



6.1 **37-47 THISTLETHWAITE STREET, SOUTH MELBOURNE**
LOCATION/ADDRESS: **37-47 THISTLETHWAITE STREET, SOUTH MELBOURNE**
EXECUTIVE MEMBER: **LILI ROSIC, ACTING GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT**
PREPARED BY: **ROSANNE MASSEY, SENIOR URBAN PLANNER**
DONNA D'ALESSANDRO, PLANNING COORDINATOR
GATEWAY WARD

1. PURPOSE

1.1 To consider and determine application P0475/2017 for the demolition of the existing buildings and construct an eight storey (including a five storey podium) mixed use (Retail, Office, and Accommodation; including dwellings) building and associated car and bicycle parking and construct and/or carry out works in the Capital City Zone (CCZ1). Use land for Accommodation (Dwelling) in the CCZ1. Construct a building and construct and/or carry out works in the Design and Development Overlay (DDO30) and Special Building Overlay (SBO2).

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Use for Accommodation (dwellings) in the Fishermans Bend Urban Renewal Area
APPLICATION NO:	475/2017
APPLICANT:	Urbis Pty Ltd C/o Jopsal Pty Ltd/SAC Building Workshop Pty Ltd
EXISTING USE:	Commercial/Warehouse
ABUTTING USES:	Commercial, Warehouse, Storage
ZONING:	Capital City Zone Schedule 1
OVERLAYS:	Design and Development Overlay (Schedule 30) Parking Overlay (Schedule 1) Special Building Overlay (Schedule 2) (part of site) Development Contributions Overlay (Schedule 2)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



- 2.1 The application site is located within the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.2 The City of Port Phillip is the Responsible Authority for the application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme.
- 2.3 The site is located within the Capital City Zone (Schedule 1), and is affected by a Design and Development Overlay (Schedule 30), Parking Overlay (Schedule 1), Development Contributions Overlay (Schedule 2), and a Special Building Overlay (Schedule 2).
- 2.4 The current Design and Development Overlay (DDO30) prescribes a mandatory maximum height of 8 storeys, with a maximum 5 storey/20m podium. These height limits are interim and were introduced in April 2015 for two years while the State Government reviews the Fishermans Bend Strategic Plan and Planning Controls. The DDO30 expiry has been extended by the Minister to 31 March 2019.

A new draft Strategic Framework Plan and Planning Scheme controls (inc. revised State and Local policy, zone, overlay and general provisions) have been prepared by the State Government and exhibited as Planning Scheme Amendment GC81. A Panel has heard submissions to the Amendment and will provide a report to the Minister later this year.

The revised Framework and controls would maintain the current 8-storey maximum height limit for the site, but would change the limit from mandatory to discretionary, and would also change the recommended podium and tower setbacks (generally reduced).

The amendment proposes to introduce Floor Area Ratio (FAR) and Floor Area Uplift (FAU) provisions and recommended maximum dwelling densities in the FBURA.

A FAR of 3.0:1 (i.e. a maximum floor area equal to three times the site area of 1,237m² = 3,711m²) and a maximum density of 198 dwelling per ha. (equal to 24.49 dwellings for the subject site) are proposed to apply to the site; the proposal would have a FAR of 5.65:1 and a dwelling density equal to 452 dwellings per ha.

Mixed use developments with active frontages are encouraged within the Montague non-core area; the proposal comprises predominantly dwellings with only limited commercial uses at the ground floor level.

The current planning scheme controls encourage developments of over 12 storeys to provide at least six per cent of dwellings as affordable housing through a range of housing models, typologies and occupancies. The draft controls propose to require the provision of affordable housing and/or other public benefits such as public open space as a condition of approval of any floor area in excess (i.e. Floor Area Uplift or FAU) of the specified FAR. Given the proposal is less than 12 storeys, the provision for affordable housing would not be required.

- 2.5 The proposal includes some positive aspects such as ground level activation to Thistlethwaite Street, and part of the return to Shamrock Place, and dwellings which would contribute to the strategic aspirations of Fishermans Bend to provide 80,000 dwellings within the urban renewal precinct.



- 2.6 However, the proposal fails to provide a contextual built form response, does not comply with the mandatory tower setback requirements of the DDO30 due to the balcony projections, would not respond adequately to the Design Guidance of the current Fishermans Bend Strategic Framework Plan or the dwelling design and amenity provisions of Clause 58 (Apartment Developments). In addition, the proposal would not satisfactorily respond to the existing lane along the west side of the site, and would have poor car parking, waste collection and back of house access and design. It is considered that on balance the proposal would be an unsatisfactory response to the site and planning controls and should not be supported. It is recommended that the application be refused.

3. RECOMMENDATION

3.1 That the Planning Committee adopts Recommendation “Part A” and “Part B” that:

- A Notice of Decision to Refuse to Grant a Permit be issued for the reasons outlined in Part A.
- 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 The Notice of Refusal be issued with the following reasons;

- 1 The design would not achieve an appropriate contextual built form and urban design outcome for the Montague Precinct of the Fishermans Bend Urban Renewal Area, including not satisfactorily responding to Clause 15 (Built environment and heritage) and Clause 58.02-1 (Urban Context Objectives) of the Planning Scheme, and Guidelines 1 and 2 of Objective 1.1 of the Design Guidance of the Fishermans Bend Strategic Framework Plan.
- 2 The tower balcony projections would not comply with the mandatory tower setbacks of Schedule 30 of the Design and Development Overlay Schedule 30, and would not meet the requirements of Guideline 3 of Objective 3.6 of the Design Guidance of the Fishermans Bend Strategic Framework.
- 3 The proposal would not provide a satisfactory mix of dwelling sizes in accordance with Clause 58.02-3 (Dwelling Diversity) of the Planning Scheme and Guideline 1 of Objective 2.4 of the Design Guidance of the Fishermans Bend Strategic Framework.
- 4 The design would not achieve a satisfactory level of internal amenity for the dwellings, including poor daylight access, particularly for level 1 & 2 habitable rooms, an over-reliance on screening to limit internal views and overlooking to abutting and nearby properties, poor natural ventilation (including podium corridors), poor cross-ventilation, and poor sun shading of windows.



- 5 The design of dwellings 103, 112, 203, 212, 303, 312, 403, & 412 would not achieve the minimum living room width requirements of Clause 58.07-1 (Functional layout objective), and would not provide adequate internal amenity.
- 6 The proposal would provide an excessive number of on-site car parking spaces for the dwellings.
- 7 The design of the car and bicycle parking areas and associated access / egress, ramp grades, ceiling heights and car stacker design would not fully meet Council and/or Australian Standards including insufficient turning and queuing space for cars and trucks, inadequate separation of pedestrians and vehicles, and a high propensity for conflict, and would be unsatisfactory.
- 8 The design of the waste collection area and associated waste management arrangements would be unsatisfactory.
- 9 The proposal would provide insufficient resident, visitor or employee bicycle parking and associated bicycle rider facilities such as lockers and/or showers.
- 10 The building design would not respond satisfactorily to the existing abutting laneways to the east and west sides and the rear, or to the recommended activation of laneways.
- 11 The proposal would not achieve a satisfactory level of Stormwater Management (Water Sensitive Urban Design) or Environmentally Sustainable Design relative to Clauses 22.12 and 22.13 of the Planning Scheme and Standard 7 including Objectives 7.1 and 7.2 of the Design Guidance of the Fishermans Bend Strategic Framework.
- 12 The proposal does not make satisfactory provision for 'back-of-house' access or facilities or storage or deliveries/ collections or waste disposal / collection for the commercial tenancies and the dwellings.
- 13 The detail design including the location of mailboxes, air-conditioning condensers and building services and details of screening would be poor or has not been provided.
- 14 The Finished Floor Level of the south-west 150m² office/retail space and south-western section of the car park would not meet the minimum level required to protect from flooding due to the SBO2.
- 15 The level of the substation and entry to the car park would not protect from flooding adequately and should be raised in accordance with Melbourne Water advice.
- 16 The proposal would not provide community facilities and/or infrastructure.
- 17 The proposal would not achieve noise attenuation levels in accordance with State Government guidance for buildings proximate to industry and major roads.

RECOMMENDATION "PART B":

- 3.3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on any future VCAT application for review.



4. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:


Application No.	Proposal	Decision	Date of Decision
1150/2001	<i>Alterations and additions to office fitoutworks</i>	<i>Approved</i>	<i>8/09/2001</i>
43/2003	<i>Alterations and additions including the enclosure of existing roof terrace</i>	<i>Approved</i>	<i>21/01/2003</i>

The following relevant applications have been considered for the nearby sites:

Application No.	Proposal	Decision	Date of Decision
39/2015/A 51 – 59 Thistlethwaite Street, and 476 – 486 City Road, South Melbourne Note: Amendment /B is currently being considered.	<i>To develop and use the land for the purpose of Demolish existing buildings, Construct a mixed use, 4, 6 and 8 level development including dwellings, retail and commercial, and community spaces. Alter access to a Road Zone Category 1 i.e. remove an existing vehicle crossing on City Road</i>	<i>Approved</i>	<i>30/08/2017</i>
277/2015, 15 – 35 Thistlethwaite Street, South Melbourne	<i>Demolish existing buildings and construct an 8 level building with a 5 level podium comprising retail, 83 (41 x BR and 42 x 2BR) dwellings and car parking.</i>	<i>Approved</i>	<i>18 December 2015</i>
951/2017, 144 – 148 Ferrars Street, South Melbourne	<i>Demolish a building in a Capital City Zone, and construct a five-storey mixed-use building and construct or carry out works in the Capital City Zone and Design and Development Overlay</i>	<i>Approved</i>	<i>28/03/2018</i>
3/2013/MIN 134 – 142 Ferrars	<i>Demolish existing two-storey warehouse building and construct an 18 storey mixed use building (Retail (108m2),</i>	<i>Approved</i>	<i>18/05/2017</i>

<p><i>Street, South Melbourne</i></p>	<p><i>Office (967m²), 107 dwellings) and associated (73) car, motorcycle (2) and bicycle (157) parking in the CCZ1. Use land for dwellings in the CCZ1.</i></p>		
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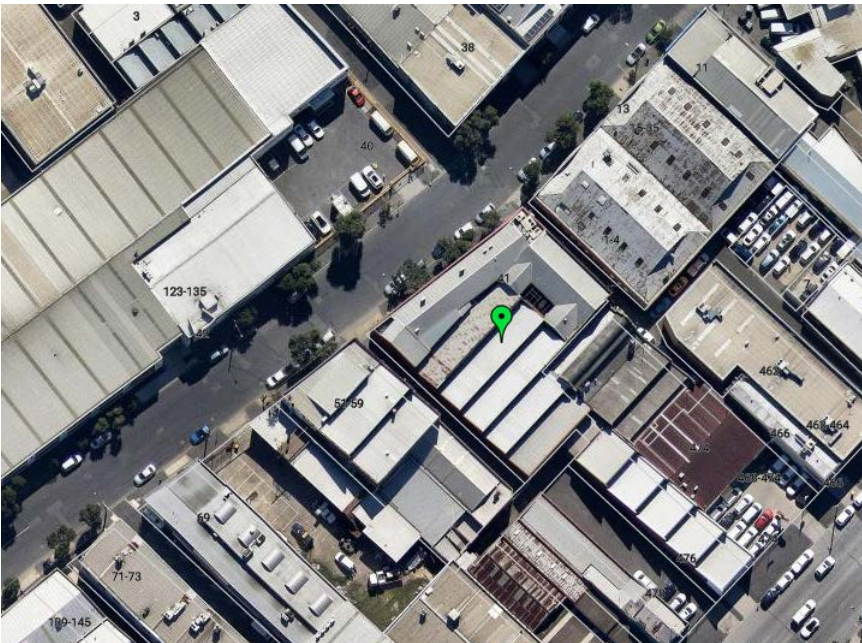
5. PROPOSAL

	Proposal
<p>Site area</p>	<p>1,237m²</p>
<p>Type of Development</p>	<p>Mixed use development comprising one tower</p> 
<p>Land Uses</p>	<p>Accommodation (Dwellings), Office/Retail (three tenancies 316m² in total)</p>
<p>Demolition</p>	<p>Demolition of the existing double storey building and works on site</p>
<p>No. dwellings</p>	<p>56 dwellings: 50 x 2BR (89.3%), 6 x 3BR (10.7%).</p>
<p>Area of dwellings</p>	<p>2BR; 67m² – 85m² 3BR; 92m² – 117m²</p>
<p>Private Open Space to dwellings</p>	<p>2BR; 8m² – 25m² 3BR; 12m² – 148m²</p>
<p>Affordable Housing</p>	<p>No affordable housing proposed. <u>Note:</u> LPPF Clause 22.15 for affordable housing does not apply to buildings of 12 storeys or less.</p>



Setbacks	<p>Podium: 0m setback to all boundaries excluding Shamrock Place (north-east) which would be setback 1.475 at the ground level, and 0m from Level 1 to Level 4. Rebates proposed for balconies.</p> <p>Tower 10m to Thistlethwaite Street & 10m to center of laneways.</p>
Podium height	5 storeys/19.21m (21.3 AHD)
Maximum height	8 storeys/28.21m (30.3 AHD) roof, 30.41 (32.5m AHD) top of lift overrun)
Loading bay	Waste collection bay/resident loading area at ground level. 6.4m L x 6.4 W (approx.)
Car parking	50 resident only spaces in two x two and three tier stackers within the ground level car park
Motorcycle parking	1 space provided in ground level car park
Bicycle parking	34 bicycle spaces within secured room at ground level
Open Space	No public open space proposed
Communal Areas	Rooftop terrace (220m ²)
Stores	50 x 5m ³ & 9 x 6m ³ storage cages within mezzanine level
Vehicle access	New vehicle access via Shamrock Place (7.69m wide crossover)
Lobbies	<p>Commercial tenancies would have a frontage to Thistlethwaite Street.</p> <p>Residential lobby would be to Thistlethwaite Street (2.5m wide x 20m long), and would be slightly recessed from the front title boundary.</p>
Gross floor area / Floor area ratio	<p>Gross Floor Area (GFA): 7,001m²;</p> <p>Gross Commercial (Office & Retail) Floor area: 316m².</p> <p>Site area = 1,237m²</p> <p>Floor Area Ratio (FAR): 5.65:1.</p> <p>Commercial FAR: 0.045:1.</p>

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	1,237m ²
Existing building & site conditions	<p>The site is developed with a circa mid 1900s one and two-storey industrial building, which is built up to all title boundaries. The site has an interface with Shamrock Place to the east side, Aisling Place on its west side and a carriageway the rear of the site which is currently occupied by a building at No. 104 Thistlethwaite Street. An existing crossover is located on Thistlethwaite Street.</p> <p>The site is irregular, albeit generally rectangular in shape, with a frontage of approximately 38m and an average depth of approximately 43m. The site is flat. Three street trees exist to the front of the building along Thistlethwaite Street.</p>
Surrounds/neighbourhood character	<p>The site is located within the Montague Precinct of Fishermans Bend. The immediate surrounds are characterised by commercial and light industrial uses and developments. Developments are generally single or double storey warehouses or commercial buildings. Existing buildings are generally built up to all title boundaries except for setbacks to accommodate at grade car parking.</p> <p>The adjoining sites accommodate commercial/light industrial developments and uses including self-storage, a vehicle brokers, a manufacturing and marketing company.</p> <p>The site and surrounds are detailed within the below 2018 aerial photograph, the site is identified with a green marker.</p> 



7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Capital City Zone Schedule 1	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) 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 light industrial uses and thus requires a permit under this clause.</p> <p>Office, and Retail are Section 1 uses and do not require a planning permit. 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 an apartment development must meet the requirements of Clause 58.</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>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1: Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p>
Clause 43.02 - Design and Development Overlay – Schedule 30 (DDO30)	<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>
Clause 44.50 Special Building Overlay Schedule 2 (SBO2)	<p>Pursuant to Clause 44.05-1 a permit is required to construct a building or to construct or carry out works.</p>
Clause 45.06 - Development Contributions Plan Overlay (DCPO2)	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development.



	<ul style="list-style-type: none"> The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. A single dwelling on a lot An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. A sign. The permit only allows the consolidation of land or a boundary realignment. <p>A permit is required under this clause.</p>
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 does not exceed the maximum rates set out in the Table, and therefore no permit is 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 required under this clause</p>
Clause 52.06 Car Parking	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the PO operates in conjunction with the requirements of Clause 52.06.</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 as bike parking provision proposed exceeds the standards.</p>
Clause 58 Apartment Developments	<p>Pursuant to Clause 58 a development:</p> <ul style="list-style-type: none"> Must meet all of the objectives of this clause. Should meet all of the standards of this clause

8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11 Settlement, including 11.01 Activity Centres, 11.02 Urban Growth, and 11.04 Metropolitan Melbourne
- Clause 15 Built Environment and Heritage including 15.01-1 Urban Design, and 15.02-1 Sustainable development Energy and resource efficiency;
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:



- 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, including Clause 21.04-1 Housing and Accommodation, Clause 21.04-2 Activity Centres, Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05 Built Form, including Clause 21.05-2 Urban Structure and Character, Clause 21.05-3 Urban Design and the Public Realm, Clause 21.05-4 Physical Infrastructure
- Clause 21.06 Neighbourhoods, including Clause 21.06-8 Fishermans Bend Urban Renewal Area
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development

8.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 58 Apartment Developments
- Clause 61.01 Administrative and Enforcement of this Scheme
- Clause 65 Decision Guidelines

8.4 Relevant Planning Scheme Amendment/s

- 8.4.1 The Planning Scheme controls affecting the site were changed by Amendments GC50 and GC59 on 14 and 29 November 2016 respectively. The Amendments introduced:
 - A Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
 - The Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The requirements of the DDO30 apply on an interim basis until 31 March 2019.
 - An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016). The Framework is an incorporated document to Port Phillip Planning Scheme.
- 8.4.2 Draft Controls and Strategic Framework: on 21 October 2017, a draft revised Fishermans Bend Framework was released by the State Government for consultation in October 2017 (Amendment GC81). 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. The draft Framework Plan proposes (relative to the subject site and surrounds):

- The site is located within the Montague non-core area (FAR 3.0:1), where mixed use medium activity is encouraged.
- An eight-storey maximum is prescribed for the site.
- A new laneway is proposed from the rear of Aisling Place to City Road.

8.4.3 The Draft Planning Scheme Provisions include Municipal Strategic Statement (MSS) encouragement for:

- Mixed use development with shops and businesses providing active street edges, fine grain built form and laneways and through block links for permeability and connectivity through street blocks, and retention of heritage buildings.
- The amendment proposes to introduce Floor Area Ratio (FAR) and Floor Area Uplift (FAU) provisions and recommended maximum dwelling densities in the FBURA.
- A FAR of 3.0:1 (i.e. a maximum floor area equal to three times the site area of 1,237m² = 3,711m²) and a maximum density of 198 dwelling per ha. (equal to 24.49 dwellings for the subject site) are proposed to apply to the site; the proposal would have a FAR of 5.65:1 and a dwelling density equal to 452 dwellings per ha.
- The current planning scheme controls encourage developments of over 12 storeys to provide at least six per cent of dwellings as affordable housing through a range of housing models, typologies and occupancies. The draft controls propose to require the provision of affordable housing and/or other public benefits such as public open space as a condition of approval of any floor area in excess (i.e. Floor Area Uplift or FAU) of the specified FAR.
- Family friendly housing is encouraged, including mid-rise housing with access to POS, family friendly housing on lower levels with direct access to communal play areas, living room sizes which exceed minimum requirements, access to outdoor communal green space provided on ground, podium, or roof top levels, Children's communal active indoor play or recreation space as part of indoor communal spaces, sufficient storage areas with easy access to dwellings.
- Communal open space is encouraged within residential developments to create opportunities for social interaction, including community gardening sheds etc.
- The proposed DDO30 includes the following requirements for the subject site;



- A street wall height of 6 storeys and 23m to Thistlethwaite Street. The proposal involves a street wall of 5 storeys and 19.21m (21.3m AHD) which would comply with the draft requirement.
- A six storey (23m) wall built on the site and rear boundaries would be permissible under the controls.
- A 9m setback for any part of the building over 8 storeys. If a sensitive interface does not exist this can be reduced to 3m.

8.4.4 Submissions regarding the draft Framework and Planning Scheme provisions closed on 15 December 2017. The Framework and Controls have been reviewed by an independent Panel, and the Panel Hearing which concluded at the end of May.

8.4.5 Planning Scheme Amendment VC136 was introduced on 13 April 2017 and implemented Clause 58 (Apartment Developments) which replaced Clause 52.34 (Urban Context Report and Design Response for Residential Development of Five or More Storeys), and the Guidelines for High Density Residential Development. The application was submitted on 14 November 2017 and Clause 58 is applicable to the assessment of the proposal. Please refer to the residential amenity assessment section of this report, and the Clause 58 Assessment which is attached to this report for a full assessment.

8.4.6 Strategic Amendment VC142 removes permit requirements for loading and unloading of vehicles by deleting Clause 52.07 – Loading and unloading of vehicles. Updates are made to Clause 65 (decision guidelines) to ensure that loading and unloading facilities, amenity and traffic flow are considered. The amendment has also made multiple minor changes to the Planning Scheme including amended references to a number of uses.

9. REFERRALS

9.1 Internal referrals

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

Internal Department / Referral Officer	Referral Comments (summerised)
Urban Design	<ul style="list-style-type: none"> • The proposal demonstrates a clear lack of understanding of the local character of Montague and is absent of the type of design rigour that would be expected for a proposal within a strategically important urban renewal precinct such as Fishermans Bend. • The proposed material palette lacks local and historic context within the Montague precinct – it could be built anywhere. Terracotta-colour dyed



	<p>concrete finish has no local relevance in a neighbourhood largely comprising masonry warehouses and diverse roof forms.</p> <ul style="list-style-type: none">• It is recommended that the approach to design and choice of materials is further considered, with greater emphasis and rigour applied to the street interface, based on an understanding of the site and its immediate context.• This extends to the questionable tokenistic artwork proposed, which lacks any detail or design resolution for comment. The appropriateness of the aboriginal art work needs to be determined – why is it required to begin with? What is it trying to achieve? The reliance on art to provide visual interest on an otherwise blank façade is not supported – there are other ways to address this through design and material selection.• The proposal's Shamrock Place frontage is currently weak due to the location and layout of services and access requirements, however the provision of a retail tenancy to the corner is supported.• There appears to be no roller door to the car park which presents a number of security issues and is not a desirable urban design outcome.• The proposed 150sqm office/retail tenancy fronting Thistlethwaite Street has an awkward layout which will make it difficult to occupy effectively due to its proportions.• Confirm fire egress complies and has been designed to standard.• The pedestrian entry experience from within the parking area has the potential to conflict with vehicular movements. A safer location would be adjacent to the lift removing part of the office/retail tenancy.• Confirm the design of the car park layout works and show swept path diagrams to car park stackers confirming this is sufficient space to access these.• The deep lightwells providing bedrooms access to indirect natural light is not supported and will result in poor amenity to interiors.• The proposal lacks housing diversity in providing 50 x 2 bed & 2 bath and only 6 x 3 bed & 2 baths. There are no 1 bed apartments proposed, which might be one way of addressing access to natural light to apartment bedrooms.• Overall the design lacks cohesion and merit, providing a poor interface to Aisling Place, Shamrock Place and Thistlethwaite Street.• Rather than suggesting wholesale changes it is recommended that the applicants adopt a 'first principles' approach to the site and begin from scratch, supported by a thorough analysis of the site.• Further to this, adjacent sites to the east and west have approved permits for designs by RotheLowman and Bruce Henderson Architects. It is suggested that the applicant engages an architect with strong design credentials for this site.• The proposal lacks context and an understanding of the fine grain subdivision pattern of the Montague South precinct, in addition to the material characteristics which are synonymous with the area i.e. brick. This development could just as easily be proposed in Coburg or Caulfield.• I would argue that the proposal doesn't achieve a number of the objectives sought within the draft Framework, namely:<ul style="list-style-type: none">1.9.3 Create a varied built form in response to place and character1.9.5 Encourage architectural design excellence in new buildings
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<p>Traffic Engineer</p>	<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 Shamrock Place. This is considered satisfactory. Given the width of Shamrock Place only allows one traffic lane, I have concerns with potential conflicts between entering/exiting traffic. Can the applicant please provide a swept path assessment showing a B85 vehicle entering the site from Shamrock Place while a vehicle is propping in the passing area, with suitable clearance? Car stacker spaces provide a clear platform width of 2.5m and length of 5.0m, with all the spaces able to cater for a height clearance of 1.80m. This is considered acceptable. I have concerns given the location of the car stacker systems that a B85 vehicle will be able to enter/exit the end spaces with suitable clearance. The plans provided within the traffic report do not show the clear platform width and the swept paths provided show vehicles originating from unrealistic locations and inadequate clearance. Can the applicant please update plans to show clear platform widths, can the swept path assessment please be updated to include the clear platform widths and vehicles paths originating from the entrance of the site. Applicant must have an action plan in place for when scheduled maintenance occurs or the car stackers are temporarily unavailable. The traffic report has only undertaken a queuing assessment for the 30-space car stacker system, in order to determine the worst-case scenario and check if adequate space has been provided for queuing, it is recommended combining both systems and undertaking a queuing assessment for a 50-space system. Can the applicant please update the queuing assessment to include all 50 mechanical parking spaces to determine total queue length. All redundant crossovers must be reinstated to Council satisfaction. All proposed crossovers must be installed 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 50 resident parking spaces, which equates to a rate of 0.89 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 no parking spaces will be provided on-site for the office/retail land uses. This level of parking does not exceed the FBURA target rate and is considered acceptable. <p><u>Traffic Generation</u></p> <ul style="list-style-type: none"> Traffic generation assumptions of 8 inbound and 2 outbound movements during the AM peak and 3 inbound and 7 outbound movements during the PM peak. The total traffic generation from the proposal is 10 movements for entry and exit volumes during peak hours. The traffic generation rates adopted in the
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	<p>traffic report are on the lower end of typical generation rates, noting no case study data has been provided within the traffic report to support the lower rate. Can the applicant please adopt a more typical traffic generation rate of 0.25 movements per dwelling, or provide case study data of similar developments to support the lower traffic generation rate.</p> <ul style="list-style-type: none">• No cumulative trip generation for other developments have been considered. <p><u>Pedestrian Sightlines</u></p> <ul style="list-style-type: none">• Full pedestrian sight triangles have not been provided in accordance with Clause 52.06 at the proposed crossover to Shamrock Place. Given there are currently no pedestrian facilities located along Shamrock Place and it is proposed to install an active street edge along the property frontage to Shamrock Place, I am satisfied to allow the reduced sight triangles in this case. <p><u>Provision for Loading and Waste Collection</u></p> <ul style="list-style-type: none">• One waste collection area has been proposed on the ground floor of the development. Access to the waste collection area has been demonstrated with swept paths for a 6.4m Waste wise mini loader within the traffic report. I have concerns given the width of Shamrock Place that a loading vehicle will be able to enter/exit the site, from Thistlethwaite Street, with suitable clearance. Can the applicant please provide additional swept paths showing that a 6.4m Waste wise mini loader can access/egress via Thistlethwaite Street with suitable clearance.• The traffic report indicates that it is proposed to provide no on-site loading area for the residential/retail land uses, and that any loading activity will be catered for on-street This is considered a very poor design outcome. All loading activities <u>MUST</u> be wholly contained within the site.• I have concerns given the location of the proposed waste collection area, with potential conflicts between vehicles accessing the car stackers and loading vehicles. Please ensure all loading activities occur outside of commuter peak periods. <p><u>Provision for Bike Parking</u></p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 34 resident bike spaces• This level of bicycle parking equates to a rate of 0.61 spaces/dwelling. This level of parking for residents is considered low and not in line with the FBURA target rate. Please increase the level of bicycle parking on-site for residents. Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).• The traffic report has not indicted if any bicycle parking spaces will be provided for staff of the retail and office components. Given that a car parking waiver is being sought for these land uses, it is recommended providing off-street bicycle parking spaces for staff.
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	<ul style="list-style-type: none"> The traffic report has not indicated if any bicycle parking spaces will be provided for visitors. Given that a car parking waiver is being sought for the retail/office component, it is recommended providing bicycle parking spaces for visitor. It is recommended providing some on-street visitor spaces, located in a prominent and safe location.
Sustainable Design Officer	<p>Council's Sustainable Design Officer has made a number of referral comments and suggestions for the proposal in relation to the below items/areas (summarised);</p> <ul style="list-style-type: none"> 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. 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. Further information is needed before the project proposal could be considered to meet Council's standards for best practice. Non-committal language should be deleted and replaced with clear commitments, including for Green Star credits, material commitments, demolition and construction waste. The SMP contains inaccuracies. Stormwater plans detailing catchment areas for the site are required. A roof plan with solar panels detailed and solar hot water collectors detailed is required. Plans need to be annotated to require double glazing to habitable rooms. Concerns are raised with visual and acoustic privacy between dwellings due to relationship of windows and doors, and shared light courts (for example between apt 201 and 202). This has the potential to reduce natural ventilation and use of natural daylight. Green Star; maintenance, certification, and verification is encouraged. A commitment to a maximum illumination power density at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 is sought. Daylight and occupancy sensors for internal areas such as storerooms, corridors, external areas and other common areas are encouraged. Daylight modelling is sought to demonstrate lighting to disadvantage dwellings and tenancies, in accordance with Council's Best Practice. Further details are required to establish if windows allow for practical natural ventilation. Operable window sashes are recommended for sliding doors and a minimum of one room which can be locked when ajar. The common corridors are long and only have one window which provides little natural light, and inconsequential natural air movement. Provide additional natural ventilation to common corridors, including the entry corridor. Insufficient information is provided to establish if sufficient cross-ventilation would be achieved. The proposal has areas of highly-glazed facades with no sun shading, and too few operable windows. This would result in inconsistent thermal comfort and increased energy consumption due to heat conduction through glazing and radiant solar heat gain. Glazing should be decreased, additional window openings should be provided, and/or shading should be provided to glazed walls to reduce negative solar heat loads to Apartment 8 (levels 1-4) living area/dining area, and the ground floor commercial tenancies.



	<ul style="list-style-type: none"> • Clotheslines should be provided to dwellings. • The non-residential building envelope should commit to a 10% improvement on section J of the NCC through energy modelling OR a 15% improvement on elemental provisions in accordance with Council Best Practice. • Car park ventilation; mechanical variable speed drive exhaust fans and carbon monoxide monitoring to control the operation and speed of the ventilation fans are encouraged, and clear indication of the extent of permeable wall area to the southern carpark wall is required. • Third-pipe connection required on plans and SMP. Water supply for toilets, fire services, irrigation, and cooling must be ready to be connected to future third pipe water supply. • Stormwater requirements of Objective 7.3, Standard 1, 2 and 3 of the Fishermans Bend Strategic Framework need to be satisfied. • Lighter colour roofing/paving can assist in alleviating the UHI Effect, details are required regarding the albedo of the roofing and paving material where these would be exposed to direct sun. • Provide detail of vegetation planned as part of landscaping to the ground level, courtyards and roof levels. Council's Best Practice for landscaping design, irrigation, and species selection is recommended. • Consider kill switches to reduce electrical demand. • Consider amending window performance to meet Council Best Practice. • Consider provision of thermally broken frames to external aluminium framed doors and windows. • Consider meeting Council Best Practice for communal areas. <p><u>Planning Officer Comment:</u></p> <p>The applicant submitted a revised SMP and Daylight Assessment, on 28/02/2018, to respond to the sustainable design referral. Council's Sustainable Design Officer has reviewed the information and provided the below comments;</p> <ul style="list-style-type: none"> • <i>A Daylight Assessment Report and a revised Sustainable Management Plan have been provided along with comments that respond to previous referral comments.</i> • <i>While these are useful it is noted that these comments include numerous references to items that are to be provided by the 'architect' 'planning consultant' etc. Establishing if the project proposal meets 'best practice' for ESD and WSUD requires the applicants full-documentation of any proposed revisions. An assessment will be provided once it is advised that the applicant has no outstanding ESD/WSUD information to be provided.</i> <p>Where Council's Sustainable Design Officer has recommended Council Best Practice be achieved, it is understood that this would be desirable however is not enforceable as Council Best Practice is not an incorporated or reference document within the planning scheme.</p>
Waste Officer	<ul style="list-style-type: none"> • These plans and WMP have not included waste and recycling chutes which are required for a development of 6 or more storeys. • Residential waste and recycling bin/hard rubbish storage needs to be separated from commercial waste and recycling bins/hard rubbish storage. • The WMP and Traffic Management Plan are using different plan drawings for the waste storage area which will need to be reconciled to ensure the waste truck can fit within the loading bay without obstructing internal traffic.

<p>Development Engineer</p>	<ul style="list-style-type: none"> • The SBO2 designated flood level for the property is 2.417m (AHD) as indicated below. • It is noted that the SBO2 cover extent over the carpark and the office / retail areas at the south west section of the development. • The minimum Finished Floor Level (FFL) is 2.417m AHD + 300mm = 2.717m AHD. • The minimum non habitable Finished Floor Level (FFL) is 2.417m AHD + 150mm = 2.567m AHD. <p>Referral responses:</p> <ul style="list-style-type: none"> • The proposed FFLs for the south west office/ retail area indicated at 2.40m RL appears to be below the required minimum Finished Floor Level at 2.717m AHD (habitable area). • The south west car park areas indicated at 2.40m RL appears to be below the required minimum non habitable Finished Floor Level of 2.567m AHD. • The height for installation of any electrical/gas points or switches should be a minimum of 600mm above the flood level <p>Planning Officer Comment: Melbourne Water provided advice on 10 April 2013, and 15 August 2016, in regard to permissible finished floor levels within the Fishermans Bend Urban Renewal Area. This advice notes that commercial lobbies/retail spaces are to have a finished floor level of 2.4m AHD, lifts/services are to have a level of 3m, garage/car park entries are to have a level of 2.4m plus 600mm mechanical freeboard.</p> <ul style="list-style-type: none"> • In accordance with Council's Development Engineer's comments it is considered that the FFL of the south-west 150m² office/retail space should be a minimum of 2.717m AHD as it is located within the SBO2 and is non-habitable (currently shown as 2.4RL). • In accordance with Council's Development Engineer's comments the FFL of the Car Park within the south-west section of the site should be no more less than 2.567m AHD (currently shown as 2.4RL). • In accordance with MW advice the substation should be a minimum of 3m AHD, and the level of the entry to the car park must be detailed at a minimum of 2.4m AHD plus 600mm mechanical freeboard. 
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9.2 External referrals

The application was not required to be externally referred. The application has been referred internally to Council's Development Engineer in accordance with the requirements of the SBO2, noting that it is not a Section 55 Referral.

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 An application to demolish or remove a building or works, construct a building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone and an application affected by the Design and Development Overlay, are exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.
- 10.2 An application affected by the Special Building Overlay and Development Contributions Plan Overlay are exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

11. OFFICER'S ASSESSMENT

Local Policy

11.1 Use

- 11.1.1 Pursuant to the Capital City Zone Schedule 1 the use of the land for the purpose of accommodation (dwellings) requires a permit as the site does not meet the threshold distances from industrial/warehouse uses listed within Clause 52.10. The residential use would assist in achieving the aim to provide 80,000 dwellings within the Fisherman's Bend Urban Renewal Area, however the interfaces with industrial/warehouse uses would need to be managed.



Residential amenity within FBURA is not expected to be the same as within a residential zone. The benefits of living within the area, such as future public transport, future commercial uses and hospitality uses, and proximity to the City would be balanced against typical residential amenity for future residents, much like living within an established activity centre. Furthermore acoustic issues due to the interface with commercial/warehouse uses could be addressed through a standard acoustic condition if the proposal was approved.

11.1.2 The use of the ground floor as retail/office would not trigger a use permit under the requirements of the Capital City Zone Schedule 1. The commercial spaces would assist in activating Thistlethwaite Street and would add to the mix of uses, although it is noted that the predominant use of the site would be accommodation (dwellings). Council's Urban Designer has raised concerns with the 150m² ground floor office/retail space due to the irregular shape. The shape of the area may restrict the type of end user.

11.1.3 In accordance with the requirements of the Capital City Zone a sensitive use (accommodation) must not commence prior to an environmental audit. If a permit was to be issued a standard condition could address the requirement.

11.2 **Current Design and Development Overlay Schedule 30**

Building Height

11.2.1 The building would have a maximum height of 8 storeys/28.21m (30.3 AHD) to the top of the roof and 30.41 (32.5m AHD) to the top of the lift overrun. Building services are excluded from the built form and height requirements of the DDO30. The proposal would meet the 8-storey height maximum prescribed for the site which falls within Area 2 of Map 1 to the Schedule 30.

11.2.2 Street wall

11.2.3 The building would have a street wall to Thistlethwaite Street of 5 storeys/19.21m (21.3 AHD) which would fall within the allowable street wall height of 5 storeys and 20m.

11.2.4 Tower Setbacks

11.2.5 The tower element, excluding balconies, would be setback a minimum of 10m to Thistlethwaite Street & 10m to centre of laneways which would comply with the requirements.

11.2.6 Balconies to apartments within the tower levels would sit within the 10m setback requirement. The balconies would not fall within the exemptions for architectural features, building services, or landscaping and would therefore not meet the mandatory setback requirements. It is likely that the deletion of the balconies from the setback areas would result in substantial changes to the layouts and sizes of the apartments within the tower element.



11.3 Residential Diversity

- 11.3.1 Clause 22.15-3 (Dwelling Diversity and Affordable Housing) of the Port Phillip Planning Scheme encourages dwelling diversity and affordable housing for developments of over 12 storeys which include accommodation uses. The proposal does not have a height of over 12 storeys, and therefore no affordable housing is required and the 30% 3 bedroom requirement is not applicable.
- 11.3.2 Although it is noted that the development would predominantly contain 2 bedroom dwellings (89.3%) which is not considered to promote dwelling diversity, this will be discussed more within the Clause 58 Assessment and the Design Guidance of the Fishermans Bend Strategic Framework Plan.

11.4 Current Fishermans Bend Strategic Framework Plan

- 11.4.1 The proposal responds to some of the relevant objectives and standards of the current Design Guidelines within the Fishermans Bend Strategic Framework Plan as detailed in the attachment to this report, however concerns are raised with the below items. It is considered that on balance the proposal does not respond adequately to the current Design Guidance within the Fishermans Bend Strategic Framework Plan
- 11.4.2 Areas of concern are listed below;
- The proposal does not respond well to Standard 1 and 2 of Objective 1.1, and it is considered that the proposal would not contribute adequately to the precinct vision of Montague. The proposed development does not reference the location, lacks context, and does not respond to the fine grain pattern of Montague.
 - The new rear laneway, or part of, is not provided as required within the Fishermans Bend Strategic Framework. Therefore the proposal does not respond adequately to Standard 6 of Objective 1.1.
 - The proposal does not include a good mix of dwelling sizes with the majority of apartments being 2 bedroom (89.29%), and a limited amount of 3 bedroom apartments (10.71%). Whilst the development does not trigger the need to provide 30% 3 bedrooms, it is considered that the apartment sizes proposed does not respond well to Standard 1 of Objective 2.4.
 - Balconies would project into the required 10m tower setbacks which would not comply with Standard 3 of Objective 3.6, or the Design and Development Overlay.
 - The proposal does not respond adequately to Standard 3 of Objective 6.1 due to concerns regarding service vehicle access to the site, and lack of loading area for the retail/residential components.



- Bicycle parking and associated facilities would not be provided in accordance with Standard 1, 2, and 4 of Objective 6.2. The provision of bike parking is not supported as it is too low for residential, has not been provided for commercial, and has not been provided for visitors. In addition no lockers have been provided.
- Further information would be required to establish if Standard 3 of Objective 6.3 is met. Concerns have been raised by Council's Traffic Engineers with the potential queuing onto the street and time delays associated with the use of car stackers.
- The design would respond poorly to the Aisling Place laneway along the west side of the site, providing no building setback for pedestrian or improved vehicle access along the lane, and no activation such as dwelling access or windows or commercial tenancies. The proposed west side elevation would be overly functional and service focused and would result in a poor urban design outcome to the lane.
- The design would not activate Shamrock Place adequately. Whilst part of the buildings interface with Shamrock Place would be activated through the retail/office space, a large section would be occupied with services and the wide crossover.
- It is considered that the FFL of the substation should be increased to a minimum of 3m AHD to meet the requirements of Standard 4 of Objective 7.1. The level of the entry to the car park must be detailed at a minimum of 2.4m AHD plus 600mm mechanical freeboard in accordance with MW requirements. Other changes to the FFLs discussed within the Development Engineering Referral response should be implemented to address the SBO2.
- The proposal has been submitted with a STORM report rather than a MUSIC assessment which is not adequate for this scale of development. A potential third pipe connection point has not been provided. All stormwater generated on site would not be managed within the building footprint, as stormwater from balconies/lightwells are not connected to any treatment type. In addition no information has been provided to confirm or deny that capture from 100% of the roof area would be successfully retained on site and at least 50% of the volume of runoff derived from a 5 year, 72 hour storm event. The submitted SMP does not specifically respond to the requirements of Objectives 7.2 and 7.3 and the relevant standards.
- The proposal has not responded adequately to Objective 7.4 and the relevant Standards. Many of the dwellings are not dual aspect due to the design of the development and it is considered that cross ventilation and natural ventilation to dwellings could be explored further. Ventilation to hallways should be provided. Adequate external shading has not been provided, and no on site renewable energy source is proposed.



- Concerns are raised with the lack of adequate response to Standard 1 and 2 of Objective 7.5 due to the proposed waste management, and the lack of re-use of existing buildings and materials.

11.5 Residential Amenity (Clause 58 Assessment)

11.5.1 A full Clause 58 Assessment has been conducted and is attached to this report. The proposal meets a number of the requirements as detailed within the attached assessment table, however concerns are raised with the below items and on balance it is considered that the proposal has an inadequate level of compliance.

11.5.2 Concerns and areas of non-compliance are listed below with the full assessment located within the associated attachment;

- Urban context; the proposal would provide an inadequate response to the context of the surrounds.
- Dwelling diversity; insufficient percentage of 3 bedroom dwellings.
- Daylight access: 39% of the level 1 habitable rooms, and 29% of the level 2 habitable rooms would fail the requirements. This is a poor outcome for level 1 and 2 and is not supported.
- Car parking ventilation is unknown and the car park is not secured with a roller door/gate therefore not responding adequately to the standards of Cl. 58.03-7 (Parking location objectives).
- Concerns are raised with the use of a STORM assessment due to the scale of the development. A MUSIC assessment would be more appropriate for the development.
- The development would rely heavily on screening (obscured glazing) to address internal views and potential future overlooking. This would not provide a good internal amenity outcome and is not supported.
- Natural ventilation details have not been provided for the podium level corridors.
- Mailboxes and air-conditioning condensers have not been detailed on the plans. Air-conditioning condensers should not be located within the individual balconies unless extra area is provided to compensate for the loss of space.
- Inadequate waste management is proposed.
- Minimum widths for living rooms of apartments 103, 112, 203, 212, 303, 312, 403, & 412 would not meet the standard requirements.
- The proposal would not meet the natural ventilation requirements.



11.6 Traffic and Parking

- 11.6.1 The proposal involves 50 resident only car spaces within a car stacker arrangement at the ground level, and one motorcycle space.
- 11.6.2 The Parking Overlay Schedule 1 sets out a maximum parking rate of 1 space per dwelling, and 1 per 100sqm of gross floor area for office and retail. The proposal seeks to provide 50 resident only spaces for the 56 dwellings. Therefore no trigger to the Parking Overlay exists.
- 11.6.3 The Strategic Framework Plan (Standard 1 of Objective 6.3) sets out a rate of 0.5 car spaces per dwelling and 1 space per 100m² of non-residential net floor area where development is within 200m of an existing or proposed high street with potential public transport. The site is located within approximately 40m to City Road which is an existing main road with bus services. In addition the site is located within approximately 230m to the south-west of the existing tramline located along Whiteman Street. It is considered that the rates within the framework are applicable. The proposal involves no commercial car parking, however a rate of 0.89 spaces per dwelling is proposed. It is considered that this does not adequately assist with the reduction of reliance on private car use and may undermine the transport functionality of the neighbourhood. It is considered that the parking provision is too high and should be reduced in line with the strategic framework.
- 11.6.4 Council's Traffic Engineer has advised that there are concerns regarding the parking layout/design and access arrangements which are summarised below;
- Conflicts between entering and exiting the site along Shamrock Place as Shamrock Place allows for one traffic lane only.
 - The location of the car stacker system and lack of suitable clearance for B85 vehicles to enter and exit the end spaces. The plans provided within the traffic report do not show the clear platform width, swept paths, and detail vehicles originating from unrealistic locations with inadequate clearance.
 - No maintenance plan has been provided for scheduled maintenance of the car stacker systems.
 - The queuing assessment is inadequate and does not clearly demonstrate that adequate space has been provided for all queuing to occur on site. In accordance with Standard 3 of Objective 6.3 the use of car lifts and stackers must not result in queuing onto the street or significant time delays in use, the information submitted does not confirm this requirement is met.
 - The traffic generation rates adopted within the submitted Traffic Engineering assessment includes the lower than typical traffic generation rates without a supporting case study to justify the reduced rates.



- No cumulative trip generation for other developments have been considered.
- Concerns are raised in regard to adequate clearance for loading vehicles entering and exiting the site, from Thistlethwaite Street, due to the relatively narrow width of Shamrock Place.
- No onsite loading for the residential/retail components is proposed. This is contrary to the design guidance listed within the Fishermans Bend Strategic Framework and is considered a very poor design outcome.
- Concerns are also raised with the location of the proposed waste collection area and potential for conflict between vehicles accessing the car stackers and loading vehicles.

11.7 Bicycle Parking

11.7.1 Clause 52.34 (Bicycle Facilities) of the Planning Scheme sets out bicycle parking rates for new developments including dwellings, office, and retail as per the below table which has been extracted from the applicants submitted Traffic Assessment.

Table 4: Statutory Bicycle Parking Assessment - Clause 52.34

Proposed Use	Size/ No.	Bicycle Parking Rate		No. of Bicycle Spaces Required
		Resident/Employee	Visitor/Customer	
Dwelling	56	1 space per 5 dwellings	1 space per 10 dwellings	11 resident 6 visitor
Office	251m ²	1 space to each 300m ² of NFA if the NFA exceeds 1,000m ²	1 space to each 1,000m ² of NFA if the NFA exceeds 1,000m ²	0 employee 0 customer
Retail	76m ²	1 space to each 300m ² of LFA	1 space to each 500m ² of LFA	0 employee 0 customer
Total				17 spaces

11.7.2 The Design Guidance detailed within the Fishermans Bend Strategic Framework, at Objective 6.2, sets out a rate of 1 bicycle space per dwelling and 1 bicycle space per 50m² of net office floor area.

11.7.3 The proposal involves a total of 34 resident only bicycle spaces which exceeds the requirements of Clause 52.34 of the Planning Scheme, however falls short of the Fishermans Bend requirements. The proposal involves a rate of 0.61 bicycle spaces per dwelling which is not considered adequate. A minimum of 1 bicycle space per dwelling, and a total of 6 commercial spaces should be provided, noting that the commercial provision is based on gross floor area and may be a lower amount based on the net floor area.



11.7.4 In accordance with Council's Traffic Engineers Comments on street visitor spaces should be provided in a prominent and safe location, in addition to the provision discussed within the above paragraph.

11.8 **Waste**

11.8.1 In accordance with Objective 7.5 of the Design Guidance of the Fishermans Bend Strategic Framework all developments must provide adequate waste management and recycling facilities that are fully integrated within the design of the building. In addition all site servicing should be occur within the site.

11.8.2 While waste storage and collection would be accommodated on site Council's Waste Officer has raised concerns with the proposal in regard to the following, and it is noted that the waste management arrangement is not satisfactory;

- Waste and recycling chutes have not been provided, these are required for developments of 6 or more storeys.
- Residential and commercial waste must be separated.
- Swept path diagrams are required to confirm the waste vehicles would not obstruct internal traffic.

11.9 **Sustainable Design and WSUD**

11.9.1 The development does not currently include an acceptable ESD and WSUD response. Council's Sustainable Design Officer has raised a number of concerns with the proposal which are provided within the internal referrals table within this report. Of particular concern are cross-ventilation, natural ventilation to dwellings and podium level corridors, extent of unshaded glazing, lack of clear commitments, daylight access to level 1 & 2 habitable rooms and water sensitive urban design/stormwater response.

11.9.2 The applicant provided a revised Sustainable Management Plan (SMP) and Daylight Assessment (DA) in response to Council's Sustainable Design Officer's comments, however the plans have not been updated to reflect the changes within the SMP and DA.

11.10 **Development Contributions**

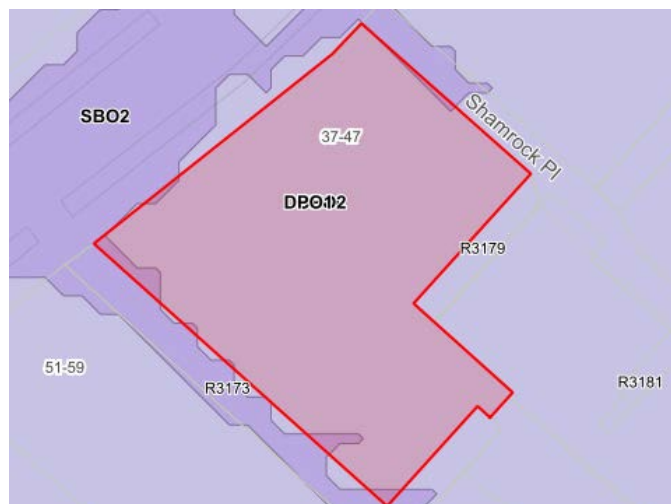
11.10.1 The proposal will require standard development contributions conditions in accordance with the Development Contributions Overlay (Schedule 2) which affects the subject site.

11.11 **Special Building Overlay (Schedule 2)**

11.11.1 The site is partially affected by the Special Building Overlay Schedule 2. Council is the Relevant Authority for the overlay as it relates to the Port Phillip City Local Drain. The below image details the extent of the SBO2 in purple, the subject site is outlined in red.

11.11.2 In accordance with Council's Development Engineer's comments it is considered that the FFL of the south-west 150m² office/retail space should be a minimum of 2.717m AHD as it is located within the SBO2 and is non-habitable (currently shown as 2.4RL). The FFL of the Car Park within the south-west section of the site should be no more less than 2.567m AHD (currently shown as 2.4RL).

11.11.3 Melbourne Water provided advice on 10 April 2013, and 15 August 2016, in regard to permissible finished floor levels within the Fishermans Bend Urban Renewal Area. This advice notes that commercial lobbies/retail spaces are to have a finished floor level of 2.4m AHD, lifts/services are to have a level of 3m, garage/car park entries are to have a level of 2.4m plus 600mm mechanical freeboard.



12. COVENANTS

12.1 The applicant has completed a declaration that the subject land, being all that land contained within Volume 09859 Folio 649, commonly known as Plan of Consolidation 169091D, is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

- 14.1 Refuse as recommended
- 14.2 Refuse on amended/additional reasons
- 14.3 Approve with conditions



15. CONCLUSION

- 15.1 The proposal would not respond satisfactorily to its site and surrounds including the existing and recommended future laneway network and would provide a poor level of urban design, pedestrian and vehicle access, building servicing including loading and unloading and waste disposal, back-of-house provision, dwelling amenity and stormwater management and environmentally sustainable design.
- 15.2 The proposal would fail to provide a contextual built form response, would not comply with the mandatory tower setback requirements of the DDO30 due to the balcony projections, does not respond adequately to the current Design Guidance within the Fishermans Bend Strategic Framework Plan or Clause 58 (Apartment Developments).
- 15.3 It is considered that on balance the proposal should be refused for the reasons listed in Part A of the recommendation at Section 3 of this report.

TRIM FILE NO:

PF17/276414

ATTACHMENTS

- 1. Architectural Plans**
- 2. Clause 58 Assessment Table**
- 3. Urban Context Report and Design Response**
- 4. FBSFP Design Guidelines Assessment Table**