



6.5 **199-201 NORMANBY ROAD, SOUTHBANK**

LOCATION/ADDRESS: 199-201 NORMANBY ROAD, SOUTHBANK

EXECUTIVE MEMBER: CLAIRE FERRES MILES, GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT

PREPARED BY: SIMON GUTTERIDGE, PRINCIPAL PLANNER FBURA

WARD: Gateway

TRIGGER FOR DETERMINATION BY COMMITTEE: Residential use in the Fishermans Bend Urban Renewal Area

APPLICATION NO: **DELWP Ref:** 2013/009628-2
Council Ref: 1/2014/MIN/B

APPLICANT: Capital Alliance Normanby Development Pty Ltd C/- SJB Planning

EXISTING USE: Scrap Metal Dealer

ABUTTING USES: Commercial / Industrial / Tram Depot

ZONING: Capital City Zone (CCZ1)
Abuts Road Zone Category 1 (RDZ1)

OVERLAYS: Design and Development Overlay (DDO30)
Development Contributions Plan Overlay (DCPO2)
Parking Overlay (PO1)

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL Expired

1. PURPOSE

- 1.1 To consider and provide advice to the Minister for Planning regarding a S72 application to amend an existing planning permit and endorsed plans for a 40 level mixed use development at 199-201 Normanby Road, Southbank.

2. EXECUTIVE SUMMARY

- 2.1 This report assesses the Ministerial informal referral of a S72 application to amend an existing permit and plans to demolish the existing buildings and construct a 40-level building inc. ground floor commercial tenancy, dwellings, car spaces and associated motorbike and bicycle parking to:
- Amend the permit preamble and the preamble of Condition 1 and Conditions 1(g), 4, 22 and 34 and delete conditions 1(i) and 32 of the existing permit to delete references to the original proposal, architects and consultant / reports and/or redundant conditions, and update to refer to the current proposal, architects and consultant / reports (as applicable);
 - Amend the plans to:
 - Reduce the number of dwellings from 262 to 132;
 - Reduce the number of car spaces from 174 to 144;



- Add a 211-room hotel;
 - Revise the architectural treatment and materials and finishes; and
 - Reduce the ground floor level car park and service area floor levels from 3.0m AHD to 2.0m AHD.
- 2.2 The Victorian planning system recognises that a permit holder's intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed, Section 72 of the *Planning and Environment Act* allows applicants to apply to the responsible authority for an amendment to a permit.
- 2.3 An application to amend a permit under Section 72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development. It also avoids the proliferation over time of permits for different aspects of the use and development of a parcel of land.
- 2.4 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.5 The Minister for Planning is the Responsible Authority for the application pursuant to Section 2.0 and Figure 1 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for development with a building height of 4 storeys or greater, and use and development of 60 or more dwellings.
- 2.6 The Minister has provided Council with the opportunity to consider and provide advice on the application, which can be used by the Minister and his department in their assessment of the proposal. Council's advice is provided on an informal basis as the planning scheme exempts most applications from notice and review.
- 2.7 The land is subject to mandatory podium (5-storey or 20m) and tower (40 storey) height limits and tower setbacks pursuant to interim Design and Development Overlay provision introduced in April 2015 while a review of the FBURA is carried out. The interim controls apply until 31 March 2018 (unless extended by the Minister).
- 2.8 The Fishermans Bend Strategic Framework Plan (September 2016) (FBSFP) does not identify the subject land for a particular use, notes Normanby Road as an existing main road and does not recognise Woodgate Street.
- 2.9 The draft Fishermans Bend Framework (October 2017) similarly does not identify the subject land for a particular use, but includes the land in the Montague mixed use high intensity (core activity) precinct, and notes Normanby Road as a Primary active frontage (retail) and an Arterial Road with future on-street cycling paths and no vehicle crossovers on either side. The draft framework notes Woodgate Street as a local street with a 22m wide extension to the north to link with Doran Street and Normanby Road.
- 2.10 The Amendment GC81 draft planning Scheme controls recommend the site and surrounds for hybrid developments of mid-rise, perimeter blocks and tower developments and propose:



- Deletion of the existing mandatory 40 storey height limit and replacement with a discretionary 20 storey height control;
 - Varying maximum street wall (podium) heights of four storeys/15.4m, six storeys/23m and unspecified depending on the lane or street width they face;
 - Varying minimum setbacks above the street wall depending on overall building height and whether the elevation contains habitable room windows and/or balconies (including a mandatory minimum 10.0m setback above the street wall etc. for towers of more than 20 storey).
 - The introduction of a Floor Area Ratio (FAR) control of 6.1:1 including a minimum commercial FAR, and a Floor Area Uplift (FAU) control requiring developments to provide affordable housing or community infrastructure or public open space (or a mix of these) in return for development exceeding the FAR (generally up to the preferred maximum height).
- 2.11 The proposed retail, hotel and dwelling uses and overall building height would be consistent with the draft Framework and Planning Scheme provisions, but the deletion of the current 40 storey height limit in lieu of a discretionary 20 storey height limit and a FAR and FAU, and the proposed changes to street wall heights and mandatory tower setbacks in the draft Framework Plan and draft planning controls would significantly impact on the proposal, prohibiting all or most of the tower element, but allowing the podium to be increased to eight storeys.
- 2.12 The proposal was internally referred and officers raised concerns including car park detail design, car lift contingency provisions, bicycle parking location and accessibility, loading bay access and design, waste management detail design, non-compliance with Local Policy for allocation of affordable housing to a registered housing association or provider, sustainable design detail including excessive glazing without shading to control solar heat gain and loss, natural light and ventilation to dwellings and hotel rooms.
- 2.13 The living room, bedroom and open space dimensions of the dwellings would meet or exceed the minimum requirements of Clause 58.
- 2.14 The proposal would comply with local policy for diversity of dwelling types and sizes, but would not comply with local policy to allocate affordable housing, and would fall short of planning scheme and/or benchmark standards including for bicycle parking, sustainable and water sensitive urban design, wind impacts, and noise impacts from the freeway and industry.
- 2.15 It is considered that the proposal would be generally satisfactory and Council concerns can be addressed by conditions of any permit that may issue.
- 2.16 It is recommended that Council advise the Minister and the applicant that:
- It supports the amended application subject to conditions, including changes to existing conditions and the first notation to delete redundant or incorrect references to the design and/or plans and/or architects and/or associated consultant reports for the current approved permit, and a new condition for the provision of affordable housing.
 - That the recommended draft conditions include amendment of Condition 18 and the inclusion of additional conditions for noise attenuation, deletion of Condition 20 for a construction management plan in lieu of a notation, and



new conditions for affordable housing, water sensitive urban design, and amended traffic, waste, wind and sustainable design reports.

- That the recommended draft conditions include a new condition for the provision of affordable housing.
- That the preamble of the existing permit be revised to reflect the amended proposal and current planning controls.



3. RECOMMENDATION

- 3.1 That the Planning Committee adopts Recommendation “Part A” and “Part B” to:
- Advise the Minister for Planning and the applicant that Council supports the amendment of the permit and plans subject to the draft conditions set out in the attachment to this report; and
 - Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

RECOMMENDATION “PART A”:

- 3.2 That the Planning Committee advises the Minister for Planning C/- the Department of Environment, Land, Water and Planning and the applicant that it supports the amendment of the permit and plans subject to the draft conditions set out in the attachment to this report.
- 3.3 That the recommended draft conditions include changes to Conditions 1 (Amended plans), 4 (Materials and finishes), 6 (On-going engagement of architect), 17 (Wind report), 22 (Sustainable design), 23 (Traffic management), 27 (Car park design), 32 (Car park ramp), and 34 (Waste management), and the first notation of the existing permit to delete redundant or incorrect conditions or references to the design and/or plans and/or architects and/or associated consultant reports for the current approved permit.
- 3.4 That the recommended draft conditions include amendment of Condition 18 and the inclusion of additional conditions for noise attenuation, deletion of Condition 20 for a construction management plan in lieu of a notation, and new conditions for affordable housing, water sensitive urban design, and amended traffic, waste, wind and sustainable design reports.
- 3.5 That the recommended draft conditions include a new condition for the provision of affordable housing.
- 3.6 That the preamble of the existing permit be revised to reflect the amended proposal and current planning controls; eg: as follows:

Demolish the existing buildings, construct a multi-storey mixed-use building, construct and carry out works, and use land for Accommodation (Dwelling and Residential hotel) in the Capital City Zone.

Construct a multi-storey mixed-use building and construct and carry out works in the Design and Development Overlay.

Alter access to a road in a Road Zone Category 1.

RECOMMENDATION “PART B”:

- 3.7 That the Planning Committee authorises the Manager City Development to instruct Council’s Statutory Planners and/or Council solicitors on any future VCAT application for review.



4. RELEVANT BACKGROUND

4.1 There is one previous relevant permit application for the subject site as follows:

Application No.	Proposal.	Decision
DTPLI (DELWP) Ref: 2013 / 009628 Council Ref: 1/2014/MINRA	Demolish existing building and construct a 40-level building inc. ground floor commercial tenancy (326m ²), 262 dwellings, 174 car spaces and motorbike and bicycle parking.	Permit issued 01 Sep 2014 by Minister

- 4.2 Application 2013/009628 was lodged with the Minister for Planning on 27 November 2013, and forwarded to Council on 03 January 2014.
- 4.3 On 10 June 2014, Council considered the application and resolved to advise the Minister it did not support the proposal because of concerns regarding car parking design and access, traffic generation / impacts, lack of a loading bay, tower setbacks, podium dwelling design and amenity, and urban design.
- 4.4 On 01 September 2014, the Minister granted a permit subject to conditions, including a condition to incorporate a loading bay.
- 4.5 In 2015, the applicant lodged an application to the Metropolitan Planning Authority (MPA) to amend the permit to increase the height of the building to 50 storeys and revise the design including deleting the loading bay.
- 4.6 Council did not support these proposed changes.
- 4.7 The amendment application was later transferred to the Minister for Planning c/- the Department of Environment, Land, Water and Planning (DELWP) and revised to revert to 40 storeys and retain the loading bay.
- 4.8 On 23 February 2016, the Minister amended the permit pursuant to S71(a) of the act to correct several minor matters, amended the plans pursuant to secondary consent, and endorsed plans and reports to discharge conditions.
- 4.9 On 19 March 2017, the Minister extended the time to start and complete the development by one year to 01 September 2018 and 01 September 2020 respectively.
- 4.10 On 19 December 2017, further plans and reports were endorsed by Council to discharge permit conditions.

5. PROPOSAL

5.1 It is proposed to:

- Amend the permit preamble to add reference to use for a residential hotel, and replace the reference to Dwelling with Accommodation.
- Amend the preamble of Condition 1 and Conditions 1(g), 4, 22 and 34 and delete conditions 1(i) and 32 of the existing permit to delete references to the original proposal, architects and consultant / reports and/or redundant conditions, and update to refer to the current proposal, architects and consultant / reports (as applicable);



- Amend the plans by substitution of new plans prepared by DKO Architecture to:
 - Reduce the number of dwellings from 262 to 132;
 - Reduce the number of car spaces from 174 to 144;
 - Add a 211-room hotel;
 - Revise the architectural treatment and materials and finishes; and
 - Reduce the ground floor level car park and service area floor levels from 3.0m AHD to 2.0m AHD.

5.2 More particularly, the proposed changes to the existing permit preamble and conditions 1, 4, 22, 32 and 34 are as follows (deletions shown ~~thus~~, additions shown thus):

Existing Text	Applicant Proposed Amended Text
<p>Permit Preamble</p> <p>Demolition of the existing building and construction of a multi-story mixed-used building comprising residential apartments, use of the land for dwellings and alteration of access to a road in a Road Zone - Category 1 generally in accordance with the endorsed plans.</p>	<p>Permit Preamble</p> <p>Demolition of the existing building and construction of a multi-story mixed-used building comprising residential apartments <u>and a residential hotel</u>, use of the land for dwellings <u>dwellings accommodation</u> and alteration of access to a road in a Road Zone - Category 1 generally in accordance with the endorsed plans.</p>
<p>Condition 1 Preamble:</p> <p>Before the development starts, excluding demolition and site preparation works, amended plans must be submitted and approved to the satisfaction of the Responsible Authority and on approval, will be endorsed by the Responsible Authority and will then form part of this permit. The plans must generally be in accordance with the plans dated November 2013 prepared by <i>Artisan Architects</i> submitted as part of the application but modified to show the following:</p>	<p>Condition 1 Preamble:</p> <p>Before the development starts, excluding demolition and site preparation works, amended plans must be submitted and approved to the satisfaction of the Responsible Authority and on approval, will be endorsed by the Responsible Authority and will then form part of this permit. The plans must generally be in accordance with the plans dated November 2013 <u>prepared by Artisan Architects 08 December 2017</u> <u>prepared by DKO Architecture</u> submitted as part of the application but modified to show the following</p>
<p>Condition 1.(g): Inclusion of all recommendations of the Vipac Engineers and Scientists Ltd report titled "199-201 Normanby Road, Southbank Pedestrian level wind tunnel test" on the plans.</p>	<p>Condition 1.(g): Inclusion of all recommendations of the Vipac Engineers and Scientists Ltd report titled "199-201 Normanby Road, Southbank Pedestrian level wind tunnel test" on the plans</p>
<p>Condition 1.(i): The layout of all floors (in particular levels 8-15) should be redesigned so all bedrooms have windows and do not rely on borrowed light.</p>	<p>Condition 1.(i): Delete</p>
<p>Condition 4: Before the development starts, excluding demolition and bulk excavation, a facade strategy must be submitted to and approved by the Responsible Authority. The facade strategy for the redevelopment must be generally in accordance with plans prepared by Artisan Architects, November 2013 and detail a schedule of material, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance and a high-quality design and finish to all boundary walls. The strategy must illustrate the legibility of the proposal from short and</p>	<p>Condition 4: Before the development starts, excluding demolition and bulk excavation, a facade strategy must be submitted to and approved by the Responsible Authority. The facade strategy for the redevelopment must be generally in accordance with plans prepared by Artisan Architects, November 2013 <u>DKO Architecture entitled TP Package 08-12-2017</u> and detail a schedule of material, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance and a high-quality design and finish to all boundary walls. The strategy must illustrate the legibility of the proposal</p>



distant views, including the extent of facade pattern, level of colours and the ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or a built model. The facade strategy must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans.	from short and distant views, including the extent of facade pattern, level of colours and the ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or a built model. The facade strategy must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans.
Condition 22. The development must comply with the <i>Simpson Kotzman 199 - 201 Normanby Road, Southbank Sustainable Management Plan</i> , prepared and submitted as part of the permit application, dated 1 October 2013. The details of the report must not be altered unless with the prior written consent of the Responsible Authority.	Condition 22: The development must comply with the <i>Simpson-Kotzman 199 - 201 Normanby Road, Southbank Sustainable Management Plan</i> , <u>Sustainable Development Consultants Sustainability Management Plan 199-201 Normanby Road, Southbank</u> , prepared and submitted as part of the permit application, dated 1 October 2013 <u>December 2017</u> . The details of the report must not be altered unless with the prior written consent of the Responsible Authority.
Condition 32: Prior to the occupation of the development, car park signage is required at each ramp to ensure drivers know where each ramp leads, particularly if visitor parking is provided on-site. Line marking is required to ensure appropriate movements are made within drop-off and access areas to the satisfaction of the City of Port Phillip.	Condition 32: Delete
Condition 34: Waste storage and collection arrangements must be generally in accordance with the Waste Management Plan submitted with the application (Leigh Design, 30 September 2013) with the addition of an on-site loading bay. The waste storage and collection arrangements must not be altered or modified without the prior consent of the City of Port Phillip.	Condition 34: Waste storage and collection arrangements must be generally in accordance with the Waste Management Plan submitted with the application (Leigh Design, 30 September 2013 <u>December 2017</u>) with the addition of an on-site loading bay . The waste storage and collection arrangements must not be altered or modified without the prior consent of the City of Port Phillip.

- 5.3 The podium of the amended proposal would have a maximum height of five storeys/18.38m facing Normanby Road and six storeys/21.88m facing Woodgate Street at the rear.
- 5.4 The tower of the amended proposal would have a maximum height of 40 storeys/124.83m (124.83m AHD) to rooftop level, 123.8 (125.8m AHD) to the top of the rooftop parapet, and 128.8 (130.8m AHD) to the top of the building services / architectural feature rooftop metal frame.
- 5.5 Materials and finishes are proposed to be a mixture of black stone, textured natural finish concrete, dark grey concrete, charcoal aluminium, and silver, champagne and black glass for external walls.
- 5.6 A summary of the original and amended proposals is as follows:

	Original Application (04-Nov-2013)	Amendment Application (08-Dec-2017)
Site area	1,211m ² approx.	1,211m ² approx.
No. dwellings	262 (62 /23.66% x 1BR, 149 / 56.87% x 2BR & 51/ 19.47% x 3BR),	132 (22 /16.7% x 1BR, 66 / 50.0% x 2BR & 44/ 33.3% x 3BR),

Affordable housing	Nil <i>Note: application pre-dates Clause 22.15</i>	Nil <i>Note: application pre-dates Clause 22.15</i>
Non -residential floor area	<u>Level 0 (ground):</u> 1 x commercial / office: 326m ² Total: 326m² office	<u>Level 0 (ground):</u> 1 x retail / restaurant: 336m ² <u>Level 1-5 and 7 to 17:</u> Hotel: 6,015m ² NSA (211 rooms) Total: 6,351m² (336m² retail, 6,015m² hotel)
Open space	Dwellings: Varies, some dwellings have no open space, others typical 5.0m ² to 10m ² , with some larger.	Hotel rooms: nil open space Dwellings: 1BR: 8.45-9.66m ² ; 2BR: 8.03-9.13m ² ; 3BR: 2.0-13.86m ² .
Stores	247	No details
Communal facilities	Level 7 (Podium rooftop): Outdoor terrace, Pool, Gym, Business Centre / Multifunction room.	Level 6 (Podium rooftop): Outdoor terrace/garden, Pool, Lounge, Gym, Meeting room, Private dining room and associated Kitchen (shared with Hotel)
Community (public) facilities	Nil	Nil
Basement	Not applicable	Building services, residential, hotel and car lift pits, 15 KL rain water tank
Podium height	Normanby Road: 6-storeys / 20.1m (22.1m AHD) Woodgate Street: 7-storeys / 22.48m (24.8m AHD)	Normanby Road: 5-storeys / 18.38m (20.38m AHD) Woodgate Street: 6-storeys / 21.88m (23.88m AHD)
Maximum height	40 storeys/121.0m (123.0m AHD) roof, 123.0 (125.0m AHD) top of parapet and building services. <i>Note: NGL: 1.24m to 2.14m Normanby Rd, 1.99m to 2.0m Woodgate St,</i> 	40 storeys/122.83m (124.83m AHD) roof, 123.8 (125.8m AHD) top of parapet, 128.8 (130.8m AHD) top of services / architectural feature. <i>Note: NGL: 1.24m to 2.14m Normanby Rd, 1.99m to 2.0m Woodgate St,</i> 
	Endorsed plans: Normanby Road perspective	Amended plans: Proposed Normanby Rd perspective

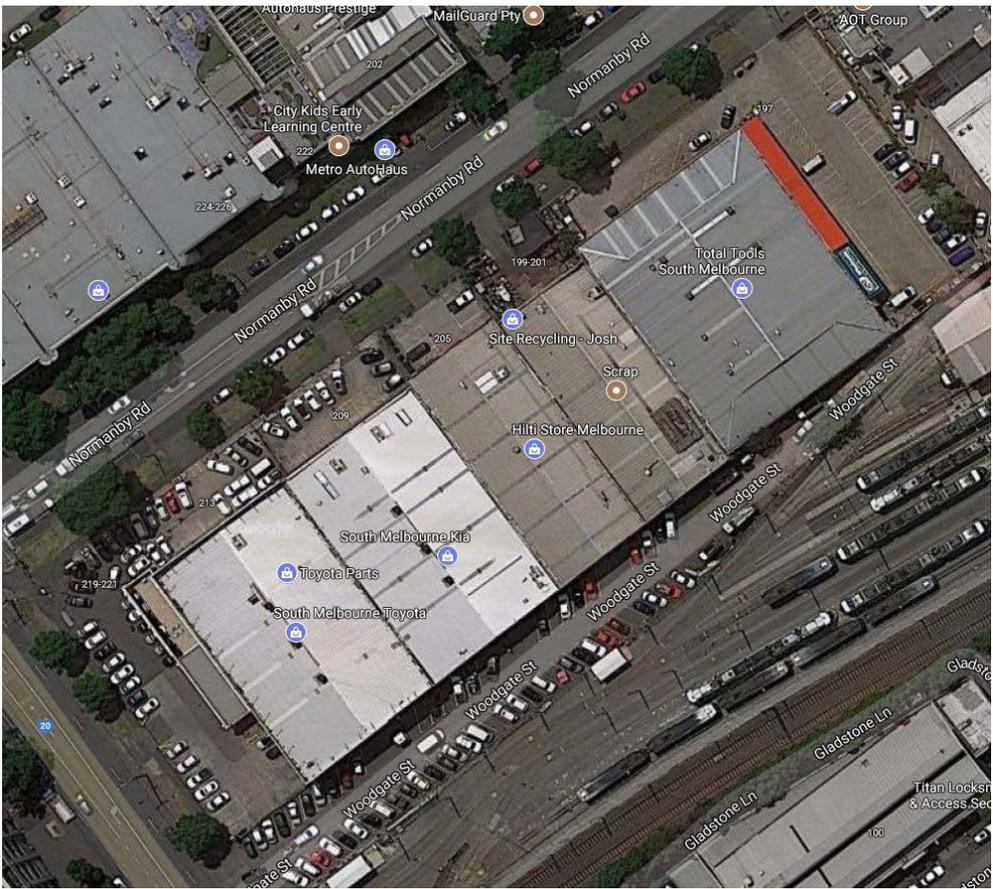


Podium Setbacks	Normanby Road: Min. 0.0m at all levels. Woodgate Street: Min. 0.0m at all levels. North-east (side): Min. 0.0m at all levels. South-west (side): Min 0.0m at all levels.	Normanby Road: Min. 0.0m at all levels. Woodgate Street: Min. 0. at all levels. North-east (side): Min. 0.0m at all levels. South-west (side): Min 0.0m at all levels.
Tower Setbacks	Normanby Road: Min. 7.5m (with balconies forward of this to min. 5.5m & 6.0m). Woodgate Street: Min. 7.5m (with balconies forward of this to min. 6.0m). North-east (side): Min. 5.0m – max. 7.0m South-west (side): Min 0.0m at all levels.	Normanby Road: Min. 5.5m. Woodgate Street: Min. 6.0m North-east (side): Min. 5.0m – max. 7.0m South-west (side): Min 0.0m at all levels.
Tower separation	N/A	N/A
Loading bay	1 x min. 3.6m (w) x 7.6m (l) x 4.0m (h), accessed off a driveway of at least 3.6m (w) and 6.0m internal radius (Cond 1(b)).	1 x 4.5m (w) x 9.5m (l) x 4.5m (h) @ level 00 (ground) (inc. for waste and recycling collection)
Car parking	<u>Level 0 (Ground):</u> 10 spaces <u>Levels 1 & 2:</u> 26 spaces per floor x 2 = 52 spaces <u>Levels 3, 4, 5 & 6:</u> 28 spaces per floor x 4 = 112 spaces Total: 174 (0.66/dwelling)	<u>Level 1:</u> 22 spaces (automated shuffle system via two car lifts) <u>Level 2:</u> 39 spaces (shuffle via car lifts) <u>Level 3:</u> 27 spaces (shuffle via car lifts) <u>Level 4:</u> 27 spaces (shuffle via car lifts) <u>Level 5:</u> 29 spaces (shuffle via car lifts) Total: 144 (119 resident [0.90/dwelling], 25 hotel [0.41/100m²])
Motorcycle parking	<u>Level 0 (Ground):</u> 4 spaces <u>Levels 1, 2, 3, 4, 5 & 6:</u> 6 spaces per floor x 6 = 36 spaces Total: 40	7 @ Level 00 (ground)
Bicycle parking	<u>Level 0 (Ground):</u> 30 spaces <u>Levels 1 & 2, 3, 4 & 5:</u> 46 spaces per floor x 5 = 230 spaces (accessed via stairs or lift) <u>Level 6:</u> 30 spaces (accessed via stairs or lift) Total: 290 (286 resident/visitor, 4 office)	<u>Level 3:</u> 65 spaces (accessed via stairs or lift) <u>Level 4:</u> 80 spaces (accessed via stairs or lift) <u>Level 5:</u> 53 spaces (accessed via stairs or lift) Total: 198 (156 residential, 42 hotel)
Vehicle access	5.5m wide ramp off Woodgate Street.	Double width entry off Woodgate Street (inc. self-closing flood barrier).
Dwelling access	Lobby access off Normanby Rd and car park.	Lobby access off Normanby Rd and car park.
Non-residential access	Commercial office tenancy public access off Normanby Rd, plus staff access from car park	Hotel and café/restaurant share dwelling lobby off Normanby Road.
Staging	N/A	N/A
Gross floor area / Floor area ratio	Gross Floor Area (GFA): 28,600m ² Site area = 1,211m ² Plot Ratio / Floor Area Ratio (FAR): 23.61:1	Gross Floor Area (GFA): 27,906m ² Site area = 1,211m ² Plot Ratio / Floor Area Ratio (FAR): 23.04:1

		<p>Note: Oct 2017 Draft FBF includes site in Montague core precinct > FAR 6.1:1 (7,387m²) inc. min. commercial FAR 1.6:1 (1,937m²) & 20-storey discretionary height control.</p>
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5.7 The plans which are the subject of this report are those referred to as Project No. 11736, TP Package, Drawings TP100 to TP407 dated 08/12/2017 prepared by DKO Architecture (VIC) Pty Ltd.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The land is rectangular and has a frontage width to Normanby Road of 20.12m, a northerly side length of 60.05, a southerly side length of 60.45m and a rear abuttal to Woodgate Street of 20.12m for an overall area of 1,211m ² approximately.
Existing building & site conditions	<p>The subject site is located on the south-east side of Normanby Road, approximately midway between Montague Street and the freeway.</p>  <p>Ariel Photo Circa 2017: Source: Applicant</p> <p>Normanby Road is a Road Zone Category 1. There is one existing vehicle crossing at the front of the site off Normanby Road.</p> <p>The land has a rear abuttal to Woodgate Street, which is a two-way dead-end road that runs off Montague Street and is bounded by the rear of buildings facing Normanby Road along its westerly side, and the light rail line embankment along its easterly side.</p>



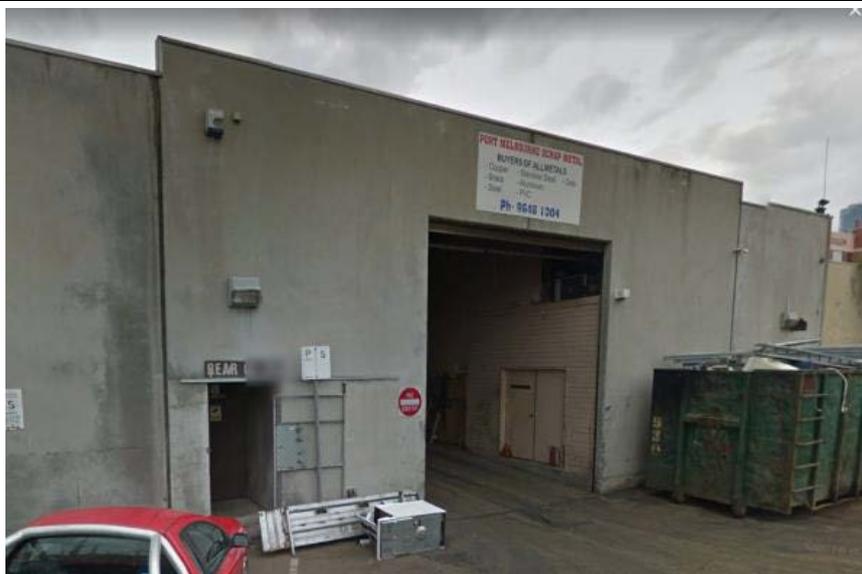
Woodgate Street looking towards tram depot

Angle parking is available on both sides of the street between Montague Street and the subject site, beyond which the street becomes too narrow for formal on-street car parking. There are no footpaths or street tree plantings along the length of the street. The land is developed with a single-storey precast concrete panel commercial building setback from Normanby Road, and an electrical sub-station at the front of the site. The land is occupied by a scrap metal dealer.



Existing building from Normanby Rd

The existing building has a roller door vehicle entry to Woodgate Street.



Rear of existing building from Woodgate Street

The land is generally flat with no discernible slope in any direction. Survey plans show a minor rise of 1.24m to 2.14m AHD (0.90m) north to south on Normanby Rd, and levels of 1.99m to 2.00m AHD on Woodgate Street.

The north and south side boundaries are encumbered by party wall easements in favour of the subject site and the two abutting properties.

**Surrounds /
neighbourhood
character**

Land use abutting and near the subject site has not materially changed since the original permit was granted. Planning permits have been granted for a number of nearby properties, but with the exception of a 30-level tower at 89-101 Gladstone Street (Cnr. Montague Street) (120m to the south, across the light rail embankment), these have not been acted on.

Surrounding land is presently developed as follows:

• **North-west (opposite)**

Normanby Road, one and two storey commercial and warehouse/industrial buildings, a car park, the elevated freeway, the Melbourne Exhibition and Conference Centre, and the Yarra's Edge and Dockland precincts beyond.

One planning permit has been granted to the north-west as follows:

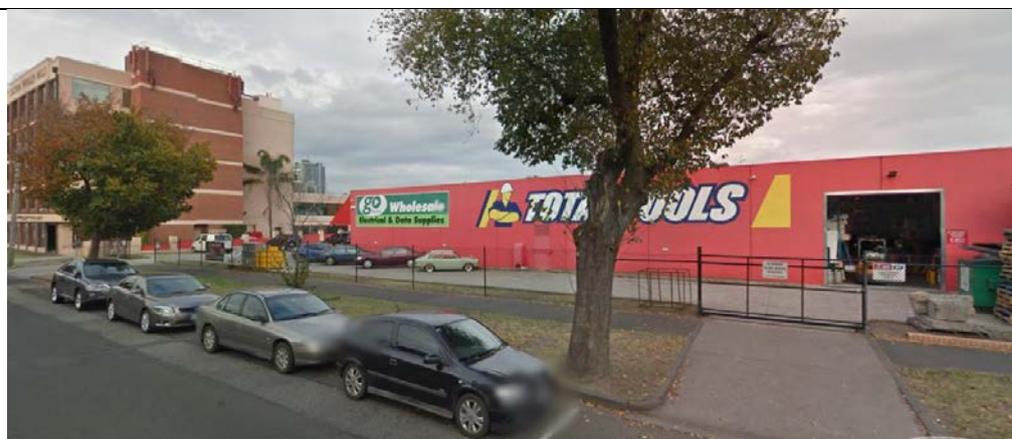
- 202-214 Normanby Road, Southbank: Construct a 40-level mixed use tower (284 dwellings). Status: Not started.

• **North-east (side) (along Normanby Road and Woodgate Street)**

One and two-storey commercial and industrial/warehouse buildings, the five storey heritage graded former Laycock Son & Co (Laconia) building, the elevated Freeway and the Melbourne Exhibition and Conference Centre beyond.

Two permit applications are pending for sites to the north-east side as follows:

- 179-185 Normanby Road, Southbank (Laconia): Demolish existing buildings, construct a mixed use, 26 level building containing retail, dwellings and offices. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 187-197 Normanby Rd, Southbank (Total Tools): Demolish existing buildings, and construct a 40 storey (inc. 5-storey podium and one basement level) commercial and residential building. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.



Normanby Road - Looking towards #179-185 and 187-197 Normanby Road

• **South-east (rear, across Woodgate Street)**

Woodgate Street, the City to Port Melbourne light rail line and part of the South Melbourne tram depot, the City to Port Melbourne bicycle and pedestrian path, and one, two and four-storey industrial and/or commercial buildings and the Montague Precinct primary school and park beyond.

A number of planning permits have been granted to the south-east including:

- 89-103 Gladstone (Cnr. Montague) Street, South Melbourne: Demolish the existing building, construct a 30-storey tower inc. retail and 163 dwellings. Status: **Constructed and occupied.**
- 6-78 Buckhurst St, South Melbourne: Demolish existing buildings and construct four towers (27, 29, 30 and 30 levels) inc. 1,004 dwellings, retail (1,383m²), office (1,167m²) and 697 car spaces. Status: Not started.
- 15-87 Gladstone St, South Melbourne: Demolish existing buildings and construct two towers (27 and 30 levels) inc. 746 dwellings, commercial (457m²) and 596 car spaces. Status: Not started.

• **South-west (side) (along Normanby Road and Woodgate Street)**

One and two-storey commercial/industrial buildings, a four-storey heritage graded former warehouse with two levels of dwellings above across Montague Street, and further one and two-storey commercial and warehouse industrial buildings beyond.

Three permits have been granted to the south-west as follows:

West side of Normanby Road:

- 228-238 Normanby Road (Cnr. Montague Street), Southbank: Construct two mixed use towers of 39 and 44 storeys (525 dwellings). Status: Not started.

East side of Normanby Road:

- 245-251 Normanby Road, South Melbourne: Demolish the existing buildings and construct a 40-storey mixed use tower. Status: Not started.
- 253-273 Normanby Road, South Melbourne: Demolish the existing buildings and construct two towers of 28 and 40-storeys including retail, dwellings and a hotel. Status: Not started.

Eight permit applications are pending to the south-east as follows:

West side of Normanby Road:

- 240-246 Normanby Road (Cnr Montague Street), South Melbourne (Site 04): Construct a 40-level mixed use tower (216 dwellings). Council has provided comments to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.

- 248-250 & 252-254 Normanby Road, South Melbourne (Site 03): Construct a 39-level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 256-258 & 260-262 Normanby Road, South Melbourne (Site 02): Construct a 39-level mixed use tower (244 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 264-270 Normanby Road, South Melbourne (Site 01): Construct a 40-level mixed use tower (238 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 272-280 Normanby Road, South Melbourne (Site 00): Demolish existing buildings and construct a 40 storey mixed use building (289 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.

East side of Normanby Road:

- 203-205 Normanby Road, Southbank (Site 06): Construct a 40-level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 207-217 Normanby Road, Southbank (Site 05): Construct a 41-level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.
- 235-239 and 241-243 Normanby Road, South Melbourne: Demolish existing buildings and construct a 40-storey mixed use tower. Status: On-hold. Called-in 21-Feb-2018 by Minister for Planning.



Normanby Road - Looking towards #203-205 and 207-217 Normanby Road

Public Transport / Road Access / Activity Centres

The subject site is proximate to bus and tram/light rail public transport and bicycle paths as follows:

- City-Port Melbourne Route 109 tram/light rail stop approximately 130m to the south-west (Montague Street bridge);
- Buses (Routes 232, 235-7-8) to the City, Port Melbourne and Western suburbs along Normanby Road, Montague Street and the West Gate Freeway.
- City to Port Melbourne off-road bicycle path along the 109 tram/light rail reservation;

The land is approximately 950m from the Bay Street Port Melbourne Activity Centre and approximately 1.0km from the South Melbourne Activity Centre including the South Melbourne Market.

Vehicle access to the Westgate Freeway is located approximately 330m from the site via Montague Street.



7. PERMIT TRIGGERS

The zone and overlay controls, planning permit requirements and notice and appeal exemptions for the subject site and the proposal are as follows:

Planning Scheme Provision	Why is a planning permit required?
<p>Clause 37.04 - Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for 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 is proximate to warehouse and industrial uses and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to</p> <ul style="list-style-type: none"> • Use land (other than nightclub, tavern, brothel or 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><i>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;</i></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 permit is required under this clause.</p>
<p>Clause 43.02 - Design and Development Overlay (DDO30)</p>	<p>The land is in Area A6 (40-storey max. height) of the DDO.</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 in the Design and Development Overlay.</p> <p>An application 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>A permit is required under this clause.</p>
<p>Clause 45.06 - Development Contributions Plan Overlay (DCPO2)</p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions.



	<ul style="list-style-type: none"> 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 1,000 square metres. A sign. The permit only allows the consolidation of land or a boundary realignment. A permit is required under this clause.
Clause 45.09 - Parking Overlay (PO1)	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay.</p> <p>The proposed parking provision for the retail premises and dwellings would not exceed the maximum rates set out in the Table.</p> <p>A permit is not required under this clause.</p>
Clause 52.06 - Car Parking	<p>Car parking must meet the design requirements of Clause 52.06-8 unless the Responsible Authority agrees otherwise.</p> <p>A permit is not required under this clause.</p>
Clause 52.10 - Uses with Adverse Amenity Potential	<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 not required under this clause.</p>
Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road.	<p>A planning permit is required to create or alter access to a road in a Road Zone Category 1.</p> <p>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the <i>Road Management Act 2004</i>, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under Section 55 of the Act.</p> <p>A permit, referral and notice are required under this clause.</p>
Clause 52.34 - Bicycle Facilities	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A permit is not required under this clause.</p>
Clause 58 - Apartment Developments	<p>Provisions in this Clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.</p> <p>A development must meet all the objectives of this clause and should meet all the standards, except for Clause 58.04-1: building setbacks.</p> <p>If a zone or overlay or an associated schedule specifies a building setback different from 58.04-1, the setback in the zone, overlay or schedule applies.</p> <p>Pursuant to the transitional provisions of the Capital City Zone, Clause 58 does not apply because the application was lodged on 27 November 2013, before Clause 58 was approved by Amendment VC136 on 13 April 2017.</p> <p>A permit is not required under this clause.</p>



Section 72 - Planning and Environment Act 1987

S72 of the Act allows a person who is entitled to use or develop land in accordance with a permit to apply to the responsible authority for an amendment to the permit.

8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

Provisions of the SPPF of particular relevance to the application include:

Clause 9: Plan Melbourne.

Clause 11: Settlement, inc. 11.02 Urban Growth, and 11.04 Metropolitan Melbourne.

Clause 13: Environmental Risks inc. 13.01: Climate change impacts, 13.02: Floodplains, and 13.04: Noise and air.

Clause 15: Built Environment and Heritage inc. 15.01-1: Urban Design, 15.01-2: Urban design principles, 15.01-3: Neighbourhood and subdivision design, 15.02: Sustainable Design and 15.03: Heritage, inc. Aboriginal cultural heritage.

Clause 15.01-2 requires planning must consider as relevant, the *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017), *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017), and the *Urban Design Charter for Victoria* (Department of Planning and Community Development, 2009).

Clause 16: Housing inc. 16.01-4: Housing diversity and 16.01-5: Housing affordability.

Clause 17: Economic Development.

Clause 18: Transport.

Clause 19: Infrastructure.

8.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses that are relevant to these applications as follows:

Clause 21.03: Ecologically Sustainable Development, including Clause 21.03-1: Environmentally Sustainable Land Use and Development and Clause 21.03-2: Sustainable Transport

Clause 21.04: Land Use

Clause 21.05: Built Form, including Clause 21.05-2: Urban Structure and Character, Clause 21.05-3: Urban Design and the Public Realm and Clause 21.05-4: Physical Infrastructure

Clause 21.06: Neighbourhoods, including Clause 21.06-8: Fisherman's Bend Urban Renewal Area

The following clauses of the LPPF are also relevant:

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



8.3 Other relevant provisions

- Clause 62: Use, Buildings, Works, Subdivisions and Demolition not requiring a permit.
- Clause 65: Decision Guidelines
- Clause 66: Referral and notice provisions

Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016) (FBSFP):

The *Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016) (FBSFP)* is an incorporated document in and pursuant to Clause 81 and the Schedule to Clause 81.01 of the Planning Scheme.

Any decision within the FBURA must have regard to the Framework Plan including the Design Guidance provisions.

8.4 Relevant Planning Scheme Amendment/s

- 8.4.1 Since 01 September 2014 when the application was approved, there have been eleven changes to planning policy and/or the planning controls applicable to the FBURA and the subject site as follows:
- 20 September 2014:** Metropolitan Planning Authority (MPA) replaced the Minister as Responsible Authority (RA) for the majority of planning applications in the FBURA. Council remained the RA for minor applications and land generally on the southern perimeter of the Urban Renewal Area.
 - 17 April 2015:** **Amendment GC29** changed the CCZ1 and updated the Fishermans Bend Strategic Framework Plan (FBSFP) to the April 2015 version to replace discretionary preferred heights with interim mandatory height limits for two years. The Minister resumed RA status for most planning applications in the FBURA and Council remained RA for minor applications and land generally on the southern perimeter of the Urban Renewal Area. The FBURA was expanded to include the Fishermans Bend Employment Precinct (in the City of Melbourne).
 - 03 October 2016:** State Government released the *Fishermans Bend Vision* (September 2016) setting out the ambitions for the FBURA overall and the five precincts for 2050.
 - 14 November 2016:** **Amendment GC50** changed the Planning Scheme and updated the FBSFP to September 2016 version to add a new local policy Clause 22.15 encouraging affordable housing across the FBURA and increased commercial floor area along certain streets, and move the interim height controls from the CCZ1 to a new Design and Development Overlay (DDO30) and introduced new maximum street wall and tower heights, mandatory street and boundary setbacks above podium level and tower separation distances, and new local policy encouraging affordable housing across the FBURA and increased commercial floor area along certain streets.



5. **22 November 2016: Amendment GC59** varied DDO30 to add exemption from notice and review.
6. **03 October 2016:** State Government released the *Fishermans Bend Vision* (September 2016) setting out the ambitions for the FBURA overall and the five precincts for 2050.
7. **14 November 2016: Amendment GC50** changed the Planning Scheme to:
 - Include a new Local Planning Policy, Clause 22.15 *Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area* encouraging large developments to prepare a master plan, include at least 30% of dwellings as 3-bedroom dwellings, allocate at least 6% of dwellings as affordable housing, and provide for non-residential uses, and increased commercial floor area along certain streets,
 - Move the interim mandatory 4 and 8 storey height controls from the Schedule to the CCZ1 to a new Schedule DDO30 to the Design and Development Overlay which specified mandatory maximum street wall and tower heights, mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The overlay requirements apply to 31 March 2018 (unless extended by the Minister).
 - Updated the FBSFP to September 2016 version.
8. **22 November 2016: Amendment GC59** varied DDO30 to add exemption from notice and review.
9. **13 April 2017: Amendment VC136** introduced new Clause 58 Apartment Developments provisions for application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development. Pursuant to the transitional provisions of the Capital City Zone, Clause 58 does not apply to this application because it was lodged on 22 December 2014, before the approval date of the amendment.
10. **29 August 2017: Amendment VC139** introduced the Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017) as a reference document in Clauses 11 and 15 of the SPPF, and the Apartment Design Guidelines (Department of Environment, Land, Water and Planning, 2017) as a reference document in Clauses 11, 15 and 16 of the SPPF, (replacing the Guidelines for Higher Density Residential Development [DSE 2004], Activity Centre Design Guidelines [DSE 2005] and Safer Design Guidelines for Victoria [DSE 2005]).
11. **16 January 2017: Amendment VC142** introduced phase 1 of the State Government's smart planning reforms to:
 - Remove redundant/excessive provisions / permit requirements for low impact matters;



- Clarify unclear provisions and remove / relocate some administrative requirements to reduce planning scheme complexity;
- Update planning provisions;
- Revisions to use land use terms and removal of out-of-date references.

In particular, relevant to the current application, the amendment deleted Clause 52.07 for the loading and unloading of vehicles and updated Clause 65 (decision guidelines) to ensure that loading and unloading facilities, amenity and traffic flow are considered. (ie no permit trigger but a planning consideration).

- 8.4.2 On 31 October 2017, draft Planning Scheme Amendment GC81 setting out revised State and Local policy, zone, overlay and general provisions for Fishermans Bend was released for consultation.

The amendment is discussed at Section 11 of this report.

- 8.4.3 The amendments and changes to planning policy do not prohibit the proposal and are not retrospective.

9. REFERRALS

9.1 Internal referrals

The application was internally referred. A summary of the responses is set out in the table below. The comments are further discussed in Section 11 of this report.

Department	Referral Comments
Traffic	<p><u>Parking Layout and Access Arrangements</u></p> <ul style="list-style-type: none"> • Proposed access to off-street parking facilities is via proposed crossover to Woodgate Street. This is considered satisfactory. • Access ways at the entrance to all parking/loading are considered acceptable. • Car stacker spaces provide a clear platform width of 2.2m and length of 5.25m, with 50% of spaces able to cater for a height clearance of 1.85m. This is considered acceptable. • Applicant must have an action plan in place for when scheduled maintenance occurs or the lift is temporarily unavailable. • The traffic report has undertaken a queuing assessment for all car lift operations. The traffic report states that all queuing generated by the site can be contained wholly within the site, this is considered acceptable. • Vehicles can satisfactorily enter/exit the site in a forward's direction. • All redundant and proposed crossovers must be reinstated to Council satisfaction. • Applicant shall be responsible for costs incurred by Council to modify any existing on-street parking signage and line-marking. <p><u>Parking Overlay and Parking Provisions</u></p> <ul style="list-style-type: none"> • The FBURA target rate for the provision of residential parking is 0.5 spaces/dwelling and a maximum rate of 1 space/100m² for retail/commercial. • It is proposed to provide 119 resident parking spaces, which equates to a rate of 0.9 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 indicates that 25 parking spaces will be provided on-site for hotel staff/visitors. This level of parking equates to a rate of 0.12 spaces/room. This level of parking is considered acceptable.

Traffic Generation

- Traffic generation rates adopted in the previously approved planning permit were considered acceptable. Given it is proposed to reduce both the number of residential dwellings and off-street parking spaces, the likely traffic generated by the revised proposal would have less impact than the previously approved development. This is considered acceptable.
- The plans indicate that the proposed removal of an existing crossover to Normanby Road would be converted into a drop-off-pick-up area for the hotel use. As a condition of permit, the current No Standing Area located along the sites frontage to Normanby Road must be converted to at least two (2) short term 15-minute parking spaces, with all associated costs to be covered by the applicant. Please be advised that the short-term parking spaces are not solely intended for an individual property and can be utilized by any vehicle.
- **No cumulative trip generation for other developments has been considered.**

Pedestrian Sightlines

- Full pedestrian sight triangles have not been provided in accordance with Clause 52.06 at the proposed crossover. Given there are no pedestrian facilities located adjacent or past the site along Woodgate Street, I am satisfied to allow the reduced sight triangles in this case.

Provisions for Loading & Waste Collection

- One loading docks has been proposed on the ground floor of the development. Access has not been satisfactorily demonstrated with swept paths for an 8.8m Medium Rigid vehicle (MRV) within the traffic report. **The swept path drawings show the loading vehicle driving over parked cars along Woodgate Street, please update swept paths to show access/egress with suitable clearance from parked cars along Woodgate Street.**
- The traffic report has not addressed how residents are expect to load/unload when moving in/out of the development. The proposed loading dock does not provide a clear convenient access to/from residential lobby. **Can the applicant please provide additional information regarding proposed loading activities for the residential component of the proposal. All loading activities MUST be contained completely within the site.**
- I have concerns given the location of the proposed loading bay, with potential conflicts between vehicles and loading vehicles. **It is recommended installing, at a minimum, a warning light system (or similar) to reduce any potential conflicts.**
- Waste Management plan to be referred to Council's Waste Management department for assessment.

Provisions for Bike parking

- The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling.
- The traffic report indicates that it is proposed to provide the following bicycle parking spaces:
 - 156 resident bike spaces
 - 42 staff spaces
- This level of bicycle parking equates to a rate of 1.18 spaces/dwelling. This level of parking for residents exceeds the FBURA target rate and is considered acceptable. **Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).**
- Off-street bicycle parking spaces require direct convenient access to the street, preferably located on either the ground level or 1st level of parking. All proposed bicycle



	<p>parking spaces are located on levels 3 to 5 and require access via elevators, this is not a suitable design outcome. However, given the site constraints and that car parking is only accessible via car lifts, this is considered acceptable in this case.</p> <ul style="list-style-type: none"> • All visitor spaces must be provided at ground level and in a prominent and safe location. 					
Waste Management	<ul style="list-style-type: none"> • The bins in the chute are both shown to be garbage. If the plans are amended it would be worth changing this to one garbage and one recycling bin under the chute. The commercial bins are also labelled with 5 garbage and 3 recycling which is also worth changing to reflect the 4 waste and 4 recycling listed in WMP • The truck specifications listed in the WMP are different to the specifications on the traffic plan. To be changed so that plans are consistent. • All other requirements have been met. 					
Sustainable Design	<p>1 Please find below my comments in response to the referral request for the above project. Of particular interest are:</p> <ul style="list-style-type: none"> • Green star: No commitment to certification, and only a 4 star standard • Energy: No Section J report and/or detail are provided on energy efficiency. This is of particular concern for the hotel. • Glazed façade: The project features excessive glazing with no detail of a shading strategy. • Communal area: The communal area on the podium terrace warrants a redesign to allow greater amenity for residents with winter solar access being a concern. <table border="1" data-bbox="384 1088 1445 2065"> <tr> <td data-bbox="384 1088 1445 1133"> <p>Assessment</p> </td> </tr> <tr> <td data-bbox="384 1133 1445 1429"> <p>2 The architectural drawings and Sustainable Management Plan (SMP) for the above project were reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies as well as the Fishermans Bend Strategic Framework Plan (SFP). The objective of these policies is for new development to achieve best practice in environmentally sustainable development and stormwater management, from the design stage through to construction and operation.</p> <p>Further information is needed before the project proposal could be considered to meet Council's standards for best practice. Comments on areas where improvement could be made are itemised below:</p> </td> </tr> <tr> <td data-bbox="384 1429 1445 1682"> <p>General Comments</p> <ul style="list-style-type: none"> • <u>Green Star:</u> • Certification: Achieving a Green Star certification allows the project to be publicly promoted and acknowledged for this achievement. Consider Green Star certification • Verification: If the project is not to be put forward for certification with the GBCA, consider assessment by an appropriately qualified, and experienced independent third party. </td> </tr> <tr> <td data-bbox="384 1682 1445 1823"> <p>Management</p> <p><u>Building Users Guide (BUG):</u> Consider providing the BUG electronically with other building occupant user systems. This could include utility usage, recycling options, and green travel information, including real-time public transport</p> </td> </tr> <tr> <td data-bbox="384 1823 1445 2065"> <p>Indoor Environment Quality</p> <ul style="list-style-type: none"> • <u>Dwelling ventilation:</u> Council's Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination. Standard 1 of Objective 7.4 of the SFP states residential developments should be designed to maximise cross ventilation through the provision of dual aspect dwellings which must have openable windows. Further detail is required to establish if windows allow practical natural ventilation. </td> </tr> </table>	<p>Assessment</p>	<p>2 The architectural drawings and Sustainable Management Plan (SMP) for the above project were reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies as well as the Fishermans Bend Strategic Framework Plan (SFP). The objective of these policies is for new development to achieve best practice in environmentally sustainable development and stormwater management, from the design stage through to construction and operation.</p> <p>Further information is needed before the project proposal could be considered to meet Council's standards for best practice. Comments on areas where improvement could be made are itemised below:</p>	<p>General Comments</p> <ul style="list-style-type: none"> • <u>Green Star:</u> • Certification: Achieving a Green Star certification allows the project to be publicly promoted and acknowledged for this achievement. Consider Green Star certification • Verification: If the project is not to be put forward for certification with the GBCA, consider assessment by an appropriately qualified, and experienced independent third party. 	<p>Management</p> <p><u>Building Users Guide (BUG):</u> Consider providing the BUG electronically with other building occupant user systems. This could include utility usage, recycling options, and green travel information, including real-time public transport</p>	<p>Indoor Environment Quality</p> <ul style="list-style-type: none"> • <u>Dwelling ventilation:</u> Council's Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination. Standard 1 of Objective 7.4 of the SFP states residential developments should be designed to maximise cross ventilation through the provision of dual aspect dwellings which must have openable windows. Further detail is required to establish if windows allow practical natural ventilation.
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- Operability - Window and door format and sash operation need to be clearly indicated using architectural drawings conventions. For apartments, this could be indicated on typical drawings.
- Provide windows - Provide a minimum of one operable window sash to each habitable room in addition to any glazed door. It is preferable that the window sash operation is such that it is able to be locked ajar, and that it is resistance to the admittance of rain.
- Balcony screens – Many proposed dwellings have only single-sided ventilation where natural ventilation might easily be inhibited by wind blow cigarette smoke, acoustic privacy or visual privacy incursion. To avoid this - provide dividing screens between balconies the rise full-height to the underside of the soffit over.

Daylight: Council's Best Practice Standard set a maximum habitable room depth to 8m from a window for living/kitchen in dwellings. Several apartments exceed this, which is not considered good practice and thus not supported (E.g. between grid 10-11 on apartment levels). Consider replanning affected apartments.

3. Sun access: Standard 2 of Objective 7.4 of the SFP, states all developments should maximise northern orientation. Council's Best Practice Standard Design for living areas and private open spaces are that at least 70% of apartments in a development receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.

The proposed design does not achieve this. See notes under 'communal terrace' below regarding providing sun access for residents.

4. Window performance: Council's Best Practice Standard is to reduce energy peak demand through optimising glazed areas. Increasing the thermal performance of windows will increase occupant comfort and conserve heating and cooling energy. Consider the following:

- Double glazing – Further to page 4 of the SMP, state all glazed windows and doors of habitable rooms in the building are to be double-glazed with low-e treated glass.
- Frames – Consider thermally broken frames with a low U value (conductance).

Energy

5. Active transport: Council's Best Practice Standard is to improve the efficient use of energy. Well-designed access to stairways will minimise lift usage thus saving energy, and offer benefits of increased fitness and connectivity of occupants. Consider:

- door hardware/security profiles and signage are provided to encourage stair use over lifts
- provide connectivity between commercial levels, and separately, between residential levels

6. Clothes drying: Council's Best Practice Standard is for external natural clothes drying facilities to be provided. Consider the provision of retractable or fixed clotheslines, preferably with protection from rain. Provide: 7.5 m of line in individual apartment balconies/winter gardens or within apartment utility rooms

7. Energy efficiency: Council's Best Practice Standards is to achieve an energy efficiency standard that is at least 10% above minimum NCC compliance. Objective 7.4 of the SFP is to minimise energy consumption of all new development while maintaining high levels of occupant thermal comfort. Council best practice Standard is for thermal to be a minimum of 10% higher than the legal minimum:

Section J - Provide a preliminary Section J energy rating assessment that shows how this will be achieved.



Pool heating – Consider efficient heating of the swimming pool through solar/heat pump/waste heat sources.

Residential – Further to page 4 of the SMP, clearly commit to minimum average 7 star NatHERS rating with a 5.5 star minimum rating on any individual hotel unit or apartment.

Cooling loads – The comment on the applicability of VPP 58.03 is noted. However, consider meeting the maximum cooling load of 30 MJ/M2 per annum for all apartments and hotel rooms.

Thermally insulation – Aside from apartments, provide a 15% improvement on legal minimum elemental thermal insulation provisions, and a 10% improvement on section J of the NCC through energy modelling.

8. Façade glazing: Many rooms appear to have full-height glazed walls without providing adequate measures to control solar heat loads entering the relevant room. Even high-performing glazing is likely to produce irregular, thermal comfort outcomes for occupants. Consider:

Bedrooms - increasing the proportion of the wall that is opaque, even if walls have glass cladding

9. Shading: Standard 2 of Objective 7.4 of the SFP, states all developments should provide external shading to facades to reduce summertime heat loads. Council's Best Practice Standard is for the external shading devices to be provided that allow winter sun, while blocking summer solar heat gains.

Providing effective shading of the all sun-exposed glazed façade elements

Carpark ventilation: Council's Best Practice Standard is for basement carpark to be provided that are either fully naturally ventilated, or use carbon monoxide monitoring to control the speed and operation of ventilation fans. Consider these.

10. Solar panels: Council's Best Practice Standard is to provide on-site renewable energy generation AND reduce energy peak demand through the provision of solar panels, which will reduce energy use and operating cost. Standard 5 of Objective 7.4 of the SFP states in that all developments incorporate where possible should provide solar panels and photovoltaics to reduce energy needs. Consider:

Photovoltaic – Provide a photovoltaic array to the roof areas, over roof top plant, and or façade mounted arrays.

11. Lighting Control systems – Consider expanded use of timers and movement sensors to external areas and internal areas - areas such as storerooms, corridors, and other common areas in addition to other switching.

Water

12. Separate meters: Council's Best Practice Standard is for the installation of separate water meters in individual dwellings and non-residential areas within the same development. Consider:

individual hot and cold water meter per dwelling

13. Chillers: Provide further information on:

the specification of chillers that will reduce potable water consumption by over 80%

14. Fire test water reuse: Provide further information on:

ESD report – State water reuse

Drawings - Indicate tank location and capacity on the drawings, and annotate reuse application.

Stormwater



15. Modelling tool: The nominated stormwater modelling tool (STORM) is considered more appropriate to simple, and smaller scale projects. A project of this complexity needs to consider a tool which is capable of analysing treatment trains, continuous simulation modelling such as MUSIC.

modelling file – Provide electronic file for MUSIC stormwater modelling (.sqz format) for assessment.

Maintenance manual: Provide a maintenance manual for water sensitive urban design initiatives. These must set out future operational and maintenance arrangements for all WSUD measures appropriate to a complex project of this scale, including inspection frequency, cleanout procedures and as installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into the Building Maintenance Guide.

16. Rainwater capture: Standard 2 of Objective 7.3 requires capture of runoff from 100% of the roof area and successfully retain onsite at least 50% of this volume (derived from a 5 year, 72 hour storm event). This area is to include all above ground rainfall capture areas. Indicate sufficient rainwater tank capacity to achieve this on drawings.

Capture capacity – 15,000L tank appears undersized. Provide computations indicating this capacity.

Treatment method – Detail in the SMP an appropriate treatment method for water capture and reuse in the building.

17. Third pipe - Objective 7.2 states new buildings must install a third pipe to supply non-potable uses within the development to an agreed building connection point. The relevant water authority must be consulted when designing and constructing streetscapes to facilitate cost efficient and low-disruption provision of a third-pipe network. Note third pipe connection on drawings. Note reuse connection in the SMP and on drawings.

18. Water reuse - Standard 1 of Objective 7.2 requires developments to maximise the use of alternate water sources whilst awaiting connection to a future precinct wide recycled water supply once it is available.

Reuse connection - Indicate in the SMP that rainwater and recycled water is to be connected to all the following uses: toilet flushing, washing machines, fire services, irrigation and cooling towers.

Transport

19. Bicycle parking: Consider: bicycle security – Provide CCTV monitoring of the bicycle storage area to minimise theft; electric bikes – Provide appropriate electrical charging points for electric bicycles; visitor parking - Provide bike parking adjacent to the pedestrian entry points to the building

End of trip facilities: Council’s Best Practice Standard is for the provision of sufficient end of trip facilities (showers and lockers) to be provided. Confirm these will be provided, and with access for both hotel and retail staff.

Green Travel Plan: Council’s Best Practice Standard for large developments is for a Green Travel Plan to be provided. Consider the provision of a prominent and highly accessible display board or an electronic display which will display locale specific green travel information for building users and visitors.

Urban ecology

20. Urban Heat Island Effect: Use of lighter colour roofing and/or paving can assist in alleviating the UHI Effect. Provide detail of:



	<p>Albedo - The albedo of the roofing and paving material where these will be exposed to direct sun</p> <p>21. <u>Vegetation</u>: Council's Best Practice Standard is for: existing on-site vegetation to be protected, additional vegetation to be provided that serves the amenity and environmental of the development, and for water use for landscape irrigation to be reduced through the selection of low water consuming plants. Landscape design and species selection should consider: the nature, location and type of vegetation; food production ability; indigenous species incorporation; xeriscaping and/or water efficient species choices for landscaping; the use of species that encourage biodiversity; scope of irrigation to be provided; access routes for maintenance personal</p> <p>22. <u>Irrigation</u>: Council's Best Practice Standard is for a tap for irrigation and drainage to be provided on balconies and in courtyards to allow residents the potential to garden. Note the provision of: taps and floor waste gullies to all private and common balconies, terraces and courtyards</p> <p>23. <u>Communal areas</u>: Council's Best Practice Standard is for areas for social interaction between building occupants to be provided.</p> <p>Solar access – Some apartments have poor access to winter sun. The only access to sun for these residents in the current design appears to be the Outdoor Garden, which in mid-winter will lose sun access at approximately 9:30am. Consider repositioning the pool to allow space for residents to access sun at the northern end of the podium.</p> <p>Amenity - Provision of the external terrace should allow occupants good solar access while affording shade and breeze protection</p>
<p>Urban Design</p>	<p>Urban Design has reviewed the revised plans. As the proposal sits within the approved building envelope (except for the roof plant area), the changes relevant to Urban Design are limited to changes to podium and tower facades and the ground floor and podium floor layouts.</p> <p>On balance, the proposal is an improvement on the previous scheme with a better resolved ground floor and high-quality façade design. It is supported with one condition:</p> <ul style="list-style-type: none"> • That the glass façade panelling treatment from the northern, southern and eastern facades be extended to wrap around the corners of the western façade and return at least as far as the light wells. A realistic design and portrayal of any other solid concrete wall areas proposed to the tower is required to the satisfaction of the RA. <p><u>The proposed change to the podium and tower facades due to the change in architects</u></p> <ul style="list-style-type: none"> • Tower and podium, contrast good, the faceting is interesting, the majority of the detailing seems considered. • The diamond design across the full extents of both podium sides is more interesting than the previous scheme. • The crinkled floating awning to the underside of the tower form providing shelter to communal/hotel terrace area adds interest and works nicely with the triangular pool • The ground floor awnings to Normanby Rd and Woodgate St are good, the zig-zag black stone detailing below the window line is a nice pedestrian scale touch. • There is a high degree of concern over the large diamond/triangle panels on the boundary tower façade. These are shown as 4 storey high, 13m wide concrete panels. This cannot be achieved and will result in a combination of smaller rectangular panels being used to make up the larger panel leading to a much different look than shown in the renders. This will compromise the tower architecture. A full glass façade should be provided to the boundary tower façade. • The original approved scheme had large areas of graphic patterned glass panelling to the boundary tower façade, around 40%. At a minimum the glass façade panelling treatment from the northern, southern and eastern facades must be extended to wrap



	<p>around the corners of the western façade and return at least as far as the light wells. These may be opaque spandrel panels. Anything less than this would be a worse outcome than the currently approved permit and should be refused.</p> <ul style="list-style-type: none"> • A realistic design and portrayal of any solid concrete walls to the tower is required to the satisfaction of the RA. • The integration of the rooftop plant area into the tower architecture via the continuation of the zig-zag framing above roof level is well considered. However, the height of the plant at 5.5m does seem excessive. It seems that this is mainly for the lift, which implies that there is lift access to the roof and then an overrun above that... perhaps check that this is the case? <p><u>the proposed changes to the ground floor (and podium) due to the addition of a hotel use and the refinement of building services</u></p> <ul style="list-style-type: none"> • The frontage to Normanby Road is much better considered with a single entry to access the hotel and residential apartments as well as the restaurant. • It is a shame that the frontage now includes the water and gas meter rooms as well as the fire booster cabinet, but it's reassuring to see that they are all shown in the elevations as being integrated into the glass wall system. So long as they are delivered as designed this change is supported. I'd like a permit condition to ensure this, as its at that level of detail that the building permit, building surveyors and services engineers make drastic compromises to ground floor quality. • The Woodgate Street frontage is slightly less active as the 2 dwellings with direct entry from the street have been replaced by Hotel rooms. However, the 5 hotel rooms still offer passive surveillance of Woodgate Street, so on balance this is supportable. • The podium level amenities have been enhanced to cater to the hotel and offer a wrap around rooftop deck to three sides. This is an enhancement and it is assumed that residents will also have access to the pool, not just hotel guests.
<p>1. Urban Design response to amended south side tower façade</p>	<p>On balance this is an improvement on the southern boundary.</p> <ul style="list-style-type: none"> • The proposed use of grey and integral concrete (finishes 5 and 6) is supported. • The proposed charcoal aluminium frame fixed to the exterior of the wall between the two light courts is supported, it is a good way to highlight the larger geometry and reference the geometry of the other 3 facades without requiring change to the concrete itself. <p>However there are 2 important changes that need to be incorporated in order for UDs initial concerns to be fully and adequately addressed.</p> <ul style="list-style-type: none"> • The proposed use of champagne glass spandrel panels to the boundary of the façade is good. However, the proposal to attach this to the exterior of the underlying panels is not adequate. They must be inset in line with the concrete panels surrounding them, in line with the approach to the other facades of the building. • The exposure of 30+ levels of jumpform concrete lift shaft is concerning. Lift shafts are poured roughly and not normally left exposed. A level of certainty is required for Council as to the quality of the jumpform areas to be left exposed. It is clear that they will not feature the same regular precast panel pattern as the adjacent walls. This could be as a note on diagrams TP304 and 408 and indicate the jumpform areas as being smooth (trowel smooth?) with no visible joints been jumps/pours.
<p>2. Heritage</p>	<p>No heritage issues with this one - appears to be an improved design outcome when compared to the original scheme.</p>

9.2 **External referrals**

Council is not required to externally refer Department applications.



DELWP is required to refer the application to VicRoads (Clauses 52.29 and 66.03 for land adjacent to a RDZ1) and Transport for Victoria (Clauses 52.36-1 and 66.03 for an application to construct 60 or more dwellings or residential lots).

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 Council is not required to give notice of Department applications.

DELWP is responsible for the giving of notice. Pursuant to S52.(1)(c) of the Act and Clause 3.0 of Schedule 1 to Clause 37.04 (CCZ1) and the Schedule to Clause 66.06 of the Planning Scheme, Notice of an application for the construction of a building or the construction and carrying out of works must be given to the Secretary, to the Department of Environment, Land, Water and Planning.

11. OFFICER'S ASSESSMENT

11.1 Strategic Context

Fishermans Bend Vision (September 2016)

11.1.1 The *Fishermans Bend Vision* September 2016 sets out the State Governments ambitions for the whole of the FBURA and the individual precincts.

11.1.2 The subject site is in the Montague Precinct of the FBURA. The vision for Montague is:

- A diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage, and network of gritty streets and laneways.
- A strong mixed-use focus including office and residential use and co-located community services north of the light rail line, with buildings carefully designed to achieve human scale at street level.
- Normanby Road developed as a vibrant boulevard with a cycling connection.
- A range of building types and a network of streets and lanes south of the light rail line, including retail, food and drink, and creative industry uses, and a strong pedestrian focus, with heritage and character buildings adapted to provide housing and commercial opportunities.
- Lower scale residential and commercial buildings along City Road and Boundary Street.
- Light rail and bus public transport linkages to the CBD and surrounding areas.
- A community hub including a park and school around the Buckhurst Street and Ferrars Street intersection.

Assessment

11.1.3 The proposal would provide a mix of retail, commercial (hotel) and residential uses, but would not provide any community services.



The podium design would achieve a satisfactory human scale along both streets.

The site is proximate to existing public transport including the tram stop at the corner of Woodgate and Montague Streets and buses along Montague Street and Normanby Road (south of Montague St.).

The architectural treatment of the podium and towers would be satisfactory, and arguably equal to or superior to that of the original approval.

Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016)

11.1.4 The Fishermans Bend Strategic Framework Plan (September 2016) (FBSFP) requires development on the site and surrounds to respond to the Montague neighbourhood vision to create a diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage and network of gritty streets and laneways.

The Framework Plan:

- Does not identify the subject land for a particular use.
- Notes Normanby Road as an existing main road and does not recognise Woodgate Street.

Fishermans Bend Framework - Draft for Consultation (October 2017) / Amendment GC81

11.1.5 On 21 October 2017, a draft revised Fishermans Bend Framework was released by the State Government for consultation.

11.1.6 On 31 October 2017, associated draft Planning Scheme Amendment GC81 setting out revised State and Local policy, zone, overlay and general provisions for Fishermans Bend was released for consultation.

11.1.7 The draft Framework Plan notes or proposes:

- No specific purpose for the subject site.
- The land in the Montague mixed use high intensity (core activity) precinct, with Normanby Road designated a Primary active frontage (retail) (p.47, Fig. 13).
- Normanby Road designated as an Arterial Road with future on-street cycling paths and no vehicle crossovers permitted on either side, and Woodgate Street designated as a local street, with a 22m wide extension to the north to link up with Doran Street and Normanby Road (p. 33 Fig. 6, p. 34 Fig 7, p. 35 Fig 8, p. 71 Fig 19);
- New through-block link laneways between Normanby Road and Woodgate Street to the north and south sides of the subject site, an existing off-road cycling path along the light rail embankment to the rear, and the existing tram depot at the rear designated future open space (p.34 Fig. 7, p.71 Fig. 19);
- Introduction of a Floor Area Ratio (FAR) control of 6.1:1 including a minimum commercial FAR of 1.6:1 (**Current application FAR = 23.61:1 inc. min. commercial FAR of 0.27:1; Amendment application**



FAR = 23.04:1 inc. min. commercial FAR of 5.24:1) (p.41 Fig 11).

- Introduction of a Floor Area Uplift (FAU) control requiring developments to provide affordable housing or community infrastructure or public open space (or a mix of these) in return for development exceeding the FAR (generally up to the preferred maximum height) (pp. 38-41).
- Deletion of the existing mandatory 40 storey height limit and replacement with a discretionary 20 storey height control (p.43 Fig. 12).

11.1.8 The Draft Planning Scheme provisions include:

- Municipal Strategic Statement (MSS) policy for the Fishermans Bend Urban Renewal Area Neighbourhood (clause 21.06-8).
- The site located in Montague North Sub-precinct M1 which encourages:
 - hybrid developments of mid-rise developments, perimeter blocks and tower developments; Slender towers located to minimise overshadowing impacts on the Normanby Road boulevard;
 - Provision of private and communal open space within development with good access to sunlight to provide high levels of amenity for residents and workers;
 - Activation of Normanby Road through a diversity of fine grain frontages, nominally 6-12 metres wide;
 - Activation of new north-south connections that connect to Normanby Road boulevard through a diversity of fine-grain frontages, nominally 4-8 metres wide; and Lower street wall heights along the north side of Normanby Road to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the boulevard (Clause 21.06 p.35).
- Local Planning Policy Framework (LPPF) encouragement for minimum non-residential floor area ratio of 1.6:1 (ie 1,937.6m²) (**Current permit non-residential FAR = 0.27:1 (ie 326m²); Amendment application non-residential FAR = 5.24:1 (ie 6,351m²)** (Clause 22.15 p. 1).
- LPPF encouragement of a maximum dwelling density in the Montague core area of 301 dwellings/ha (x 0.1211 ha site area = max. 36 dwellings) (**Current permit = 262 dwellings / 2,163 dwellings / ha.; Amendment application = 132 dwellings / 1,090 dwellings / ha.**) (Clause 22.15 p. 2).
- LPPF encouragement of proposals of more than 300 dwellings in Montague providing at least 25% of dwellings as three bedroom dwellings (Clause 22.15 pp. 2-3).
- A maximum floor area ratio of 6.1:1 for the Montague core area (Clause 37.04 - Schedule 1 p. 6).
- Deletion of the existing mandatory 40 storey height limit and replacement with a discretionary 20 storey height control.
- Maximum street wall (podium) height of four storeys/15.4m facing the 12m wide streets and laneways (DDO30).



- Maximum street wall (podium) height of six storeys/23m facing 22m wide streets (DDO30).
- Unspecified street wall (podium) heights facing 30m streets (DDO30);
- Mandatory minimum 3m, 6m or 9m setbacks above the street wall etc. for medium rise (up to 8 storey) buildings depending on whether elevation contains habitable room windows and/or balconies.
- Mandatory minimum 5m or 10.0m setbacks above the street wall etc. for towers up to 20 storeys depending on whether elevation contains habitable room windows and/or balconies.
- Mandatory minimum 10.0m setbacks above the street wall etc. for towers of more than 20 storey.
- Controls to prevent overshadowing of existing and proposed open space.

- 11.1.9 The draft framework and planning scheme provisions have no force or effect at this time.
- 11.1.10 Submissions regarding the draft Framework and Planning Scheme provisions closed on 15 December 2017, after which they and the Framework will be reviewed by an independent Panel sitting in March, April and May 2018.
- 11.1.11 It is estimated the new framework and controls will not be resolved or implement before circa mid-2018. It is likely the final version of the framework and controls will differ from the consultation draft.
- 11.1.12 It is noted that the deletion of the current 40 storey height limit in lieu of a discretionary 20 storey height limit and a FAR and FAU, and the proposed changes to street wall heights and mandatory tower setbacks in the draft Framework Plan and draft planning controls would significantly impact on the proposal, prohibiting all or most of the tower element, but allowing the podium to be increased to eight storeys.

Local Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area Local Planning Policy Framework (LPPF)

- 11.1.13 Clause 22.15 of the Local Planning Policy Framework (LPPF) sets out Local Policy for the Fishermans Bend Urban Renewal Area for employment and dwelling diversity.
- 11.1.14 An assessment of the proposal against the local policy is as follows:

Policy Measure	Officer Assessment
<p>Dwelling Diversity and Affordable Housing Encourage development on sites greater than 3,000m², proposing more than 300 dwellings or proposing more than 1 building, to prepare a master plan for the whole site that includes provision for:</p> <ul style="list-style-type: none"> o Publicly accessible spaces that accommodate local passive recreation that are consistent with the Open Space Key Element of the Strategic Framework Plan; 	<p>Not applicable: The site has an area of 1,211m² approx. and is proposing 132 dwellings, in one building.</p>



<ul style="list-style-type: none"> o Diversity of land uses, including non-residential floor space (see 'Employment'); o Diversity of dwelling types and sizes, including an affordable housing component; and o Diversity of built form typologies, including low and medium rise buildings. 	
Encourage all new development that proposes accommodation uses and is over 12-storeys in height should provide at least 30% of dwellings as 3-bedroom units.	Achieved: Proposal would provide 44 / 33.3% of dwellings as 3-bedroom units.
Encourage all new development that proposes accommodation uses and is over 12-storeys in height, to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.	Not achieved: No affordable housing is proposed. Note: 6% of 132 dwellings = 7 [7.92] dwellings
Employment Encourage all development to provide opportunities for street level home occupation and non-residential use.	Achieved: Ground floor street level retail is proposed facing Normanby Road.
Encourage all development over 40 metres in height within the Montague neighbourhood to provide a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area.	Achieved: Proposed 6,351m ² (Retail 336m ² , Hotel 6,015m ²) non-residential floor space = 21.55% of 27,906m ² total habitable gross floor area. Note: 15% = 4,185.9m ² .
Encourage all development on sites along Normanby Road, Williamstown Road, Fennell Street, Plummer Street, Buckhurst Street, Ingles Street, Montague Street and Salmon Street should provide non-residential uses along at least 60% of the ground level street frontage.	Achieved: The retail (non-residential) tenancy would extend across 60% of the Normanby Road ground floor level street frontage.

11.2 Building Height and Setbacks

Podium

- 11.2.1 Schedule 30 to the DDO limits podium street wall height to 20m or five storeys, whichever is the lesser.
- 11.2.2 Objective 3.1, Standard 2 of the SFP Design Guidance (Sep 2016) encourages a degree of parapet / wall height variation along streets, especially on large sites, albeit generally no lower than four storeys.

Assessment

- 11.2.3 The 18.38m / five-storey height of the podium facing Normanby Road would not exceed the present day permissible maximum height of the DDO, and would be satisfactory.
- 11.2.4 The 21.88m / six-storey height of the podium facing Woodgate would exceed the present day permissible maximum height of the DDO, but would be satisfactory because it would be less than the seven-storey / 22.48m height of the existing approved podium facing Woodgate Street.
- 11.2.5 VCAT decisions support an approved non-compliance with a present-day planning control being carried over and/or altered in an amended proposal. Amending the podium height as proposed would reduce its



height facing Woodgate Street by one storey and 0.92m, which would slightly reduce the podiums scale and bulk, and would be satisfactory.

Tower

- 11.2.6 Schedule 30 to the DDO limits the overall height of the building to 40 storeys.
- 11.2.7 The 40-storey height of the tower, with building services above, would comply with the height limit.
- 11.2.8 It is noted the metal exoskeleton of the tower is continued as an open frame above the rooftop level and around the rooftop building plant and equipment. This frame would be unroofed and would not constitute an additional storey, and would fall within the ambit of architectural feature.

Setbacks:

Podium

- 11.2.9 Schedule 30 to the DDO does not specify a minimum setback for podium street walls (or side or rear boundaries), or define street wall, although it is generally accepted that street wall refers to a wall built to or very close to a street boundary.
- 11.2.10 The podium is proposed to be constructed to the front and rear and both side boundaries.

Assessment

- 11.2.11 The zero setbacks from Normanby Road and Woodgate Street would be consistent with the street wall typology of the Fishermans Bend Strategic Framework Plan Design Guidance and would be satisfactory.

Tower

- 11.2.12 Schedule 30 to the DDO specifies a minimum tower setback of 10.0m from streets, and side boundaries.
- 11.2.13 The tower is proposed to be setback a minimum of 5.5m from Normanby Road, 6.0m from Woodgate Street, 5.0m from the northerly side boundary, and 0.0 from the southerly side boundary.
- 11.2.14 The amended plans propose to increase the footprint of the tower towards Normanby Road and Woodgate Street and the northerly side boundary by building out to the balcony line of the current approval, and redesigning balconies to be recessed rather than projecting.
- 11.2.15 These changes would enlarge the tower 2.0m length towards Normanby Road, 1.5m length towards Woodgate Street, and varying minor depths, generally in the order of approx. 0.3m to 0.5m towards the northerly side.

Assessment

- 11.2.16 The changes to the tower design would not increase the overall footprint of the existing approved tower and balconies, and is considered satisfactory.



11.3 Dwelling Layout, Amenity and Diversity.

- 11.3.1 Clause 58 does not apply because the original application was lodged on 03 January 2014, prior to the approval of Amendment VC136 on 13 April 2017.
- 11.3.2 Notwithstanding this, the applicants have prepared dwelling plans to address the standards of Clause 58.
- 11.3.3 With the exception of corner dwellings, all of the apartments and hotel rooms would be single aspect and would mostly face north; only a small number would face east or west. No dwellings would face south because of the solid wall along this side boundary.
- 11.3.4 Typical dwelling gross floor areas and terrace open space areas are:
- One bedroom: 50.17m² floor area + 9.66m² open space;
 - Two bedroom: 72.5m² floor area + 8.74m² open space; and
 - Three bedroom: 83.01m² floor area + 13.19m².
- 11.3.5 Council's Sustainable Design Officer raised concerns with the need for the dwellings to incorporate operable windows to provide natural cross-ventilation, energy efficient glazing, satisfactory orientation to receive direct winter sunlight, shading of windows to manage summer heat gain, and general concerns regards energy and water efficiency.

Assessment

- 11.3.6 The dwelling gross floor areas, internal layouts, living room, bedroom and open space dimensions, would meet the minimum requirements of Clause 58 and would be generally satisfactory.
- 11.3.7 Dwelling depths would be less than 8.0m and satisfactory, except for Dwelling 2B on levels 18 upwards which would have a depth of approx.. 10.0m. A variation is supported because the apartments would be northerly facing and would have a high level of glazing overall.
- 11.3.8 The podium and tower hotel rooms and dwellings would all have external windows, albeit some setback approx. 1.0m to 2.0m behind open space balconies. The plans, however, including the Clause 58 detail drawings lack details of window and door locations and types and operable sashes, and glazing specification.
- 11.3.9 Operable windows and energy efficient glazing should be provided to all hotel rooms and dwellings and to the ground level lobbies and common corridors for light and ventilation.
- 11.3.10w These matters could be provided for by conditions.

11.4 Noise

- 11.4.1 Condition 18 of the permit required the original development to achieve an internal maximum noise level of 45dB(A)Leq. The condition did not distinguish between living areas and bedrooms.

Applicant's Submission



- 11.4.2 The amendment application included an Acoustic Assessment for the new design.
- 11.4.3 The report noted the primary sources of noise to the site were traffic on Normanby Road and the Westgate freeway and the trams to the rear.
- 11.4.4 The report referred to the noise level requirement of Condition 18 and concluded that subject to glazing and wall construction specification and sealing, the building could achieve the specified noise level.

Assessment

- 11.4.5 The subject site abuts Normanby Road, is proximate to a number of commercial and/or industrial uses, and is approximately 12m west of the tramway, and 140m south of the West Gate Freeway.
- 11.4.6 In August 2017, the Department of Environment, Land, Water and Planning (DELWP) issued Planning Practice Note 83: Assessing External Noise Impacts for Apartments.
- 11.4.7 The Practice Note recommends noise attenuation levels for dwellings of:
 - Bedrooms: Not greater than 35dB(A) LA_{eq}, 8hr (10pm to 6.00am);
 - Living areas: Not greater than 40dB(A) LA_{eq}, 16hr (6.00am to 10pm);
 for properties:
 - Within 300m from an Industrial 1, 2 or 3 Zone (the site is within 128m of an Industrial 1 Zone across the freeway); and/or
 - Within 300m of a freeway or other road carrying 40,000 annual average daily traffic volume (The site is 56m to 146m from the freeway).
- 11.4.8 The proximity of the site to external noise from existing and future traffic and industry justifies the development meeting the more stringent standards set out in the Practice Note, rather than the lesser standard set out in Condition 18 of the existing permit.
- 11.4.9 Condition 18 should be amended to require the present day recommended noise levels.

11.5 **Transport and parking**

Car Parking

Parking Overlay

- 11.5.1 The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum car parking rates as follows:

REQUIREMENT:	COMPLIANCE:
Car parking provision	
<p><u>Dwelling</u>: Maximum 1 space per dwelling x 132 dwellings = 132 spaces. (Clause 45.09 - Parking Overlay)</p>	<p>Complies in part - condition required: 119 spaces are proposed for the 132 dwellings, which equates to 0.90 spaces/dwelling.</p> <p>The gross number of resident and visitor spaces would not exceed the Parking Overlay maximum of one space per dwelling, but would exceed the FBSFP target rate of 0.5 spaces per dwelling. The number of dwelling car spaces should be reduced to or close to the 0.5 target rate.</p>

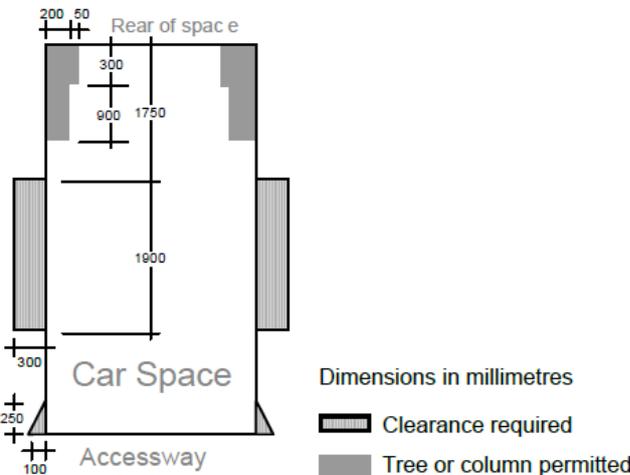


	<p>The application plans do not fully detail car park allocation to the dwellings. This could be provided for by a condition of any approval that may issue for the proposal.</p> <p>New dwellings would not be eligible for resident or visitor parking permits to park in existing or future permit zone on-street spaces on Council roads.</p>
<p>Retail premises: Maximum 1 space per 100m² of gross floor area x 336m² = 3 spaces. (Clause 45.09 - Parking Overlay)</p>	<p>Complies: Nil spaces are proposed for the retail premises, which would not exceed the gross maximum.</p>
<p>Hotel: No car parking rate specified - 211 rooms (Clause 45.09 - Parking Overlay; Clause 52.06 - Car Parking)</p>	<p>Complies: Twenty-five (25) spaces proposed = 0.12 space/room.</p>
<p>Motorcycle parking</p>	
<p>Dwelling: At least one space per 100 car parking spaces x 119 spaces = 1 (1.19) space.</p>	<p>Achieved: The plans show 7 motorcycle / scooter spaces Note: the Parking Overlay specifies a minimum rather than a maximum number of motorcycle parking spaces.</p>

Design Standards for Car Parking

11.5.2 Car parking should meet the dimensions and design requirements of Clause 52.06-8. An assessment of the application against the standards is as follows:

Design Standard 1: Accessways:	
Minimum of 3m wide	Achieved
Internal radius of at least 4m at changes of direction or intersection or be >4.2m wide	Achieved
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre	Not applicable: parking would be by mechanical system
Provide Min. 2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8m.	Achieved (Note: applicable to ground floor level only)
If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction.	Achieved: Car lifts incorporate turntables
Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone.	Achieved
Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent landscaped areas provided the landscaping is less than 900mm in height.	Not achieved: Condition required

<p>If access to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway.</p>	<p>Not applicable</p>																										
<p>Design Standard 2: Car parking Spaces</p>																											
<p>Table 2: Minimum dimensions of car parks and accessways</p> <table border="1" data-bbox="178 533 1018 824"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Access way width</th> <th>Car park width</th> <th>Car park length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td rowspan="3">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> </tbody> </table>	Angle of car parking spaces to access way	Access way width	Car park width	Car park length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	<p>Not applicable: Fully mechanical parking proposed</p>
Angle of car parking spaces to access way	Access way width	Car park width	Car park length																								
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	5.8 m	2.8 m	4.9 m																								
	5.2 m	3.0 m	4.9 m																								
<p>Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport.</p>	<p>Not applicable</p>																										
<p>Diagram 1 Clearance to car parking spaces</p>  <p>Dimensions in millimetres</p> <ul style="list-style-type: none"> Clearance required Tree or column permitted 	<p>Not applicable: Fully mechanical parking proposed</p>																										
<p>Design Standard 3: Gradients</p>																											
<p>Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p>	<p>Not applicable: Fully mechanical parking accessed via car lifts proposed</p>																										



Type of car park	Length of ramp	Maximum grade		
Public car parks	20 metres or less	1:5 (20%)	Not applicable: Fully mechanical parking accessed via car lifts proposed	
	longer than 20 metres	1:6 (16.7%)		
Private or residential car parks	20 metres or less	1:4 (25%)		
	longer than 20 metres	1:5 (20%)		
Where the difference in grade between two sections of ramp or floor is greater than 1:8(12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.				
Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.				
Design Standard 4: Mechanical Parking:				
At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m.				Achieved: 50% of spaces would have a height clearance of 1.85m
Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.				Achieved: Hotel visitor parking would be by valet
Design Standard 5: Urban Design				
Ground level parking, garage doors & accessways should not visually dominate public space.			Achieved: Ground level car park entry would not dominate Woodgate Street elevation.	
Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.			Achieved - Car park would be sleeved by dwellings or enclosed by solid walls.	
Design of car parks should take into account their use as entry points to the site.			Achieved	
Design Standard 6: Safety				
Car parking should be well lit & clearly signed.			Refer Building Regs	
The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.			Not applicable - The car park would be fully mechanical and internal	
Pedestrian access to car parking areas from the street should be convenient.			Not applicable: Fully mechanical system requires users to leave / access their vehicle in car lift	
Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas.			Not applicable	
Design Standard 7: Landscaping:				
The layout of parking areas should provide for water sensitive urban design treatment & landscaping.			Not applicable	



Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths.	Not applicable
Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	Not applicable

11.5.3 Car parking is proposed to be provided by a fully automatic shuffle system over six levels, accessed via two car lifts at ground floor level, accessed off Woodgate Street.

Users would drive their cars into the car lifts in a forward direction, and then leave the vehicle. Turntables in the car lifts would then turn the car, before lifting it and depositing it in an available space on any of the shuffle systems on the six car park levels.

Users would collect vehicles by electronic request; the mechanical system would then deposit the requested vehicle to the ground level of the car lift, in a forward-facing direction, for collection by the residents waiting in the designated waiting area off the lobby.

The two car lifts and stacker system are jointly capable of up to 48 vehicle movements per hour (ie typical duration of 2.5 minutes per vehicle deposit or retrieval).

11.5.4 Council's Traffic Engineers raised concerns regarding:

- The need for an action plan for when scheduled maintenance occurs or the lifts are temporarily unavailable;
- The 0.9 spaces/dwelling rate of resident car parking spaces exceeding the FBURA 0.5 space/dwelling target rate;
- Lack of full pedestrian sight triangles at the exit to Woodgate Street; a variation was however supported.

Assessment

11.5.5 The pair of car lifts provides a back-up where if one were to fail or require maintenance, the other would still be available to provide a reduced level of service. A condition of any permit could require the applicant to prepare a management plan for the mechanical parking system.

11.5.6 Council and DELWP officers agree the proposed 0.9 car spaces / dwelling rate for the dwellings would be excessive. In response to these concerns, the applicants advised they were prepared to reduce the car parking rate to 0.8/dwelling.

This is still considered too high. The rate should be further reduced to, or very close to 0.5/dwelling.

11.5.7 The variation to not require a full pedestrian sightline at the car park exit to Woodgate Street is not supported. The long-term ambition for Woodgate Street is to extend it to the north to link up with Doran Street and/or Normanby Road, and activate building frontages along its length, which will necessitate the provision of footpath(s).

These changes will increase the need for full pedestrian sightlines at all vehicle crossings. This could be provided for by a condition.



11.5.8 A canopy with an underside clearance of 5.24m is proposed to extend 2.1m over Woodgate Street at the rear. This would exceed Council's requirement for a minimum underside clearance of 4.5m and would be satisfactory.

11.6 Vehicle Crossings

11.6.1 It is proposed to remove the existing vehicle crossing off Normanby Road.

A new at-grade crossing would be required off Woodgate Street.

Assessment

11.6.2 The removal of the Normanby Road crossing and the new crossing off Woodgate Street would be satisfactory subject to conditions for making good the kerb and channel and footpath, and construction of the new crossing to Council's standards.

11.7 Bicycle Facilities

11.7.1 Clauses 52.34-1 and 52.34-3 of the Planning Scheme requires bicycle parking and facilities as follows:

Use, and Bicycle parking rate	No. dwellings / rooms / floor area	No. of spaces / facilities required	No. of spaces proposed
Dwellings (in developments of four or more storeys) must provide: - One (1) employee/resident bicycle space / 5 dwellings; - One (1) visitor bicycle space / 10 dwellings	132 dwellings	39 26 (26.4) resident; 13 (13.2) visitor	156 (no details of allocation)
Shop requires: - 1 employee/resident space per 600m ² of leasable floor area if the leasable floor area exceeds 1,000m ² . - 1 visitor/shopper space per 500m ² of leasable floor area if the leasable floor area exceeds 1,000m ² .	336m ² floor area	Nil Nil	Nil Nil
Residential building inc. Residential hotel (in developments of four or more storeys) must provide: - One (1) employee/resident bicycle space / 10 lodging rooms; - One (1) visitor bicycle space / 10 lodging rooms; If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower/change room to each shower	211 rooms	42 21 (21.1) resident; 21 (21.1) visitor Three shower, or combined shower/change rooms	42 (no details of allocation) Three shower and change rooms are proposed in Building
Totals		81 (47 resident / employee & 34 visitor) spaces	198 (no details of allocation)

Assessment

11.7.2 The gross number of bicycle parking spaces for the dwellings and shops and visitors would exceed the minimum number of spaces required, and the one space per dwelling rate recommended in the Fishermans Bend Strategic Framework Plan and would be satisfactory.

11.7.3 Council's Traffic engineers raised concerns regarding:

- Bicycle parking located at Levels 3 to 5, requiring access via elevators, rather than at ground / lower levels.

Bicycle parking in multi-storey buildings should be located at lower levels. The ground floor design is not capable of being revised to accommodate all the proposed number of bicycle parking spaces, but could and should be modified to provide the dwelling visitor parking spaces. The first, second floors and third floor levels have the potential to, and should be modified to delete the rear most row(s) of car parking to provide revised / relocated bicycle parking at these lower levels.

The plans should also be altered to delineate all resident/employee and visitor bicycle parking spaces.

These matters could be provided for by conditions.

11.7.4 In response to Council and DELWP traffic concerns, the applicant prepared amended plans and a written response which:

- Proposed a reduction in the car parking rate from 0.9 spaces/dwelling to 0.79 spaces/dwelling;
- Amended the ground floor plan to widen the door between the car park and loading bay and the lift/stair lobby to allow for furniture moving, provide pedestrian sightlines to the Woodgate Street car park entry/exit, and provide eight visitor bicycle parking spaces on the Normanby Road footpath (additional to the 34 visitor spaces already proposed on-site);
- Amended the Level 3, 4 and 5 plans to delineate hotel, dwelling visitor and visitor bicycle parking and vertical and horizontal bike racks;
- Provided a break-down of hotel visitor (21), hotel staff (21), resident visitor (13), and resident (143) bicycle parking spaces.

11.7.5 The amended plans and further information address Council's concerns with the exception of relocating the visitor bicycle parking to ground level and the bicycle parking in general to lower levels and reducing the car parking rate to 0.5 or close to 0.5 spaces / dwelling.

11.7.6 The applicants have argued that relocating the bicycle parking to lower levels would not achieve a material difference to accessibility because due to the narrowness of the site and the proposal being an adaptation of an existing approval, access to the bicycle spaces would still be by lift regardless of which level they were on. They have further argued the 0.79 space / dwelling car parking rate would be consistent with recent VCAT permits for tower proposals along Normanby Road.

11.7.7 The applicant's arguments regard the location of the bicycle parking is accepted, subject to the provision of the additional visitor spaces at ground level on Normanby Road.

The applicant's argument regards the car parking rate is not accepted because the relevant measure is the overall framework plan objective for Fishermans Bend rather than other permit approvals. Irrespective of this, the current proposal provides car parking at a rate of 0.66 spaces / dwelling. The amended plans should provide no more than 0.66 spaces / dwelling.

These matters could be provided for by conditions.

11.8 **Loading / Waste Management**

Loading

- 11.8.1 On 16 January 2018, Amendment VC142 deleted Clause 52.07 for the loading and unloading of vehicles and updated Clause 65.01 (decision guidelines) to include a requirement to consider loading and unloading facilities and any associated amenity, traffic flow and road safety impacts are considered (ie no permit trigger but a planning consideration) as follows:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

.....

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

- 11.8.2 Council's Traffic Engineers raised concerns regarding:

- Below standard swept path access for trucks using the loading bay;
- Lack of convenient access between the loading bay and the residential lobby for moving furniture etc.;
- Potential conflict between resident/visitor vehicles and loading vehicles;

Assessment

- 11.8.3 The recently amended planning scheme provision does not provide any guidance as to what might constitute adequate loading, amenity etc. The previous Clause 57 provisions set out minimum loading bay and access dimensions of 3.6m (w) x 7.6m (l) x 4.0m (h), accessed off a driveway of at least 3.6m width and 6.0m internal radius.

The plans propose a loading bay of 4.5m (w) x 9.5m (l) x approx. 5.0m (h). These dimensions would be satisfactory.

- 11.8.4 The truck swept paths onto Woodgate Street are considered satisfactory because:

- Whilst they would result in the loss of two parking spaces on Woodgate Street, this would be balanced by the gain of two spaces on Normanby Road because of the removal of the existing vehicle crossing;
- As per above, the design of Woodgate Street is proposed to change in the long-term; this will include changes to the design and number of on-street car parking spaces;
- The current scrap metal dealer use of the subject site has informally located several skips and trucks etc. in Woodgate Street north of the subject site. Removal of these would provide space for more than two new on-street parking spaces to compensate for the two that would be lost.

- 11.8.5 The lack of convenient access for large items between the loading bay and the lift lobby needs to be resolved by provision of a new or wider door between the lobby and the back-of-house area. This could be provided for by a condition.



- 11.8.6 The separation between the loading bay and the car swept paths is considered satisfactory, noting also that most loading would occur at off-peak times.

Waste Management

- 11.8.7 Conditions 34 and 35 of the original permit related to waste management, including a requirement that waste storage and collection arrangements be generally in accordance with the Waste Management Plan (WMP) dated 30 September 2013 submitted with the application. This WMP is no longer relevant.
- 11.8.8 A new WMP was submitted with the amendment application. It proposes:
- Waste shall be stored within the development (hidden from external view).
 - Users and staff shall sort their waste and dispose garbage and recyclables via chutes and/or directly into collection bins (hotel staff shall transfer waste on behalf of the guests).
 - Waste shall be collected within the onsite Loading Bay. The collection contractor shall transfer bins between the Bin Stores and the waste truck.
 - A private contractor shall provide waste collection services.

Assessment

- 11.8.9 Council's Waste Management Section raised several concerns (Refer Section 7.3 of this report).
- 11.8.10 The amended plans and Condition 34 of the permit should be amended to delete all reference to the 2013 WMP, and require amendment of the current WMP to address Council's concerns.

11.9 Shadow Impacts

- 11.9.1 The subject site is in a former industrial area, now transitioning to multi-storey mixed use.
- 11.9.2 The building envelope and thus the shadow impacts of the amended proposal would be almost identical to the existing approved plans.

Assessment

- 11.9.3 The fractionally lower overall building height would result in a fractionally smaller overall shadow impact and would be satisfactory compared to the existing approval.

11.10 Wind Impacts

Condition 17 of the existing permit requires an amended wind report if the building is substantially redesigned.

A Pedestrian Level Wind Tunnel Test report was lodged with the application.

The assessment concluded:

- The proposed design would satisfy the criterion for safety in the surrounding pedestrian areas;



- The proposed design would satisfy the criterion for standing at the building entrance areas;
- The proposed design would satisfy the criterion for walking along most of the surrounding footpaths with the exception of the northwest and southwest (Normanby Road) corners. The criterion would be met at these corners if podiums of equivalent height were constructed on the adjacent sites.
- The proposed design would satisfy the criterion for walking in the podium terrace areas, and would satisfy the criterion for standing to sitting in most of the podium terrace areas.

Assessment:

Footpaths: The detailed assessment noted the proposal would not meet the walking criterion along Woodgate Street as well as at the Normanby Road building corners.

The building design needs to be revised and retested to achieve the walking standard along the length of the Normanby Road and Woodgate Street footpath / pedestrian abuttal's, noting there is no certainty as to if and when an equivalent height podium which would ameliorate the street level wind conditions might be built on the adjacent sites. The redesign should meet Objective 4.2, Standard 2 of the FBSFP Design Guidance which states (with regard to wind impacts on streets) *'The addition of protective screens and other incidental add-ons to buildings and landscaping within open spaces are not acceptable design responses to wind mitigation'*.

Podium Terraces: The achievement of the standing criterion only for the apartment and hotel shared terraces is not supported.

Objective 4.2, Standard 3 of the FBSFP Design Guidance states *'Podiums and rooftops used for communal open spaces must be fit for purpose and similarly designed to mitigate against wind conditions'*.

The wind report notes *'...meeting the walking criterion on elevated recreation areas will be no guarantee that occupants will find wind conditions in these areas acceptable at all times.'*

The building design needs to be revised and retested to confirm these areas can achieve the sitting criterion in all areas so as to be fit for purpose.

These matters could be provided for by a condition requiring a further wind assessment be carried out to confirm the footpaths and podium terraces meet the walking and sitting criteria respectively (Refer draft revised Condition 17).

11.11 **Sustainable Design and Water Sensitive Urban Design**

Condition 22 of the existing permit requires the development to comply with the Sustainable Management Plan (SMP) submitted with the original application circa 01 October 2013. This plan is no longer relevant.

A new SMP including a Water Sensitive Urban Design (WSUD) Report was provided with the amendment application.

The SMP notes the key ESD initiatives of the project as:

- An improved ESD outcome compared to the 2013 SMP;



- A benchmark 4 Star rating using the Green Star Design & As Built v1.2 tool to assess the overall ESD features of the building;
- The building fabric to achieve weighted average energy score of 7.0 Stars, including use of high performance double glazing and low-e windows.
- A STORM rating of 105%, using a 15,000L rainwater tanks(s) to capture the entire roof area and communal open terrace, and serve the ground floor communal amenities and lower level hotel suites, landscape irrigation of planter boxes, and swimming pool top-up.
- Compliance with the sustainability requirements of Clause 58 (Better Apartments) of the planning Scheme;
- Compliance with Council's Local Planning Policy Framework (LPPF) clause 22.12 *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.13 *Environmentally Sustainable Development*.

Assessment

Council's Sustainable Design staff reviewed the new SMP and raised a number of concerns (Refer Section 9 of this report), particularly regarding the generality of the proposed sustainability measures versus a clear commitment to a particular level of performance.

Condition 22 of the permit should be amended to delete reference to the 2013 SMP and require an amended SMP and a new condition included requiring a WSUD response to address Council's concerns.

11.12 **Public Open Space**

No public open space was provided in the original design, and none is proposed in the amended design.

Public open space for the proposal would be best provided by an 8% cash contribution in accordance with the Planning Scheme, which could then be used to purchase or develop land identified in the Fishermans Bend Strategic Framework Plan as open space area.

11.13 **Landscaping**

The existing plans and the amended proposal cover the whole of the site and leave no space for landscaping at ground level.

Some landscaping of the podium roof top is proposed in the existing plans and the amended proposal.

Conditions 42 and 43 of the existing permit require a landscape plan and the consent of Council to lop, prune or remove any street tree nearby.

Assessment

Landscaping at ground level is not characteristic of the site or surrounds or a key objective or criteria of the Framework Plan for the property.

The landscaping of the podium level would provide visual and practical amenity for occupants of the building and would soften the appearance of the building to the street.

It is considered the level of landscaping and Conditions 42 and 43 of the permit would be satisfactory.



11.14 Community Facilities

No community facilities were proposed as part of the original (current) permit, and none are proposed as part of the amended proposal.

Based on the location of the site, and the nature, design and density of the development, Officers do not encourage accommodating any community infrastructure in the development.

The proposal would best provide for community infrastructure by a cash development contribution.

11.15 Development Contributions

Condition 19 of the existing permit requires the applicant to enter into a Section 173 Agreement to pay a development contribution, with 10% of the payment due at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).

11.16 Environmental Audit

Condition 21 of the existing permit requires the applicant to obtain either a Certificate or Statement of Environmental Audit before the development starts.

This satisfies Clause 6 of the Schedule to the Capital City Zone which states:

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;

- *A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.*

11.17 Melbourne Water Floor Levels

Conditions 9 to 15 inclusive of the existing permit set out Melbourne Water's requirements for flood and sea level rise mitigation.

Conditions 10 and 11 of the existing permit require the ground floor lobbies, lift lobbies, car park and car lifts, and services including the switch room and substation and the service rooms to be constructed with finished floor levels of at least 3.0m AHD, except with the consent of Melbourne Water.

Condition 12 requires the retail tenancy to have a finished floor level of at least 2.4m AHD.

The amended plans seek to amend Conditions 10 and 11 to reduce the ground floor level car park and service area floor levels from 3.0m AHD to a minimum of 2.0m AHD and add a floodgate at the Woodgate Street car park entry. The change is sought to enable a 4.5m height clearance for delivery, service and waste collection vehicles using the loading bay.

Melbourne Water is the relevant floodplain manager for the site and have advised in writing that they consent to the reduced floor levels, and to the use of a manual floodgate.



Assessment

The proposed reduction in floor level for the car park would be satisfactory because it would be protected by the proposed floodgate.

The resultant provision of 4.5m height clearance above the car park and loading bay would allow a range of delivery and collection vehicles to access the site.

No objection is raised to the proposed changes.

11.18 **Heritage, including demolition**

The buildings on the land are not graded in Council's Heritage Review. No objection is raised to the demolition of the buildings.

11.19 **Urban Design**

Council's urban design team advised that on balance, the proposal would be an improvement on the previous scheme with a better resolved ground floor and high-quality façade design.

They did however question:

- The buildability and quality of the south side tower façade treatment of broad concrete panels making up a large diamond / triangle pattern, and recommended an alternative full glass façade, returning at least as far as the two vertical light wells.
- The 5.5m height of the zig-zag framing above roof level.
- The siting of the water and gas meter rooms and fire booster cabinet in the front façade.

In response to these concerns, the applicants prepared draft amended plans which:

- Changed the tower south side wall materials and finishes to include the Normanby Road and Woodgate Street glazing returned (applied to the concrete panels) in part back to the vertical light wells as requested; and
- Clarified that the centre section of the south side wall would be patterned jump-form concrete.

Council's Urban Designer supported the changes subject to:

- The spandrel glazing inset to sit flush in the concrete panels rather than attached externally (to be consistent with the other facades of the building); and
- The jumpform concrete section of the south side wall to incorporate a smooth finish with no visible joints.

These matters and a requirement that the water and gas meter rooms and fire booster cabinet in the front façade are all shown as being integrated into the glass wall system could be provided for by Conditions of any approval that may issue.

11.20 **Permit Amendments**

11.20.1 The application seeks to amend the permit preamble and the preamble of Condition 1 (Amended plans) and Conditions 1(g) (Wind impacts), 4 (Façade Strategy), 22 (Sustainable Design) and 34 (Waste Management) and delete conditions 1(i) (Borrowed light) and 32 (Car park signage and ramps) of the existing permit to delete references to the original proposal, architects and consultant / reports and/or



redundant conditions, and update to refer to the current proposal, architects and consultant / reports (as applicable).

Assessment

11.20.2 Officer assessment of the existing permit and conditions is:

- Additional conditions (Nos. 6 [On-going engagement of architect], 23 [Traffic Report], 27 [Car park design]) need deletion or revision of references to the original proposal, architects and consultant / reports; and
- The balance of Condition 1 (Amended plans) and conditions 17 (Amended wind report), 18 (Noise attenuation), and 31 (Bicycle parking) need revision or replacement to respond to present day planning scheme provisions and/or site conditions.
- Condition 20 (Construction management plan) is inconsistent with Council's practices and protocols and needs to be deleted.

Permit Preamble

11.20.3 The preamble of the existing permit reads as follows:

Demolition of the existing building and construction of a multi-story mixed-used building comprising residential apartments, use of the land for dwellings and alteration of access to a road in a Road Zone - Category 1 generally in accordance with the endorsed plans.

The preamble needs to be revised to reflect the proposed use of part of the land for a residential hotel, and the change in planning controls since the grant of the original permit to introduce the Design and Development Overlay.

The application proposes to change the preamble to add reference to use for a residential hotel so it would read as follows (changes emphasised):

Demolition of the existing building and construction of a multi-story mixed-used building comprising residential apartments and a residential hotel, use of the land for ~~dwellings~~ accommodation and alteration of access to a road in a Road Zone - Category 1 generally in accordance with the endorsed plans.

The addition of the reference to residential hotel would be satisfactory, but the deletion of 'dwelling' in lieu of 'accommodation' is not supported because the umbrella term would allow a broad range of residential uses including serviced apartments, backpackers etc. A more qualified change which noted the use of the building for dwelling and residential hotel is recommended. The proposed changes also do not address the change in planning controls. A suggested alternative revised wording addressing these matters is:

Demolish the existing buildings, construct a multi-storey mixed-use building, construct and carry out works, and use land for Accommodation (Dwelling and Residential hotel) in the Capital City Zone.

Construct a multi-storey mixed-use building and construct and carry out works in the Design and Development Overlay.

Alter access to a road in a Road Zone Category 1.



Permit Conditions

11.20.4 Conditions 1 (Amended plans), 4 (Façade Strategy), 6 (On-going engagement of architect), 17 (Wind report), 22 (Sustainable design), 23 (Traffic management), 27 (Car park design), 32 (Car park ramp), and 34 (Waste management) of the existing permit include references to the design and/or plans and/or architects and/or associated consultant reports for the current approved permit.

The first notation on the existing permit refers to the Metropolitan Planning Authority as being the responsible authority for the permit.

These references are redundant and should be deleted or amended to refer to the current plans, architects or consultants as applicable.

In particular, Condition 1 (Amended plans) requires substantial revision to address Council concerns with the amended plans.

Draft revised conditions setting out recommended changes for these matters are included as an Attachment to this report.

Condition 1 - Amended Plans

11.20.5 Conditions 1(a) to (l) set out changes required to the original application plans before they could be endorsed.

11.20.6 Plans incorporating the required changes were endorsed by the Minister on 23 February 2016. Accordingly, the condition is discharged and is redundant.

11.20.7 Officer assessment of the amended plans is that a number of changes are required to achieve a satisfactory outcome. A draft revised condition 1 setting out recommended changes is included in the Attachment to this report.

Condition 18 - Noise Attenuation

11.20.8 As per assessment at Section 8.4 of this report, the noise standard set out in the existing Condition 18 does not meet present day standards for attenuation of noise near main roads, the adjacent tram line and nearby land uses.

Condition 18 should be amended to require noise attenuation levels consistent with present day standards, and two additional conditions should be added to the permit to require testing and verification of achievement of the required noise levels.

These recommended changes are included in the draft revised conditions attachment to this report.

Condition 20 - Construction Management Plan

11.20.9 Condition 20 of the existing permit requires the applicant to prepare a Construction Management Plan to the satisfaction of Council. This is inconsistent with Council's procedures and requirements for management of construction sites, which are administered through Council's City Permits Division, rather than Town Planning.



Condition 20 should be deleted. A notation advising of Council's requirements could be added in lieu of the deleted condition as follows:

Construction Management Plan

Before the development starts, a Construction Management Plan in accordance with Council's Local Law, must be submitted to and approved by Council.

12 COVENANTS

A review of the supplied Title for the subject land, being all that land in Certificate of Title Volume 09433 Folio 991, commonly known as Plan of Subdivision TP777865M and TP270908W, is not encumbered by a restrictive covenant, Section 173 agreement or other obligation such as an easement or building envelope.

It is noted both plans of subdivision are encumbered with party wall easements in favour of the adjacent lots to the north and south sides, and caveats.

These do not prohibit the proposal. The amendment or removal of these are civil matters that would typically be resolved via a plan of subdivision at the time of development.

13 OFFICER DIRECT OR INDIRECT INTEREST

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

14 OPTIONS

- 14.1 Approve as recommended
- 14.2 Approve with changed or additional conditions
- 14.3 Refuse - on key issues

15 CONCLUSION

- 15.1 The proposed retail, hotel and dwelling uses and overall building height would be consistent with the draft Framework and Planning Scheme provisions, but the deletion of the current 40 storey height limit in lieu of a discretionary 20 storey height limit and a FAR and FAU, and the proposed changes to street wall heights and mandatory tower setbacks in the draft Framework Plan and draft planning controls would significantly impact on the proposal, prohibiting all or most of the tower element, but allowing the podium to be increased to eight storeys.
- 15.2 The proposal was internally referred and officers raised concerns including car park detail design, car lift contingency provisions, bicycle parking location and accessibility, loading bay access and design, waste management detail design, non-compliance with Local Policy for allocation of affordable housing to a registered housing association or provider, sustainable design detail including excessive glazing without shading to control solar heat gain and loss, natural light and ventilation to dwellings and hotel rooms.
- 15.3 The living room, bedroom and open space dimensions of the dwellings would meet or exceed the minimum requirements of Clause 58.



- 15.4 The proposal would comply with local policy for diversity of dwelling types and sizes, but would not comply with local policy to allocate affordable housing, and would fall short of planning scheme and/or benchmark standards including for bicycle parking, sustainable and water sensitive urban design, wind impacts, and noise impacts from the freeway and industry.
- 15.5 It is considered that the proposal would be generally satisfactory and Council concerns can be addressed by conditions of any permit that may issue.
- 15.6 It is recommended that Council advise the Minister and the applicant that:
- It supports the amended application subject to conditions, including changes to existing conditions and the first notation to delete redundant or incorrect references to the design and/or plans and/or architects and/or associated consultant reports for the current approved permit, and a new condition for the provision of affordable housing.
 - That the recommended draft conditions include amendment of Condition 18 and the inclusion of additional conditions for noise attenuation, deletion of Condition 20 for a construction management plan in lieu of a notation, and new conditions for affordable housing, water sensitive urban design, and amended traffic, waste, wind and sustainable design reports.
 - That the recommended draft conditions include a new condition for the provision of affordable housing.
 - That the preamble of the existing permit be revised to reflect the amended proposal and current planning controls.

TRIM FILE NO:
ATTACHMENTS

PF17/328264

- 1. S72 Amended Plans**
- 2. S72 Amendment typical apt plans**
- 3. S72 Amendment Elevations - Sections**
- 4. S72 Amendment - Shadow plans**
- 5. S72 Amendment - Perspectives - Renderings**
- 6. Endorsed Plans - Perspectives**
- 7. S72 amendment - Draft Conditions**