



8.9	365 - 391 PLUMMER STREET, PORT MELBOURNE
LOCATION/ADDRESS:	365 - 391 PLUMMER STREET, PORT MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	ROSANNE MASSEY, SENIOR URBAN PLANNER
TRIM FILE NO.:	PF17/311555
	1. Renders and Development Schedule
	2. Site Plan
	3. Apartment layouts
	4. Draft Conditions
	5. Plans Part 1
	6. Plans Part 2
	7. Plans Part 3
	8. Plans Part 4
	9. Plans Part 5
	10.Landscape Plans Part 1
	11.Landscape Plan Part 2
ATTACHMENTS:	
REWARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	Development and use for accommodation in the Capital City Zone
APPLICATION NO:	MINRA0005/2017
APPLICANT:	London Jones Land Holdings Pty Ltd C/o- Urbis
EXISTING USE:	Industrial/Warehouse, Liquor distributions centre, Food and Drink premises (Café)
ABUTTING USES:	Industrial/Warehouse
ZONING:	Capital City Zone, abuts a Road Zone Category 1 (Plummer Street)
OVERLAYS:	Design and Development Overlay Schedule 30 Parking Overlay Schedule 1 Development Contribution Overlay Schedule 2
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



PROPOSAL

Demolition of the existing building and construction of a mixed-use development, comprising three (3) residential towers atop mixed-use podiums, including a supermarket, food and drinks premises, day spa and offices; use of a childcare centre, gymnasium and accommodation; the provision of car parking in excess of rates specified in the Parking Overlay; and alteration to access in a Road Zone Category 1.

I. EXECUTIVE SUMMARY

- 1.1 This report assesses the Ministerial referral for an application for demolition of the existing building and construction of a mixed-use development, comprising three (3) residential towers atop mixed-use podiums, including a supermarket, food and drinks premises, day spa and offices; use of a childcare centre, gymnasium and accommodation; the provision of car parking in excess of rates specified in the Parking Overlay; and alteration to access in a Road Zone Category 1.
- 1.2 The Minister for Planning is the Responsible Authority for this application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme.
- 1.3 The plans have been informally referred to Council by the Department of Environment, Land, Water and Planning (the Department) on behalf of the Minister. Council's advice is provided on an informal basis as the Capital City Zone (CCZI) and other relevant planning scheme provisions exempt most applications from notice and review.
- 1.4 The application for permit is subject to an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) pursuant to the provisions of section 79 of the Planning and Environment Act 1987, against the Ministers failure to grant a permit within the prescribed time.
- 1.5 Councils Solicitors will request Council is joined as a party to the appeal on the Practice Day Hearing on 1 December 2017. A Compulsory Conference is scheduled for 8 February 2018, and a full Hearing is scheduled for 19 March 2018.
- 1.6 The purpose of this report is to determine Council's position to be put to VCAT.
- 1.7 The site is located in the Wirraway Precinct of the Fishermans Bend Urban Renewal Area (FBURA), within a mandatory 12 and 18 storey Maximum height area pursuant to the Design and Development Overlay. No. 365 Plummer Street is located within a 12 storey area, and No. 371 & No. 391 Plummer Street are located within the 18 storey area.
- 1.8 The draft framework and draft planning controls have been released for public consultation. A summary of the relevant requirements and comparison with the proposal is listed at Section 6.4.3 of this report.
- 1.9 The proposal raises concerns in relation to the amenity of dwellings including daylight access and outlook, lack of affordable housing and 3 bedroom dwellings, parking provision and design, loading and waste collection, bike parking provision and design, and sustainability. The proposal involves a high density of dwellings and limited commercial floor area.
- 1.10 Positive aspects of the proposal include activation to both Plummer Street and Salmon Street through ground floor commercial tenancies, activation to the through block links by proposed apartments, provision of half of the space required for a proposed road to



the north of the site, and a 6m setback to Plummer Street to accommodate future public transport. Apartments would have acceptable dimensions of habitable areas and overall areas are on average acceptable, minor increases in area to achieve Council expectations could likely be accommodated. The through block links (designated for pedestrian access) would provide a level of site permeability.

- 1.11 It is considered that the proposal does not strike an appropriate balance between yield and community benefit. Therefore it is recommended that Council advise the Minister that Council does not support the proposal in its current form.
- 1.12 Standard draft conditions are attached to this report to assist VCAT should they determine to approve the proposal. The draft conditions do not attempt to resolve areas of concern, other than affordable housing, due to complexity of issues.

2. RELEVANT BACKGROUND

- 2.1 There is no specific planning application history for the subject site.
- 2.2 The application was submitted to the Minister for Planning C/- Department of Environment, Land, Water and Planning (DELWP) on 28 February 2017.
- 2.3 DELWP requested further information on 8 March 2017. On 9 August 2017 the applicant provided a response to the further information request.
- 2.4 The application was informally referred to Council for comment on 22 August 2017. Further information was requested by Planning Officers 10 days later on 1 September 2017. No further correspondence has been received by Council excluding notice of the VCAT appeal received sent to Council from DELWP on 30 October 2017.
- 2.5 The Minister has not made a determination on the application at the date of this report, and as mentioned earlier the application for permit is subject to an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) pursuant to the provisions of section 79 of the Planning and Environment Act 1987 (failure to grant a permit within the prescribed time). Hearing dates are noted within Section 1.5 of this report.
- 2.6 On 14 November 2017 the permit applicant provided a response to Council's request for further information (dated 1 September 2017). The information submitted includes an architectural response letter and updated plans prepared by the project architects, a Traffix Group letter, and a letter provided by Quantum Housing Group which states that they are in the process of documenting an arrangement that would facilitate an affordable housing ownership program. The applicant has clarified that the location of the childcare centre would be subject to future commercial arrangements and is not detailed in the plans. The reference to Office within the proposal section of the application form relates to the soho apartments which could incorporate this function. It has been noted that the floor area of retail is 2346m² however some discrepancies between figures detailed on the plans and the Traffix Letter are evident. Further details have been provided in relation to shadowing the southern side of Plummer Street. Further details are provided within the set of architectural plans, and some minor amendments have been made to the visitor bike parks, minor change to the ground floor retail space and the corner of Plummer and Salmon Street, reduction of height of building services by 1000mm. The plans and reports/letters have been submitted for



information purposes only. They are not VCAT amended plans and therefore have limited standing.

- 2.7 The Draft Fishermans Bend Framework and Draft Controls (Draft Planning Scheme Amendment GC81) have been released for public consultation, and The Planning Review Panel is anticipated to conduct public hearings as part of the submission process in early 2018. The Draft Framework and Controls are not considered to be seriously entertained and are anticipated to undergo further changes. A discussion of the Draft Framework and Controls is provided at Section 6.4 of this report.

3. PROPOSAL

- 3.1 The application is for the demolition of the existing building and construction of a mixed-use development, comprising three residential towers atop mixed-use podiums, including a supermarket, food and drinks premises, day spa and offices; use of a childcare centre, gymnasium and accommodation; the provision of car parking in excess of rates specified in the Parking Overlay; and alteration to access in a Road Zone Category 1.
- 3.2 The application form lists a gymnasium, office and childcare centre within the proposal section. It can reasonably be assumed that the gymnasium within the podium of Tower 1 is for the use and amenity of residents given the size and access arrangements, no further details have been provided in relation to other gym areas. The location of the childcare centre is not detailed on the plans and the applicant has advised that the location is yet to be resolved, while the office component has been noted by the applicant as relating to the SoHo apartments which could be utilised for office or retail. It is considered that any office use within the SoHo apartments would be more akin to home occupation.
- 3.3 A summary of the key elements of the proposals are detailed within the below table:

	Application Plans (Received 22 August 2017)
Site area	19'410m ² (1.941 ha)
Demolition	All existing buildings and works on site
No. dwellings	Tower 1: 293 (134 x 1BR, 159 x 2BR, 0 x 3BR) Tower 2: 466 (257 x 1BR, 153 x 2BR, 56 x 3BR) Tower 3: 429 (207 x 1BR, 172 x 2BR, 56 x 3BR) TOTAL: 1188 (582 x 1BR [49%], 494 x 2 BR [41.5%], 112 x 3BR [9.5%])
Affordable housing	None proposed.
Podium street, side and rear setbacks	Podium 1 (west): 6m setback to Plummer Street (south), 11m setback to north (to enable a new street), 0m setback to west (shared boundary with No. 359 Plummer Street), 10m setback to Podium 3. Podium 2 (north): 11m setback to north (to enable a new street), 0m setback to east (Salmon St) excluding curved outdoor dining area, 10m setback to Podium 3 & Podium 1. Podium 3 (south): 6m setback to Plummer Street (south), 0m setback to east (Salmon St) excluding curved corner and outdoor dining area, 10m setback to Podium 2 and Podium 1.



Tower street, side and rear setbacks	<p>Tower 1: 10m to west, 16m to Plummer St (south), 21m to the north (to enable a new street), 20m to Tower 2 and Tower 3.</p> <p>Tower 2: 10m to the east (Salmon St), 20m to Tower 1 and Tower 3</p> <p>Tower 3: 10m to east (Salmon St), 16m to south (Plummer St), 20m to Tower 1 and Tower 2.</p>
Tower separation	Min. 20.0m separation between all towers
Podium height	<p>Podium 1 (west): 2 to 4 storeys (presents as 2 storeys), max. 14m.</p> <p>Podium 2 (north): 3 to 6 storeys (presents as 3 storeys), max 20m.</p> <p>Podium 3 (south): 3 to 6 storeys (presents as 3 storeys), max 20m.</p>
Tower height	<p>Tower 1: 12 storeys/53.5m to top of services</p> <p>Tower 2: 18 storeys/76.25m to top of services</p> <p>Tower 3: 18 storeys/76.25m to top of services</p>
Commercial floor area	<p>Restaurant (350m²), Café (542m²), Sensory Retreat (183m²), Retail (868m²), Supermarket (370m²)</p> <p>Total: 2313m²</p>
Loading bay	<p>Podium 1 (west): Loading and Services area (130m²), 13010.435m Lx 12.115mW</p> <p>Podium 2 (north): Loading area (85 m²), 5.7m W x 11.185m L</p> <p>Podium 3 (south): Nil</p>
Car parking	<p>Podium 1 (west): 242 spaces</p> <p>Podium 2 (north): 363 spaces</p> <p>Podium 3 (south): 380 spaces</p> <p>Total: 985 spaces</p> <p>Allocations not advised to date, other than 3BR apartments are to have two parking spaces each.</p>
Motorcycle parking	<p>Podium 1 (west): 3 spaces</p> <p>Podium 2 (north): 4 spaces</p> <p>Podium 3 (south): 3 spaces</p>
Bicycle parking	<p>Podium 1 (west): 184 spaces</p> <p>Podium 2 (north): 94 spaces</p> <p>Podium 3 (south): 92 spaces</p> <p>Total: 370 spaces</p>
Open space	The submitted Town Planning Report nominates the new through block links as open space 2673m ²



<p>Communal Open Space/Facilities</p>	<p>Tower 1 Within podium:</p> <ul style="list-style-type: none"> • Gymnasium • Ping Pong Club and Pool Hall • Business Centre • Cinema • Library <p>Podium Rooftop Facilities (approx. 930sqm), including:</p> <ul style="list-style-type: none"> • BBQ Pavilions • Garden Lounge • Cellar • Dining Areas <p>Rooftop Facilities (approx. 1,180sqm), including:</p> <ul style="list-style-type: none"> • Swimming Pools • Dining Area • Bar 	<p>Tower 2 Within podium:</p> <ul style="list-style-type: none"> • Dining Room and Lounge <p>Podium Rooftop facilities (approx. 880sqm), including:</p> <ul style="list-style-type: none"> • BBQ Pavilions • Herb Gardens • Kids Play Area • Picnic Area <p>Rooftop Facilities (approx. 1,190sqm), including:</p> <ul style="list-style-type: none"> • Dining Areas • Bar • Produce Garden • Cabanas • Yoga Areas 	<p>Tower 3 Within podium:</p> <ul style="list-style-type: none"> • Mahjong Lounge <p>Podium Rooftop facilities (approx. 880sqm), including:</p> <ul style="list-style-type: none"> • BBQ Pavilions • Exercise Area • Wellness Area • Picnic Area <p>Rooftop Facilities (approx. 1,190sqm), including:</p> <ul style="list-style-type: none"> • Swimming Pool and Spa • Dining Area • Cabanas • Bar
<p>Stores</p>	<ul style="list-style-type: none"> • 764 over-bonnet storage cages in the carparks (approx. 1910m3) (podiums) • 883m3 of storage space within towers • Internal storage space within apartments 		
<p>Community facilities</p>	<p>Nil.</p>		
<p>Vehicle access</p>	<p>Podium 1 (west): Two single width crossovers to proposed road to the north. Podium 2 (north): Two single width crossovers, and one separate double width crossover for loading, to the north (proposed road). Podium 3 (south): Access via the crossovers to Tower 2 (ramp provides access between the two Towers).</p>		
<p>Dwelling access</p>	<p>Tower 1 (west): Lobby off Plummer St & proposed street to north. Tower 2 (north): Lobby off Salmon Street and proposed street to north. Tower 3 (south): Lobby off Plummer St and Salmon Street.</p>		



Pedestrian path access	Footpaths along all existing and proposed street frontages.
Road widths	<p>North (proposed interim road): 11m in total (2.6m footpath [southern side only], 2 x 3m wide lanes with 2m wide island. New crossover to Salmon Street required. The 11m wide road is proposed as an interim measure until the adjoining sites are in a position to accommodate the remaining 11m within their sites.</p> <p>Plummer St (south); 6m setback proposed to Plummer Street to accommodate Road widening for Transport Infrastructure.</p>
Gross floor area / Floor area ratio	Gross Floor Area (GFA): 134'709 m ² ; Site area = 19'410m ² Floor Area Ratio (FAR) proposed: 6.94:1.

4. SUBJECT SITE AND SURROUNDS

- 4.1 The site is located on the north-western corner of Plummer Street and Salmon Street within the Wirraway precinct of Fishermans Bend. A mandatory part 12 and part 18 storey height maximum applies to the site; No. 365 Plummer Street is located within a 12 storey area, and No. 371 & No. 391 Plummer Street are located within the 18 storey area.
- 4.2 The subject site is made up of three lots, No. 365 Plummer Street, No. 371 Plummer Street, and No. 391 Plummer Street, in Port Melbourne. The sites combined have an area of approximately 19'410 m², and a total frontage to Plummer Street of 161'070m and 120'540m to Salmon Street. The site is rectangular in shape. The sites contain industrial developments and uses (and café use) with on-site car parking, and vehicle access via Plummer Street (two crossovers) and Salmon Street (five crossovers). Plummer Street is zoned Road Zone Category 1.
- 4.3 The adjoining sites and sites within the surrounding area are predominantly low scale industrial with a mix of light industrial, warehouse, and commercial uses. Developments generally have a high level of site coverage, and are building up to one or all site boundaries, with at grade car parking, and very limited landscaping if any.
- 4.4 Industrial developments are located within the adjoining sites to the north of the subject site (No. 69 Salmon Street, No. 1 Rocklea Drive, and No. 3 Rocklea Drive, Port Melbourne), which are used for light industrial and commercial purposes.
- 4.5 To the south of the site, on the opposite side of Plummer Street, is No. 19 Salmon Street, Port Melbourne, which currently contains a large industrial building. A permit was issued by the Minister on 10 September 2017 for partial demolition of existing buildings, construct 135 four level townhouse dwellings (including 26 with optional ground floor level commercial) and associated car and bicycle parking, construct and carry out works, use land for Accommodation (dwellings) in the CCZ1, and alter access to a road in a Road Zone Category 1. (DELWP Ref: 2015/34819 Council Ref: MINRA0010/2015).
- 4.6 To the west of the site is No. 359 Plummer Street, Port Melbourne which contains a double storey industrial style building with at grade car parking, used for the purpose of a Performing Arts Centre (Patrick Studios Australia).
- 4.7 To the east of the site, on the opposite site of Salmon Street, is No. 50 Salmon Street,



and No. 62 Salmon Street, Port Melbourne. Both sites are occupied by double storey industrial buildings. No. 50 Salmon Street is used for the purpose of an indoor go-karting facility, and No. 62 Salmon Street contains an industrial/office use.

5. PERMIT TRIGGERS

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

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
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<p>Clause 37.04 Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone, including Accommodation if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land abuts and is located within close proximity to warehouse and industrial uses and thus a permit is required for Accommodation under this clause.</p> <p>Pursuant to Section 1 of the Table of uses at Clause 37.04-1 of the CCZ1 Office and Retail are as-of-right uses (no permit required). Therefore the retail, restaurant, and sensory retreat (akin to a day spa) do not require a planning permit.</p> <p>Pursuant to Section 1 of the Table of uses at Clause 37.04-1 of the CCZ1 a supermarket is a Section 1 Use on the condition that an interface is provided the Civic Boulevard, Buckhurst Street or Lorimer Parkway, as defined in the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015). The supermarket would be orientated towards Plummer Street which is known as the Civic Boulevard within the Strategic Framework Plan. Therefore no permit is required for the supermarket use.</p> <p>Pursuant to Section 1 of the Table of uses at Clause 37.04-1 of the CCZ1 a childcare centre is a Section 1 Use provided the threshold distance from industrial and/or warehouse uses referred to in table 52.10. The threshold would not be met and a permit would be required for a Childcare centre, although it is noted that a childcare centre is not detailed within the plans.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to</p> <ul style="list-style-type: none"> • Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop); • Construct a building or construct or carry out works; • Demolish or remove a building or works; or • Erect or construct or carry out works for an advertising sign; <p>is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1:</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p>
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<p>Clause 43.02 Design & Development Overlay Schedule 30 (DDO30)</p>	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works.</p> <p>A permit must not be granted for buildings and works which are not in accordance with the Built Form Requirement Heights specified in Table 1 and the Requirements of Table 2 to DDO30, with the exception of architectural features, building services and landscaping.</p> <p>Buildings and works must meet the Built Form Outcomes specified in Table 2 to DDO30.</p> <p>Pursuant to Clause 3.0 of DDO30, an application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) an d(d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>
<p>Clause 45.06 Development Contributions Plan Overlay (DCPO2)</p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development. • The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. - A single dwelling on a lot - An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. - A sign. • The permit only allows the consolidation of land or boundary realignment. <p>A permit is required under this clause.</p>
<p>Clause 45.09 Parking Overlay (PO1)</p>	<p>Uses including Dwelling, Office, and Retail premises are listed in Schedule 1 to the Parking Overlay.</p> <p>The proposed parking provision for the three bedroom dwellings exceed the requirements as it is noted within the Traffic Report that all three bedroom apartments would be allocated with 2 car spaces each.</p> <p>A permit is required under this clause.</p>
<p>Clause 52.10 Uses with Adverse Amenity Potential</p>	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met.</p> <p>A permit is required under this clause.</p>
<p>Clause 52.06 Car Parking</p>	<p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p>



<p>Clause 52.07 Loading and Unloading Of Vehicles</p>	<p>A permit is required to waive or vary the loading bay requirements associated with buildings and works for the sale of goods. A permit is required under this clause.</p>
<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> • Create or alter access to: • A road in a Road Zone, Category 1. • Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. <p>A permit is required under this clause as Plummer Street is a Road Zone Category 1. VicRoads is the Relevant Authority.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1. A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4. A permit is not required under this clause</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for a development including 60 or more dwellings is required to be referred to Public Transport Victoria by the Responsible Authority.</p>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11 Settlement, including 11.02 Urban Growth and 11.04 Metropolitan Melbourne
- Clause 13 Environmental Risks, including 13.01 Climate Change Impacts and 13.02 Floodplains
- Clause 14 Natural Resource Management, including 14.02-3 Water Conservation
- Clause 15 Built Environment and Heritage, including 15.01 Urban Environment and 15.02 Sustainable Development
- Clause 16 Housing, including 16.01 Residential Development
- Clause 17 Economic Development, including 17.01 Commercial
- Clause 18 Transport, including 18.02 Movement Networks

6.2 Local Planning Policy Framework (LPPF)

The following clauses within the Municipal Strategic Statement are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
 - Clause 21.03-1 Environmentally Sustainable Land Use and Development



	Clause 21.03-2	Sustainable Transport
Clause 21.04	Land Use, including	
	Clause 21.04-1	Housing and Accommodation
	Clause 21.04-2	Activity Centres
Clause 21.05	Built Form, including	
	Clause 21.05-2	Urban Structure and Character
	Clause 21.05-3	Urban Design and the Public Realm
	Clause 21.05-4	Physical Infrastructure
Clause 21.06	Neighbourhoods, including	
	Clause 21.06-8	Fishermans Bend Urban Renewal Area

The following local planning policies are relevant to this application:

Clause 22.12	Stormwater Management (Water Sensitive Urban Design)
Clause 22.13	Environmentally Sustainable Development
Clause 22.15	Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

6.3 Other relevant provisions

Clause 52.06	Car parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.10	Uses with Adverse Amenity Potential
Clause 52.34	Bicycle Facilities
Clause 61.01	Administration and Enforcement of this Scheme.
Clause 65	Decision Guidelines

6.4 Relevant Planning Scheme Amendment/s

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

- A new Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- A new Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The height and setback controls apply on an interim basis until 31 March 2018 to allow time for permanent controls to be developed and tested by the Fishermans Bend Taskforce.
- An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016). The Framework is an incorporated document to



the Port Phillip Planning Scheme.

- 6.4.2 Planning Scheme Amendment VC136 was introduced on 13 April 2017 and implemented Clause 58 (Apartment Developments) which replaced Clause 52.34 (Urban Context Report and Design Response for Residential Development of Five or More Storeys), and the Guidelines for High Density Residential Development. Transitional Provisions for applications submitted prior to the approval date of Amendment VC136 are located at Clause 37.04-4 of the Capital City Zone. Clause 58 of the Planning Scheme is not applicable to the application, however an assessment has been conducted for completeness. Areas of non-compliance include dwelling diversity, energy efficiency, accessibility objective, waste, functional layout objective. Areas of part compliance include urban context, residential policy, access, integrated water and stormwater management, building entry and circulation, private open space. Areas of compliance include integration with the street, communal open space, safety, landscaping, parking location, building setbacks, internal views, noise impacts, storage, common property, site services, room depth, and windows. Compliance is unknown for solar access to communal outdoor space, and natural ventilation due to the information submitted.
- 6.4.3 The Draft Fishermans Bend Framework and Draft Controls (Draft Planning Scheme Amendment GC81) have been released for public consultation, and The Planning Review Panel is anticipated to conduct public hearings as part of the submission process in early 2018. The Draft Framework and Controls are not considered to be seriously entertained and are anticipated to undergo further changes. The Draft Framework and Draft Controls include the following details relevant to the application;
- A potential metro station and alignment continues to be located on Plummer Street.
 - Plummer Street is identified as a strategic cycling corridor.
 - The relevant section of Plummer Street is identified for 6m road widening, with no crossovers permitted, and no crossovers permitted to Salmon Street. The proposal does not include crossovers to either street.
 - Minimum Floor Area Ratios = 4.1:1 minimum (79'581m²) for residential developments (core area), and 1.9:1 minimum (36'879m²) for commercial developments. The proposal involves a residential floor area of approximately 129'838 (FAR of 6.698:1) and a commercial floor area of 2'313m² (FAR of 0.119:1 approx.). The proposal involves a FAR which exceeds the residential requirements and is less than the commercial requirements. Note: calculations are approximates.
 - Provisions for Floor Area Uplift are made for the provision of a public benefit. No public benefit is proposed.
 - It appears that the site is partly located within a 12 storey discretionary height maximum along the southern part of the site, and a 24 storey discretionary height maximum to north of the site. Although it is noted that specifics are not detailed on the associated framework plan. The proposal involves one 12 storey building which would comply with the requirements, and two 18 storey buildings which would seek a variation to the 12 storey requirement to the Southern section of the site.



- Salmon Street and Plummer Street are identified as having primary active frontages, as being located within the core (high intensity mixed use). The proposal involves commercial tenancies at the ground floor along both streets.
- The site is located within an investigation area for health and wellbeing hub and education and community hub (primary school).
- Dwelling density per hectare (ha) within the core area of Wirraway is identified as 139 which equals approximately 270 dwellings for the site. The proposal includes 1188 dwellings which exceeds the requirement by 918 dwellings.
- 6% affordable housing is encouraged through a range of housing models, typologies, and models. Proposals with over 300 dwellings are encouraged to provide 30% three bedroom dwellings. The proposal does not include any affordable housing at the date of this report, and the percentage of 3 bedroom dwellings proposed is 9.5%.
- Buildings over 8 storeys and up to 20 storeys should be setback 10 storeys from the street wall and must be setback 5m from the street wall. The proposal includes a tower setback of 10m which would comply with the proposed control.
- It is interpreted that a street wall of no higher than 6 storeys is permissible to Salmon Street, and a street wall of no higher than 8 storeys is permissible to Plummer Street. A wall built on or within 200mm of a side or rear boundary cannot exceed 6 storeys unless an 8 storey street wall is proposed.
- Building separations would vary from 6 to 12 metres depending on the interface. The proposal involves 10m to 20m separations.
- Mandatory overshadowing requirements are proposed for public open space, including JL Murphy Reserve. The proposal would not result in any shadow to the open space area at the Equinox.

7. REFERRALS

7.1 Internal referrals

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

Urban Design

- The proposed development by nature of being on a larger site has buildings with long elongated footprints despite adhering to setback and height requirements. Reducing the footprints further would also allow staggering of towers to provide better amenity and outlook.
- The length of the buildings in addition to the east-west orientation of the two eastern buildings results in a significant number of south facing only apartments, and additionally an east-west landscaped laneway that is predominantly in shadow.
- Suggest that rotating the two east-west towers so they are oriented north-south, as this would result in fewer south facing apartments and improved solar access into the laneway.



- The three proposed buildings are all very similar in form and materiality which combined has the potential to be visually bulky. Suggest the buildings are further distinguished visually either through varied building forms, height or façade fenestration.
- Further information required on maintenance of rooftop landscaped areas. A dedicated goods maintenance lift is suggested.
- The proposed supermarket of 370m² is too small. The area suggested is more suitable for a smaller convenience outlet.
- Proposed streetscape changes need to be clarified and shown on any approved plans.

Traffic & Parking Management

Council's Traffic Engineer has raised a number of concerns and requested further details in relation to parking layout and access arrangements, parking overlay and parking provisions, pedestrian sightlines, provision for loading and waste provision, and bike parking provision. A summary of the concerns and further information are listed below;

- The traffic report has not assessed the likely queuing that will be generated from installing boom gates at the entrance to the off-street carparks. A queuing assessment to determine the likely 98th percentile queue length, is required. Noting that all queuing must be contained wholly within the site.
- I have concerns with potential vehicle conflicts given the proposed ramp locations for Podium 3, Ground Level A and the car stacker spaces in Tower 2. Also, a column is located within the access way at this busy junction. Applicant must provide additional information as to how this area is expected to operate. This may require additional line marking, traffic signage, convex mirrors or a traffic signal system.
- Plans must be updated to show minimum 300mm clearance is provided between parking spaces and walls/columns. If this cannot be achieved, swept path assessment showing access can be achieved must be provided.
- The traffic report notes that aisle extensions been provided at end of blind aisles to facilitate access to parking spaces, if this cannot be achieved a swept path assessment showing that access can be achieved must be provided.
- Plans must be updated to include length dimensions for all car spaces to determine if planning scheme/Australian standards requirements have been met.
- Additional information regarding the type of car stacker, clear platform dimensions and headroom clearance is required.
- Evidence of accessibility assessment, using a B85 design vehicle, in the form of a swept path analysis (Noting critical spaces include end spaces, spaces adjacent columns/walls, car stacker spaces, DDA space etc) is required.
- Plans must be updated to reflect the proposed car parking allocation (residential and commercial).
- A minimum height clearance of 3.0m must be detailed above ramps to align with the directions of the Strategic Framework Plan.
- All redundant crossovers must be reinstated to Council satisfaction, and all proposed



crossovers must be installed to Council satisfaction.

- The traffic report proposes 963 residential parking spaces, which equates to a rate of 0.81 spaces/dwelling. This level of parking for residents is considered high and not in line with the FBURA target rate. It is recommended reducing the level of off-street parking for residents.
- The traffic report does not provide information regarding residential/commercial visitor parking.
- No cumulative trip generation for other developments has been considered.
- Pedestrian sight triangles have not been provided in accordance with Clause 52.06 at any of the proposed crossovers.
- Concern raised with lack of visibility to pedestrians on the left hand side of access way when exiting the site. Traffic report recommends warning light systems, this is considered a very poor design outcome. Please provide pedestrian sight triangles in accordance with Clause 52.06 at all the proposed crossovers.
- I have concerns over potential conflicts between cars and loading vehicles for the Loading Zone located in Tower 1, especially with the turnaround area located between the ramp access and the loading dock. Additional information required to detail how the loading dock is expected to operate. Can loading vehicles be stored without impacting traffic flow? At a minimum, it is recommended installing a warning light system for when the dock is in operation to reduce potential conflicts.
- I have concerns given the proposed loading dock size and layout located in Tower 2 that loading vehicles won't be able to enter/egress the site in a forward direction. This is not acceptable and will not be supported. Applicant must provide a swept path analysis for a typical loading vehicle (6.4m SRV and 8.8m MRV) to ensure forward entry and exit is possible.
- I have concerns regarding Tower 3 and how loading will be able to be catered for on-site given no loading dock has been provided for the residential or commercial uses. Applicant must provide additional information regarding proposed loading operations for Tower 3, including:
 - How are the commercial properties expected to cater for loading within the site?
 - How are residents expected to load/unload when moving in/out?
 - How and where is waste collection undertaken for both commercial and residential uses?
- All loading (commercial and residential) generated by the proposed development must be contained wholly within the site.
- The current loading dock layout is not supported.
- Bicycle parking rate of 0.21 spaces/dwelling proposed. This level of parking for residents is considered very low and not in line with the FBURA target rate. It is recommended increasing the level of bicycle parking on-site for residents. Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).



- The plans indicate resident/staff bicycle parking will be provided over several locations. Australian Standards for security, access and ease of use recommend that all day bicycle parking are stored within a secure communal compound and accessed via an attendant or by use of duplicate keys. It is recommended locating all resident/staff bicycle spaces in one central location, within a secure compound to improve security and prevent potential bicycle theft.
- The plans indicate all visitor bicycle parking will be provided within the secure car parking area. It is recommended some visitor/customer bicycle spaces be located in publicly accessible areas.

Sustainable Design

Council's Sustainable Design Officer has raised concerns and requested further information on a range of ESD topics. A summary of the items raised are listed below;

- Non-committal language, including for (but not limited to) Green Star accreditation and verification, and materials selection.
- Consider providing Building User Guide.
- Materials selection should be clearly detailed to achieve best practice.
- Further details for natural ventilation and cross ventilation required.
- Corridor travel lengths are extremely long, the majority of corridors are without access to natural light and sections would have no air movement.
- Daylight modelling required.
- The development would have poor access to sunlight during winter.
- North-facing units within Podium 3 would have poor access to daylight, higher north facing units would receive variable sun, and south facing units of all three buildings would receive zero winter sunlight (and no sun any time of the year with the exception of early morning/late evening in peak of summer).
- Energy efficiency, including energy efficiency of heating and cooling systems, hot water system, and lighting.
- Clothes drying.
- Shading to reduce summertime heat loads while allowing winter sun.
- Car park ventilation.
- Inadequate provision of solar panels.
- Stormwater management plans required.
- On site detention.
- Water efficient appliances and fixtures.
- Fire test water; location/size/and details on what water is to be reused for required.
- Third pipe water supply.
- Stormwater collection, capacity, treatment, management, and maintenance.
- Permeable paving.



- Bike parking, including visitor bike parking, does not meet Council's Best Practice.
- Green Travel Plan.
- Electrical charging stations not detailed on architectural plans.
- Urban Heat Island Effect; light roofing/paving can assist in alleviating the UHI effect.
- Green façade opportunities, additional planters/trellis to terraces with deciduous planting, species selection, irrigation of landscaping to private terraces.

Waste

- A waste compaction unit is strongly recommended for a development of this size and may address some of the others issues.
- Charity bins are strongly recommended.
- The plans only show 73 bins in the bin rooms but there is a total of 76 bins listed on page 5 of the WMP.
- The plans do not demonstrate space for hard waste and there doesn't seem to be much available space currently for hard waste storage. Information regarding how all residential tenants will access these hard waste areas is required.
- It is not clear how the bins from the other 4 bin rooms will be taken to the loading bays. There is no clear or easy path for the movement of bins.
- The loading bays are not big enough to store all the bins (excluding the bins from the two adjacent bin rooms) and the truck in the loading bays.
- Commercial and ground floor tenants should not share a bin room. Commercial and all residential tenants should have separate hard waste storage areas.
- A sweep path diagram is required in the Traffic Report to demonstrate the movement of the waste collection vehicles.

Housing Development Officer

- The application does not indicate how it will address the affordable housing provisions under Clause 22.15-3.

Open Space Planner

- There is one existing street tree located on Salmon Street, it is unclear if this is proposed to be retained or removed.

7.2 External referrals

The application was not required to be externally referred as Council is not the Responsible Authority. DELWP has referred the application on behalf of the Minister to the relevant authorities (Public Transport Victoria and VicRoads).

8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 Notice of the application was not required to be given as Council is not the Responsible Authority for the application.
- 8.2 It is noted that an application to demolish or remove a building or works, construct a



building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone, and an application affected by the Design and Development Overlay, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

- 8.3 No advertising exemptions exist within the provisions of a Road Zone Category 1 or the provisions of the Parking Overlay (Schedule 1). The Responsible Authority (DELWP on behalf of the Minister) has determined not to advertise the application.

9. OFFICER'S ASSESSMENT

9.1 Use

- 9.1.1 The proposal involves 1188 dwellings and 2313m² of commercial floor area. Commercial uses include a restaurant (350m²) to Plummer Street, Cafés to Plummer Street and Salmon Street (four in total/ 542m²), a Sensory Retreat (183m²) to Salmon Street, Retail (six tenancies/868m²), and a Supermarket (370m²) to Plummer Street. The planning application form includes gymnasium, office, and childcare centre in the description. However it is considered that the gym detailed within the plans is ancillary to the residential use as it would be for the use of residents only, as would the other communal facilities. A childcare centre is not detailed within the plans and no use details are provided, a childcare centre could be acceptable however without any specific details an assessment cannot be conducted. The applicant has noted that the office use can be facilitated through the SoHo apartments, however it is considered that office uses within the apartments would be more aligned with home occupation.

- 9.1.2 The site is located within the Activity Centre on the Civic Boulevard which is planned to provide high frequency public transport and a cycling corridor. The boulevard is planned to become the central structuring element of Fishermans Bend and a suitable high density development could be accommodated on the site. However the extent of the density proposed is likely to be in excess of what is required on the site to contribute to the overall population targets of Fishermans Bend, noting that the current planning controls do not provide explicit density provisions.

The draft controls (draft Clause 22.15) identify a dwelling density of 139 per hectare (ha) within the core area of Wirraway. It is appreciated that the control is in draft format and is not considered seriously entertained, however the dwelling densities within the draft framework are derived from research regarding what is needed to support the target of 80'000 residents by 2050, and is provided for background information purposes. A density of 139 dwellings per ha equals approx. 270 dwellings for the site, this proposal includes 1188 dwellings which exceeds this by 918 dwellings. A minimum Floor Area Ratios (FAR) of 4.1:1 minimum (79'581m²) is proposed within the draft controls for residential developments within the Wirraway core area. The proposal involves a residential floor area of approximately 129'838 (FAR of 6.698:1), which exceeds the residential requirements by approximately 50'257m². Note: calculations are approximates.

- 9.1.3 Commercial uses at the ground floor provide activation to Plummer Street and Salmon Street. The commercial uses along Plummer Street would align with the requirements of Clause 22.15-3 (Employment and Dwelling Diversity within the Fishermans Bend Urban



Renewal Area) of the scheme which encourages 60% of the ground level street frontage to be non-residential. However the commercial contribution is considered to be limited, and opportunities to increase commercial uses within the buildings should be explored further. In addition floor to ceilings heights of 3m should be provided within the car parking levels (currently 2.85m) to enable future conversion to other uses including commercial in accordance with Standard 4 of Objective 6.4 of the Fishermans Bend Strategic Framework (FBSFP).

- 9.1.4 Again, it is acknowledged that the draft controls are not at a stage where they can be considered seriously entertained, however it is worthy to note that the draft controls identify a minimum Floor Area Ratio (FAR) of 1.9:1 (36'879m²) for commercial developments. The proposal involves a commercial floor area of 2'313m² (FAR of 0.119:1 approx.) which falls short of the draft minimum required by 34'566m².
- 9.1.5 The supermarket has a small floor area (370m²) and it is anticipated that it would be used as a boutique style supermarket/shop rather than a large chain supermarket. This is considered to be acceptable provided activation is provided to Plummer Street rather than blank shelving and/or large impermeable signage.

9.2 Building height, tower separation, and building setbacks

Building Height

- 9.2.1 The Design and Development Overlay Schedule 30 (DDO30) sets a mandatory 12 storey height limit at No. 365 Plummer Street, and a mandatory 18 storey height maximum at No. 371 & No. 391 Plummer Street. Tower 1 would be 12 storeys (53.5m to top of services), Tower 2 and 3 would be 18 storeys (76.25m to top of services) complying with the mandatory height requirements.
- 9.2.2 The draft framework identifies the southern part of the site as having a discretionary 12 storey height maximum, and the northern part of the site as having a 24 storey height maximum the depths are unknown however it appears to be an almost 50/50 split of each existing lot for each height requirement. Tower 1 would comply with the 12 storey height requirement, Tower 2 may comply with the 24 storey height requirement, and Tower 3 would exceed the 12 storey height requirement by 6 storeys. Tower 2 is located within the northern section of the site where the 24 storey height maximum applies, however the mapping does not include dimensions and the specific level of compliance is unknown. This is provided for information only due to the status of the controls.
- 9.2.3 The current DDO30 prescribes a 20m/five storey mandatory street wall height. Podium 1 would present as two storeys, with an additional internal two storeys, the height is 15.1m. Podium 2 and Podium 3 would present as three storeys, with an additional three internal storeys, and a total height of 20m. Podium heights would comply with the requirements of the DDO30.
- 9.2.4 Podium heights of Tower 1 and Tower 3 would have a height variation of approximately 5m, when viewed from Plummer Street and the proposed street to the rear. However the long building footprint of Tower 3 would result in a continuous 20m podium height



along Plummer Street. Standard 2 of Objective 3.1 encourages a degree of height variation along streets, especially on large sites, generally within the range of 4 to 6 storeys, this is not demonstrated within the proposal.

- 9.2.5 Standard 4 of Objective 3.1 encourages building heights to allow for sunlight to penetrate to the street and lower building levels, and advises that sunlight must be provided to the southern side of Fennell Street, Plummer Street and Buckhurst Street. The shadow diagrams submitted detail that shadows would affect the southern side of Plummer Street from 11.30am to 3pm, however sunlight access would not be totally inhibited and the current controls allow for a development up to 18 storeys which indicates a level of overshadowing has been contemplated.

Tower Street Setback and Separation

- 9.2.6 The DDO30 requires the tower to be setback a minimum of 10m from the street wall, this is a mandatory requirement. All three towers comply with this requirement.
- 9.2.7 Towers must be separated by a minimum of 20m pursuant to the DDO30. The proposal meets this requirements with a minimum of 20m separation distances for all towers.

Building Setbacks

- 9.2.8 Tower 1 and Tower 3 would be setback 6m from Plummer Street to accommodate future works to facilitate fixed public transport along Plummer Street, as detailed within the current and draft framework plans.
- 9.2.9 A new 22m wide street is identified within the current and draft framework plan along the northern title boundary of the subject site. The proposal involves an 11m building setback from the northern title boundary, and a temporary laneway, to respond to the requirements. It is anticipated that the remaining 11m would be provided through future redevelopment of the adjoining lots. This is a reasonable response to the framework requirements.
- 9.2.10 Tower 1 would involve a blank 18m (approx.) wall on boundary on the western title boundary between No. 365 Plummer Street and 359 Plummer Street. While the boundary wall would not raise concerns the location of the communal open space atop the podium and adjoining the shared title boundary could result in constraints for future development within the adjoining site.

Building Design

- 9.2.11 Council's Urban Design Officer has noted that the elongated east-west footprints of Tower 2 and Tower 3, whilst complying with the mandatory DD30 requirements, are not a good design outcome. The long east-west building footprints cause issues in relation to outlook, daylight access, and shadows to the proposed east-west pedestrian laneway. The orientation and length of Tower 2 and Tower 3 results in a large number of south only orientated apartments. Council's Urban Designer has suggested that reduced footprints would allow for staggering of towers to assist in addressing amenity issues.



- 9.2.12 Council's Urban Designer has noted that the three proposed buildings are 'all very similar in form and materiality which combined has the potential to be visually bulky'. The contemporary architectural style would be acceptable, however the buildings could be further distinguished visually either through varied building forms, height or façade fenestration.
- 9.2.13 Standard 2 of Objective 3.4 of the FBSFP requires buildings with over 20m of frontage to a street, laneway or public space to be visually segmented to present a finer grain of street level diversity with multiple doors, windows and architectural strategies. The commercial tenancies at the ground floor would provide an appropriate response to this standard to Plummer Street and Salmon Street. The proposed laneway would include access points, loading, services, however the dwellings located at this interface would assist with providing a finer grain response and is considered acceptable.
- 9.2.14 Standard 4 of Objective 3.4 of the FBSFP requires ground level residential uses to be raised up to 1m with windows and balconies to provide street activation while having consideration of privacy. Commercial tenancies would activate each of the existing main streets. Dwellings would be located along the proposed street (to the north) and proposed pedestrian laneways. Ground floor dwellings would have finished floor levels of RL 3.7 and would contain living areas and terraces at the ground floor. These dwellings would contain 1.7m high fencing (solid base with permeable sections above) with a lockable gate to protect privacy while providing passive surveillance.
- 9.2.15 The proposed pedestrian laneways through the block north/south and east/west are noted as publically assessable open space within the town planning submission, however the likely extent of future public use is questioned due to the lack of commercial tenancies along the interfaces combined with the residential uses at this interface. It is not clear what would encourage the public to walk through the pedestrian links. The proposed laneways would provide permeability through the block and amenity to future residents, which are positive aspects of the design. Although the feasibility of 'urban forest' concept is questioned due to the lack of daylight access, appropriate species would need to be utilised to ensure viability of plantings.
- 9.2.16 Standard 1 of Objective 7.1 of the FBSFP identifies that all buildings must maintain a minimum floor level of 3.0 metres AHD or 0.3 metres above the local overland flow floor level, whichever is the higher unless otherwise agreed by the relevant water authority. The architectural plans detail finished floor levels of the commercial tenancies as 3m to AHD, and finished floor levels of residential lobby and apartments as 3.7m to AHD in accordance with the requirements. Any changes in grade would need to be accommodated within the commercial tenancies.
- 9.3 **Dwelling Layout, Amenity, Dwelling Yield, Diversity, & Affordable housing**
- 9.3.1 Plans M2500 to M2505 detail apartment sizes, layouts and dimensions, a detailed development schedule should be provided. The following typical dwelling types are proposed;
- One bedroom apartment (NSA 54m², POS 18m², total 72m²)



- One bedroom double story soho (NSA 60m², POS 6m², total 66m²)
- One bedroom loft (NSA 54.5m², POS 6m², total 60.5m²)
- Two bedroom apartment (NSA 81.5m², POS 20.5m², total 102m²)
- Two bedroom apartment (NSA 75.5m², POS 19m², total 94.5m²)
- Three bedroom apartment (NSA 101m², POS 37m², total 138m²).

9.3.2 All the dwelling types would have adequate internal dimensions, total internal areas, and layouts, noting that the terraces to the one bedroom soho and loft dwellings should be increased to a minimum of 8m². Council's Sustainable Design Officer has noted that further information would be required to establish if natural ventilation is adequate. One main concern for the proposed dwellings is the lack of adequate daylight access, particularly for the south facing dwellings within Tower 2 and Tower 3.

9.3.3 The two eastern buildings would result in a significant number of south facing only apartments. Council's Sustainable Design Officer has advised that higher units within the podium of Tower 3 will only receive sun within the early morning/late afternoon in the peak of summer, and would not receive any sunlight in winter. The lower level apartments within Tower 2 and Tower 3 facing the internal pedestrian laneways would have poor access to daylight and would be in shadow for a large portion of the day as detailed within the submitted shadow diagrams. The lack of good daylight access is not supported as it would result in poor internal amenity and a poor sustainable design outcome. Council's Sustainable Design Officer has also noted that further information should be provided on daylight access such as daylight modelling to enable a complete assessment.

9.3.4 The podiums of the developments are separated by a minimum of 10m at the podium levels and 20m at the tower levels which provides a separation distance over 9m which is used as the typical distance for consideration of overlooking. However the layouts of many of the apartments would result in habitable areas facing one another with their only outlook to the adjacent tower. This combined with the daylight access issues for apartments could result in a very poor internal amenity outcome.

Dwelling Diversity

9.3.5 The application proposes 1188 dwellings in total with 49% one bedroom, 41.5% two bedroom and 9.5% three bedrooms. The percentage of three bedrooms falls considerably short of the 30% of the Policy Requirement at Clause 22.15 of the Scheme (current and proposed), which would be applicable to Tower 2 and Tower 3 as they are over 12 storeys in height. The applicant notes that the number of two bedroom dwellings have been designed so that they could be increased to three bedroom dwellings in the future dependant on market demand, this is not considered to be an acceptable response to the policy requirement (Cl.22.15) as it does not provide any certainty in regards to the increase in 3 bedroom apartments. The provision of three bedroom dwellings should be increased to better align with policy and the strategic aspirations of Fishermans Bend.



Affordable Housing

- 9.3.6 The proposal does not include any commitments in relation to an affordable housing contribution at the date of this report. A letter has been provided, dated 5 September 2017 and prepared by Quantum Housing Group, which advises that the group is in the final process of documenting an arrangement that would facilitate the provision of an affordable housing home ownership program that could be delivered for the project. The letter notes that the final commercial arrangements need to be established to ensure that the program is sustainable for the potential owners and the discussions are anticipated to take place over the next few months. Advice regarding the potential contribution could be provided from Council's Affordable Housing Officer once/if submitted to Council. This large scale development proposal should provide the 6% affordable housing required within Clause 22.15 of the Scheme.

9.4 Communal Areas

- 9.4.1 The proposal involves communal spaces within the podiums, at the rooftop of the podium and the rooftops. Communal facilities would provide amenity to future residents. A total of 7'193m² of communal area would be provided for the 1188 dwellings. This is broken down to 9.795m² per dwelling in Tower 1, 4.834m² per dwelling in Tower 2, and 4.825m² per dwelling in Tower 3. This is considered to be acceptable, and is in line with Clause 58 (which can be used as a guide only).

9.5 Public Open Space

- 9.5.1 The landscaped pedestrian through block links running north/south and east/west would be in shadow for the most part of the day, and would not provide adequate space for a variety of leisure and recreation options. The applicant submits that the space is 'public open space', however it is considered that given the scale of the development and the large site dimensions a more usable public open space area could have been provided. Public use of the through block links is also questions given the dwellings which would be located along the subject interfaces rather than commercial uses to draw the public in. The through block links would provide permeability and a level of amenity, however they should not be considered as part of the overall public open space contribution.

9.6 Transport and Parking (Design, Access, Traffic Generation, Parking Provision)

Parking Design and Access

- 9.6.1 Council's Traffic Engineer has raised a number of concerns regarding the proposed car parking design, some of which could be addressed through conditions, and others which are more significant and require further consideration. Specific details of the issues raised are listed within Section 7.1 of this report. In summary the application lacks enough detail in regards to parking design, and raises questions of conflict within the parking areas of Tower 2 and 3, car queuing, accessibility of car spaces, visitor car spaces and car spaces for trades and service staff, and lack of pedestrian sight triangles.
- 9.6.2 The proposal seeks to reinstate crossovers to Plummer Street and Salmon Street, which would support pedestrian activity along these streets, and would align with the proposed



public transport link along Plummer Street (detailed within the current and proposed framework). Access would be provided via the proposed road to the north of the site which is supported. This would also align with the draft framework which identifies no new crossover to this section of both Plummer and Salmon Street.

- 9.6.3 Council's Traffic Engineer has advised that the likely traffic generation would be acceptable, although it is noted that no cumulative trip generation for other developments has been provided.

Parking Provision

- 9.6.4 The traffic report proposes 985 residential parking spaces (242/Tower 1, 363/Tower 2, 380/Tower 3) which results in an average rate of 0.81 spaces/dwelling, noting that the 3 bedroom dwellings would be allocated with two spaces each. The Parking Overlay sets out a rate of 1 space to each dwelling, the rate listed within the FBSFP is further reduced with a target of 0.5 spaces per dwelling due to the future public transport service along Plummer Street. The proposal exceeds the FBSFP rate and it is recommended that the level of car parking be reduced for dwellings.
- 9.6.5 The permit triggers includes providing parking in excess of the provisions of the Parking Overlay (Schedule 1). The overall number of car spaces (985) proposed would be less than the maximum applicable (1214), however the Traffic Engineering Assessment notes that all three bedroom dwellings would be provided with two spaces, rather than the maximum set out in the POI of 1 space per dwelling. The residential car parking provision should be reduced to align with the FBSFP, and the three bedroom apartments should have no more than 1 car space.
- 9.6.6 Allocations for commercial tenancies and visitors are unclear. The Parking overlay sets out a maximum rate of 1 space per 100sqm of Retail gross floor area and 2 space per 100sqm of Supermarket gross floor area. The parking overlay therefore prescribes a maximum of 4 retail spaces for Tower 1, 4 retail spaces for Tower 2, and 10 retail spaces and 7 supermarket spaces for Tower 3.
- 9.6.7 The POI prescribes a rate of 1 motorcycle parking space per 100 car parking spaces, this equals a total of 10 spaces (rounded up from 9.85). A total of 10 motorcycle spaces are proposed (3/Tower 1, 4/Tower 2, 3/Tower 3) which compiles with the planning scheme requirements.

9.7 Bike Parking

- 9.7.1 A total of 370 bicycle parking spaces are proposed for the development (184/Tower 1, 94/Tower 2, 92/Tower 3). Visitor bike parking is located within the ground floor level of Tower 1 accessible via Plummer Street (124 spaces). The remainder of bike parking spaces are labelled resident or resident/employee spaces (246 resident/employee) under the current plans. The revised plans and information submitted to Council for information proposes, on the 14th of November, provide information on allocations and provide visitor bike parking at the ground level within each of the podiums. Ground level visitor bike parking in each tower is supported however additional visitor bike parking which is accessible to the public should be provided.



- 9.7.2 Clause 52.34 (Bicycle facilities) of the Scheme prescribes a rate of 1 space to each five dwellings, and 1 visitor space to each 10 dwellings. Therefore a total of 238 resident spaces and 119 visitor spaces are required under Clause 52.34. The proposal exceeds the overall statutory requirement by 13 spaces by providing 246 resident/employee spaces and 124 visitor spaces. The specific allocations for the residential and commercial components should be provided. The current Fishermans Bend Strategic Framework Plan (FBSFP) sets a rate of one bicycle parking space per dwelling. The proposal falls significantly short of this requirement and does not respond adequately to Objective 6.2 and Standard 1 of the FBSFP. The proposed provision of bike parking is not supported and should be increased.
- 9.7.3 Council's Traffic Engineer has recommended that rather than multiple resident/employee bicycle parking spaces provided throughout the development that one central and secure compound should be incorporated to each tower. The FBSFP identifies that change facilities and locker facilities must be provided to serve occupants for commercial uses at a ratio of one shower per 10 bicycles and one locker per bicycle respectively, this has not been achieved as locker and change facilities have not been provided within the development.
- 9.8 Loading**
- 9.8.1 Clause 52.07 of the Scheme requires space to be provided for on-site loading and unloading for the manufacture, servicing, storage or sale of goods or materials, there are no requirements for loading for residential components of the development. The requirements may be waived if the land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the Responsible Authority. The FBSFP identifies that all site servicing and loading areas should occur within the site boundaries regardless of the type of use proposed (Standard 3 of Objective 6.1). On site loading spaces are provided for Tower 1 and Tower 2, however no dedicated loading area is provided for Tower 3.
- 9.8.2 Council's Traffic Engineer has raised concerns with the lack of loading dock for Tower 3, and how on-site loading for the residential or commercial uses would be facilitated. The lack of loading dock raises questions around how commercial properties are expected to cater for loading, how residents are expected to load/unload when moving in/out, and how waste collection would be undertaken for both commercial and residential uses. Car spaces are nominated within each podium as 'loading spaces' however it is unclear how these would be managed to ensure all of the nominated spaces are available for loading, and it is not clear if the space (three car parking spaces) would be adequate for loading of a vehicle other than a car.
- 9.8.3 The design and location of the loading zone within Tower 1 could result in conflict between loading vehicles and cars. Loading vehicles should be stored without impacting traffic flow. The size and layout of the loading dock of Tower 2 does not allow for vehicles exiting in a forwards motion which is not supported.
- 9.9 Waste**
- 9.9.1 All waste need to be collected on site in accordance with the FBSFP. The Waste Management Plan (WMP) identifies that waste would be stored and collected on site.



Council's Waste Management Officer has raised a number of items which are unresolved. These items involve the inadequate space for waste, accessibility to hard waste areas/bin rooms for users and collectors, inadequate space for truck and bins within the loading bays, lack of compaction unit, and lack of charity bins. It has been recommended that commercial and ground floor tenants should not share a bin room, and should have separate hard waste storage areas. The waste management proposed does not currently meet expectations or requirements.

9.10 Sustainable Design

- 9.10.1 A Sustainability Management Plan (SMP) including a Water Sensitive Urban Design Response has been submitted in accordance with Clause 22.12 and Clause 22.13 of the Planning Scheme. Council's Sustainable Design Officer has raised a number of concerns with the SMP which are detailed within Section 7.1 of this report and relate to non-committal language throughout the SMP, materials, energy, indoor environmental quality, transport, urban ecology, and water/stormwater. The proposal does not currently provide an acceptable level of detail or an acceptable sustainable design response. Daylight access concerns discussed previously are relevant to not only amenity but also sustainability, and it is again highlighted that this level of daylight access is not supported.
- 9.10.2 The FBSPF requires the provision of a third pipe connection to supply non potable uses within the development for toilet flushing, fire service and irrigation and cooling. The submitted SMP identifies that this would be provided however no note is provided on the architectural plans. Further details would be required for the WSUD response including plans identifying catchment areas and connections to treatments.

10. COVENANTS

- 10.1 The subject site known as Plan of Consolidation 102846 (Volume 09040 Folio 185), Lot 1 on Plan of Subdivision 542653D (Volume 10968 Folio 163), and Lot 2 on Plan of Subdivision 542653D (Volume 10968 Folio 164). A Section 173 Agreement (AE567830L) encumbers Lot 1 & 2 on Plan of Subdivision 542653D; a copy of the agreement has not been provided by the applicant at the date of this report.

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Recommend approval
- 12.2 Recommend approval with changed or additional conditions
- 12.3 Recommend refusal - on key issues

13. CONCLUSION

- 13.1 The proposed development seeks to max out the building envelope to achieve the maximum dwelling yield while not adequately addressing a number of areas of concern.



The main areas of contention are listed within the below points.

- 13.2 The elongated east/west building footprints result in poor daylight access, including a large amount of south facing apartments, and result in outlook issues for dwellings which face one another in Tower 2 and Tower 3.
- 13.3 The low provision of 3 bedroom dwellings, and lack of affordable housing commitment (at the time of this report) does not respond to Clause 22.15 of the Scheme. A large scale development should provide 30% 3 bedroom dwellings and 6% affordable housing in light with the requirements of the relevant policy.
- 13.4 The proposed car parking provision is in excess of the requirements of the FBSFP which sets out a preferred rate of 0.5 spaces/dwelling. Given the sites location on Plummer Street and the future high frequency public transport service proposed it is considered that the number of car spaces should be reduced to better align with the rate of 0.5 spaces per dwelling in accordance with the FBSFP.
- 13.5 Bike parking is less than the requirements noted within the FBSFP and is not supported, additional bike spaces should be provided to align with the requirements of the FBSFP.
- 13.6 The loading/unloading provision and design is not supported, and waste management is unresolved.
- 13.7 The application lacks sufficient details in regards to sustainability and landscaping.
- 13.8 It is recommended that Council advise the Minister that the Application is not supported in its current form, this would also enable Council to have a position on the application prior to the VCAT hearing.

14. RECOMMENDATION

- 14.1 That Council advises the Minister (C/-o the Department of Environment, Land, Water and Planning) that:
 - 14.1.1 Council does not support the application in its current form based on the matters set out in Sections 7 and 9 of this report.
 - 14.1.2 In the event that the Responsible Authority determines to grant a permit for the application, any permit issued should incorporate the standard conditions attached to this report.
 - 14.1.3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on the VCAT Application for review.