Document in the Port Phillip Planning Scheme. The Framework Plan envisaged a new road along the northwest boundary of the site and the building was designed to front this new road.
- On 3 October 2016, the *Fishermans Bend Vision – The next chapter in Melbourne’s growth story, September 2016* was released and in November 2016 interim planning controls were implemented as part of Planning Scheme Amendment GC50 (updated by GC59). The amendment applied a new Design and Development Overlay (DDO30), which made changes to the built form controls including minimum setbacks above the street wall and minimum tower setbacks and updated the local policy to include policy including the requirement for 30% of dwellings to be 3-bedroom and encouraging at least 6% affordable housing.
- In September 2017, a revised application with a significantly modified design was submitted to DELWP to respond to the Request for Further Information and the revised GC50 planning controls (Figure 3).
- In October 2017 the draft *Fishermans Bend Framework* was released for consultation with proposed permanent planning controls in the form of draft Amendment GC81.
- In 2018, the Minister for Planning called in 26 live applications, including the application for 118 Bertie Street with consideration of the application deferred until the permanent planning controls for Fishermans Bend were approved.
- Following the Fishermans Bend Review Panel, Amendment GC81 was gazetted into the Port Phillip Planning Scheme on 5 October 2018 under section 20(4) of the *Planning and Environment Act*. The amendment introduced permanent planning controls and included the final *Fisherman’s Bend Framework, September 2018* as a reference document. GC81 introduced a revised Schedule 1 to the Capital City Zone, revised local policy at Clause 22.15 (Fishermans Bend Urban Renewal Area Policy), a revised Design Development Overlay for each precinct (DDO32 for Sandridge) and the application of the Infrastructure Contributions Overlay and Environmental Audit Overlay.
- The Minister for Planning has afforded the opportunity to submit a planning scheme amendment, along with proposed development plans for separate consideration and referral to a Statutory Advisory Committee (SAC) subject to the proposal:
  - Responding to local policy
  - Meeting the requirements of the DDO32, PO1 and CCZ1 other than
    - the dwelling density requirement;
    - the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018); and
    - the permit condition requirement to enter into a section 173 agreement to provide a new road or laneway; and
      - making appropriate development contributions
- As a result, this submission seeks approval for the site to be included within Clause 51.01 ‘Specific Sites and Exclusions’ of the Port Phillip Planning Scheme to enable the redevelopment of the site allowing for the construction of a 20-storey mixed use development comprising 165 dwellings, two retail and six commercial office tenancies.

- The development in this proposal has been further modified to align with the requirements of Amendment GC81.

Figure 5 – Northwest Elevation – Original submission – June 2016



Figure 6 – Response to RFI and GC50 – September 2017



# 5. PLANNING CONSIDERATIONS

## 5.1. OVERVIEW

The site is located within the Fishermans Bend Urban Renewal Precinct in Port Melbourne. This proposal represents an ideal opportunity to set a benchmark both in terms of architectural design and urban regeneration which will contribute to a real sense of place and character for the new community.

A full list of the relevant planning controls and policy is included within **Appendix B** of this report.

In considering the planning merits of the proposal, the key issues for determination are as follows:

- Is there strategic justification for the proposed Planning Scheme Amendment?
- Does the proposal comply with the overarching objectives of the Planning Policy Framework of the Port Phillip Planning Scheme?
- Is the proposal consistent with the specific guidelines and planning controls for the Fishermans Bend Area?
- Is the proposed use appropriate given the context?
- Will the proposal result in any unreasonable external amenity impacts, with consideration given to the future development potential of the area?
- Will the proposal provide a good level of internal amenity?
- Is the provision of car parking and access acceptable?

## 5.2. STRATEGIC JUSTIFICATION FOR PROPOSED PLANNING SCHEME AMENDMENT

An application for the redevelopment of this site has been with the Department since 2016. Since this time, the Planning Scheme has been amended three times without transitional provisions which has resulted in a significantly compromised development when compared to that which was originally envisaged. The intention of this amendment is to allow the opportunity for No. 118 Bertie Street to be developed in a way that is consistent with the vision for Fishermans Bend yet still allows some scope for the development to reflect the original aspirations of Lateral Estate.

As is evident by the revised plans, the proposed building has been significantly modified since the last submission to address the major policy and control changes brought about by GC81 including the increased setback requirements, street wall height, a response to the maximum building height and both pulling back and reorientating the development to allow for the new road alignment along the south eastern boundary.

This amendment will allow for site specific controls which go outside of that required by GC81. The proposed site specific controls are in accordance with the Fishermans Bend Standing Advisory Committee Terms of Reference and include:

- A variation to the dwelling density requirement under Clause 22.15
- A variation to the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018). Specifically, the width of the new road as defined in Clause 37.04 (Schedule 1)
- The requirement for a permit condition to enter a section 173 to provide a new road or laneway under Clause 37.04 (Schedule 1) to be removed.

The strategic support for the proposed site specific controls is primarily considered in Sections 5.3 and 5.4 of this report, where consistency with the Planning Policy Framework and Fishermans Bend Framework is discussed. Key considerations in this discussion which support this amendment request are:

- The proposal assists in the regeneration of the area to become a vibrant mixed-use precinct, facilitating a change of use from industrial to residential and commercial land use.

- The commercial offices and retail tenancies on the ground floor contribute to the support of new business and economic growth within the precinct and ensure that the ground plane remains an active contributor to the commercial character of the Sandridge Precinct.
- There is opportunity for the car parking area within the podium to be retrofitted for commercial floorspace if and when the need for additional space can be supported by the new community. Furthermore, the build to rent model of ownership allows for further transformation of use in the future, if desired.
- The proposed allowance for a 9 metre wide road along the south eastern boundary will ensure that the intentions of the Fishermans Bend Framework are successfully implemented by providing an effective vehicular and pedestrian connection between Bertie and Ingles Street.

Having regard to the above and as evidenced by further analysis below, there is strong strategic justification for the proposed site specific controls on the subject site.

## **5.3. CONSISTENCY WITH PLANNING POLICY FRAMEWORK**

State and local policy recognises the importance of ensuring that there is sufficient flexibility within planning policy to achieve design excellence and contribute to the overarching vision for the city, whilst ensuring that no unreasonable amenity impacts occur. Relevant policies seek to facilitate land use outcomes that support the ongoing vitality of the city as an environmentally sustainable place to live, work, play and visit. The proposal achieves the broad objectives of these guiding policies as outlined below.

### **5.3.1. Planning Policy Framework**

The proposed development is consistent with the overarching objective of the Planning Policy Framework (PPF), namely supporting urban consolidation within areas with good access to public transport and existing urban infrastructure. More specifically, the proposal meets the objectives of the PPF as follows:

- Reflects the strategic direction of Clause 11 as it represents a consolidation, redevelopment and intensification of a brownfield area sited for extensive change. This proposal forms the efficient redevelopment of an underutilised site and will provide a diversity of choice for people wishing to live and work within a well-served, central location.
- In accordance with Clause 15, the proposal will provide a high quality architecturally designed building which will achieve a well-considered urban design response, making a positive contribution to the streetscape. The design responds to the future preferred character of the area, culminating in an urban design response which ensures active frontages and integration with the street at the pedestrian level.
- In accordance with the sustainability objectives of Clause 15, the proposal has ensured that best practice ESD measures can be incorporated into the building as outlined in the accompanying ESD report.
- The proposal provides high density housing in a location which is intended to be an extension of Melbourne's CBD. This is in line with the policy objectives at Clause 16 which encourage higher density housing in existing urban areas and locations in and around activity centres. The subject site has good access to public open space, public transport, entertainment and employment opportunities. This strategic location will benefit from ongoing improvement as the Fishermans Bend Urban Renewal Area continues to develop as a key multiuse centre.
- In accordance with the objectives of Clause 17, the proposed development will contribute to meeting the needs of the community. The incorporation of office space and a potential small supermarket will help to cater to the unique needs of members of the city's diverse population and workforce. The commercial component will also help to stimulate a further economic contribution and investment to the area.
- The proposal is in a location which can take advantage of its central location and opportunities to discourage private car use. In accordance with the objectives of Clause 18, residents of the building will be encouraged to use alternative modes of transport by providing a high level of secure, easily accessible bicycle parking and reducing the car parking provision. The site's strategic location will mean that current and future public transport delivery will allow for convenient access to other parts of the city, particularly the central CBD.

### 5.3.2. Local Planning Policy Framework

The proposed development is consistent with the MSS and Local Planning Policies within the Port Phillip Planning Scheme including the relevant objectives and strategies of these policy documents, as follows:

- The proposal reflects the Council's strategic direction and vision as outlined in Clause 21.01-1. Specifically, the construction of this primarily build to rent residential development will contribute to promoting affordable rental housing, contribute to housing diversity within the municipality and provide for a high quality, innovative design which has considered its location, context and ability to make a positive contribution to the streetscape.
- In accordance with the strategic approach in Clause 21.01-2, the proposal consolidates urban residential development, which will accommodate housing growth in a strategic location in an environmentally sustainable and attractive manner. Clause 21.06-8 identifies the subject site within the Fishermans Bend Urban Renewal Area, a key strategic location for urban regeneration and intensification.
- Sustainable design and development as outlined within Clause 21.03, has been considered with this proposal. This is discussed further in the internal amenity section of this report. Sustainable initiatives which have been incorporated into the design ensures best practice and can be seen within the accompanying Sustainability Management Plan.
- In accordance with the objectives and strategies of Clause 21.04, the proposal has been located within an area envisaged to accommodate an increase in housing density, especially for the rental market. This location, within close proximity to the CBD, ensures that increased populations can be conveniently accommodated. The existing and future improved accessibility of the subject site to public transport, shops, employment and other infrastructure make this an ideal location for housing growth.
- In accordance with Clause 21.05, the proposed built form will contribute to the preferred future character of the area. The site benefits from its location in an area with limited consistent character, however the building has been designed to be of a height and scale that responds to the surrounding existing buildings and the future built form outcomes of the Fishermans Bend Framework Plan.
- The proposal presents as a visually interesting and aesthetically appealing urban form which makes a significant contribution to the provision of housing in the area and will provide employment onsite opportunities. This is in line with the policy direction of Clause 21.06-8.
- In accordance with Clause 22.06. the development will be of a high quality with an interesting, creative and site responsive design which will fit comfortably within the preferred character of the area.
- In accordance with Clause 22.12, the proposal can be accompanied by a future Water Sensitive Urban Design Response to ensure no detrimental impact of the development on the surrounding water quality or drainage.
- Consistency with Clause 22.15 is discussed in Section 5.5 of this report below.

## **5.4. CONSISTENCY WITH FISHERMANS BEND FRAMEWORK PLAN AND ASSOCIATED CONTROLS**

### **5.4.1. Vision**

The proposed development is considered to be generally in accordance with the guidelines and objectives of the FBFP. In seeking to expand the Central City and regenerate the area to become a vibrant mixed-use precinct, the development will help to facilitate a change of use from the existing industrial to a predominately residential use with commercial operations activating the ground floor.

The diversity of dwelling types proposed allows for a development that will provide suitable rental housing for a range of household types while also contributing to the provision of high-quality affordable housing within the area. Further to this, the commercial tenancies proposed at ground level will contribute to the support of new business and economic growth within the precinct, providing a flexible working space which can cater to the needs of smaller businesses that don't require the traditional large floorplate office arrangement. As the area continues to be developed and morphs into a true commercial suburb, the lower car park levels within the building have been designed so that they can be retrofitted in the future for additional commercial space when the market demand is there. This is achieved through the overly generous 3.5 metre floor to ceiling heights in the podium levels which will allow for the creation of high-quality office space. Furthermore, the build to rent model means that the developer will remain in ownership of the apartments in the long term. This makes it easier for apartments to be converted into office space in the future if deemed appropriate as there will be no issue with private ownership of individual dwellings. The commercial components will also contribute to employment growth within the area.

The inclusion of non-residential uses will contribute to forecasted employment numbers whilst also providing housing opportunities, including affordable and social housing, to contribute to the anticipated population growth.

### **5.4.2. Mix of Uses**

Fishermans Bend is identified as a major urban renewal area which will act as a key employment and residential precinct as part of the expansion of Melbourne's CBD. Fishermans Bend is expected to accommodate up to 80,000 new jobs and 80,000 residents. Specifically, the Sandridge Precinct is earmarked as a premium office and commercial centre, balanced with diverse housing and retail.

The use of the land for both accommodation and commercial uses directly contributes to the land uses envisaged within this area of Fishermans Bend and the growth targets set by the Framework Plan and relevant policies. Further, the proposal comprises a mix of dwelling sizes and types, including affordable and social housing that is indistinguishable from the other dwellings, positively contributing to the diversity of housing in this location. Additionally, the proposal provides two commercial tenancies at ground floor, providing activated frontage to Bertie Street.

Having regard to the above, the proposed mix of land uses are appropriate and compatible with the directions surrounding land use in this area.

## 5.5. CLAUSE 22.15 FISHERMANS BEND URBAN RENEWAL AREA POLICY

The site is located within the Sandridge Precinct, within the Civic Boulevard Precinct. As the subject site is located outside of the proposed activity centre and not on the Civic Boulevard, it will act as a secondary contributor to the activity centre, providing some opportunity for mixed use and commercial use while focusing its residential contribution. The table below demonstrates the proposal's compliance with the requirements of Clause 22.15.

Table 1 – Compliance with Clause 22.15

Element	Requirements	Design Response
<p><b>Employment Floor area</b></p>	<ul style="list-style-type: none"> <li>Minimum floor area ratio not used for dwelling is 3.7:1 (discretionary)</li> </ul>	<p>As proposed, the total floor area not used for a dwelling is 4,424.6sqm. This is a plot ratio of 2.1:1 (based on a site area of 2,121.4sqm – exclusive of the new road).</p> <p>Whilst the total area not used for a dwelling is less than 3.7:1, it is considered appropriate in this instance given that:</p> <ul style="list-style-type: none"> <li>The built form envelope available on the site makes it impractical to provide the minimum plot ratio. This is because the site is relatively small as it stands and has been considerably compromised by the 9m wide road required to be included along the south eastern border. Further to this, the large setback requirements mean that providing desirable commercial floorplates within the tower levels is not possible.</li> <li>The podium's minimum floor to floor heights of 3.5m will allow for future conversion of the car park and residential areas to employment generating uses.</li> <li>The build to rent model of ownership will allow for the developer to choose to convert apartments into commercial floorspace in the future, should the demand support this change of use.</li> <li>Given that this will be one of the first buildings to be approved and constructed in Fishermans Bend, there will not be the market to sustain such a high ratio of employment generating uses when the building is initially occupied. As the area continues to be developed, the building could be retrofitted to meet the growing demand.</li> <li>Employment floor area is provided at the ground level for by way of two retail tenancies six commercial offices with apartments above. These offices create the opportunity for businesses to have a direct street interface.</li> </ul>

Element	Requirements	Design Response
<p><b>Community and diversity</b></p> <p><b>3 Bedroom Dwellings</b></p>	<ul style="list-style-type: none"> <li>• Diversity of dwelling typologies</li> <li>• Encourage affordable housing within range of typologies</li> <li>• Encourage adaptable floor plates for one and two bedroom units</li> <li>• Proposals of more than 100 dwellings should provide 20% three bedroom dwellings (discretionary)</li> </ul>	<p>The development comprises a total of 165 apartments. The diversity of housing types, including one, two and three-bedroom apartments ensures that a proportion of the dwellings within the development will be set at an affordable rental price point. Further to this, the building provides 20% of the total proposed dwellings as three-bedroom apartments, creating opportunities for families to purchase at lower price points with several larger apartments located on the lower levels while one-bedroom apartments are spread throughout.</p>
<p><b>Affordable Housing</b></p>	<ul style="list-style-type: none"> <li>• 6% (discretionary)</li> </ul>	<p>6% of the dwellings have not been allocated to affordable dwellings. In lieu of this provision, Lateral Estate have committed to the build to rent model of ownership which will allow for long-term rental investment. A Build to Rent Analysis has been prepared by Urbis and is included within <b>Appendix D</b> of this report. The analysis outlines the economic and social benefits of the build to rent model including the faster delivery of apartments into the rental market, the security of long-term rental tenure and the provision of increased housing diversity into the rental sector.</p> <p>The full provision of affordable housing as defined in Clause 22.15 has not been able to be provided in this development given the significant setbacks that this project has faced which has meant that since the project's inception and original application in 2016, there has been a loss of approximately 100 apartments due to changing planning controls. The building envelope that can now be accommodated cannot feasibly provide affordable housing given that the small site has been further impeded by the controls of Amendment GC81 including large setback requirements, shadow controls to 'proposed' parks and the inclusion of the new 9m wide road within the site. Given these constraints, it is not feasible for the development to provide the required affordable housing.</p> <p>The proposed build to rent model will meet the affordable housing objectives of Clause 22.15 by providing housing types and sizes which are accessible and obtainable to different household sizes including families and single persons. The build to rent model is supported by the State Government as a positive contributor to the provision of affordable housing in Victoria. The Treasurer, Tim Pallas' media release on 27</p>

Element	Requirements	Design Response
		September 2018 has confirmed this by stating that the ' <i>...Government is acting to further improve housing affordability by supporting build to rent to improve access and choice for all Victorians</i> '.
<b>Design Excellence</b>	<ul style="list-style-type: none"> <li>Encourage carried built form typologies that align with the precinct character area detailed in DDO32.</li> <li>Encourage fine grain, pedestrian scale environment.</li> </ul>	<p>The building meets the building typology identified in DDO32. See Section 5.8 of this report for details.</p> <p>The building achieves a fine grain pedestrian scale environment through the use of brickwork and glazing at the lower levels, creating a human scale and texture whilst allowing views to and from the development. The provision of a canopy over the street coupled with vertical spacing of the columns and window framing break up the glazing at ground level, accentuate the appearance of multiple tenancies and create a tactile, open and inviting ground plane environment.</p>
<b>Achieving a climate adept, water sensitive, low carbon, low waster community</b>	<ul style="list-style-type: none"> <li>Achieving an average 7 star NatHERS rating for building</li> <li>Developments should achieve a 20% improvement in current National Construction Code energy efficiency standards (including waste management)</li> <li>Incorporation of renewable energy generation, storage and opportunities to connect to the wider precinct.</li> <li>At least 70% of the total site area should comprise building or landscape elements that reduce the impact of the urban heat island effect</li> <li>Non-glazed facade materials exposed to summer sun should have a low solar absorptance.</li> <li>Design should consider impacts of sea level rise and flooding.</li> <li>Design should consider water recycling and management.</li> <li>Developments should respond to precinct waste management plans and create opportunities to</li> </ul>	<p>The development achieves the following:</p> <ul style="list-style-type: none"> <li>An average 6.5 star NatHERS rating</li> <li>A 10% improvement on the National Construction Code.</li> <li>A 26-kW peak solar photovoltaic system is to be provided on the roof.</li> <li>The majority of the building which is not glazed comprises brick masonry. Whilst this is dark in colour (Krause Grampian Blue), the dwellings will comply with the maximum cooling load required by BADS.</li> <li>The subject site is not located within a flooding overlay. As such, designing for sea level rise or flooding is not required for this development.</li> <li>A rainwater harvesting system with a total volume of 62,000L will be installed.</li> <li>Reuse of water for irrigation, fire protection system test water and toilet flushing for WCs from Ground to Level 12 is proposed.</li> <li>The applicant is not aware of any precinct waste management plan at present. Waste will be managed to meet Council requirements.</li> </ul> <p>Refer to <b>Appendix E</b> for further details.</p>

Element	Requirements	Design Response
	<p>optimise storage and collection methods.</p>	
<p><b>Communal Open Spaces</b></p>	<ul style="list-style-type: none"> <li>• Create private and communal open spaces within development</li> <li>• Encourage internal and external communal spaces to connect to one another and be designed as multifunctional, adaptable spaces.</li> <li>• Encourage the provision of additional publicly accessible areas at ground level that contribute to the creation of a network of passive, formal and informal recreational spaces.</li> </ul>	<ul style="list-style-type: none"> <li>• Generous private and communal open spaces are provided within the development.</li> <li>• Levels 5 and 7 provide interconnecting indoor and outdoor space which can be used for recreational and fitness purposes.</li> <li>• Publicly accessible open space has not been provided at the ground level given the large portion of land that has been given over to the new road. This has meant that there is not sufficient space on the remaining site. As there is ample new public open space provided in the immediately surrounding area, it is not considered that precinct would benefit from additional space provided as part of this development.</li> <li>• The areas of communal open space have been designed for a range of purposes and provide: <ul style="list-style-type: none"> <li>– A gym area with outdoor courtyard</li> <li>– Podium gardens for active and passive recreation including BBQ area, seating and a bocce court.</li> <li>– A communal room with the flexibility to be used for a range of uses including a large dining room, lounge, meeting space and office space.</li> <li>– Rooftop swimming pool and surrounding passive recreation area.</li> </ul> </li> </ul>
<p><b>Landscaping</b></p>	<ul style="list-style-type: none"> <li>• Encourage developments to provide landscaping in all areas of open space.</li> </ul>	<p>The landscape plan has been prepared by NBRS &amp; Partners Pty Ltd with landscaping proposed on the podium, rooftop and private terraces on Levels 5 and 6 (<b>Appendix G</b>).</p> <p>The landscaping has been designed to include a variety of plant types including the incorporation of trees within raised gardens. The raised gardens area 1.1m high which the landscape architect has advised is sufficient to support the proposed trees.</p>
<p><b>New streets, laneways and pedestrian connections</b></p>	<ul style="list-style-type: none"> <li>• Sites of more than 3000 square metres, should provide new streets, laneways or paths to create mid-block through links and define and separate buildings (discretionary)</li> </ul>	<p>This application proposes a 9m wide road along the south eastern boundary which will improve east to west connections and permeability from Bertie to Ingles Street.</p> <p>Whilst the road is not 12m wide, as prescribed in the Fishermans Bend Framework Plan, September 2018, the road alignment is in accordance with this plan and</p>

Element	Requirements	Design Response
		will provide similar accessibility and permeability.
<b>Sustainable Transport</b>	<ul style="list-style-type: none"> <li>• Ensure development does not compromise the delivery of future public transport including new tram, train and bus routes</li> <li>• Encourage development to provide less than the preferred maximum number of car spaces</li> </ul>	<ul style="list-style-type: none"> <li>• The subject site does not sit within an area proposed for a future public transport link and will not compromise its delivery.</li> <li>• The car parking proposed is less than the statutory requirements of PO1. This is supported by the FBSFP where fewer spaces are encouraged to support alternate modes of transport.</li> </ul>
<b>Land Use transition</b>	<ul style="list-style-type: none"> <li>• Ensure new uses and the expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</li> <li>• For applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measures to mitigate adverse amenity impacts.</li> </ul>	<p>A detailed Amenity Impact Plan (AIP) has been prepared by GHD (<b>Appendix H</b>).</p> <p>The AIP highlights that the subject site is within proximity to several uses which may cause adverse amenity impacts.</p> <p>The AIP concludes that the site's amenity will not be adversely impacted by potential noise and air impacts. Additionally, the proposed development of the site is not likely to result in dis-amenity to the existing industries.</p>

## 5.6. CAPITAL CITY ZONE SCHEDULE 1 (CCZ1)

The table below demonstrates the proposal's compliance with the requirements of CCZ1.

Table 2 – Compliance with CCZ1

Element	Requirements	Design Response
<p><b>Dwelling Densities</b></p>	<ul style="list-style-type: none"> <li>• Mandatory dwelling density of 349 dwellings per hectare unless one social housing dwelling is provided for every 8 dwellings provided above the allowable dwelling density.</li> </ul>	<p>Site specific control to vary requirement is requested.</p> <p>The 3031 square metre site generates a maximum dwelling density of 105 dwellings per hectare.</p> <p>This proposal incorporates 165 dwellings which exceeds the maximum dwelling density by 60 dwellings.</p>
<p><b>Bicycle, Motorcycle and Car Share Parking</b></p>	<ul style="list-style-type: none"> <li>• For developments of more than 50 dwellings: <ul style="list-style-type: none"> <li>– 1 resident bicycle space per dwelling (165 spaces) and 1 visitor space per 10 dwellings.</li> <li>– 1 motorcycle space per 50 dwellings.</li> <li>– 2 car share spaces plus 1 car share space per 25 car spaces</li> </ul>                     (discretionary)                 </li> <li>• For developments with over 10,000sqm of non-residential floor space: <ul style="list-style-type: none"> <li>– 1 bicycle space per 50 sqm of net non residential floor area and 1 visitor space per 100 sqm of net non residential floor area</li> <li>– 1 motorcycle space per 100 car parking spaces.</li> <li>– For all developments with 120 or less car spaces: A minimum of 2 car share spaces.</li> <li>– For all developments with more than 120 car spaces: 1 car share space per 60 car parking spaces.</li> </ul>                     (discretionary)                 </li> </ul>	<p>The proposal generates the following parking requirements:</p> <ul style="list-style-type: none"> <li>• 165 bicycle spaces</li> <li>• 3 motorcycle spaces</li> <li>• 8 car share spaces</li> </ul> <p>The proposal provides:</p> <ul style="list-style-type: none"> <li>• 204 bicycle spaces</li> <li>• 8 Motorcycle spaces</li> <li>• 6 car share spaces</li> </ul> <p>The proposal complies with the motorcycle and exceeds the bicycle parking requirements of this Clause. Whilst the car share spaces do not comply, it is considered acceptable given the large number of additional bicycle spaces proposed.</p> <p>See the traffic report in <b>Appendix I</b> for further details.</p>
<p><b>Green Star Rating</b></p>	<ul style="list-style-type: none"> <li>• Minimum 5 Star Green Star Design and As-Built rating or equivalent (mandatory)</li> </ul>	<p>The proposal intends to achieve best practice Green Star design and the SMP report confirms that 5 stars can be achieved. This requirement can be confirmed via a condition within the Incorporated Document.</p>

## 5.7. DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 32 (DDO32)

The table below demonstrates the proposal's compliance with the remaining requirements of DDO32.

Table 3 – Compliance with DDO32

Element	Requirements	Design Response
<b>Building Typology</b>	<ul style="list-style-type: none"> <li>Hybrid (predominately high-rise)</li> </ul>	<p>This proposal comprises a high-rise tower development of 20 storeys.</p> <p>Given the constraints of the site due to its small size, requirement for a new road and large setback controls, large floorplates capable of accommodating high quality commercial development cannot be achieved within the tower.</p> <p>The small size of the site and inclusion of the road also limits the opportunity to provide publicly accessible courtyard spaces however permeability and high levels of activation have been achieved through the provision of the road with commercial space facing onto pedestrian areas.</p>
<b>Building Height</b>	<ul style="list-style-type: none"> <li>Maximum height for the front (southwest) portion of the site is 43 metres (12 storeys)</li> <li>Maximum height for the rear (northeast) portion of the site is not specified.</li> </ul>	<p>The front portion of the building, facing Bertie Street, consists of podium only, to a maximum height of 24 metres. Beyond this, set back 26.8 metres from the front boundary, the tower extends to 72.3 metres (20 storeys).</p> <p>The proposed building heights are compliant with the control.</p>
<b>Overshadowing</b>	<ul style="list-style-type: none"> <li>New public open space is proposed to the southwest of the subject site designated as Area B on Map 4.</li> <li>No additional overshadowing of Area B on Map 4 between the hours of 11.00am and 2.00pm on 22 September.</li> </ul>	<p>Shadow diagrams are provided within Section 2.3 (p. 45) of the accompanying Urban Context Report prepared by Mako Architecture.</p> <p>Area B is located on the opposite side of Bertie Street, to the southwest of the subject site.</p> <p>The shadow diagrams show that the proposed development will not create any additional overshadowing to Area B over the specified time period.</p>
<b>Street Wall Heights</b>	<ul style="list-style-type: none"> <li>When the site is on the corner: <ul style="list-style-type: none"> <li>Bertie Street frontage (street <math>\geq 22\text{m}</math>): Maximum 6 storeys</li> <li>New road (street <math>\leq 22\text{m}</math>): Maximum 6 storeys for a distance of 25 metres.</li> </ul> </li> </ul>	<p>The proposal incorporates a 6 storey street wall to Bertie Street. This height is maintained along the extent of the new road.</p> <p>Whilst the building height doesn't reduce after 25 metres, the design response is considered appropriate given the articulation of the podium form with deep recesses at the upper levels which gives the impression that the podium varies in</p>

Element	Requirements	Design Response
		height from 4 to 6 storeys along the length of the southeast interface, ensuring that a human scale is provided to the street.
<b>Setbacks above the street wall</b>	<ul style="list-style-type: none"> <li>• When the building height is ≤20 storeys <ul style="list-style-type: none"> <li>– 5 metres (mandatory)</li> <li>– Preferred setback of 10 metres (discretionary)</li> </ul> </li> </ul>	<p>The proposal incorporates a very large 26.78 metre setback to the site's frontage to Bertie Street.</p> <p>A 5 metre setback is incorporated from the frontage to the new road. This is considered appropriate given that the tower is setback a total of 14 metres for the existing southeast property boundary thereby providing significant space between the subject site and any future development to the southeast.</p> <p>The proposal complies with the applicable setbacks requirements of DDO32.</p>
<b>Side and rear setbacks</b>	<ul style="list-style-type: none"> <li>• Above the maximum street wall height <ul style="list-style-type: none"> <li>– Minimum (mandatory) 5m setback and 10m preferred (discretionary) setback</li> </ul> </li> </ul>	<p>A 5 metre side setback is provided from the northeast and northwest boundaries.</p> <p>This complies with the minimum setback requirement.</p>
<b>Building separation within a site</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Wind effects on the public realm</b>	<ul style="list-style-type: none"> <li>• On works higher than 40 metres: <ul style="list-style-type: none"> <li>– Must not cause unsafe wind conditions as specified in Table 7 of DDO32 in publicly accessible areas within the assessment distance from all facades</li> <li>– Should achieve comfortable wind conditions as Specified in Table 7 of DDO32 in publicly accessible areas within the assessment distance from all facades</li> </ul> </li> </ul>	<p>The wind report prepared by Windtech (<b>Appendix J</b>) confirms that the building can meet the relevant wind criteria.</p> <p>The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses.</p>
<b>Communal Open Space</b>	<ul style="list-style-type: none"> <li>• 30% of the net developable area (discretionary)</li> </ul>	<p>The net development area is 2,212.3 square metres. The minimum area of communal open space is 663.7 square metres (30%).</p> <p>The proposal incorporates 1,059.8 square metres of communal open space comprising:</p> <ul style="list-style-type: none"> <li>• 147 square metre open terrace on Level 5</li> </ul>

Element	Requirements	Design Response
		<ul style="list-style-type: none"> <li>• 433 square metre landscaped terrace on Level 7.</li> <li>• 479.8 square metre rooftop terrace.</li> </ul>
<b>Active street frontages</b>	<ul style="list-style-type: none"> <li>• Openable windows and balconies within the street wall along streets and laneways.</li> <li>• Entrances that are no deeper than one-third of the width of the entrance.</li> <li>• Ground floor building services, including waste, loading and parking should occupy less than 40 % of the ground floor area of the building.</li> <li>• Car parking should be sleeved by active uses so that it is not visible from the public realm.</li> </ul>	<p>The site does not front any Primary or Secondary active streets on Map 3.</p> <p>The podium levels comprise multiple balconies, windows and openings to allow for passive surveillance to the street.</p> <p>Services at the ground level are skinned by active uses so that they are generally concealed from view. They do not take up more than 40% of the ground floor area.</p> <p>All car parking within the podium is sleeved with residential uses and cannot be seen from the public realm.</p>
	<ul style="list-style-type: none"> <li>• 4m floor to floor at ground level, 3.8m floor to floor at other lower levels (discretionary)</li> <li>• Car parking levels if not in the basement, 3.8m floor to floor (discretionary)</li> <li>• Dwelling layout – ability for one and two bedrooms to be combined or adapted (discretionary)</li> <li>• Internal layout – minimal load bearing walls to maximise flexibility for retail or commercial fit outs (discretionary)</li> </ul>	<p>The proposal provides the following:</p> <ul style="list-style-type: none"> <li>• Ground level floor to floor height of 4 metres.</li> <li>• Car parking floor to floor heights of 3.8 metres in the podium.</li> <li>• Flexible dwelling layouts can allow for dwellings to be combined or adapted in the future.</li> <li>• Load bearing walls are determined at the building stages.</li> </ul>
<b>Building Materials</b>	<ul style="list-style-type: none"> <li>• Avoid blank facades</li> <li>• Building walls facing a street or public place should be detailed to provide visual interest.</li> <li>• Materials to have a perpendicular reflectivity less than 15 per cent (discretionary)</li> </ul>	<p>The building does not present with any blank walls and ensures visual interest by using a variety of materials and an articulated, well-conceived design.</p> <p>A condition can be included in the Incorporated Document to ensure compliance with the reflectivity requirement.</p>

## 5.8. PARKING OVERLAY SCHEDULE 1 (PO1)

The table below demonstrates the proposal's compliance with the requirements of PO1.

Table 4 – Compliance with PO1

Element	Requirements	Design Response
<b>Dwellings</b>	<ul style="list-style-type: none"> <li>0.5 to each 1 or 2 bedroom dwellings</li> <li>1 to each 3 or more bedroom dwelling</li> </ul>	<p>The proposal generates the following maximum residential car parking numbers:</p> <ul style="list-style-type: none"> <li>47 one-bedroom dwellings = 23.5 car spaces</li> <li>84 two-bedroom dwellings = 42 car spaces</li> <li>34 three-bedroom dwellings = 34 car spaces</li> <li>Total residential = 99 car spaces</li> </ul> <p>93 residential car spaces are proposed, less than the maximum requirement.</p>
<b>Office/Retail</b>	<ul style="list-style-type: none"> <li>1 to each 100 square metres of gross floor area</li> </ul>	<p>The proposal generates the following maximum commercial car parking numbers:</p> <ul style="list-style-type: none"> <li>753 sqm NLA</li> </ul> <p>2 commercial spaces are proposed which again is less than the maximum requirement.</p>

## 5.9. BUILT FORM AND DESIGN

### 5.9.1. Architectural Response

The site's location within the Fishermans Bend Urban Renewal Area provides an exciting opportunity for innovative architectural design, given the lack of existing character and strategic vision to create a high quality built environment and distinctive and diverse neighbourhoods. Mako Architecture have successfully responded to this opportunity, presenting a building which is aesthetically appealing, creative and highly functional.

The tower envelope is significantly reduced in length through the special planning consideration process and re-designed as a more singular architectural element that reflects the sky. Subtle textural variation in facade provides a pattern of light and shade defined by a fineness and lightness that forms a counter point to the podium.

The podium defines the street, activates the public domain, and anchors the proposal with a solid base. The long street wall of New Street is sculpted and varied to create a streetscape character of a human scale. The proposed architectural design of the development is high quality and innovative, and will assist in transforming this precinct into a vibrant area for residents, workers and visitors to enjoy.

### 5.9.2. Site Layout and Scale

As detailed at Section 8.3. the proposed building form has been developed to respond to its surrounding context and the design objectives of DDO32, with the built form incorporating key design elements to achieve design excellence, environmental sustainability, livability, connectivity, diversity and innovation.

The proposal will result in a significant improvement to the urban form within this area of Port Melbourne, transforming the existing site, with a site responsive and visually interesting building, which will positively contribute to the wider urban area.

The development proposes varying podium setbacks that engage the street frontage at each interface and provide an appropriate human scale when viewed from the public realm. This will also add to the visual interest of the streetscape and create an animated environment in this industrial/warehouse setting.

The proposed tower setbacks ensure the built form protects sunlight penetration to surrounding streets and areas of public open space, as well as providing comfortable wind conditions at street level.

Figure 7 – Proposed development viewed from the northeast



Figure 8 – Podium detail viewed from the new street



## 5.10. EXTERNAL AMENITY

The proposal has been carefully designed to ensure no unreasonable amenity impacts occur to surrounding properties. The subject site, being an island site, benefits from a lack of sensitive interfaces to the surrounding streets and significant intersections providing a buffer to nearby properties. In addition, the surrounding area is expected to transition over the coming years, with the inclusion of medium and high density residential development, amongst other complementary uses.

Specifically, surrounding street widths assist with ensuring that no unreasonable overlooking impacts will occur as a result of any future development on the site. Moreover, residential properties to the south and south-west are located between 40 metres and approximately 200 metres away from the site respectively, which are significant separation distances.

Views to the site from these properties are significantly restricted as a result, with the presence of the tram corridor and industrial block of land providing an additional further buffer between these areas. Furthermore, the accompanying overshadowing diagrams demonstrate that no overshadowing will occur to these properties between 11.00am and 2.00pm on 22 September.

In addition, it is noted that the proposed development improves direct sunlight access to primary open space, being the future park on the opposite side of Bertie Street and to the public domain on the corner of Bertie Street and the new street at 1pm on 22 September.

## 5.11. INTERNAL AMENITY

In order to accommodate the projected population growth in Fishermans Bend, the State Government has recognised that high density housing and high-rise built forms are key tools in achieving sustainable growth. However, with high density housing comes a greater need to provide housing which meets the needs of future residents, providing liveable, comfortable and versatile dwellings which cater to a range of different households. The proposed building has been designed with this as a key objective and has achieved a high level of internal amenity for all apartments.

The apartments show full compliance with the objectives of Clause 58 of the Port Phillip Planning Scheme. A high level of internal amenity has been achieved as follows:

- A diverse range of apartment sizes and types, from studio and one bedroom apartments designed for the student or single person to large two – three bedroom apartments, some including terrace ‘gardens’ aimed at catering to the family demographic. These dwellings are combined with quality internal layouts to optimise the useable space.
- All bedroom and living room windows have direct access to daylight with no saddleback apartments or rooms relying on borrowed light.
- Open space has been provided to each apartment in varying forms. All open space areas lead directly from a living room and provide a useable area from 8 square metre balconies to 75 square metre terraces.
- A communal swimming pool has been provided for the recreational use of all residents.
- Each dwelling has been designed to afford future residents with a functional open plan living space and attractive internal living environments with all secluded private open space accessible from a living room.
- Over 50% of the dwellings can be accessed and used by people of limited mobility.
- The design of the lift cores and corridors ensure that all apartments can be accessed by people with limited mobility.
- The generous setbacks of the tower from adjoining properties ensure that no screening to avoid overlooking will need to be incorporated thereby maintaining a good outlook for all apartments.
- The axis of the site and building design ensures that a minimal number of apartments are directly south-facing.
- Natural cross ventilation can be achieved in all dwellings.
- Each dwelling has been provided adequate storage space.

- Bicycle parking facilities exceed the minimum statutory requirement and car parking spaces have been provided in line with that encouraged within the design objectives of the FBSFP, thereby encouraging alternate modes of transport.

A full assessment against the Better Apartment Design Standards in Clause 58 of the Port Phillip Planning Scheme is provided at **Appendix A**.

Figure 9 – Example of Clause 58 compliant 3-bedroom apartment

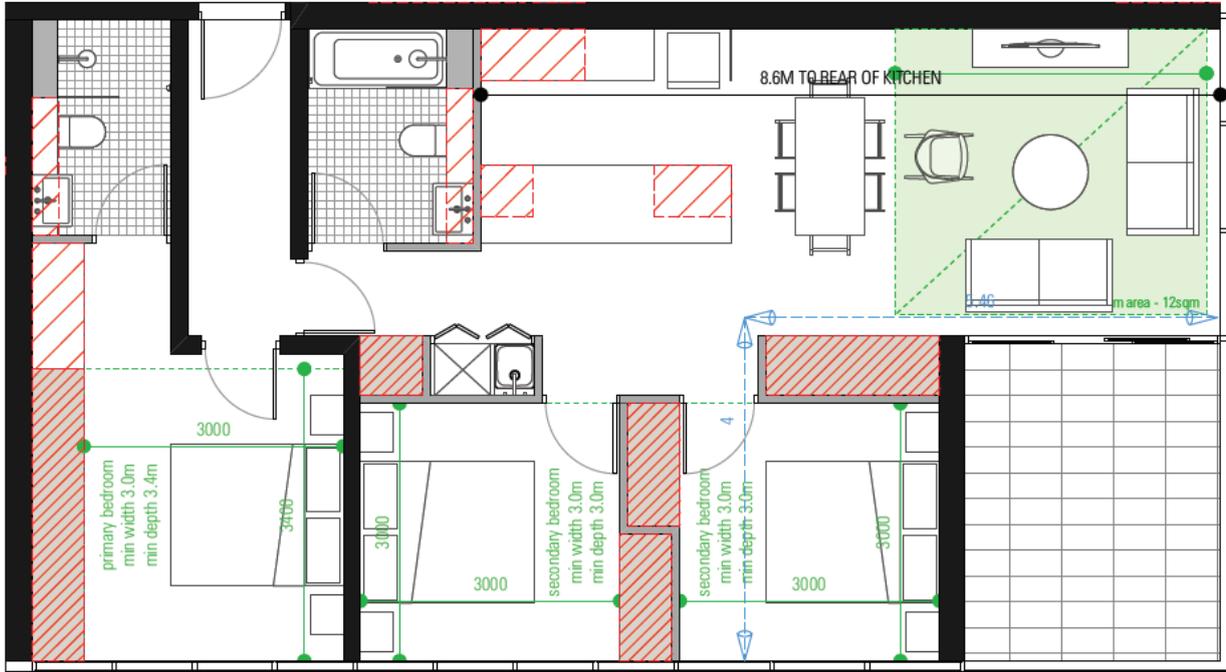
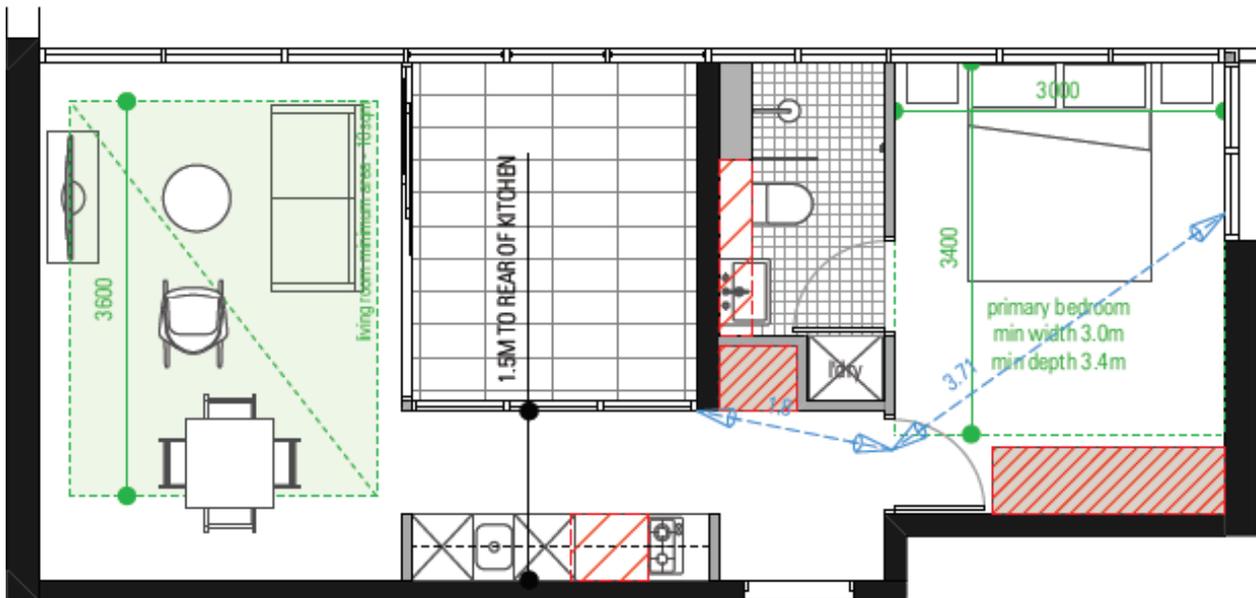


Figure 10 - Example of Clause 58 compliant 1-bedroom apartment



## 6. OTHER CONSIDERATIONS

### 6.1. CAR PARKING

An Assessment of Traffic and Parking Implications analysing the requirements of the development in terms of vehicular provision and access has been prepared by Transport and Traffic Planning Associates. The report supports the design response insofar as it relates to traffic, parking and access.

A total of 101 car parking spaces are proposed within podium levels, comprising 93 resident, 6 car share and 2 commercial spaces. All car parking is proposed to be accessed via the new street on the south eastern side of the site.

A total of 204 bicycle spaces are to be provided. These spaces are conveniently located within the dedicated bicycle storage room on the ground floor and resident stores on Level 5, which can be accessed directly from the new street.

This proposal generates parking rates as follows:

CONTROL	REQUIREMENT	PROVISION	COMPLIES?
Maximum 0.5 spaces to each one and two-bedroom dwelling Maximum 1 spaces to each three or more bedroom dwelling	47 x one-bed = 23.5 spaces 84 x two-bed = 42 spaces 34 x three-bed = 34 spaces <b>Maximum = 99 spaces</b>	93 spaces	Yes
Maximum 1 space per 100sqm GFA for retail	8.5 spaces	2 spaces	Yes
Minimum 1 motorcycle space per 50 dwellings	3 spaces	8	Yes
Minimum 2 car share spaces plus 1 per 25 car spaces	6 spaces	6 spaces	Yes
Minimum 1 bicycle space per dwelling plus 1 visitor space per 10 dwellings	181 spaces	204 spaces	Yes

In order to reduce reliance on private cars, the FBSFP encourages that new buildings reduce the car parking from the statutory requirement. This proposal less retail and residential parking spaces than the maximum whilst providing additional bicycle and motorcycle parking, which further supports this objective by reinforcing sustainable design measures and encouraging alternate methods of transport.

- The main findings of the report are supportive and are summarised below:
- The development will suitably provide for the proposed new access road
- There will be no adverse or unsatisfactory traffic implications
- The proposed parking provision will be adequate and appropriate having regard for the envisaged future transport infrastructure and the SFP target
- The proposed vehicle access, internal circulation and servicing provisions are satisfactory
- The future convenience and accessibility of public transport services will ensure a sustainable development outcome
- The proposed parking provision is appropriate having regard for the envisaged future transport infrastructure and the FBSFP target.
- The design complies with the requirements provided in the Port Phillip Planning Scheme, specifically the Parking Overlay (Clause 45.09), Capital City Zone (Clause 37.04) and Clause 52.06 – Car Parking.

## 6.2. WIND IMPACT

A revised Wind Environment Study has been undertaken by Windtech Consultants.

Given the evolving nature of the built environment within this area, the study has reviewed the wind impacts of the proposal against the existing conditions and against conditions envisaged to eventuate under the precinct structure plan. Given that this development will be one of the first in the area, there will be some localised wind effects.

The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. Where stronger winds were experienced that exceeded the relevant criteria the study has recommended treatment solutions to mitigate wind impacts. These solutions can be added to the architectural plans following initial review of the application.

For further details, refer to the Wind Environment Study included at **Appendix J**.

## 7. CONCLUSION

The proposed build to rent development at 118 Bertie Street, Port Melbourne will contribute positively to the preferred built form character envisaged for the area. The site is in a location earmarked to form an extension of Melbourne's CBD with access to public transport, open space amenity, retail activity expected to continue to improve over the coming years.

The building, which has respected the new mandatory built form controls, will sit comfortably with any future development within the surrounding area, meeting the design objectives of the FBSFP and DDO32. The building offers an innovative and striking design response which has acknowledged potential future development on surrounding lots will add interest and vitality to the precinct as it continues to regenerate.

The proposal also responds to the relevant State and Local Planning Policy and will make a positive contribution to the future built form character of the area.

The development responds to its policy context and will make a positive contribution to the surrounding area by providing the following:

- A building which meets the design objectives and guidelines of the Fishermans Bend Strategic Framework Plan and DDO32.
- A high quality architectural response using innovative and environmentally sustainable design measures.
- A high-rise residential building within an identified activity centre, to assist in meeting key state and local policy goals.
- A high level of ground floor activation.
- Provision of over 753 square metres of net leasable commercial floor space.
- A diverse range of apartment sizes and typologies to cater to a wide demographic of future residents.
- A build to rent ownership model which contributes significantly to the availability of affordable housing within Port Philip.
- A high proportion of large apartments aimed at attracting families.
- Passive surveillance from both the ground floor uses and the dwellings above which will improve the quality of the pedestrian environment to Bertie Street and the potential new road, should it eventuate.
- A primarily residential building which favours active transport modes over driving by providing more than adequate, highly accessible and secure bicycle parking, reduced provision of car parking and excellent future accessibility to multiple modes of public transport.
- An attractive, comfortable and well serviced urban living option for future residents.
- The provision of communal facilities for the use of future residents.
- The development, if approved, will encourage further investment in the area.

The proposed development provides an exceptionally high quality architectural response and will make a valuable contribution to the provision of housing and revitalisation of the Fishermans Bend Urban Renewal Area. With this in mind, we respectfully request that the Minister supports this application with the issue of a planning permit.

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# **APPENDIX A      CERTIFICATE OF TITLE**

# **APPENDIX B      PLANNING POLICY AND CONTROLS**

# PLANNING POLICY CONTEXT

## STATE PLANNING POLICY FRAMEWORK

The existing Planning Policy Framework (PPF) sets out state-wide policy that guides the development of the local policy framework and underpins the planning scheme amendment process. The PPF seeks to ensure that sufficient zoned land is provided for housing, employment, recreation and open space, commercial, community facilities and infrastructure to meet future demand in a sustainable manner. In particular, it seeks to promote high quality high density development in appropriate locations of the City, which create attractive and affordable housing options for the State's residents.

The sections of the SPPF which are relevant to this application include:

- Clause 11 – Settlement
- Clause 15 – Built Environment
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Transport

The main thrust of these policies can be summarised as follows:

- Clause 11 requires planning to contribute to, amongst other things, 'diversity of choice', 'a high standard of urban design and amenity' and 'accessibility'. It encourages opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- The policy at Clause 11.01-1R also seeks to 'focus investment and growth in places of state significance, including major urban renewal precincts'. The policy objectives encourage 'mixed use neighbourhoods that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities'.
- Clause 15.01-2S seeks to 'To achieve building design outcomes that contribute positively to the local context and enhance the public realm'. Strategies for development include responding to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture.
- In relation to sustainable development, the objective of Clause 15.02-1S encourages 'land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions'.
- The policy at Clause 16 supports developments that provide for housing diversity, access to services and planned for long term sustainability. Higher density is encouraged in locations in and around activity centres, close to public transport and employment opportunities.
- Clause 16.01-4S relates to housing affordability and seeks to 'deliver more affordable housing closer to jobs, transport and services.' This is sought to be achieved through 'encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes' and 'facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts'.
- The policy at Clause 17 seeks to encourage strong economic growth through the provision of strong and innovative economy' and encourages 'development which will meet the community' needs for retail, entertainment, office and other commercial services'.
- The policy at Clause 18 relates to transport and states that 'planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe'.

## LOCAL PLANNING POLICY FRAMEWORK

The MSS sets out future direction for the municipality and provides a vision and framework for the municipality, whilst the local policy provides a more detailed direction to inform the assessment of new land use and development.

The following sections of the MSS and local planning policies that are particularly relevant to this matter include:

- Clause 21.01 – Vision and Approach
- Clause 21.03 – Ecologically Sustainable Development
- Clause 21.04 – Land Use
- Clause 21.05 – Built Form
- Clause 21.06 – Neighbourhoods
- Clause 22.06 – Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development
- Clause 22.12 – Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 – Environmentally Sustainable Development
- Clause 22.15 – Fishermans Bend Urban Renewal Area Policy

The main thrust of these policies can be summarised as follows:

- Council's vision for Port Phillip is outlined in Clause 21.01-1. Relevantly, it aims to create a city which is responsive to climate change, provides a safe environment for all, encourages diversity, fosters a sense of place and community, promotes affordable, accessible and diverse housing types and encourages innovative design and high environmental awareness.
- Relevantly, within the strategic approach at Clause 21.01-2, Council aims to make ecologically sustainable decisions, create attractive residential areas with opportunities for housing growth within strategic locations.
- Clause 21.03 encourages the promotion of sustainable design and development.
- The strategies at Clause 21.04 aim to encourage opportunities for new residential development in designated locations to accommodate the growing population and support a diverse range of housing types. This includes Fishermans Bend which has been identified as a Substantial Residential Growth Area.
- Clause 21.05 encourages high quality built form which enhances the valued character of neighbourhoods across Port Phillip and respects the preferred height and scale of the identified preferred character area while respecting existing residential uses.
- Clause 21.06-8 identifies the Fishermans Bend Urban Renewal Area as an innovative urban renewal project promoting a mix of uses that complement the functions and built form of the Central City and Docklands. The policy aims to provide opportunities for colocation of employment and housing, increasing productivity by decreasing travel time for residents. Relevantly, the following local strategies apply to this neighbourhood area:
  - Promote a genuine mix of uses in the area that provides for residential, commercial, retail, industrial and community facilities and uses.
  - Encourage the concentration and mix of uses to increase public and active transport use, reduce car dependence and promote multi-purpose trips.
  - Encourage the opportunity for significant levels of new residential dwellings to help meet the housing needs of the State.

- Promote industry-leading sustainable design principles including the use of renewable energy. Waste recycling systems, co-generation and sharing, waste-to energy facilities, green roofs/walls, stormwater capture and sustainable building materials.
  - Encourage a more visually pleasing urban form with improvements to both private and public realms with the introduction of residential land uses.
  - In the Fishermans Bend Urban Renewal Area development will respond to the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).
- Clause 22.06 aims to achieve high quality urban design and architecture that integrates with the prevailing neighbourhood character and respects its context and significant heritage, architectural, scientific and cultural significance.
  - Clause 22.12 aims to improve stormwater quality through water sensitive urban design.
  - Clause 22.13 provides a framework for the early consideration of environmental sustainability at the building design stage and seeks to achieve best practice sustainability outcomes.
  - Clause 22.15 aims to support the growth of housing diversity and employment opportunities within the Fisherman's Bend Urban Renewal Area. The Policy (amongst other things) encourages new developments in the Sandridge Precinct which include more than 100 dwellings to provide at least 20% of dwellings as 3-bedroom units and to allocate at least 6% of dwellings as affordable housing.

## FISHERMANS BEND STRATEGIC FRAMEWORK PLAN

Melbourne's expanded central city, which includes the Fishermans Bend extension, has been sited to become Australia's largest commercial and residential centre. The Fishermans Bend Urban Renewal Area has been identified due to economic trends seeing industrial uses relocate to alternate strategic locations and the land's proximity and connection to the existing CBD and wider metropolitan area. The redevelopment of this area is intended to transform the existing industrial precinct into the new business and residential extension of Melbourne's CBD.

The Fishermans Bend Framework Plan – September 2018, has been developed to provide long term guidance to ensure that this important strategic site is successfully developed to meet the needs of future Melbourne, over the next 40 years.

The subject site is located within the Sandridge Precinct which is identified to be a mixed use area of medium density residential and commercial activities. The Framework Plan has guided the implementation of the new planning controls for the site, introduced under Amendment GC81. As shown below, the Framework Plan details dwelling density and building height requirements implemented via the CCZ1 and DDO32, respectively.

The development proposed is generally compliant with the concept of the Framework Plan and Amendment GC81 however, the current planning controls are not strictly met:

- The proposed mandatory building height
- The proposed Dwelling Density Ratios
- Adjoining Road and Park Alignment

Figure 11 – Extract from Fishermans Bend Framework Plan – Dwelling Density Ratios



Figure 12 – DDO32 – Building heights

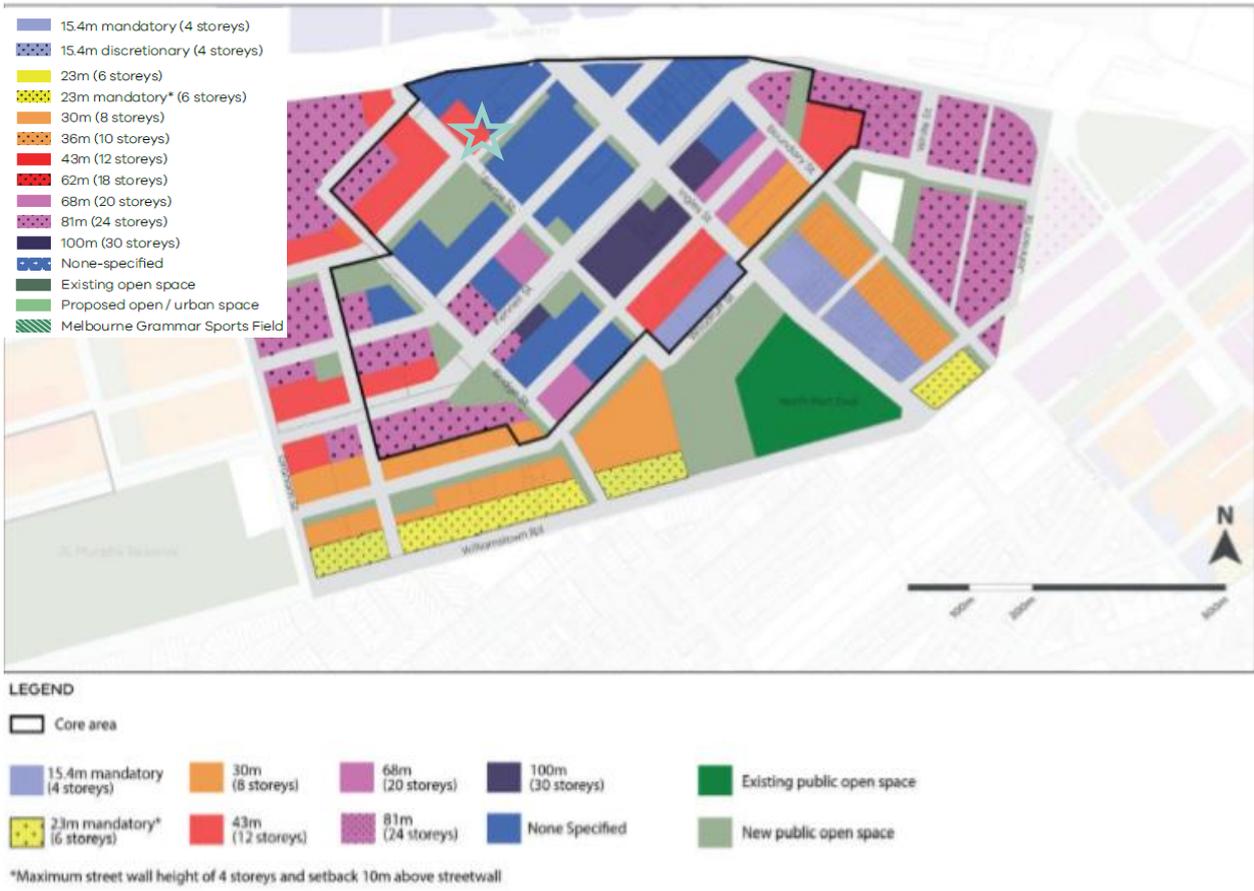
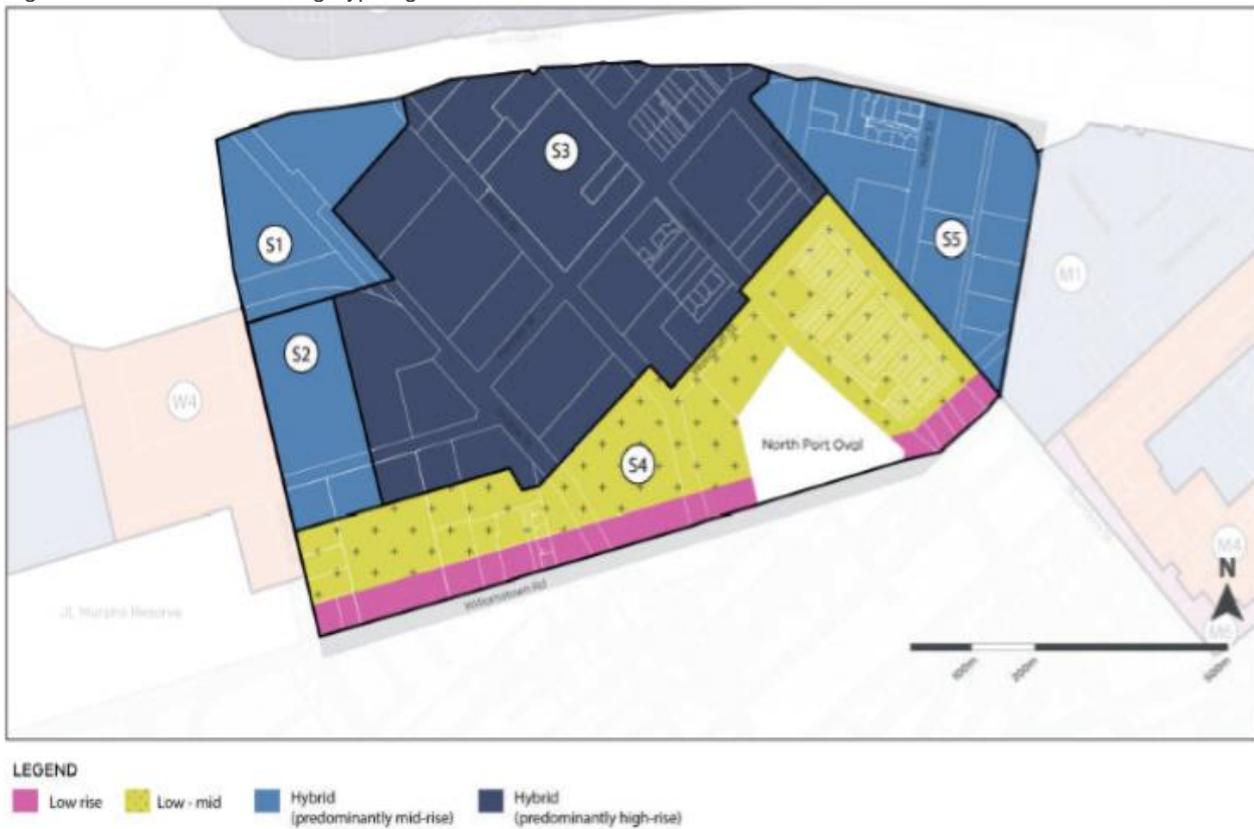


Figure 13 – DDO32 – Building Typologies



# PLANNING CONTROLS

## Capital City Zone

The site is located within the Capital City Zone Schedule 1 – Fisherman’s Bend Renewal Area (“CCZ1”). The general purposes of this Zone are:

- *To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.*
- *To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.*
- *To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.*
- *To provide public benefit in the form of Social housing where development exceeds the nominated Dwelling density.*
- *To support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.*

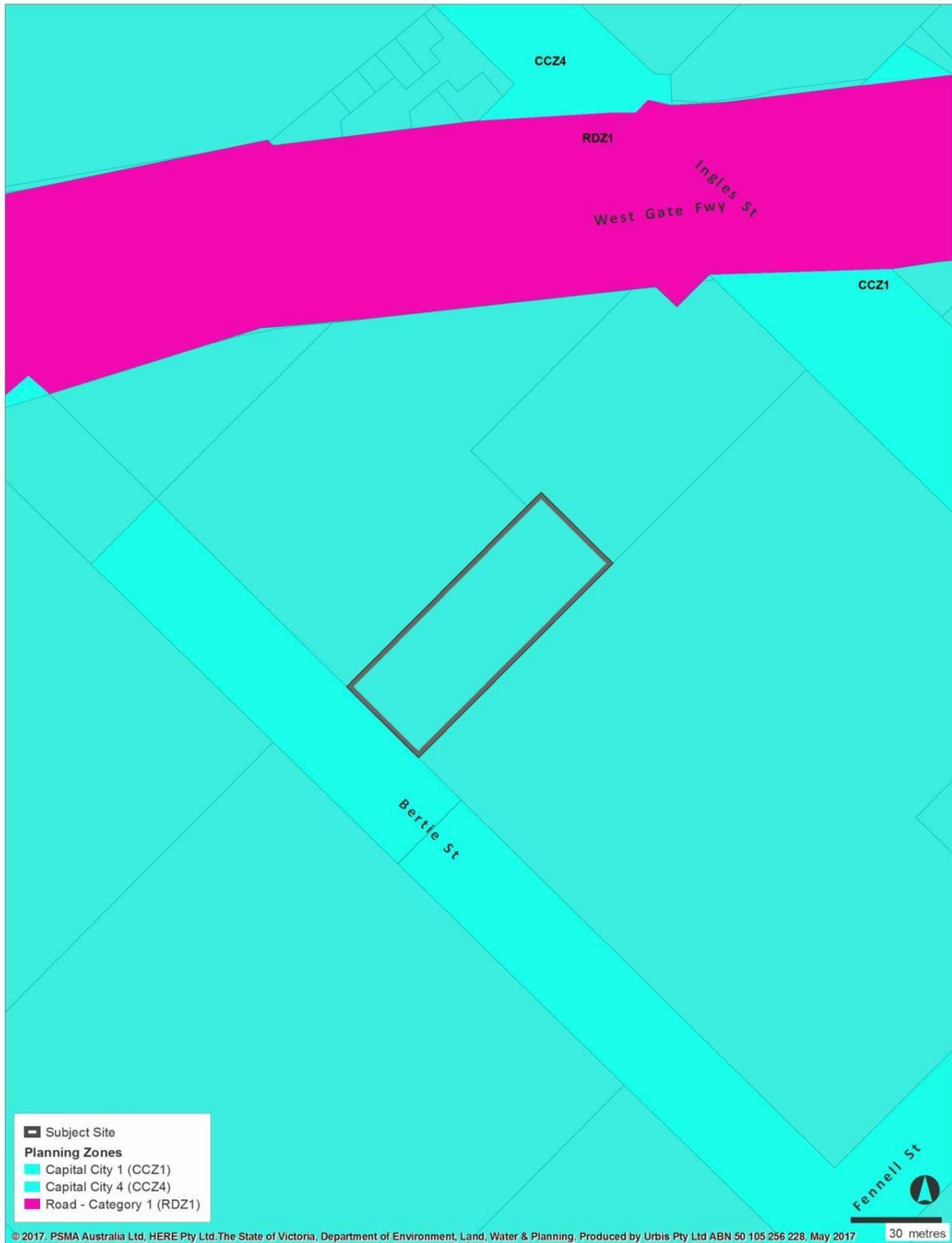
A permit is required for the following under the CCZ1:

- Demolish building and works and to construct a building or carry out works pursuant to **Clause 37.04-4**.
- Use of the land for accommodation (dwellings) pursuant to **Clause 37.04-1** given that the use for accommodation is within the threshold distances from industrial uses (concrete manufacturing) referred to in the table to Clause 52.10.

In addition, the CCZ1 stipulates the following requirements for the site:

- **Mandatory** maximum dwelling density of 349 dwellings per hectare.
- **Discretionary** bicycle, motorcycle and car share parking requirements.
- **Mandatory** minimum 5 Star Green Star Design for new buildings with 10 or more dwellings.

Figure 14 – Zoning Map



## 118 BERTIE ST, PORT MELBOURNE PLANNING ZONES

## Design and Development Overlay

The site is affected by the Design and Development Overlay Schedule 32 – Fishermans Bend – Sandridge Precinct (“DDO32”). The general purposes of this Zone are:

- *To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.*
- *To ensure in the Core area a mix of mid-rise and high-rise podium towers that support significant commercial buildings. In Non-core areas, a range of mid-rise and hybrid (perimeter block with towers) developments that create a diversity of architectural styles and housing choices and encourage the delivery of communal open space.*
- *To ensure built form protects sunlight penetration to identified public open spaces, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm.*
- *To ensure high levels of internal amenity for all development.*
- *To encourage adaptable floorspace to facilitate a reduction in car dependence and an increase in commercial floor space over time.*

The site is located in area S3 which relates to “Hybrid (predominantly high-rise)” areas. The preferred precinct character for this area is as follows:

- *“Predominantly tower developments with some mid-rise buildings. Provision of towers with large floorplates with high quality outlook to support commercial development. Provision of publicly accessible private urban courtyard spaces within new developments to enhance the overall network of open spaces to support high densities of activity. Developments that incorporate north–south laneways that provide high levels of pedestrian permeability and activation.”*

The DDO32 includes (amongst other things) the following requirements for development:

- **Mandatory** maximum building height of 43 metres (12 storeys) (red) for the front portion of the land. There is no height specified for the rear portion of the land (dark blue)
- As the site is on a corner, the **mandatory** maximum street wall height is 6 storeys on Bertie Street (given it is  $\geq 22$  metres and the building height is  $> 10$  storeys) and 6 storeys on the new road (given it is  $\leq 22$  metres).
- **Mandatory** 10 metre preferred setback above the street wall and a minimum preferred setback of 5 metres (given the building is  $\leq 20$  storeys).
- **Mandatory** 10 metre preferred side and rear setback and a minimum preferred setback of 5 metres (given the building is  $\leq 20$  storeys).
- **Mandatory** building separation of 10 metres and a preferred minimum building separation of 20 metres (given the building is  $\leq 20$  storeys).

A permit is required to construct a building or carry out works pursuant to **Clause 43.02-2**.

## Parking Overlay

The subject site is affected by Schedule 1 to the Parking Overlay (Fishermans Bend Urban Renewal Area) (PO1). The purposes of this overlay are:

- *To identify appropriate car parking rates for various uses in the Fishermans Bend Urban Renewal Area.*
- *To provide for the future adaptation of car parking to other uses and innovations in transport technology.*
- *To encourage alternative forms of parking to be provided including car share and consolidated precinct based parking.*

Under Table 1 of the Schedule to the overlay, the relevant maximum number of car parking spaces are listed as follows:

- **Dwelling** – 0.5 to each 1 or 2 bedroom dwelling and 1 to each 3 or more bedroom dwelling

- **Office/Retail** – 1 to each 100 square metres of gross floor area

A permit is required to provide car parking spaces in excess of the car parking rates specified in Table 1 of this schedule.

This application does not propose car parking spaces in excess of the maximum requirements.

## **Environmental Audit Overlay**

The subject site is affected by the Environmental Audit Overlay (EAO). The purposes of this overlay are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The EAO requires that 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, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

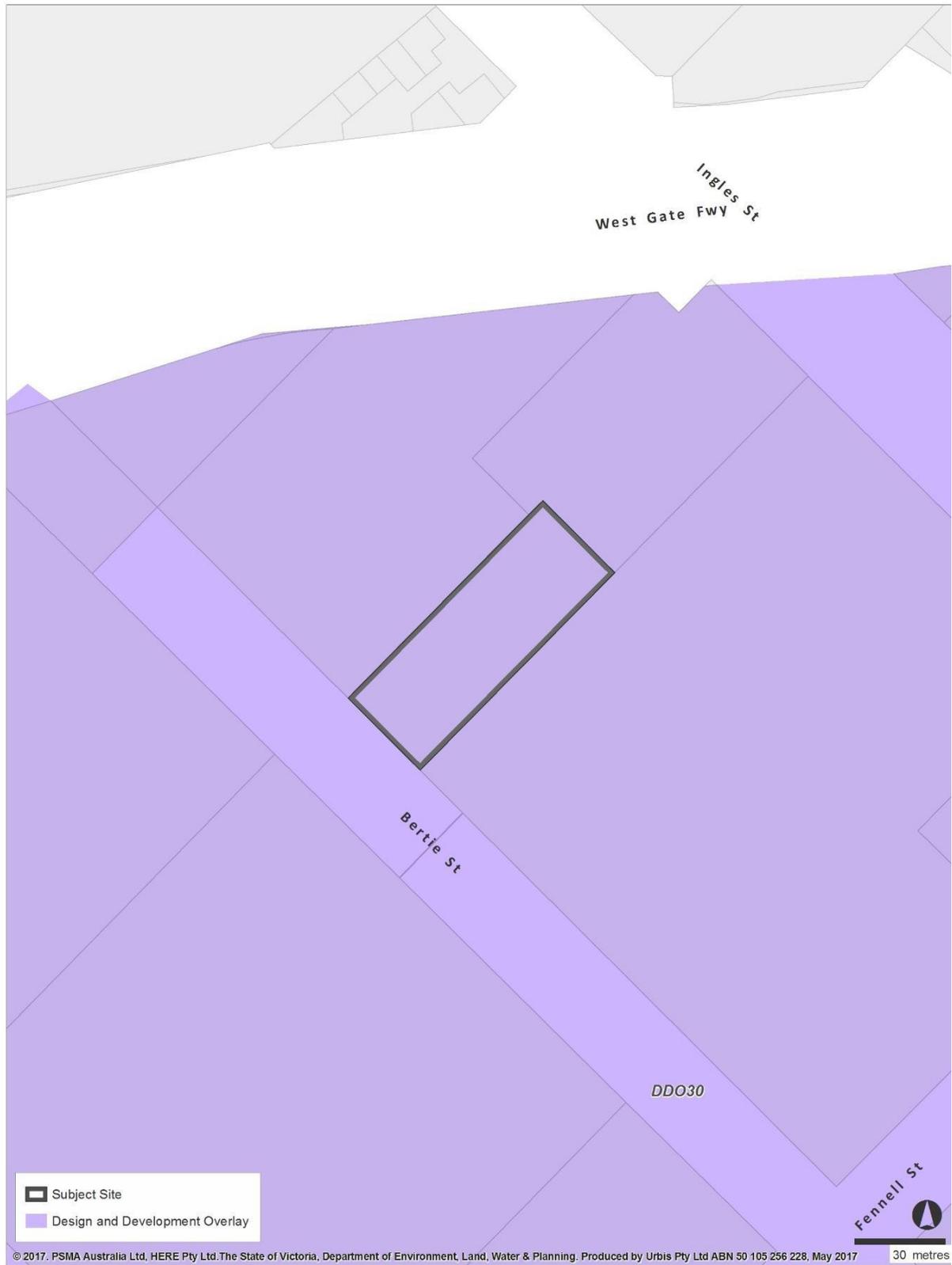
## **Infrastructure Contributions Overlay**

The subject site is affected by Schedule 1 to the Infrastructure Contribution Overlay (Fishermans Bend Infrastructure Contributions Plan) (ICO1). The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify the area where an infrastructure contributions plan applies for the purpose of imposing contributions for the provision of infrastructure.*
- *To identify the infrastructure contribution imposed for the development of land.*

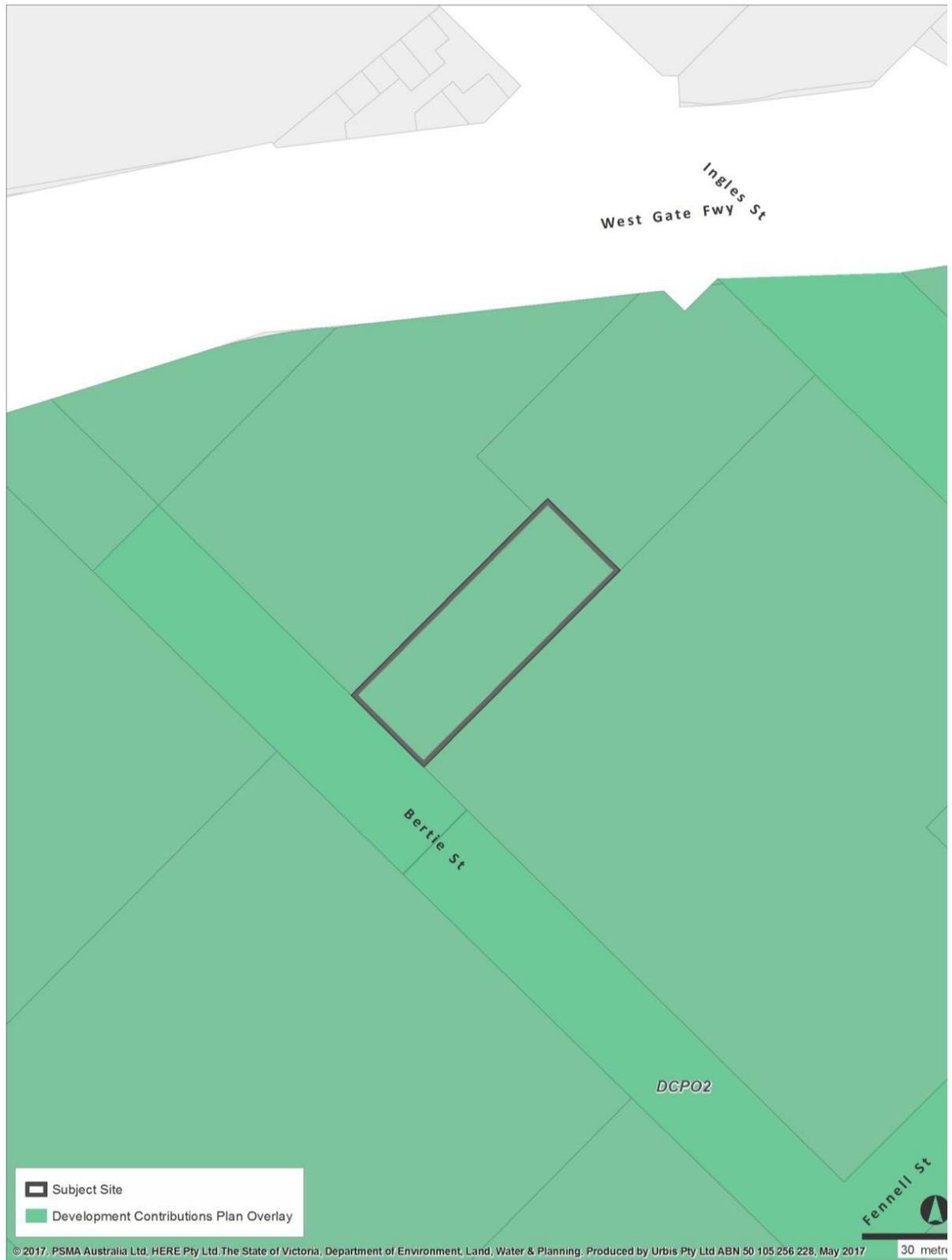
The ICO prohibits the grant of any permits until an Infrastructure Contributions Plan (“ICP”) has been approved and incorporated into the Port Phillip Planning Scheme. An ICP has not yet been implemented into the Port Phillip Planning Scheme.

Figure 15 – Design and Development Overlay Map



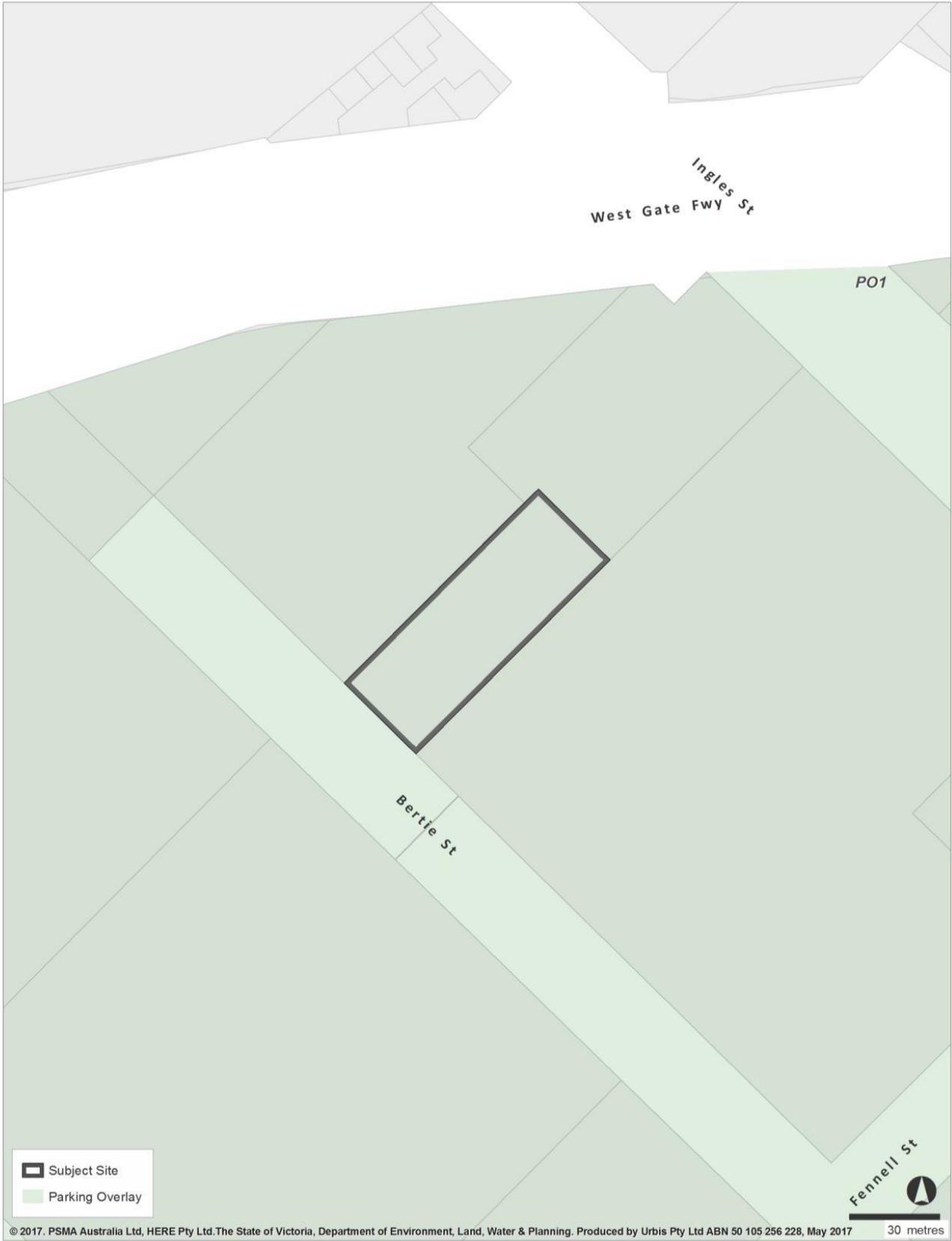
## 118 BERTIE ST, PORT MELBOURNE DESIGN AND DEVELOPMENT OVERLAY (DDO30)

Figure 16 – Development Contributions Plan Overlay Map



## 118 BERTIE ST, PORT MELBOURNE DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO2)

Figure 17 – Parking Overlay Map



## 118 BERTIE ST, PORT MELBOURNE PARKING OVERLAY (PO1)

## Particular Provisions

Clause 52.06 relates to car parking and this provision aims to ensure that an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality and to ensure that the design and location of car parking areas:

- *Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.*
- *Achieves a high standard of urban design.*
- *Creates a safe environment for users, particularly at night.*
- *Protects the role and function of nearby roads.*
- *Facilitates the use of public transport and the movement and delivery of goods.*

Clause 52.34 aims to promote cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. This provision of bicycle facilities applies under the following conditions:

- A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
- Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

# **APPENDIX C      CLAUSE 58 ASSESSMENT**

<b>Standard/Clause</b>	<b>Objective (Must meet)</b>	<b>Standard (Should meet)</b>	<b>Complies / Does Not Comply / Variation Required</b>
Standard D1 <b>58.02-1 – Urban Context objectives</b>	<p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p>✓ Complies</p> <p>Refer to the urban context and town planning reports.</p>
Standard D2 <b>58.02-2 - Residential policy objectives</b>	<p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>✓ Complies</p> <p>Refer to Section 6.3 of the town planning report.</p>
Standard D3 <b>58.02-3 - Dwelling diversity objective</b>	<p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</p>	<p>✓ Complies</p> <p>A range of 1, 2 and 3 bedroom apartments and townhouses are provided across the proposal. Varying layouts to meet a variety of needs and lifestyle preferences (i.e. different sized POS).</p> <p>The development provides 28.5% 1 bedroom, 50.9% 2 bedroom and 20.6% 3 bedroom apartments.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
			Please see development summary included within the architectural package for further details.
Standard D4 <b>58.02-4 - Infrastructure objectives</b>	<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>✓Complies</p> <p>The proposal will be located within an existing urbanised area and can be provided with appropriate utility services and infrastructure.</p>
Standard D5 <b>58.02-5 - Integration with the street objective</b>	<p>To integrate the layout of development with the street.</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>✓Complies</p> <p>Adequate vehicular access is provided to Bertie Street along the south eastern property boundary.</p> <p>The development is orientated to face Bertie Street and the new street to the south east. Pedestrian access is provided via clearly identifiable pedestrian thoroughfares on each of these interfaces.</p>
Standard D6 <b>58.03-1 Energy efficiency objectives</b>	<p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Buildings should be oriented to make appropriate use of solar energy.</p> <p>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p>	<p>✓Complies</p> <p>The proposal has been designed to maximise on the use of daylight and solar energy and to ensure dwellings achieve adequate thermal efficiency. Overall, the proposal is considered to</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required				
	To ensure dwellings achieve adequate thermal efficiency.	<p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p> <table border="1" data-bbox="1003 587 1599 810"> <thead> <tr> <th data-bbox="1003 587 1317 724">NatHERS climate zone</th> <th data-bbox="1317 587 1599 724">NatHERS maximum cooling load MJ/M<sup>2</sup> per annum</th> </tr> </thead> <tbody> <tr> <td data-bbox="1003 724 1317 810">Climate zone 21 Melbourne</td> <td data-bbox="1317 724 1599 810">30</td> </tr> </tbody> </table>	NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum	Climate zone 21 Melbourne	30	<p>provide an appropriate response to the objectives of this standard.</p> <p>Noting the site's location within NatHERS climate zone 21, Ark Resources have been engaged to provide an assessment of the proposal. We can confirm that out of the 45 apartments modelled, all met the maximum cooling load of 30MJ/m<sup>2</sup> with an average cooling load of 13 MJ/m<sup>2</sup>.</p> <p>For further detail please refer to the SMP report prepared by Ark Resources.</p>
NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum						
Climate zone 21 Melbourne	30						
<p>Standard D7</p> <p><b>58.03-2 Communal open space objective</b></p>	To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.	<p>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, which ever is lesser. Communal open space should:</p> <p>Be located to:</p> <p>Provide passive surveillance opportunities, where appropriate.</p> <p>Provide outlook for as many dwellings as practicable.</p> <p>Avoid overlooking into habitable rooms and private open space of new dwellings.</p> <p>Minimise noise impacts to new and existing dwellings</p>	<p>✓ Complies</p> <p>1,207 square metres of communal open space is provided on the rooftop and at Level 7, providing 7.3 sqm of communal open space per dwelling.</p>				

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		<p>Be designed to protect any natural features on the site.</p> <p>Maximise landscaping opportunities.</p> <p>Be accessible, useable and capable of efficient management.</p>	
<p>Standard D8</p> <p><b>58.03-3 Solar access to communal outdoor open space objective</b></p>	<p>To allow solar access into communal outdoor open space.</p>	<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>	<p>✓Complies</p> <p>The communal open space is located on Level 7 and the rooftop. Both spaces are north facing.</p>
<p>Standard D9</p> <p><b>58.03-4 Safety objective</b></p>	<p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>✓Complies</p> <p>The proposed layout has been designed to ensure that the development is safe and secure.</p> <p>All communal areas have been protected to ensure that they are not used as public thoroughfares.</p>
<p>Standard D10</p> <p><b>58.03-5 Landscaping objectives</b></p>	<p>To encourage development that respects the landscape character of the area.</p> <p>To encourage development that maintains and enhances habitat for</p>	<p>The landscape layout and design should:</p> <p>Be responsive to the site context.</p> <p>Protect any predominant landscape features of the area.</p>	<p>✓Complies</p> <p>The development proposes deep soil planting areas throughout the site.</p> <p>This includes planters on Levels 5-7 and Level 21.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
	<p>plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</p>	<p>Take into account the soil type and drainage patterns of the site and integrate planting and water management.</p> <p>Allow for intended vegetation growth and structural protection of buildings.</p> <p>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</p> <p>Provide a safe, attractive and functional environment for residents.</p> <p>Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.</p> <p>Maximise deep soil areas for planting of canopy trees.</p> <p>Development should provide for the retention or planting of trees, where these are part of the urban context.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should provide the deep soil areas and canopy trees specified in Table D2.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an</p>	

Standard/Clause	Objective (Must meet)	Standard (Should meet)			Complies / Does Not Comply / Variation Required
		<p>equivalent canopy cover should be achieved by providing either:</p> <p>Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</p> <p>Vegetated planters, green roofs or green facades.</p>			
		Site area	Deep soil areas	Minimum tree provision	
		750-1000 Square Metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil	
		1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil  or  1 large tree per 90 square metres of deep soil	
		1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil	

Standard/Clause	Objective (Must meet)	Standard (Should meet)			Complies / Does Not Comply / Variation Required
				or 2 medium trees per 90 square metres of deep soil	
		>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil  Or 2 medium trees per 90 square metres of deep soil	
		Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.			
Standard D11 <b>58.03-6 Access objective</b>	To ensure the number and design of vehicle crossovers respects the urban context	The width of accessways or car spaces should not exceed:  33 per cent of the street frontage, or  if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.  No more than one single-width crossover should be provided for each dwelling fronting a street.  The location of crossovers should maximise the retention of on-street car parking spaces.			✓ Complies  Vehicles can safely access to and from the subject site in a manageable and convenient access way from the new street to the south east of the site.  The proposed crossover to Bertie Street has a width of approximately 6 metres (less than 3% of the frontage) and provides access to three levels of car parking.

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		<p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles</p>	<p>Pedestrian access for each individual dwelling is via communal lifts and lobbies.</p>
<p>Standard D12</p> <p><b>58.03-7 Parking location objectives</b></p>	<p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Car parking facilities should:</p> <p>Be reasonably close and convenient to dwellings.</p> <p>Be secure.</p> <p>Be well ventilated if enclosed.</p> <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>✓Complies</p> <p>101 car parking spaces are proposed to the located across levels 1-3. The secure car parking is close and convenient to dwellings and provides appropriate ventilation.</p>
<p>Standard D13</p> <p><b>58.03-8 Integrated water and stormwater management objectives</b></p>	<p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <p>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</p>	<p>✓Complies</p> <p>The building has been designed to collect rainwater for non-drinking purposes and is connect to a non-potable dual pipe reticulated water supply. The Sustainability Management Plan and Water Sensitive Urban Design Response prepared by Ark Resources provides further details on the stormwater management.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas	
Standard D14 <b>58.04-1 Building setback objectives</b>	<p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <p>Ensure adequate daylight into new habitable room windows.</p> <p>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</p> <p>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</p> <p>Ensure the dwellings are designed to meet the objectives of Clause 58.</p>	<p>✓ Complies</p> <p>The site is affected by Design and Development Overlay Schedule 32. The development is fully compliant with the setback requirements of this overlay. See Section 6.4.2 of the town planning report for further details.</p>
Standard D15 <b>58.04-2 Internal views objective</b>	<p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>	<p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>	<p>✓ Complies</p> <p>The proposal has also been carefully designed to protect the private open space and habitable rooms of existing and proposed developments from overlooking.</p>
Standard D16 <b>58.04-3 Noise impacts objectives</b>	<p>To contain noise sources in developments that may affect existing dwellings.</p>	<p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p>✓ Complies</p> <p>The development is located within 300 metres of the West Gate Freeway and is therefore within a Noise Influence</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required						
	To protect residents from external and internal noise sources	<p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <p>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</p> <p>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</p> <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p> <table border="1" data-bbox="1003 1182 1603 1393"> <thead> <tr> <th data-bbox="1003 1182 1308 1241">Noise Source</th> <th data-bbox="1308 1182 1603 1241">Noise Influence Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1003 1241 1308 1300">Roads</td> <td data-bbox="1308 1241 1603 1300"></td> </tr> <tr> <td data-bbox="1003 1300 1308 1393">Freeways, tollways and other roads carrying</td> <td data-bbox="1308 1300 1603 1393">300 metres from the nearest trafficable lane</td> </tr> </tbody> </table>	Noise Source	Noise Influence Area	Roads		Freeways, tollways and other roads carrying	300 metres from the nearest trafficable lane	Area. The Acoustic Report prepared by Acoustic Logic ( <b>Appendix K</b> ) concludes that internal noise levels will comply with AS2017.2000, achieving the objectives of the design standards.
Noise Source	Noise Influence Area								
Roads									
Freeways, tollways and other roads carrying	300 metres from the nearest trafficable lane								

Standard/Clause	Objective (Must meet)	Standard (Should meet)		Complies / Does Not Comply / Variation Required	
Standard D17  <b>58.05-1 Accessibility objective</b>	To ensure the design of dwellings meets the needs of people with limited mobility.	40,000 Annual Average Daily Traffic Volume		✓ Complies  56.4 per cent of the dwellings have been appropriately designed to meet the needs of people with limited mobility. See the Project Accommodation Schedule in Section 3.7 of the Design Response Report for details.	
		At least 50 per cent of dwellings should have:  A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.  A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.  A main bedroom with access to an adaptable bathroom.  At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.			
			<b>Design option A</b>		<b>Design option B</b>
		<b>Door opening</b>	A clear 850mm wide door opening.		A clear 820mm wide door opening located opposite the shower.
<b>Door design</b>	Either:  A slide door, or  A door that opens outwards, or	Either:  A slide door, or  A door that opens outwards, or  A door that opens inwards			

Standard/Clause	Objective (Must meet)	Standard (Should meet)		Complies / Does Not Comply / Variation Required	
			A door that opens inwards that is clear of the circulation area and has readily removable hinges.	and has readily removable hinges.	
		<b>Circulation area</b>	<p>A clear circulation area that is:</p> <p>A minimum area of 1.2 metres by 1.2 metres.</p> <p>Located in front of the shower and the toilet.</p> <p>Clear of the toilet, basin and the door swing.</p> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <p>A minimum width of 1 metre.</p> <p>The full length of the bathroom and a minimum length of 2.7 metres.</p> <p>Clear of the toilet and basin.</p> <p>The circulation area can include a shower area.</p>	
		<b>Path to circulation area</b>	A clear path with a minimum width of 900mm from	Not applicable.	

Standard/Clause	Objective (Must meet)	Standard (Should meet)		Complies / Does Not Comply / Variation Required
			the door opening to the circulation area.	
		<b>Shower</b>	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
		<b>Toilet</b>	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
<p>Standard D18</p> <p><b>58.05-2 Building entry and circulation objectives</b></p>	<p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation</p>	<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>• Clearly distinguish entrances to residential and non-residential areas.</li> <li>• Provide windows to building entrances and lift areas.</li> </ul>		<p>✓ Complies</p> <p>All entries to dwellings and buildings are visible and easily definable, provide shelter, a sense of address and a transitional space around the entry.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
Standard D19  <b>58.05-3 Private open space objective</b>	To provide adequate private open space for the reasonable recreation and service needs of residents.	<p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>• Provide common areas and corridors that:               <ul style="list-style-type: none"> <li>- Include at least one source of natural light and natural ventilation.</li> <li>- Avoid obstruction from building services.</li> <li>- Maintain clear sight lines.</li> </ul> </li> <li>• An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or</li> <li>• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>• A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.</li> </ul> <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres</p> <p><i>Table D5 Balcony size</i></p>	<p>✓Complies</p> <p>All dwellings are provided with usable open space equal to or greater than the minimum dimensions specified in Standard B19.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)			Complies / Does Not Comply / Variation Required
		<b>Dwelling Type</b>	<b>Minimum area</b>	<b>Minimum dimension</b>	
		Studio or 1 bedroom	8sqm	1.8m	
		2 bedroom dwelling	8 sqm	2m	
		3 + bedroom dwelling	12 sqm	2.4m	
Standard D20 <b>58.05-4 Storage objective</b>	To provide adequate storage facilities for each dwelling.	Each dwelling should have convenient access to usable and secure storage space.  The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.			<p>✓ Complies</p> <p>A schedule of the storage provided for each apartment type is provided in the Project Accommodation Schedule in Section 3.7 of the Design Response Report for details.</p> <p>All dwellings have been provided with storage in excess of the minimum requirements. All storage is conveniently located within each apartment.</p> <p>Additional storage is provided at Level 5.</p>
		<b>Dwelling type</b>	<b>Total minimum storage</b>	<b>Minimum storage volume within the dwelling</b>	
		Studio	8 cubic metres	5 cubic metres	
		1 bedroom dwelling	10 cubic metres	6 cubic metres	
		2 bedroom dwelling	14 cubic metres	9 cubic metres	
		3 or more bedroom dwelling	18 cubic metres	12 cubic metres	
Standard D21	To ensure that communal open space, car parking, access areas	Developments should clearly delineate public, communal and private areas.			<p>✓ Complies</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
<b>58.06-1 Common property objectives</b>	and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	Common property, where provided, should be functional and capable of efficient management.	All communal areas are clearly delineated, functional and capable of efficient management.
Standard D22 <b>58.06-2 Site services objectives</b>	To ensure that site services can be installed and easily maintained.  To ensure that site facilities are accessible, adequate and attractive.	The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.  Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.  Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ Complies  The development will ensure site services and facilities can be installed, are accessible and easily maintained.
Standard D23 <b>58.06-3 Waste and recycling objectives</b>	To ensure dwellings are designed to encourage waste recycling.  To ensure that waste and recycling facilities are accessible, adequate and attractive.  To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.	Developments should include dedicated areas for:  • Waste and recycling enclosures which are: – Adequate in size, durable, waterproof and blend in with the development – Adequately ventilated – Located and designed for convenient access by residents and made easily accessible to people with limited mobility.  • Adequate facilities for bin washing. These areas should be adequately ventilated.  • Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food	✓ Complies  A designated ‘waste holding room’ is provided on level 01 – ground level. For further details, see the Waste Management Report prepared by Elephants Foot.

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		<p>waste through composting or other waste recovery as appropriate.</p> <ul style="list-style-type: none"> <li>• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>• Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>	
<p>Standard D24</p> <p><b>58.07-1 Functional layout objective</b></p>	<p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<p>Bedrooms should:</p> <ul style="list-style-type: none"> <li>• Meet the minimum internal room dimensions specified in Table D7.</li> <li>• Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul>	<p>✓ Complies</p> <p>All main bedrooms have a minimum width of at least 3 metres and a minimum depth of at least 3.4 metres. All other bedrooms have dimensions of at least 3x3 metres.</p>

Standard/Clause	Objective (Must meet)	Standard (Should meet)			Complies / Does Not Comply / Variation Required	
		<b>Bedroom type</b>	<b>Minimum width</b>	<b>Minimum depth</b>	<p>All 1 bedroom dwellings have a living space with a minimum width of 3.3m and a minimum area of 10sqm. Apartments with 2 or more bedrooms have a minimum width of 3.6m and minimum area of 12sqm.</p>	
Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres		3 metres
Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.			<b>Dwelling type</b>	<b>Minimum width</b>		<b>Minimum area</b>
Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres		12 sqm
Standard D25	To allow adequate daylight into single aspect habitable rooms.	Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.				✓ Complies
<b>58.07-2 Room depth objective</b>		The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:				<p>The minimum ceiling height throughout the proposed development is 2.7 metres. All single aspect habitable rooms do not exceed a depth of 9 metres.</p>
<ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> </ul>			<ul style="list-style-type: none"> <li>• The kitchen is located furthest from the window.</li> </ul>			
<ul style="list-style-type: none"> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished</li> </ul>						

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		<p>ceiling level. This excludes where services are provided above the kitchen.</p> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	
<p>Standard D26</p> <p><b>58.07-3 Windows objective</b></p>	<p>To allow adequate daylight into new habitable room windows</p>	<p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>	<p>✓ Complies</p> <p>All habitable rooms have a window in an external wall of the building.</p>
<p>Standard D27</p> <p><b>58.07-4 Natural ventilation objectives</b></p>	<p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p>	<p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul>	<p>✓ Complies</p> <p>The design and layout of dwellings maximise openable windows, doors and other ventilation devices in external walls of the building.</p> <p>Approximately 41.8 per cent of dwellings have provided effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres</li> <li>• A minimum breeze path through the dwelling of 5 metres</li> </ul>

Standard/Clause	Objective (Must meet)	Standard (Should meet)	Complies / Does Not Comply / Variation Required
		The breeze path is measured between the ventilation openings on different orientations of the dwelling.	<ul style="list-style-type: none"> <li data-bbox="1615 248 1995 304">• Ventilation openings with approximately the same area</li> </ul>

# **APPENDIX D      BUILD TO RENT ANALYSIS**

# **APPENDIX E      SUSTAINABILITY MANAGEMENT PLAN**

# **APPENDIX F      WASTE MANAGEMENT PLAN**

# **APPENDIX G      LANDSCAPE PLAN**

# **APPENDIX H      AMENITY IMPACT PLAN**

# **APPENDIX I      TRAFFIC IMPACT ASSESSMENT**

# **APPENDIX J      WIND ASSESSMENT**

**APPENDIX K      ACOUSTIC REPORT**

# **APPENDIX L      SITE INVESTIGATION**



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