



**6.4** 276-284 INGLES STREET, PORT MELBOURNE

**LOCATION/ADDRESS:** 276-284 INGLES STREET, PORT MELBOURNE

**EXECUTIVE MEMBER:** KYLIE BENNETTS, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY:** SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

**1. PURPOSE**

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on a request to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 276-284 Ingles Street, Port Melbourne.

**2. EXECUTIVE SUMMARY**

<b>WARD / FBURA PRECINCT:</b>	Gateway / Sandridge
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Accommodation (dwellings) in the Fishermans Bend Urban Renewal Area
<b>APPLICATION NO:</b>	<b>DELWP Ref:</b> PSA C201port <b>CoPP Ref:</b> 1/2021/MIN and PSA C201port
<b>APPLICANT:</b>	FR Investments Group C/- Urbis P/L
<b>EXISTING USE:</b>	One and two storey Commercial Industrial building used for Motor Repairs and Panel Beating, and a Mobile Phone Tower
<b>ABUTTING USES:</b>	<b>Ingles Street:</b> One and two storey Office / Commercial / Industrial / Warehouse building. <b>Anderson Street:</b> Two storey Office / Commercial / Industrial buildings, Car Parks and the West Gate Freeway beyond.
<b>ZONING:</b>	Capital City Zone (CCZ1) Abuts Transport Zone (TZ2) (West Gate Freeway)
<b>OVERLAYS:</b>	Design and Development Overlay (DDO32) Special Building Overlay (SBO3) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Infrastructure Contributions Plan Overlay (ICO1)
<b>ABORIGINAL CULTURAL HERITAGE</b>	The land is in an 'area of Cultural Heritage Sensitivity' under the Aboriginal Heritage Regulations 2018.
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired



- 2.1 This report is to consider a request to the Minister for Planning (the Minister), Department of Environment, Land, Water and Planning (DELWP) (the Department) to prepare, adopt and approve an Amendment to the Planning Scheme to demolish the existing buildings on the land and construct a 53, 55 and 56 level mixed-use tower including a four (4) level podium and two (2) basement levels.
- 2.2 The request was lodged with the Department on 19 April 2021 and informally forwarded to Council on 21 April 2021.
- 2.3 The request proposed a single tower of 57, 69 and 87 levels comprising 389 dwellings, 8,693m<sup>2</sup> net commercial floor area and 2,088m<sup>2</sup> net retail floor area.
- 2.4 Council, the Department and the Fishermans Bend Task Force (FBT) raised concerns regarding height, overshadowing, building design, vehicle access, wind impacts, distance from public transport, potential conflict with a flight path above, and requested further information.
- 2.5 On 04 October 2021, the applicant provided further information response to the Department, including amended plans reducing the height of the single tower of 53, 55 and 56 levels.
- 2.6 It is proposed to use the land for Dwellings including Affordable and Social housing, a Retail premises (Café) and Offices.
- 2.7 The subject site is located in the Core Area of the Sandridge precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.8 More particularly, the site is in:
  - Building Typology Precinct Area S3 (Hybrid - predominantly high-rise) of the Design and Development Overlay (DDO32) which has a preferred precinct character of:  
*'Predominantly tower developments with some mid-rise buildings. Provision of towers with large floorplates with high quality outlook to support commercial developments.*  
*Provision of publicly accessible private urban courtyard spaces within new developments to enhance the overall network of open spaces to support high densities of activity.*  
*Developments that incorporate north-south laneways that provide high levels of pedestrian permeability and activation.'*
  - An area designated for a new 12.0m wide road from Anderson Street to Ingles Street along the sites northern boundary abutting the West Gate Freeway.
  - An area with no preferred maximum building height pursuant to DDO32 and the Fishermans Bend Framework October 2018.
- 2.9 The four (4) storey street walls (podiums) would comply with the DDO height and setbacks requirements.
- 2.10 The 10.0m setback of the tower from Ingles Street, Anderson Street and the westerly side boundary would comply with the preferred setback for the site and the 5.0m setback of the tower from the north (rear) street wall to the new road would comply with the minimum setback requirement.



- 2.11 No preferred or maximum building height is specified for the subject site and immediate surrounds. In this context, the proposed maximum 56 level building height is satisfactory.
- 2.12 The proposal was internally referred, and officers raised a number of concerns relating to flood management, removal of existing street trees, urban design, public realm and overshadowing, landscaping, car park design and layout, traffic, waste management matters, details relating Sustainable Design and Water Sensitive Urban Design (WSUD) matters.
- 2.13 Officers recommend changes to address these concerns including deleting the steps and streetscape works in Anderson Street and adjoining and nearby properties at the present time, resolution of land ownership and design of any streetscape / open green space, deleting the car park beneath the new road, increasing the height differentiation of the three tower elements at the top of the building, changes to the vehicle and bicycle access ramps and parking spaces to improve clearances, usability and safety, achieving sitting, standing and walking wind comfort levels as appropriate, clarifying and confirming ESD, WSUD, Waste Management, Parking and Traffic design, and ground floor level activation.
- 2.14 The offer of 18 Affordable housing dwellings totalling 6% of all dwellings is considered a generally satisfactory response to the Fishermans Bend Local Policy and the provision of 25 Social housing dwellings would comply with the Dwelling uplift provisions of the Planning Scheme. These should however include 3BR dwellings in addition to the 1 and 2BR dwellings shown on the plans.
- 2.15 It is recommended that the Statutory Planning Committee resolve to advise the Minister for Planning C/- the Department of Environment, Land, Water and Planning that the Council does not support the application in its current form based on the matters set out in Sections 3 and 12 and the Appendices of this report.
- 2.16 That the Statutory Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.
- 2.17 A summary of these matters is set out in the conclusion to this report.

### 3. RECOMMENDATION

#### RECOMMENDATION – PART A

- 3.1 That the Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that Council does not support the application in its current form based on the matters set out in Section 12 and the Attachments of this report including:
  - 3.1.1 The limited height difference between the top of the three (3) elements of the tower;
  - 3.1.2 Limited public and active uses and weak relationship with the public realm in the lower podium levels;
  - 3.1.3 Non-compliance of the curved corners of the podium and the exposed circular vehicle ramp with the street wall setback requirements;



- 3.1.4 Employment floor area not meeting the recommended area;
- 3.1.5 Non-compliance with the apartment design objectives and standards of Clause 58;
- 3.1.6 The lack of 3BR Affordable and Social housing dwellings.
- 3.1.7 Wind impacts within and adjoining the land including footpaths and open space areas;
- 3.1.8 The basement car parking levels extending under the proposed new 12.0m wide road at the rear of the site;
- 3.1.9 The use of public land for the transition from the Anderson Street Natural Ground Level up to the required ground floor level for flood management / mitigation;
- 3.1.10 The impact on / proposed removal of existing street trees;
- 3.1.11 Lack of defined public use of and extent and duration of shadow to the Anderson Street streetscape works.
- 3.1.12 The reliance on adjoining land in other private ownership for delivery of the 12.0m wide road link between Anderson Street and Ingles Street and landscaped public open space shown on the plans;
- 3.1.13 Parking and traffic matters including:
  - a) Safety and usability concerns about the width and design of the spiral vehicle ramp and the separate bicycle access ramp;
  - b) Need for more dimensions on plans and cross-section of all ramps confirming min. 2.1m clearance throughout the car park levels and headroom clearance for trucks etc. in loading areas;
  - c) Need for sight triangles at the Ingles Street exit.
  - d) Need to update plan drawings etc. to accord with Traffic Impact Assessment (TIA)
  - e) Need to relocate vehicle entry security gate to allow vehicles to queue on site rather than in Ingles Street and across the footpath when waiting to access the building;
  - f) Inadequate car parking space clearance from columns and walls;
  - g) DDA parking spaces revised to be fully compliant;
  - h) Ramp grades;
  - i) Need for a vertical clearance assessment of all grade changes.
  - j) Need for a street lighting assessment for new footpath in Ingles Street.
  - k) Need for EV charging points.
  - l) New crossings and remediation works to be to the satisfaction of Council.
- 3.1.14 DDA access;



- 3.1.15 Detail Sustainable Design and Water Sensitive Urban Design (WSUD) matters including façade materials to have a low solar absorptance;
- 3.1.16 Detail Waste Management matters;
- 3.2 That in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns including for (but not limited to):
  - 3.2.1 Updated plans to show:
    - a) Increased height difference between the top of the three (3) elements of the tower;
    - b) Increased activation of the podium levels;
    - c) The podium street walls compliant with street wall setback requirements.
    - d) Employment floor in accordance with the recommended area;
    - e) Compliance with the Apartment design standards of Clause 58;
    - f) 3BR Affordable and Social housing dwellings.
    - g) The basement car parking levels not extending under the proposed new 12.0m wide road at the rear of the site;
    - h) The transition from the Anderson Street Natural Ground Level up to the required ground floor level for flood management / mitigation contained within the building;
    - i) The retention of existing street trees;
    - j) Changes to address Council's traffic engineer car and bicycle access, parking and traffic concerns;
  - 3.2.2 Confirmation of ownership or acquisition arrangements for any adjoining or nearby land currently in other private ownership for delivery of the 12.0m wide road link between Anderson Street and Ingles Street and landscaped public open space shown on the plans;
  - 3.2.3 DDA access;
  - 3.2.4 Detail Sustainable Design and Water Sensitive Urban Design (WSUD) matters;
  - 3.2.5 Detail Waste Management matters;
  - 3.2.6 Detail design of all new footpaths including paver material and orientation, a minimum width of 1.8m and protection measures for existing street trees.
  - 3.2.7 Council engineering matters;
  - 3.2.8 Street design and construction;
  - 3.2.9 The location of car share spaces;
  - 3.2.10 At least 50% of visitor bicycle parking spaces to be undercover and secure.
  - 3.2.11 Detail changes to Waste Management facilities including an accessible hard rubbish store.



- 3.2.12 A Wind Impact Assessment report including wind tunnel testing detailing wind conditions within and adjoining the land including footpaths and open space areas;
- 3.2.13 Wind amelioration treatments to provide a comfortable pedestrian environment within the public realm and any treatment being appropriately resolved within the building architecture.
- 3.2.14 Updated reports for Sustainable Design, Water Sensitive Urban Design, Traffic Impacts, Waste Management, and Street tree condition and protection.
- 3.2.15 At least 50% of all car spaces on all levels to have access to an Electric Vehicle charging cable.
- 3.2.16 Affordable and Social housing dwellings to comprise a mix of 1, 2 and 3BR dwellings representative of the dwelling mix.
- 3.2.17 A procedure for the management of any Aboriginal Cultural Heritage that was found during any works on the site

**RECOMMENDATION – PART B**

- 3.3 That the Planning Committee authorises the Manager City Development to instruct Council's Statutory Planners and/or solicitors on:
  - 3.3.1 Any future amendments to the application;
  - 3.3.2 Any VCAT application for review for the matter, and/or;
  - 3.3.3 Any independent advisory committee appointed by the Minister for Planning to consider the application.

**4. RELEVANT BACKGROUND**

- 4.1 There are eight (8) previous relevant permit applications recorded for the site as follows:

Application No.	Proposal	Decision
164/2014	Development of a Telecommunications facility (276 Ingles St)	Permit 13-06-2014
436/2000	Alterations and additions to the existing building to operate as a Panel Beaters (276-284 Ingles St)	Permit 28-08-2000
1674/1999	Demolish existing factory and construct 2 new factories (284 Ingles St)	Permit 29-03-2000
1631/1999	Subdivision PS 434174 (284 Ingles St)	Permit 20-03-2000
1498/1999	Construct Warehouse Buildings (276-284 Ingles St)	Permit 09-02-2000
1262/1999	Subdivision PS430671B (6 lots) (284 Ingles St)	Permit 09-03-2000
868/1986	Office and Warehouse Development (284 Ingles St)	Permit 09-10-1996
755/2000	Two lot subdivision - PS 440823X	Permit 02-08-2000

- 4.2 In addition to planning permits for the subject site, a number of planning permits approved circa 2000 to 2004 for the development of offices, warehouses and car parking opposite across Anderson Street, and roadworks in Anderson and the development of a car park at the northerly end of Anderson Street are relevant to the development of the subject site. In particular, 12 parking spaces in the car park at the

northerly end of Anderson Street are encumbered by a legal settlement that reserves these spaces for the exclusive use of 51-59 Fennell Street (Cnr. Ingles Street) until 20 May 2048.

These encumbered spaces conflict with the alignment / delivery of the 12m (w) new road sought by the Planning Scheme and Fishermans Bend Framework along the northern rear boundary of the subject site.

- 4.3 The current application for a Planning Scheme Amendment was lodged with the Minister / Department on 02 April 2021 and informally forwarded to Council on 19 April 2021.
- 4.4 The application proposed a single tower of 57, 69 and 87 levels comprising 389 dwellings, 8,693m<sup>2</sup> net commercial floor area and 2,088m<sup>2</sup> net retail floor area.
- 4.5 Council, the Department and the Fishermans Bend Task Force (FBT) raised concerns including regarding height, overshadowing, building design, vehicle access, wind impacts, distance from public transport, potential conflict with a flight path above, and requested further information.
- 4.6 On 04 October 2021, the applicant provided their further information response to the Department, including amended plans reducing the height of the single tower to 53, 55 and 56 levels comprising 293 dwellings, 397m<sup>2</sup> retail floor area and 6,616m<sup>2</sup> commercial floor area, together with associated updated reports.
- 4.7 The Department formerly referred the request for a Planning Scheme Amendment and the amended plans and updated reports to Council on 25 October 2021.
- 4.8 This report relates to the amended PSA plans and associated updated reports.

## 5. PROPOSAL

- 5.1 It is proposed to:
  - Demolish the existing buildings on the land.
  - Construct a 53, 55 and 56 level (max. 197.1m (199m AHD) to roof top level) tower including a four (4)-storey podium and two (2) basement level mixed use commercial and residential buildings and associated car, motorcycle and bicycle parking and construct and/or carry out works.
  - Use land for **Dwellings, Office and Retail premises** including **Food and drink premises** including a **Restaurant** (Café) in the CCZ1.
  - Construct a max. approx. 44.0m length of new 12.0m wide road along the northern rear of the property abutting the southern boundary of the West Gate Freeway.
  - Construct and carry out streetscape works in Ingles Street and buildings and works and landscaping and reconfiguration of Anderson Streets and the property at the northern end of Anderson Street.
- 5.2 Anderson Street and the three properties noted above are not owned by the applicant. The application proposes that '...the (two) adjoining sites be incorporated into the site as part of public realm improvements.
- 5.3 It is estimated the development would take eighteen months to construct.  
The application is seeking:
  - Three (3) years from the date of approval of the amendment to start;

- Five (5) years from the date of approval of the amendment to complete;
- Five (5) years from the date of approval of the amendment to commence the use(s).

5.4 More particularly, the proposal comprises:

*Note: For consistency when referring to the plans, the following summary adopts the floor numbering regimen of the application drawings where ground floor is not ascribed a level no and Level 1 refers to the first floor etc. resulting in the top floor number being one less than the actual number of levels / floors eg. the top level is noted as Level 55 on the drawings but has a maximum of 56 levels/floors above ground.*

*Elsewhere in this report, including Table 1 below, floor counts assign L1 to be the ground floor level and additional levels are counted from there.*

**Basement 02 (Lower basement)**

- 64 car parking spaces.
- Building service areas including 115kL below ground rainwater harvest tank.
- Vehicle access from the ground level.
- Stairs and Lifts to the levels above.

**Basement 01 (Upper basement)**

- 55 at-grade car parking spaces.
- Two (2) loading bays (1 x shared waste collection and residential loading bay and 1 x commercial loading bay).
- Waste stores including 2 x compactors.
- Building service areas including tanks.
- Vehicle access from the ground level.
- Stairs and Lifts to the levels above and below.

*Note: The two basement levels propose to occupy the whole of the site including up to the northern boundary abutting the West Gate Freeway, which includes land beneath where the Planning Scheme and Fishermans Bend Framework October 2018 propose a new 12.0m wide road.*

**Ground Floor (Podium)**

- One (1) retail café tenancy (397m<sup>2</sup> GFA) at the corner of Ingles and Anderson Streets.
- Office lobby entry off Ingles Street.
- Residential lobby and secondary office lobby entry off Anderson Street.
- Stairs and Lifts to the levels above and below.
- One (1) x 9.403m vehicle crossing off Ingles Street leading to both the basement and podium level car park ramps.
- A circular car park ramp up from Ingles St to the podium car park levels.
- A separate car park ramp down from Ingles St to the basement car park levels and Basement 01 loading bays.
- A bike ramp off Ingles Street up to the first-floor level bicycle parking.
- Four (4) x building management offices.
- Hard waste store.
- Building services including fire services and boosters, water meters, diesel pumps.
- A 12.0m setback from the northern rear boundary to accommodate a new 12.0m (w) road between Anderson Street and Ingles Street (per the Planning Scheme and Fishermans Bend Framework October 2018).

The design also proposes ground level buildings and works outside the property title including:

- a terrace and steps down to Ingles and Anderson Street;
- a DDA access ramp up from Anderson Street;





- Streetscape works in Anderson Street including paving, reconfiguration of the carriageway and avenue plantings; and
- Footpath paving and two (2) indented parallel car parking spaces along Ingles Street.
- Thirty-eight (38) visitor bicycle parking spaces on street comprising 2 x 12 hoops (24 spaces) on Ingles St; and 7 x hoops (14 spaces) on Anderson St.

#### **Level 1 (Podium)**

- Stairs and Lifts to the levels above and below.
- A circular car park ramp up from Ingles Street to the podium car park levels.
- A bike ramp off Ingles Street.
- 412 bicycle parking spaces comprising 293 residential and 119 commercial.
- Bicycle end-of-trip facilities including change rooms, lockers, showers and toilets.
- Forty (40) other lockers.
- Building services including a substation and switch room.

#### **Levels 2 and 3 (Podium)**

- Stairs and Lifts to the levels above and below.
- A circular car park ramp up from Ingles Street to the podium car park levels.
- Forty (40) car parking spaces per level.
- Six (6) motorcycle parking spaces per level.
- Bin storage.

#### **Level 4 (Podium rooftop and base of tower)**

- Stairs and Lifts to the levels above and below.
- Podium rooftop communal resident open space.
- Mezzanine

#### **Level 5 (Tower)**

- Three (3) commercial tenancies with rebated terraces.

#### **Levels 6 - 12 (Tower)**

- Three (3) commercial tenancies with curtain wall facades per floor.

#### **Level 13 (Tower)**

- Building services.

#### **Level 14 (Tower)**

- Residential Amenities: 25m Lap pool, Family pools, Gym, Yoga room, Meditation room, Change rooms.

#### **Level 15 (Tower)**

- Residential Amenities: Lounges, Library, Shared work area, 2 x dining rooms and associated Kitchen service area, Wc's.

#### **Levels 16-32 (Tower)**

- Nine (9) dwellings (6 x 1BR, 3 x 2BR) per floor, including:
  - Five (5) levels (L 16 to 20) of Affordable and Social Housing (43 x 1 and 2BR dwellings)

#### **Levels 33-52 (Tower)**

- Seven (7) dwellings (1 x 1BR, 3 x 2BR and 3 x 3BR) per floor.

#### **Levels 53-55 (Tower)**

- Building Services.

### Rooftop Level

5.5 A summary of the original 87 level proposal and the current 56 level proposal is set out in Table 1 below:

**Table 1: Application Summary**

Address	276-284 Ingles Street, Port Melbourne Original Application	276-284 Ingles Street, Port Melbourne Amended Application – current application under consideration
Planning Scheme Amendment (PSA) No.	PSA C201port	PSA C201port
Plans assessed	Ref: M1014, Drawing Nos. TP00.00 to TP10.10, all dated 25-02-2021, Development Summary 22-03-2021, prepared by Studio Kristen	Ref: M1042, Drawing Nos. TP00.00 to TP07.10, all dated 04-10-2021, Development Summary Rev B 04-10-2021, prepared by Studio Kristen
Site area / Title particulars	<b>2,746m<sup>2</sup> (0.27 ha.)</b> (Plan of Survey) (No area details on Title)	<b>2,746m<sup>2</sup> (0.27 ha.)</b> (Plan of Survey) (No area details on Title)
Minimum plot ratio for non-res floor area (Core areas) Clause 22.15-4 <i>Note: Clause 73.01: Plot ratio: The GFA of all buildings on a site divided by the area of the site. (Includes any proposed road, laneway and pos.)</i>	<b>10,160.2m<sup>2</sup></b> (GFA) (Sandridge Core area ratio = 3.7:1 x 2,746m <sup>2</sup> )	<b>10,160.2m<sup>2</sup></b> (GFA) (Sandridge Core area ratio = 3.7:1 x 2,746m <sup>2</sup> )
Non-residential floor area <i>Note: Clause 73.01: Gross floor area: The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas (i.e. includes the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts).</i>	<b>10,781m<sup>2</sup></b> (NSA) (Development Summary) <b>Commercial: 8,693m<sup>2</sup></b> (NSA) (15 levels) <b>Retail: 2,088m<sup>2</sup></b> (NSA) (6 tenancies) <b>Note 1:</b> Planning Report (p.31) states the proposal could support est. 719 direct FTE jobs on site across the commercial office.	<b>7,013m<sup>2</sup></b> (GFA) <b>5,815m<sup>2</sup></b> (NSA), (Development Summary) <b>Commercial: 6,616m<sup>2</sup></b> (GFA) 5,438m <sup>2</sup> (NSA), (8 levels x 3 tenancies per level = 24 tenancies) <b>Retail: 397m<sup>2</sup></b> (GFA) 377m <sup>2</sup> (NSA), (1 tenancy) <b>Note 1:</b> Urbis Economic Assessment.p.28 and 30 states the proposal could support est. 574 direct FTE jobs on site across the retail tenancy and commercial office + 356 total indirect jobs in Victoria on ongoing basis. • Retail: 377m <sup>2</sup> = 15 total jobs inc. 12 FTE • Office: 5,438m <sup>2</sup> = 559 total jobs inc. 574 FTE <b>Total: 574 total jobs inc. 559 FTE</b>
CCZ1 Dwelling Density Clause 22.15-3 & Schedule 1 to Clause 37.04	Sandridge Core area @ 349 dw/ha x 0.2746ha = <b>95 (95.83) dwellings</b>	Sandridge Core area @ 349 dw/ha x 0.2746ha = <b>95 (95.83) dwellings</b>



<p><b>Dwelling density</b> (dw/ha) means the number of dwellings on the site divided by the <u>total site areas (hectares) including any proposed road, laneway and public open space.</u></p>		
<p><b>No. dwellings (inc. Affordable Housing) / dwelling diversity</b> <b>Clause 22.15-4.2</b> Proposals of &gt; 100 dwellings should provide 3BR dwellings as follows: Sandridge: 20%</p>	<p><b>389</b> (185 / 47.55% x 1BR, 119 / 30.59% x 2BR &amp; 85 / 21.85% x 3BR) (inc. 27 x 1BR Affordable / 36 x 1BR Social Housing dwellings) <b>Note #1:</b> CoPP average dwelling = 1.9 persons occupancy x 389 = <b>739 persons</b></p>	<p><b>293</b> (122 / 42% x 1BR, 111 / 38% x 2BR &amp; 60 / 20% x 3BR) (inc. 18 x 1 and 2BR Affordable / 25 x 1 and 2BR Social Housing dwellings) <b>Note #1:</b> CoPP average dwelling = 1.9 persons occupancy x 293 = 556 <b>persons</b> <b>Note 2:</b> RFI response letter and Planning Report (p. 22) refers to mix of 1, 2 and 3BR Affordable / Social Housing dwellings on Levels 16-20 (inclusive). Plans show 1 and 2BR dwellings only at Levels 16-20.</p>
<p><b>Affordable housing</b> <b>Clause 22.15-4.3</b> Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</p>	<p><b>63 x 1BR Social/Affordable dwellings</b> (Development Summary) <b>27 Affordable housing dwellings ??</b> <b>Note 1:</b> 6% of 389 = 23 (23.34) dwellings). <b>Note 2:</b> Draft Incorporated Document Clauses 4.51, 4.52 and 4.53 refer to ‘...not less than 6% of (all) dwellings ... in the form of one or two bedroom dwellings ....’  <ul style="list-style-type: none"> <li>• Be made available ... via sale and transfer to a registered housing agency (etc.);</li> <li>• Be leased to and under the management of a registered housing agency (etc.) for .. not less than 10 years .... at a minimum discount of 20%...’; and</li> <li>• (Option for cash payment)</li> </ul> <b>Note 3:</b> Planning Report (p.22) states ‘... a total of 63 Social/Affordable apartments are provided. These are a mixture of one, two and three bedroom dwellings and are located between levels 22 and Level 28.’ <b>Note 4:</b> Planning Report (p.32) refers to 63 Social/Affordable housing dwellings inc. 36 Social housing. <b>Note 5:</b> Planning Report (p.33) refers to 24 Affordable housing units. <b>Note 6:</b> Urban Context Rpt (p.108) shows ‘7 levels dedicated to Affordable and Social Housing’ and floor plan showing 5 x 1BR, 3 x 2BR, 1 x 3B per floor = 35 x 1BR, 21, x 2BR and 7 x 3BR = 63 dwellings. <b>Note 7:</b> Urban Context Rpt (p.109) states ‘23 social housing apartments / 40 affordable housing apartments’ .....’research into possible housing providers underway: Women’s Housing / Community Housing / Housing for low income families.’ <b>Note 8:</b> 63 Social/Affordable dwellings, less 36 Social housing dwellings = 27 Affordable dwellings</p>	<p><b>43 x 1 and 2 BR Social / Affordable dwellings</b> (Development Summary) at Levels 17 to 21 inclusive (5 levels) <b>18 Affordable housing dwellings</b> <b>Note1:</b> 6% of 293 = 17 (17.58) dwellings. <b>Note 2:</b> RFI response letter and Planning Report (p. 22) refers to mix of 1, 2 and 3BR Affordable / Social Housing dwellings on Levels 16-20 (inclusive). Plans show 1 and 2BR dwellings only at Levels 16-20.</p>
<p><b>Social housing</b> <b>Clause 4.2 of Schedule 1 to the CCZ.</b></p>	<p><b>36 x ?BR Social Housing dwellings</b> <b>Note 1:</b> Pursuant to paragraph 17 of the FBSAC Terms of Reference, the dwelling density</p>	<p><b>25 x Social Housing dwellings</b> <b>Note 1:</b> Pursuant to paragraph 17 of the FBSAC Terms of Reference, the dwelling density</p>



<p>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of dwellings allowable under the specified Dwelling density</p>	<p>requirements and associated Social Housing uplift provisions formally apply. <b>Note 2:</b> Social Housing is required as follows: 389 dwellings - 95 dwelling density = 294 dwellings @ 1 per 8 = <b>36 (36.75) social housing dwellings</b> required for uplift.</p>	<p>requirements and associated Social Housing uplift provisions formally apply. <b>Note 2:</b> Social Housing is required as follows: 293 dwellings - 95 dwelling density = 198 dwellings @ 1 per 8 = <b>24 (24.75) social housing dwellings</b> required for uplift. <b>Note 3:</b> RFI response letter and Planning Report (p. 22) refers to mix of 1, 2 and 3BR Affordable / Social Housing dwellings on Levels 16-20 (inclusive). Plans show 1 and 2BR dwellings only at Levels 16-20.</p>
<p><b>Basement</b></p>	<p><b>Two (2) levels (Max. depth -3.65m AHD)</b></p>	
<p><b>Street wall (podium) height</b> Ingles St: 44.3m (w) approx., Anderson St: 30.4m (w) approx., New 12m (w) street at rear: (All preferred: at least 4 storeys, Max. 6 storeys)</p>	<p><b>Six (6) levels: 25.1m (27m AHD) to roof top level, 26.7m (28.6m AHD) to top of parapet.</b> <b>Note 1:</b> NGL 1.9m AHD (Architectural Drawings), 1.92m AHD Ingles St (centre), 1.85m AHD Anderson St (centre) (Survey Plan)</p>	<p><b>Four (4) levels: 17.5m (19.4m AHD) to roof top level, 18.9m (20.8m AHD) to top of parapet.</b> <b>Note 1:</b> NGL 1.9m AHD (Architectural Drawings), 1.92m AHD Ingles St (centre), 1.85m AHD Anderson St (centre) (Survey Plan)</p>
<p><b>Maximum height (Tower)</b> <b>Note:</b> No building height specified for land.</p>	<p><b>57, 69 and 87 levels (Max. 309.1m / 311m AHD)</b> <b>• 57 levels inc. rooftop terrace: Max. 203.1m (205m AHD) to roof top level</b> <b>• 69 levels inc. rooftop terrace: Max. 243.1m (245m AHD) to roof top level</b> <b>• 87 levels inc. rooftop terrace: Max. 309.1m (311m AHD) to roof top level</b> <b>Note 1:</b> Building services are located within tower at Levels 20, 56, 68, 85 and 86. <b>Note 2:</b> NGL 1.9m AHD (Architectural Drawings), 1.92m AHD Ingles St (centre), 1.85m AHD Anderson St (centre) (Survey Plan)</p>	<p><b>53, 55 and 56 levels: (Max. 197.1m (199m AHD))</b> <b>• 53 levels: Max. 185.8m (187.7m AHD) to roof top level</b> <b>• 55 levels: Max. 192m (193.9m AHD) to roof top level</b> <b>• 56 levels: Max. 197.1m (199m AHD) to roof top level</b> <b>Note 1:</b> Architectural drawings numbering starts at Level 1, omits Ground floor level. Levels in this table start at Ground floor level = Level 1. <b>Note 2:</b> Building services are in tower at Levels 14, 54, 55 and 56. <b>Note 3:</b> Residential amenities are in tower at Levels 15 and 16. <b>Note 4:</b> NGL 1.9m AHD (Architectural Drawings), 1.92m AHD Ingles St (centre), 1.85m AHD Anderson St (centre) (Survey Plan)</p>
<p><b>Street wall (podium) Setbacks</b></p>	<p><b>North (rear):</b> Min. 0.0m from new 12.0m road (12.0m from Title boundary). <b>North-east (side):</b> Min. 0.0m. <b>South-east (side) (Anderson St):</b> Min. 0.0m. <b>South-west (front) (Ingles Street):</b> Min. 0.0m.</p>	<p><b>North (rear):</b> Min. 0.0m from new 12.0m road with minor curving at corners (12.0m from Title boundary). <b>North-east (side):</b> Min. 0.0m with minor curving at corners. <b>South-east (side) (Anderson St):</b> Min. 0.0m with minor curving at corners. <b>South-west (front) (Ingles Street):</b> Min. 0.0m with minor curving at corners</p>
<p><b>Tower Setbacks (above podium)</b></p>	<p><b>North (rear):</b> Min. 5.0m from podium street wall, 17.0m from Title boundary (inc. new 12.0m road). <b>South-east (side) (Anderson St):</b> Min. 10.0m. <b>South-west (front) (Ingles Street):</b> Min. 10.0m.</p>	<p><b>North (rear):</b> Min. 5.0m from podium street wall, 17.0m from Title boundary (inc. new 12.0m road). <b>South-east (side) (Anderson St):</b> Min. 10.0m. <b>South-west (front) (Ingles Street):</b> Min. 10.0m.</p>



	<b>North-west (side): Min. 10.0m.</b>	<b>North-west (side): Min. 10.0m.</b>
<b>Building (podium) separation below the max. street wall</b>	N/A (Single podium)	N/A (Single podium)
<b>Building (tower) separation above the max. street wall</b> <i>Note: Architectural features, but not balconies, may encroach into the minimum separation.</i>	N/A (Single tower)	N/A (Single tower)
<b>Loading bay</b>	<b>Basement 01:</b> 1 x residential (**m (w) x **m (l) x **m (h)) and 1 x office (**m (w) x **m (l) x **m (h)) loading bay accessed via new crossing off Ingles St <b>Level 00 (ground):</b> One x dual (side by side) loading bay (**m (w) x **m (l) x **m (h)). with 2 x waste compactors, accessed off new crossing off Ingles St	<b>Basement 01:</b> 1 x shared waste collection and residential loading bay (5.2m (w) x 9.0m (l) x 3.5m (h)) accessed via crossing off Ingles St. 1 x commercial loading bay (3.9m (w) x 7.0m (l) x 3.5m (h)) accessed via crossing off Ingles St.
<b>Car parking</b>	<b>209 spaces</b> (152 resident [0.39/dwelling], 57 Office/Retail [0.56:100m <sup>2</sup> ], with not more than 20 for retail, 2 DDA spaces, 12 car shared spaces) <b>Basement 02:</b> 61 x single spaces (inc. 2 x tandem pairs) <b>Basement 01:</b> 51 x single spaces <b>Level 02:</b> 18 single spaces inc. 4 car share <b>Level 03:</b> 18 single spaces inc. 4 car share <b>Level 04:</b> 18 single spaces inc. 4 car share <b>Level 05:</b> 43 single spaces	<b>200 spaces</b> (176 resident [0.6/dwelling], 20 Office/Retail [0.28:100m <sup>2</sup> ], with not more than 3 for retail; 2 DDA spaces, 9 car share spaces) <b>Basement 02:</b> 65 x single spaces <b>Basement 01:</b> 55 x single spaces <b>Level 03:</b> 40 single spaces <b>Level 04:</b> 40 single spaces <b>Note 1:</b> Basement 2 car space #54 is obstructed by a column and is not usable, reducing no. of spaces from 65 to 64 on that level and from 200 to 199 overall. <b>Note 2:</b> Applicant Traffic Report recommends reduction of a further four (4) car spaces due to column location, provision of 2 x DDA shared spaces and adjustments to bay dimensions, reducing no. of spaces to 195 overall. <b>Note 3:</b> 9 x car share spaces not shown on plans <b>Note 4:</b> No details of EV charging points
<b>Motorcycle parking</b> 1: 50 dwellings 1: 100 non-res car spaces	<b>22 spaces</b> (1:17 dwellings) <b>Level 02:</b> 5 spaces <b>Level 03:</b> 5 spaces <b>Level 04:</b> 5 spaces <b>Level 05:</b> 7 spaces	<b>12 spaces</b> (1:24 dwellings) <b>Level 02:</b> 6 spaces <b>Level 03:</b> 6 spaces <b>Note 1:</b> Traffic Impact Assessment states 6 motorbike spaces provided. Plans show 12 spaces. Development Schedule silent.
<b>Bicycle parking</b>	<b>674 spaces</b> (390 resident [1:dwelling], 224 staff, 60 visitor) <b>Level 00 (ground):</b> 60 visitor spaces <b>Level 01:</b> 390 resident spaces (mix of stacked and on-ground) 224 staff spaces (mix of stacked and on-ground)	<b>450 spaces</b> (293 resident spaces [1/dwelling], 119 staff, 38 resident and commercial visitor) <b>Level 00 (ground):</b> 38 on-street visitor spaces (2 x 12 spaces on Ingles St footpath, 6 and 8 spaces on Anderson St) <b>Level 01:</b> 412 spaces (293 resident, 119

	226 lockers, Male and Female EoT inc. 15 showers.	employee (at-grade) 158 lockers, Male and Female EoT inc. 10 showers (58 lockers / 5 showers x 2 for Male & Female EoT and 40 external lockers). <b>Note 1:</b> Visitor spaces proposed on street. 2 x 12 hoops (24 spaces) on Ingles St; 7 x hoops (14 spaces) on Anderson St.
<b>Open space</b>	<b>Varies. 1BR:</b> Min. 6m <sup>2</sup> with min. dimension of 1.8m, <b>2BR:</b> Min. 8m <sup>2</sup> with min. dimension of 2.4m, <b>3BR:</b> Min. 6m <sup>2</sup> with min. dimension of 1.85m,	
<b>Stores*</b> <i>*Note: Excludes storage in Apartments per BADS.</i>	<b>Not specified</b> (Plans show stores on various car park floors)	
<b>Communal facilities</b>	<b>4,057m<sup>2</sup> (2,184m<sup>2</sup> internal and 1,873m<sup>2</sup> outdoor terrace)</b> <ul style="list-style-type: none"> <li>• <b>Level 7 (Podium rooftop):</b> Urban farm, landscaped outdoor space, access to Public Amenity Function Centre, Bar, Café, Kitchen (351m<sup>2</sup> and 1,647m<sup>2</sup> terrace)</li> <li>• <b>Level 21: Resident Amenities:</b> Gym, Pool / Spa Lounge, Sauna, Sun Lounge (facing East?), Meditation room (716m<sup>2</sup>)</li> <li>• <b>Level 55 or 56???: Resident Amenities:</b> Cinema, Lounge x2, Library x2, Co-working place, Dining room w/ kitchen, Terrace (547m<sup>2</sup> and 138m<sup>2</sup> terrace)</li> <li>• <b>Level 57: Resident Amenities:</b> Bar / Dining / Penthouse Lounge, Business Lounge, Meeting/Conference Room, Pool / Spa / Sauna, Terrace (570m<sup>2</sup> and 88m<sup>2</sup> terrace)</li> </ul> <p><b>Note 1:</b> Renders suggest there are also terraces at Levels 57, 69 and 87 ??  <b>Note 2:</b> Terrace at L55 or 56??? not apparent in elevations / renders.  <b>Note 3:</b> Elevations, Sections and Renders are inconsistent Re: Location of service and amenity levels</p>	<b>2,745m<sup>2</sup> approx. (898m<sup>2</sup> internal and 1,847m<sup>2</sup> approx. outdoor terrace)</b> <ul style="list-style-type: none"> <li>• <b>Level 4 (Podium rooftop):</b> Landscaped outdoor terrace inc. undercroft of tower (1,847m<sup>2</sup> approx.)</li> <li>• <b>Level 15: Resident Amenities:</b> Gym, 25m Lap Pool, Family Pools, Yoga room, Meditation Room (560m<sup>2</sup>)</li> <li>• <b>Level 16: Resident Amenities:</b> Lounge, Library, Shared-working place, Dining room w/ kitchen service (338m<sup>2</sup>)</li> </ul>
<b>Community (public) facilities</b>	Streetscape works to Anderson Street?	Streetscape works to Anderson Street?
<b>New Roads / Laneways</b>	New 12.0m (w) road at rear <p><b>Note 1:</b> New Road requires access across two (2) adjoining properties and OC consent  <b>Note 2:</b> Car park at northern end of Anderson Street is subject to Supreme Court Order to provide car parking spaces in favor of lots in the plan of subdivision and is in dispute atm).  <b>Note 3:</b> Ground floor plan appears to show new</p>	New 12.0m (w) road at rear <p><b>Note 1:</b> New Road requires access across two (2) adjoining properties and OC consent  <b>Note 2:</b> Car park at northern end of Anderson Street is subject to Supreme Court Order to provide car parking spaces in favor of lots in the plan of subdivision and is in dispute atm).  <b>Note 3:</b> Ground floor plan shows new indented</p>

	indented parking along Ingles St frontage.	parking along Ingles St frontage.
<b>Vehicle access</b>	<p><b>Three (3) crossings off Ingles Street</b>                      1 x 6.15m (w) to basement car parking                      1 x 6.15m (w) to circular ramp to Level 1 bicycle and Level 2, 3, 4, 5 car parking                      1 x 7.2m (w) to double width waste collection loading bay</p> <p><b>Note 1:</b> Existing = 1 x 11.0m (w) approx. crossing off Ingles St and 1 x 6.5m (w) approx. off Anderson St.</p>	<p><b>One (1) crossing off Ingles Street</b>                      1 x 9.403m (w) crossing for access to:</p> <ul style="list-style-type: none"> <li>• Ramp down to 2 x basement car parking levels and 2 x loading bays</li> <li>• Circular ramp up to Level 2 bicycle and Level 3 and 4 car parking</li> </ul> <p><b>Note 1:</b> Existing = 1 x 11.0m (w) approx. crossing off Ingles St and 1 x 6.5m (w) approx. off Anderson St.</p>
<b>Dwelling access</b>	Lobby off Anderson St and from car and bicycle parking levels.	Lobby off Anderson St and from car and bicycle parking levels.
<b>Retail/commercial access</b>	Retail / Office lobby off Anderson St and from car and bicycle parking levels.	Retail / Office lobby primary access off Ingles St with secondary access off Anderson St and from car and bicycle parking levels.
<b>Staging</b>	N/A	N/A
<b>Gross floor area / Floor area ratio</b>	<p><b>Gross Floor Area (GFA): 73,076m<sup>2</sup>;</b>  <b>Site area = 2,746m<sup>2</sup> (0.27 ha.)</b>  <b>Plot Ratio: 26.61:1</b></p>	<p><b>Gross Floor Area (GFA): 52,425m<sup>2</sup>;</b>  <b>Site area = 2,746m<sup>2</sup> (0.27 ha.)</b>  <b>Plot Ratio: 19.09:1</b></p>

5.6 The proposal is essentially for two (2) shared basements and a four-level podium with a single tower with a stepped top of 53, 55 and 56 levels above.

5.7 The Minister, through the Department would be the responsible authority for approving plans for the proposal. Council would be the responsible authority for s173 Agreements and typically responsible or would share responsibility for approving plans and/or reports for traffic and parking, waste management, sustainable design, landscaping etc.

## 6. SUBJECT SITE AND SURROUNDS

6.1 Existing conditions and proposed FBURA Infrastructure for the site and surrounds are as follows:

<b>Site description and area</b>	<p>The subject site is situated on the north-east corner of Ingles Street and Anderson Street, Port Melbourne.</p> <p>The land is generally rectangular, albeit with a minor chamfer to the north-west rear corner and has a frontage width of 53.36m to Ingles Street and a side abuttal to Anderson Street of 53m for an overall area of 2,746m<sup>2</sup> (0.27ha.) approx.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show only minor differences of approx. 0.06 to 0.2m in the natural ground level (NGL) of the centre of the three site frontages as follows: Ingles St: 1.89m AHD, Anderson St: 1.84m AHD; North-east (side): 1.69m AHD, North-west (side): 1.9m AHD.</p>
<b>Existing building &amp; site conditions</b>	<p>The land is developed with a principle brick and metal roofed Industrial / Warehouse / Office building and two (2) smaller galvanised iron buildings and associated at-grade forecourt off Ingles Street and car parking off Anderson Street. The principal building is setback 1.93m from Ingles Street and is constructed to the Anderson Street boundary.</p> <p>The property is currently used for a Panel Beating workshop.</p> <p>There is an approx. 37m high Telecom mobile phone tower and associated service room in the south-west corner of the site off Ingles Street.</p>



	<p>There is one (1) vehicle crossing into the land from Ingles Street and one (1) crossing from Anderson Street.</p> <p>There is parallel on-street car parking along the Ingles Street frontage of the site and additional 90-degree angle parking beneath the Ingles Street bridge and 90-degree angle parking on both sides of Anderson Street adjacent to the subject site.</p> <p>There is no landscaping on the site. There are mature street trees along the Ingles Street and a row of established but younger trees along the Anderson Street frontage.</p>
<p><b>Surrounds / neighbourhood character</b></p>	<p>Surrounding land is predominantly developed with low-rise industrial, warehouse and office buildings circa 1940s onwards, and is industrial in appearance. More particularly, surrounding land is developed as follows:</p> <p><b>North (rear):</b> The City of Port Phillip Municipal Boundary with the City of Melbourne, the West Gate Freeway / State Route M1 and the City of Melbourne Lorimer Precinct of the FBURA, and the South Wharf residential precinct and Yarra River beyond. The West Gate Freeway is noted as the busiest road in Australia and carries upwards of 200,000 vehicles per day. The Lorimer FBURA precinct is currently predominantly developed with industrial and warehouse buildings and uses, but includes approvals for three (3) towers, one (1) live application for a planning permit and four (4) live application for 20(4) Planning Scheme Amendments for max, 24, 29, 50, 52 level towers. None of the approved towers in Lorimer have started construction.</p> <p><b>South:</b> Ingles Street including the Ingles Street bridge over the West Gate Freeway to the Lorimer precinct. Ingles Street is an important link between the north and south precincts of the FBURA which carries high levels of car and truck traffic. The existing circa 1960s bridge is narrow and steep and does not make satisfactory provision for pedestrians or cyclists and is recommended for replacement. This would include lengthening the bridge approaches (to closer to Fennell Street) to reduce the steepness of the ramps to improve its pedestrian and cycling usability. Across Ingles Street, land is predominantly developed for low-rise industrial and warehouse and office buildings.</p> <p><b>East (side):</b> Anderson Street and predominantly low-rise industrial and warehouse and office buildings and at-grade car parking. Anderson Street is a cul-de-sac.</p> <p><b>West (across Ingles Street):</b> Predominantly low-rise industrial and warehouse and office buildings including the heritage grade former Felton Grimwade (later Australian Motor Industries [AMI] building at 289 Ingles Street. Two approvals for multi-storey towers have been approved to the rear of this building but have not started - Refer to 6.4 below.</p> <p>There is no public transport along Ingles Street or nearby.</p> <p>The nearest service is the <b>Route 235 bus</b> approx. 725m to the south along Williamstown Road</p> <p><b>Route 235</b> bus operates from the Queen Victoria Market to the Fishermans Bend Industrial Precinct via Southern Cross Station and Williamstown Road passing the corner of Ingles Street approx. every 20-30 minutes from circa 6.00am to 9.00pm Mon-Fri, approx. every 30-40 minutes from circa 7.30am to 7.30am Saturday and hourly from circa 8.00am to 6.00pm on Sunday.</p> <p>The nearest fixed rail public transport is the Montague Street stop on the high frequency Route 109 Light rail line, approx. 1,100m to the south-east.</p> <p>There nearest on-road bike path is along Williamstown Road to the south. The nearest off-road bike paths are alongside the Route 109 light rail line to the south and the Capital City Trail to the north-east.</p> <p>Vehicle access to the Westgate Freeway is approximately 1.4km from the site via Ingles Street, Williamstown Road, Normanby Road and Montague Street.</p> <p>The nearest Activity Centre to the site is Bay Street, Port Melbourne approximately 1.2km to the SW via Ingles Street.</p>





<p><b>Fishermans Bend Framework October 2018</b></p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p><b>For the subject site:</b></p> <ul style="list-style-type: none"> <li>• Located in the Sandridge Core Area.</li> <li>• A new 12.0m (w) road along the northern (rear) boundary between Anderson Street and Ingles Street.</li> </ul> <p><b>For the surrounding area:</b></p> <ul style="list-style-type: none"> <li>• A new 12.0m (w) road along the northern (rear) boundary between Anderson Street and Ingles Street and to the east from Anderson Street to the corner of Boundary and Fennell Street.</li> <li>• A new tram, pedestrian and cycle bridge over the freeway (Medium term [i.e. 2020-2025] project). <b>Note:</b> The alignment of this bridge would cross the freeway at the north-east rear corner of Anderson Street and would 'land' at the corner of Fennell and Ingles Street.</li> <li>• A future light-rail line along Fennell and Plummer Street (Medium term [i.e. 2020-2025] project).</li> <li>• Pop-up public open space on the site of the proposed future Metro 2 Sandridge Station (Medium term [i.e. 2020-2025] project).</li> <li>• Potential Metro 2 underground rail line beneath Fennell and Plummer Street, including a station at the corner of Ingles and Fennell Street (Long term [i.e. 2025+] project).</li> <li>• Widening of the Ingles Street bridge (to better accommodate cycling and pedestrians) (Long term [i.e. 2025+] project).</li> <li>• New public open space including along the west side of Ingles Street opposite the subject site.</li> <li>• Strategic cycling corridor along Ingles Street (No time frame specified).</li> </ul>
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6.2 Applications, permits, Planning Scheme Amendments, commencements and completions abutting or near the subject site are as follows (Permits / Approvals in bold):

**North (across the Freeway in the City of Melbourne [CoM])**

- **150 Turner St PM: 35 level mixed use tower. Not started.**
- 162-188 Turner St, PM: PSA application for 5 x 28 to 40 level mixed use towers.
- 351-387 Ingles St, PM: Permit application for 5 x 11 to 40 level mixed use towers.
- 850-868 Lorimer St, PM: PSA application for a 44-level mixed use tower.
- **310-324 Ingles St and 223-235 Boundary St, PM: No development details. Not started.**
- 111 Lorimer St, PM: PSA application for a 40-level mixed use tower.
- 13 Hartley St, PM: PSA application for a 40-level mixed use tower.
- **85-93 Lorimer St, PM: 49 level mixed use tower. Not started.**

**Note:** Above approvals allow approx. 1,238 dwellings.

**South (side, towards Williamstown Road)**

- **220 Ingles St, PM: Permit for 287 townhouse dwellings. 3-4 levels. Completed.**
- **164 Ingles St PM: Permit for alterations and additions to former offices for seven (7) dwellings. 3 levels. Completed.**



- **14 Woodruff St PM (Cnr Ingles St): Permit for alterations and additions to former factory for retail, commercial (office) and dwellings. 4-levels. Under construction.**

**East (rear)**

- Nil

**West (across Salmon Street)**

- **118 Bertie Street, PM: Planning Scheme Amendment approval for approx. 67 dwellings, 20 levels. Not started.**
- **261, 271-281 Ingles St, PM: Planning Scheme Amendment approval for approx. 78,656m<sup>2</sup> commercial & retail, Hotel, 947 dwellings, 18, 50, 32, 37 levels. Not started.**

**7. PERMIT TRIGGERS**

The following zone and overlay controls apply to the site. If the application was for a Planning Permit (rather than an application for a Planning Scheme Amendment), the following permissions would have been required:

Planning Scheme Provision	Why is a planning permit required?
<b>Clause 36.04: Road Zone Category 1</b>	Pursuant to Section 2 of Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. This may include a substantial increase in traffic to or from a Road Zone. <b>A planning permit would not be required under this clause.</b>
<b>Clause 37.04: Capital City Zone (CCZ1)</b>	Pursuant to Clauses 37.04-1 and 37.04-2 of the CCZ1 and the Table of uses at Clause 1 of the Schedule to the CCZ1, <b>a planning permit is not required to use land for an Office or a Shop</b> (other than an Adult Sex product shop, Department Store, Supermarket, or Restricted retail premises). 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: <ul style="list-style-type: none"> <li>• <b>Dwelling</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not be within an Amenity buffer shown on Map 4.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> <li>• <b>Retail premises (other than Hotel, Shop and Tavern (i.e. Bar)) including a Food and Drink premises including a Café</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not exceed 1000m<sup>2</sup> gross leasable floor area.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> </ul>



	<p>The land is in a Core Area and is within the 100m and 300m buffers of two (2) concrete batching plants in the City of Melbourne and the 300m buffer of the Colonial Brewery on Bertie Street.</p> <p><b>A planning permit would be required to use the land for a Dwelling and Retail premises (Café) under this clause.</b></p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> <li>• An application lodged before the approval of Amendment VC136 (02-Feb-2017).</li> <li>• An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136.</li> </ul> <p>The application was lodged in 2021 and so <b>must meet Clause 58.</b></p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> <li>• The demolition or removal of temporary structures;</li> <li>• The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.</li> </ul> <p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Wirraway Precinct (DDO33)</b></p>	<p>The land is in Precinct Area S2 of DDO32 which encourages a hybrid (predominantly high-rise) building typology and is in area with no preferred to maximum building height.</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 32 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>Pursuant to Clause 62.02-3, this excludes the construction of or putting up for display of a sign unless a permit is specifically required.</p> <p>An application to construct a building or construct or carry out works or subdivide land in DDO30, 32 and 33 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 44.05: Special Building Overlay - Schedule 3 (SBO3) Melbourne Water Main Drain</b></p>	<p>Pursuant to Clause 44.05-2, a permit is required to construct a building or construct or carry our works. This does not apply if specifically exempted. The proposal does not fall within the ambit of a specified exemption.</p> <p><b>A planning permit would be required under this clause.</b></p>



<p><b>Clause 45.03: Environmental Audit Overlay (EAO)</b></p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:</p> <ul style="list-style-type: none"> <li>• A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or the proposed use; or</li> <li>• An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use.</li> </ul> <p><b>A planning permit would not be required under this clause.</b></p>
<p><b>Clause 45.09: Parking Overlay (P01)</b></p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for <b>Dwelling, Office and Retail premises (including Food and Drink Premises including Bar, Convenience restaurant, Hotel, Restaurant, and Take away food premises and Shop)</b>.</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p><b>A planning permit would not be required under this clause.</b></p>
<p><b>Clause 45.11: Infrastructure Contribution Overlay (IC01)</b></p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> <li>• A non-government school;</li> <li>• Housing provided by or on behalf of the Department of Health and Human Services;</li> <li>• Any other land or development of land specified in a Schedule to the ICO.</li> </ul> <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> <li>• An existing use of land provided the site coverage is not increased.</li> <li>• A sign.</li> <li>• Consolidation of land or a boundary realignment.</li> <li>• Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.</li> <li>• Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose</li> </ul> <p><b>A planning permit cannot be granted for the proposal.</b></p> <p>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</p>
<p><b>Clause 52.06: Car Parking</b></p>	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>For uses not listed in the Parking Overlay, the maximum number of car parking spaces to be provided is per the rates specified in Column B of the Table to Clause 52.06 (notwithstanding that the subject site <b>is not</b> in the Principle Public Transport Network Area).</p>



	<p>A planning permit is required to provide more than the maximum number of spaces.</p> <p>Pursuant to Clause 52.06-6, where a use is not specified in the Table or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay ... car parking must be provided to the satisfaction of the responsible authority (i.e. the Minister).</p> <p>All of the proposed uses (Dwelling, Office and Retail premises) are listed in the Parking Overlay. Consequently, the rates in Clause 52.06 do not apply.</p> <p>Car parking plans must meet the design requirements of Clause 52.06-9 unless the responsible authority agrees otherwise.</p> <p><b>A permit would not be required under this clause.</b></p>
<p><b>Clause 52.34: Bicycle Facilities</b></p>	<p>A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p><b>A planning permit would not be required under this clause.</b></p>

## 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:

- Clause 11.01-1R1: Settlement - Metropolitan Melbourne
- Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity, including:

- Clause 13.01: Climate Change Impacts
- Clause 13.03: Floodplains
- Clause 13.07: Amenity

Clause 15: Built Environment and Heritage, including:

- 15.01-1: Built Environment
- 15.01-1R: Urban design - Metropolitan Melbourne
- 15.01-2S: Building Design
- 15.01-4R: Healthy neighbourhoods - Metropolitan Melbourne
- 15.01-5S: Neighbourhood character
- 15.02-1: Sustainable development
- 15.02-2S: Aboriginal cultural heritage

Clause 16: Housing, including:

- Clause 16.01: Residential development
- Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 18: Transport, including:

- Clause 18.02-4S: Car parking

Clause 19: Infrastructure, including:

- Clause 19.01: Energy



- Clause 19.01-1S: Energy supply
- Clause 19.01-2R: Renewable energy - Metropolitan Melbourne
- Clause 19.03-1S: Development and infrastructure contributions plans
- Clause 19.03-4S: Stormwater

## 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21: Municipal Strategic Statement
  - Clause 21.01: Vision and Approach
  - Clause 21.02: Municipal Context and Profile
  - Clause 21.03: Ecologically Sustainable Development
  - Clause 21.04: Land Use, including
    - 21.04-1: Housing and Accommodation
  - Clause 21.05: Built Form, including:
    - 21.05-2: Urban Structure and Character
  - Clause 21.06: Neighbourhoods, including
    - 21.06-8: Fishermans Bend Urban Renewal Area
- Clause 22.12: Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13: Environmentally Sustainable Development
- Clause 22.15: Fishermans Bend Urban Renewal Area Policy
- Clause 52.06 Car Parking
- Clause 58: Apartment Developments
- Clause 59.05: Buildings and Works in an Overlay
- Clause 59.10: Car Parking
- Clause 65: Decision Guidelines, including:
  - Clause 65.01: Approval of an Application or Plan

## 9. REFERRALS

### 9.1 Internal referrals

- 9.1.1 The application was internally referred for comment.
- 9.1.2 Internal referral responses are noted as relevant through this report. Internal referral responses in full are an **Attachment** to this report.

### 9.2 External referrals

- 9.2.1 The Minister for Planning C/- the Department is responsible for external referrals, including to Council which is a Recommending Referral Authority pursuant to Section 55 of the Act and the Schedule to Clause 66.05 of the Planning Scheme. Council needs to provide a response.
- 9.2.2 Other referral authorities for the application are:
  - Head, Transport for Victoria (Department of Transport) (Determining Referral Authority)
  - Melbourne Water (Determining Referral Authority)



**Melbourne Water**

9.2.3 The application including advice from Melbourne Water from 2020.

9.2.4 Melbourne Water advised:

- The land is low lying and may be affected by flooding from climate change, sea level rise and local drainage.
- All ground floor areas, except retail areas must be set no lower than 3.0m AHD (i.e. 600mm above the applicable projected flood level of 2.4m AHD).
- Retail areas must be set no lower than 2.4m AHD.
- Basement entry points (apex of entry ramps) must be set no lower 3.0m AHD)
- All areas which contain electrical installations (eg. Electrical Sub-Stations, Switch-rooms etc) must be set no lower 3.0m AHD.

9.2.5 Council has not been provided with any updated Melbourne Water advice regarding the current application plans.

**10. PUBLIC NOTIFICATION/OBJECTIONS**

10.1 The Department is responsible for giving notice of the proposal to relevant persons including landowners and occupiers, and referral authorities.

**11. FISHERMANS BEND STANDING ADVISORY COMMITTEE**

11.1 The Minister has appointed the Fishermans Bend Standing Advisory Committee (the SAC) to advise on site specific planning controls to facilitate proposals to redevelop land within Fishermans Bend prior to the introduction of the Infrastructure Contributions Plan.

11.2 The Minister has prepared Terms of Reference for the SAC.

11.3 The Minister is yet to decide whether the proposed amendment is to be referred to the SAC for independent advice. Notwithstanding this, Council must form a view on the draft amendment which will assist DELWP identifying key issues for consideration and whether a referral to the Committee is warranted.

11.4 A summary of the SAC Assessment and Hearing provisions of the Terms of Reference and a copy of the Terms of Reference are included as an Attachment to this report.

**12. OFFICER'S ASSESSMENT**

**Fishermans Bend Standing Advisory Committee Terms of Reference**

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

**12.1 Responding to Local Policy**

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
22.15-4.1 Providing for employment floor area Development in a Core area <u>should</u> provide a minimum plot ratio not used for dwelling of:	Not achieved – Condition required:



<p>Montague: 1.6:1; Sandridge 3.7:1; Wirraway 1.9:1. Exceptions apply.</p> <p><b>Plot ratio:</b> <i>The gross floor area of all buildings on a site, divided by the area of the site.</i></p> <p><b>Gross floor area:</b> <i>The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas</i></p> <p><i>(i.e. includes the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts).</i></p>	<p><b>Recommended:</b> 10,160.2m<sup>2</sup> gross floor area (GFA) ratio not used for dwelling (2,746m<sup>2</sup> (0.27ha.) site area x 3.7:1).</p> <p><b>Proposed:</b> 7,013m<sup>2</sup> GFA including <b>Retail premises:</b> 377m<sup>2</sup> (1 x Café tenancy) and <b>Office:</b> 6,616m<sup>2</sup> GFA (24 tenancies)</p> <p>Notwithstanding present-day remoteness from Public Transport, the subject site's position next to the Freeway makes it a suitable location for Office and other non-residential uses. The Fishermans Bend Framework proposes a light rail line and Metro 2 on Fennell Street near the site in the future which would ameliorate access issues to the site.</p> <p>The application argues a variation is appropriate and the proposal would contribute to the employment objectives of the FBURA and the Victorian economy in general via the multiplier effects to create direct and indirect jobs during construction and an on-going basis during operation post construction.</p> <p>The economic benefit of the proposed 7,013m<sup>2</sup> non-residential floor area is not disputed. However, the recommended 10,160m<sup>2</sup> non-residential floor area would provide a greater benefit and should be achieved. This could include adding one or more levels to the podium, and/or revising the mix of office and residential use in the tower and/or acquiring one or both of the adjacent lots and extending the podium on to these parcels, instead of or including a modified landscaping concept.</p> <p>This could also provide opportunities to increase activation of street frontages.</p> <p>These matters could be provided for by requirements of any Incorporated Document for the proposal.</p>
<p><b>22.15-4.2 Community and diversity.</b></p> <p>Proposals of &gt; 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p><b>Achieved:</b></p> <p><b>Recommended:</b> 30% of 293 dwellings =17 (17.58) x 3BR (or more).</p> <p><b>Proposed:</b> 21.85% / 85 x 3BR dwellings</p>
<p><b>22.15-4.3 Providing for Affordable housing</b></p> <p><b>Affordable housing</b></p> <p>Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> <li>• The site makes it impractical to do so;</li> <li>• It can be demonstrated the policy objectives can be met by a lesser provision; or</li> </ul>	<p><b>Achieved:</b></p> <p><b>Recommended:</b> Six (6%) per cent of 95 dwelling density = 5 (5.7) dwellings.</p> <p><b>Proposed:</b> Six (6%) per cent of all 293 dwellings = 17 (17.58) Affordable Housing dwellings on Levels 16-20 (inclusive).</p> <ul style="list-style-type: none"> <li>• Transferred to a HA etc. @ min 35% discount to mkt value; or</li> </ul>





<ul style="list-style-type: none"> <li>• It can be demonstrated meeting the objective would render the proposal economically unviable</li> </ul>	<ul style="list-style-type: none"> <li>• Leased under management of a HA etc. @ min 35% discount to mkt rent for not less than 30 years; or</li> <li>• Other method of equal or higher value.</li> </ul> <p>The Affordable Housing offer is consistent with recent determinations for other FBURA PSA applications and is considered generally satisfactory. It would however be desirable to include an additional provision for:</p> <ul style="list-style-type: none"> <li>• An option for a percentage of the dwellings to be transferred to a Housing provider at zero consideration, the value of which must be equivalent or higher to the value of the transfer at the minimum 35% discount option</li> </ul>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p><b>Not achieved – condition required:</b></p> <p>The application refers to providing a mix of 1, 2 and 3BR Affordable Housing Dwellings. The plans show only 1 and 2BR Affordable Housing Dwellings.</p> <p>The proposal should include a mix of 1, 2 and 3BR dwellings representative of the dwelling mix.</p>
<p><b>Social housing</b></p> <p><u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p><b>Achieved:</b></p> <p><b>Required:</b> 293 dwellings - 95 dwelling density = 198 dwellings @ 1 per 8 = <b>24 (24.75) social housing dwellings</b> required for uplift.</p> <p><b>Proposed:</b> 25 Social housing dwellings.</p> <p>The application refers to providing a mix of 1, 2 and 3BR Affordable and Social Housing Dwellings. The plans show only 1 and 2BR Affordable and Social Housing Dwellings.</p> <p>The proposal should include a mix of 1, 2 and 3BR Affordable and Social housing dwellings representative of the dwelling mix.</p>
<p><b>22.15-4.4 Design Excellence</b></p> <p><u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p><b>Achieved in part – condition required:</b></p> <p><b>Recommended:</b> Precinct Area S3 encourages a hybrid (predominantly high-rise i.e. 16 storeys and taller) building typology. The subject site is an area with no maximum height specified.</p> <p><b>Proposed:</b> The four (4) level podium and single part 53, part 55 and part 56 level tower would be consistent with the recommended building typology for the character area.</p> <p>However, it is considered the lack of differentiation in the height of the three elements of the tower at the top of the building detracts from the design quality for a new landmark building on the skyline. A greater difference in heights should be implemented; this could include an increase in height provided the building still met the overshadowing requirements of DDO32.</p>



	<p>At the podium base, the circular vehicle ramp to the n-w corner:</p> <ul style="list-style-type: none"> <li>• Would be inconsistent with the street wall objective for the site and precinct;</li> <li>• Would be inconsistent with the architecture of the remainder of the podium; and</li> <li>• May inhibit the equitable development opportunity of the abutting site to the north-west side for a podium height building.</li> </ul> <p>Council's Assistant Municipal Building Surveyor also advises that the exposed side of the circular ramp may be deemed a fire source feature with regard to an adjoining building to the same or greater height, which might require a wall to be constructed on the side boundary.</p> <ul style="list-style-type: none"> <li>• The repetition of the deeply recessed openings to all three bicycle and car parking levels on all three streets:             <ul style="list-style-type: none"> <li>○ undermines the opportunity to highlight Anderson Street as the primary frontage; and</li> <li>○ would inhibit the equitable development opportunity of the abutting site to the north-east side for a podium height building.</li> </ul> </li> </ul> <p>On the tower facades, it is questioned whether the fenestration and other detailing should in some way express the commercial and residential uses within the building.</p> <p>It is noted there is an existing mobile phone tower on the subject site which will be demolished. The installation of replacement mobile phone infrastructure on the proposal would detract from the architectural quality of the building and is not supported.</p> <p>These matters could be provided for by conditions of any Incorporated Document.</p>
<p><b>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community</b> <u>Energy:</u> Assess against:</p> <ul style="list-style-type: none"> <li>• <u>Should</u> achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes, lighting and building services.</li> </ul>	<p><b>Achieved in part – Condition required:</b></p> <p>The SMP does not include an express commitment to achieve a 20% improvement on the current NCC energy efficiency standards including for building envelopes, lighting and building services.</p> <p>Notwithstanding this, the SMP does specify a range of sustainable design features including:</p> <ul style="list-style-type: none"> <li>• A clear commitment to meet a 5 Star Green Star Design and As Built v1.3 certified rating;</li> <li>• High performance building envelope (min. average 7-star NatHERS);</li> </ul>



	<p>Council's Sustainable Design Officer advised they were satisfied with the SMP and WSUD report subject to:</p> <ul style="list-style-type: none"> <li>• Green Building Council agreement to the commercial and residential components of the building being rated and certified separately; and</li> <li>• The mandatory rain water tank be connected to all non-potable outlets in the building via the building wide third pipe network.</li> </ul> <p>These matters could be provided for by conditions of any Incorporated Document.</p>
<ul style="list-style-type: none"> <li>• Residential development <u>should</u> achieve an average 7-star NatHERS rating for each building.</li> </ul>	<p><b>Achieved in part – condition required:</b></p> <p>Appendix B of the SMP notes the development is aiming for an average of 7.5 stars and preliminary modelling of one residential level has returned a rating of 7.4 stars. The SMP notes further work is proposed to optimise the rating. A condition of any Incorporated Document should mandate an average of 7-star NatHERS be achieved and confirmed by post construction testing prior to occupation of the dwellings.</p>
<ul style="list-style-type: none"> <li>• Developments <u>should</u> incorporate renewable energy generation, on-site energy storage and opportunities to connect to a future precinct wide or locally distributed low-carbon energy supply.</li> </ul>	<p><b>Achieved in part – condition required:</b></p> <p>The SMP proposes use of Building Integrated Photovoltaics (BIPV) which consists of PV solar panels directly integrated into the building fabric (i.e. curtain wall façade) but does not specify the size of the array. The SMP does not propose on-site energy storage or connections to a future precinct wide or locally distributed low-carbon energy supply.</p> <p>The SMP should be amended to confirm the kW size of any renewable energy generation and on-site storage.</p>
<p><u>Urban heat island:</u> Assess against:</p> <ul style="list-style-type: none"> <li>• At least 70% of total site <u>should</u> comprise building or landscape elements that reduce impact of urban heat island effect including: <ul style="list-style-type: none"> <li>- Vegetation, green roofs and water bodies;</li> <li>- Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index.</li> </ul> </li> </ul>	<p><b>Achieved in part - condition required</b></p> <p>The SMP states at least 75% of the whole site area would comprise one or more of:</p> <ul style="list-style-type: none"> <li>• Vegetation;</li> <li>• Green roofs;</li> <li>• Roofing materials, including shading structures, that are compliant with the Solar Reflectance Index (SRI) levels as specified by Green Star.</li> <li>• Unshaded hard-scaping elements with a three-year SRI &gt; 34 or an initial SRI &gt; 39;</li> <li>• Hard-scaping elements shaded by overhanging vegetation or roof structures, including solar hot water panels and photovoltaic panels;</li> <li>• Water bodies and/or water courses; or</li> <li>• Areas directly to the south of vertical building elements, including green walls and areas</li> </ul>



	<p>shaded by these elements at the summer solstice</p> <p>The SMP should be amended to be more specific about the location and specification of each of these measures so as to confirm their contribution to reducing the impact of heat island effect.</p>
<ul style="list-style-type: none"> <li>• Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance.</li> </ul>	<p><b>Not achieved - condition required:</b></p> <p>The SMP does not specify details of the reflective index of façade materials including non-glazed façade materials exposed to summer sun.</p> <p>This could be provided for by a condition of any Incorporated Document.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u></p> <p>Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p><b>Achieved in part - Condition required:</b></p> <p>The design proposes to raise the ground floor above street level and provide a raised bund at the vehicle entry to the basement car parks to meet Melbourne Water flood protection requirements.</p> <p>The plans do not show the finished floor level of the ground floor level Booster room and Water Meter room facing Ingles Street (although Elevation Drawing TP02-04 shows the booster set 600mm above NGL = 2.5m AHD) and there is an inconsistency in the floor level of the Diesel Pump Room on Plan Drawing TP01.00 and Podium Section Drawing TP03.02.</p> <p>These matters need to be resolved to the satisfaction of Melbourne Water.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> <li>• Design elements and materials <u>should</u> be resilient inc. waterproof doors and windows, elevated power outlets and the like.</li> </ul>	<p><b>Not achieved - Condition required:</b></p> <p>The plan and elevation drawings and application documentation do not provide details of flood resilient design and materials.</p>
<ul style="list-style-type: none"> <li>• Land uses at ground level <u>should</u> be able to easily recover from temporary flooding.</li> </ul>	<p><b>Achieved in part - Condition required:</b></p> <p>The areas of ground floor level set at 3.0m AHD would have satisfactory protection from predicted flooding and so would be able to easily recover.</p> <p>The areas of ground floor without confirmed floor levels or with inconsistent depiction of floor levels as described above need to be reviewed / revised to incorporate flood protection such as raised floor levels or other protection / mitigation measures to the satisfaction of Melbourne Water.</p>
<ul style="list-style-type: none"> <li>• Any level changes required between street level and internal ground floor <u>should</u> be integrated into the building design to maintain good physical and visual connection between street and interior.</li> </ul>	<p><b>Achieved in part - Condition required:</b></p> <p>The Melbourne Water minimum ground floor level of 3.0m AHD requires a 1.08m step up from Ingles Street and a 1.28m step up from Anderson Street.</p> <p>The steps and ramp level change from Ingles Street to the raised ground floor and the car</p>



	<p>parking levels would be satisfactorily integrated into the building design.</p> <p>The level change from Anderson Street seeks to rely on a 19.3m wide series of steps and a ramp in the Anderson Street road reserve.</p> <p>A reconfiguration / reconstruction of Anderson Street and associated public landscaping works on Anderson Street (and abutting lots not owned by the applicant) is proposed / required to accommodate the steps.</p> <p>Resolution of the ownership of the abutting land and permission to partly close and reconstruct Anderson Street is complex and would include a requirement for a resolution of Council under the Local Government Act, investigation of services, detail design and costing and agreements regarding funding.</p> <p>It is recommended that for the purpose of this application, works within the public realm not be approved, and be subject to future design to Council's approval.</p> <p>It is considered there is room within the ground floor plan to accommodate stair and DDA access within the building in a similar manner to that proposed to Ingles Street.</p> <p><b>See also assessment at 12.13 of this report.</b></p>
<ul style="list-style-type: none"> <li>Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts.</li> </ul>	<p><b>Not achieved - Condition required:</b></p> <p>The plan and elevation drawings do not fully detail building services locations or heights relative to Melbourne Water's flood levels.</p>
<ul style="list-style-type: none"> <li>Developments and public realm layout and design <u>should</u> integrate best practice WSUD.</li> </ul>	<p><b>Achieved in part - condition(s) required:</b></p> <p>Council's Sustainable Design Officer advised they were satisfied with the WSUD assessment subject to the mandatory rain water tank be connected to all non-potable outlets in the building via the building wide third pipe network.</p> <p>This could be provided for by conditions of any Incorporated Document.</p>
<p><b>22.15-4.6 Communal open spaces</b></p> <p><u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p><b>Achieved in part - condition(s) required:</b></p> <p>The plans propose:</p> <ul style="list-style-type: none"> <li>landscaping the podium rooftop; and</li> <li>streetscape and/or landscaping works on Ingles and Anderson Street, the abutting properties to both sides of the subject site and a property at the northern end of Anderson Street, all of which are in public or private ownership.</li> </ul> <p>The landscaping of the podium rooftop is supported. The landscaping of Ingles Street and Anderson Street is not supported at this time. Considerable design and ownership matters</p>



	<p>would need to be resolved for any works on these sites to proceed.</p>
<p>Landscape areas <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Contribute to creation of sense of place and identity and preferred character for the precinct.</li> </ul>	<p><b>Achieved in part - conditions required:</b></p> <p>The Fishermans Bend Framework vision for the Sandridge Precinct makes only limited reference to landscaping proposing ‘A variety of new open spaces (which) will provide a range of recreational activities. ... connected through a network of green links, laneways and shared paths.’</p> <p>The Framework includes broad landscaping objectives for the whole of the FBURA including: ‘Biodiversity ... with public spaces and buildings creating habitat opportunities for indigenous flora and fauna. ... through appropriate landscape design in streets and parks, as well as through the use of green walls and roofs in buildings. Green links will be established to ... surrounding areas with biodiverse environments such as Westgate Park and Port Phillip Bay.’</p> <p>The open space and landscape design themes for rewilding for the podium rooftop and reintroducing natural grasses and wildflowers and mixed indigenous and native species canopy trees in general for works at ground and podium level would be consistent with this objective.</p> <p>The proposed landscaping at ground level however would be predominantly on Council or privately owned land and includes substantial redesign of Anderson Street. Permission for works on these parcels of land has not been resolved.</p>
<ul style="list-style-type: none"> <li>• Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The building design response to flood mitigation is common practice raising of floor levels and incorporation of a bund for protection of the basement levels. This is satisfactory, but not innovative.</p> <p>The WSUD response is also satisfactory subject to an amendment to show the rainwater tank to be connected to all non-potable outlets in the building via the building-wide third pipe network and the hierarchy of water use for non-potable demand within the building.</p>
<ul style="list-style-type: none"> <li>• Incorporate opportunities for community gardens.</li> </ul>	<p><b>Not achieved:</b></p> <p>A community garden is not proposed.</p>
<ul style="list-style-type: none"> <li>• For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The open space and landscape design refer to rewilding for the podium rooftop and reintroducing natural grasses and wildflowers and mixed indigenous and native species canopy trees in general for works at ground and podium level.</p>



	The design does not expressly refer to Aboriginal cultural heritage.
<p>Plant selection <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Support complex and biodiverse habitat including native and indigenous flora and fauna.</li> </ul>	<p><b>Achieved:</b></p> <p>The landscape plan proposes ‘... a mix of hardy indigenous and native species that represent the local area, compliment the built form and provide seasonal change, colour and texture.’ and ‘... species of great diversity to encourage insect and bird habitation.’</p>
<ul style="list-style-type: none"> <li>• Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The landscape plans refer to a mix of native evergreen trees, layered planting of mixed indigenous and native species selected for seasonal change and variation in colour and texture, large native canopy trees selected for colour to complement the building façade and spreading canopy habit, native deciduous trees selected for seasonal change and brand spreading habit and screen planting of native evergreen trees to filter noise and air pollution.</p> <p>The proposed landscaping at ground level however would be predominantly on Council or privately owned land and includes substantial redesign of Anderson Street. Permission for works on these parcels of land has not been resolved.</p>
<ul style="list-style-type: none"> <li>• Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design.</li> </ul>	<p><b>Not achieved:</b></p> <p>A vegetation link is not proposed.</p>
<p>Buildings <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Include deep soil zones of at least 1.5m or planter pits for canopy trees.</li> </ul>	<p><b>Not achieved:</b></p> <p>The podium landscaping seeks to rely on mounds.</p>
<ul style="list-style-type: none"> <li>• Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.</li> </ul>	<p><b>Achieved in part - conditions(s) required:</b></p> <p>It is proposed to landscape the podium rooftop. This would include sump drainage pits to each planter, connected to the storm water system with geotextile drainage membranes below each mound and gravel mulch between the mounds to prevent erosion from high winds</p> <p>The plans do not otherwise detail whether the landscape areas are water efficient, or located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.</p>
<p><b>22.15-4.8 New streets, laneways and pedestrian connections</b></p> <p>New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> <li>• Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block.</li> </ul>	<p><b>Achieved – condition required:</b></p> <p>The land is in the Core area and has a frontage width of 53.36m to Ingles Street and 53m to Anderson Street.</p> <p>The Framework Plan and Planning Scheme does not seek a new lane or pedestrian through or alongside the subject site but does seek a 12.0m</p>



<ul style="list-style-type: none"> <li>• Non-core areas: not more than 100m apart and orientated in the preferred direction.</li> </ul> <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>(w) road at the rear alongside the freeway boundary to connect Anderson Street to Ingles Street.</p> <p>The Framework also seek a similar road to the east from Anderson Street to Fennell Street.</p> <p>The plans set aside 12.0m at the rear for this road and shows construction of the road.</p> <p>Matters relating to the road could be provided for by conditions of any Incorporated Document.</p> <p>It is noted completion of the link between Anderson Street and Ingles Street would require matching road construction at the rear of the two (2) lots to the n-w and n-e sides of the subject site and a lot at the end of the existing Anderson Street carriageway, all of which are in private ownership. The application makes reference to seeking to acquire the two adjoining lots and the plans show the new road and landscaping to these lots and the lot at the end of Anderson Street.</p> <p><b>See also assessment at 12.14 of this report.</b></p>
<p>Sites &gt;3000m<sup>2</sup> <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p><b>Not applicable:</b></p> <p>The 2,746m<sup>2</sup> site area does not reach the 3000m<sup>2</sup> threshold for this Standard (although it would if the two abutting lots to the n-w and n-e sides were acquired and consolidated with the subject site as mooted in the application submission).</p> <p>The Framework, CCZ1 and DDO32 maps show a new 12m wide street to the rear of the subject site as part of a proposed new road between Anderson Street and Ingles Street.</p> <p>The application proposes to set aside land on the north side of the site for this road and to construct this section of the road.</p> <p>The application also proposes to acquire the two lots to the n-w and n-e sides of the subject site for open green space and to construct the remainder of the 12.0m wide road to connect Anderson Street and Ingles Street.</p> <p><b>See also assessment at 12.4 of this report.</b></p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The new section of 12m wide road at the rear of the subject site would align with the location for a future 12.0m (w) road in the Framework, CCZ1 and DDO32 maps.</p> <p>The new section of road however would not connect to Anderson Street and Ingles Street without construction of additional sections of 12m wide road along the northern boundaries of the two abutting lots to the n-w and n-e sides of the subject site, which are currently owned by others.</p>

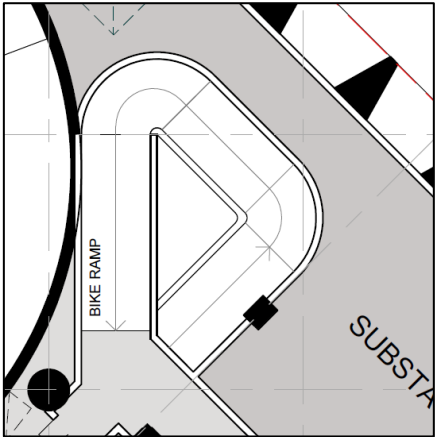




	<b>See also assessment at 12.4 of this report.</b>
<ul style="list-style-type: none"> <li>• Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space.</li> </ul>	<p><b>Achieved:</b></p> <p>Ingles Street would provide direct access to the proposed new light rail line on Fennell Street and the possible future Metro 2 station beneath Fennell Street and the existing bus route on Williamstown Road and the existing light rail line further to the south.</p> <p>The existing and proposed street and lane network would provide access to existing and proposed public open space including North Port Oval at the corner of Ingles Street and Williamstown Road.</p>
New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.	<p><b>Achieved:</b></p> <p>The plans show a paved footpath along the southern side of the new 12m (w) road at the rear of the subject site.</p>
<p>New streets and lanes <u>should</u> be designed to:</p> <ul style="list-style-type: none"> <li>• Enable views through the street block;</li> <li>• Have active frontages in a core area;</li> <li>• Be open to the sky;</li> <li>• Allow for canopy tree planting.</li> </ul>	<p><b>Achieved in part – variation supported:</b></p> <p>The new road at the rear would:</p> <ul style="list-style-type: none"> <li>• Enable views through the street block, subject to construction of other sections of the road on adjoining lots);</li> <li>• Be open to the sky;</li> <li>• Allow for canopy tree planting in a 4.0m wide reserve on its northern side abutting the Freeway reserve.</li> </ul> <p>The road would not have active frontages at ground level of the proposal, or on the north side boundary with the freeway. This is supported because:</p> <ul style="list-style-type: none"> <li>• The Framework and Planning Scheme does not seek an active frontage along this alignment, and</li> <li>• The sites location facing the freeway makes it a poor location for retail or commercial or building amenity uses.</li> </ul>
<p><b>22.15-4.9 Sustainable transport</b></p> <p>Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.</p>	<p><b>Achieved:</b></p> <p>The subject site is setback from and would not compromise the delivery of the proposed new public transport light rail line along Fennell Street and Metro 2 rail line and station beneath Fennell Street, or any existing or future bus route.</p>
Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.	<p><b>Achieved – condition required:</b></p> <p>Ingles Street is designated a strategic cycling corridor in the Fishermans Bend Framework. Notwithstanding this, the existing Ingles Street bridge over the freeway is not well suited to bicycle traffic due to its narrow traffic lanes and relatively steep grades. A new wider and gentler</p>



	<p>sloped bridge is a long-term (2025+) sustainability goal for the FBURA.</p> <p>The proposal would not adversely impact on the long-term delivery of a bicycle priority route along Ingles Street. Nor would it prejudice the delivery of public transport along Ingles Street or the proposed light rail line bridge at the north-eastern corner of Anderson Street and its continuation along Fennell Street or the proposed Metro 2 underground rail and station beneath Fennell Street.</p> <p>More immediately to the site, there are no existing footpaths on Ingles Street or Anderson Street. The application proposes new footpaths to all street frontages and streetscape works in Anderson Street.</p> <p>Council's Traffic Engineer recommended:</p> <ul style="list-style-type: none"> <li>• Pedestrian sightlines to be provided at the exit of the new crossover on Ingles Street;</li> <li>• The security gates at the Ingles Street vehicle entry be setback sufficiently from the property line to allow vehicles to queue on site rather than in Ingles Street or across the footpath.</li> <li>• A street lighting assessment be conducted for the new footpath on Ingles Street.</li> <li>• Redundant crossovers must be reinstated (to kerb and channel and nature strip etc.) and any new crossover must be installed to Council's satisfaction.</li> </ul> <p>It is noted that Council's specification for new crossings incorporates a clear continuation of the footpath which gives priority to pedestrians.</p> <p>It is considered that a street lighting assessment should be carried out for all three street frontages of the site to ensure satisfactory conditions for pedestrians.</p> <p>The plans propose a cantilevered awning over the Ingles and Anderson Street footpaths, including to parallel with the kerb lines. This would be satisfactory because the 5.7m underside clearance of the awning would exceed the minimum clearance of 4.5m required by Council's Guidelines for projections over footpaths.</p> <p>The above matters could be provided for by conditions of any Incorporated Document.</p>
<p>Design internal connections to give priority to pedestrians and bicycles.</p>	<p><b>Achieved in part - conditions required:</b></p> <p>The proposal would have reasonable pedestrian access, notwithstanding that the proposed steps in the Anderson Street road reserve are not supported and it recommended all level change be accommodated inside the building.</p>

	<p>Bicycle access is proposed by a ramp off Ingles Street.</p> <p>Council's Traffic Engineer raised concerns about the design of the ramp noting the width was not clear and very sharp turns/bends would result in poor sightlines and might result in falls for inexperienced riders.</p>  <p>The Traffic Engineer also recommended the 1:6 grade of the bicycle ramp be reduced to not less than 1:12.</p> <p>These matters could be provided for by conditions of any Incorporated Document.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p><b>Achieved in part - conditions required:</b></p> <p>The number of bicycle parking spaces and bicycle parking facilities including change rooms, showers and lockers would exceed requirements and would be satisfactory.</p> <p>Council's Traffic Engineer recommended:</p> <ul style="list-style-type: none"> <li>• All bicycle spaces must be installed in accordance with the Australian standards, ensuring each space has a clear 1.5m access aisle.</li> <li>• Horizontal rail spaces are to be 1.8m long with 1m centres.</li> <li>• Vertical rails are to be installed in a staggered arrangement as per Figure B7 – AS2890.3.</li> </ul> <p>As above, the design of the bicycle ramp needs to be reconsidered.</p> <p>These matters could be provided for by conditions of any Incorporated Document.</p>
<p>Encourage developments to provide less than preferred max. no. car spaces.</p>	<p><b>Achieved:</b></p> <p>The proposal has a maximum parking provision under the Parking Overlay of 245 spaces. It is proposed to provide 200 off-street spaces, although assessment determined that at least four (4) of these spaces would be obstructed or</p>



	<p>have below standard clearances which would reduce the number of spaces to 196.</p> <p>The proposed parking provision would be within the maximum permitted.</p>
Encourage developments to provide for future conversion of car parking to alternative uses.	<p><b>Achieved:</b> The podium car park floor-to-floor levels and level floors would meet the standards for adaptability and possible future conversion.</p>
<p><b>22.15-4.10 Land use transition</b></p> <p>Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p><b>Achieved:</b> The proposal does not include the expansion of an existing use with potential adverse amenity impacts. The proposed Dwelling, Office and Retail premises uses would not prejudice the urban renewal of Fishermans Bend.</p>
Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.	<p><b>Achieved:</b></p> <p>The land is within the 100m and 300m amenity buffers of two (2) concrete batching plants in the City of Melbourne and the 300m amenity buffer of the Colonial Brewery on Bertie Street.</p> <p>The site also abuts the West Gate Freeway.</p> <p>The application documentation included an Acoustic Assessment, an Acoustic Amenity Plan and a Air Quality Amenity Impact assessment.</p> <p>The building needs to meet a high standard of noise attenuation in its construction to protect occupants from external noise.</p> <p>These matters could be provided for by conditions of any Incorporated Document.</p>

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

### 12.2.1 Use of Land

Use for **Dwelling** requires a permit because the land is in in a Core Area and is within the 100m and 300m buffers of two (2) concrete batching plants in the City of Melbourne and the 300m buffer of the Colonial Brewery on Bertie Street.

Use for a **Retail premises (other than Hotel, Shop and Tavern)** (including **Food and drink premises** including **Restaurant**) requires a permit because the land is in a Core Area.

Use for **Office** and **Shop** does not require a permit.

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

### 12.2.2 Dwelling Density and Social Housing Uplift

Pursuant to paragraph 17 the FBSAC Terms of Reference, the dwelling density requirements and associated Social housing uplift provisions of the CCZ apply to the application because it was lodged after the 05 October 2018 approval date of Planning Scheme Amendment GC81.



Schedule 1 to the CCZ sets out dwelling densities for the Core and Non-core areas of each FBURA precinct.

The use of land for a dwelling must not exceed these densities unless an agreement under s173 of the Act is entered into that requires the landowner to provide at least one (1) Social housing dwelling for every eight (8) dwellings provided above the number of dwellings allowable under the specified Dwelling density.

### **Assessment**

The subject site is in the Sandridge Precinct Core Area which has a dwelling density of 349 dwellings per hectare. The subject site has an area of 2,746m<sup>2</sup> (0.2746ha). 349 dw/ha x 0.2746ha gives a dwelling density of **95 (95.83) dwellings**.

The application proposes 293 dwellings which is 198 more than the dwelling density. Social housing is consequently required as follows: 293 dwellings - 95 dwelling density = 198 dwellings @ 1 per 8 = **24 (24.75) Social housing dwellings** required for uplift.

Twenty-five (25) Social housing dwellings are proposed which would satisfy the requirement.

The application RFI response letter and Planning Report (p. 22) refers to a mix of 1, 2 and 3BR Affordable / Social Housing dwellings on Levels 16-20 (inclusive). The plans however show 1 and 2BR dwellings only at Levels 16-20.

These matters should be provided for by conditions of any Incorporated Document that is approved for the development.

### **12.2.3 Buildings and Works Requirements**

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

#### **Map 2: Sandridge Urban Structure seeks**

New Public Open Space abutting the north and west boundaries of the existing north port Oval including closure and redevelopment of Bertie Street between Williamstown Road and Woodruff Street.

New linear open space along the west side of Ingles Street north of Fennell Street and parts of Bertie and Bridge Streets.

New public open space parks in the Core and Non-core areas.

A new 12m (w) road between the rear of Anderson Street and the Freeway end of Ingles Street and other new roads and lanes in the Core Area.

Primary (80%) permeability Active frontage facing Fennell St and part of Plummer St, Secondary Type 1 (60%) permeability Active Frontage to new streets and lanes between Ingles St and Bridge St.

No vehicle crossings off Ingles St south of Fennell St, Fennell and Plummer St, Boundary St Woodruff St between Ingles and Bertie St's, Bertie St,



Williamstown Rd and a new (unnamed) street to the north-west of the precinct.

**Map 4:** Amenity buffers. The land is within the 100m and 300m amenity buffers of two (2) concrete batching plants in the City of Melbourne and the 300m amenity buffer of the Colonial Brewery on Bertie Street.

It is noted that the land also abuts the West Gate Freeway which is a notable source of noise to the subject site but does not have an amenity buffer.

**Map 5:** Pipeline buffers. The land is not within a pipeline buffer shown on Map 5.

**Map 6:** Transport Infrastructure shows the site is:

- Approx. 70 and 110m from the long-term proposed new light rail line along Fennell Street and associated bridge over the Freeway to the City;
- Approx. 110m from the long-term proposed Metro 2 underground rail alignment and station beneath Fennell Street;
- Approx. 725m from the nearest existing bus (Route 235) on Williamstown Road to the south-east.
- Approx. 1,100m from the nearest existing light rail line (Route 109) to the south-east.

Subject to appropriate foundation design and engineering (not a planning matter) the proposal would not be expected to adversely impact on the proposed future transport infrastructure.

#### 12.2.4 Bicycle, Motorcycle and Car Share Parking

(Note: See also assessment at 12.4 of this report).

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

A summary of the requirements and provision (based on the Development Schedule) is set out below:

**Table 12.2.4-1: CCZ1 Bicycle, Motorcycle and Car share parking**

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 293 dwellings = <b>293 spaces</b>	<b>293</b> resident spaces	1 per 50 dwellings x 293 dwellings = <b>5 (5.86) spaces</b>	<b>12</b> spaces	2 spaces + 1 per 25 car spaces x 195 residential car parking spaces = <b>9 (9.8) spaces</b>	<b>Nine (9)</b> spaces in residential car park levels
	1 visitor space per 10	<b>29</b> visitor spaces	None specified	N/A	None specified	N/A

	dwelling x 293 = <b>29 spaces</b>	(on street)				
<b>Subtotal:</b>	<b>322 spaces</b>	<b>322 spaces</b>	<b>5 spaces</b>	<b>12 spaces</b>	<b>9 spaces</b>	<b>9 spaces</b>
Development with > 10,000m <sup>2</sup> non- residential floor space	N/A ( <i>&lt; 10,000m<sup>2</sup> net non- residential floor space proposed</i> )	119 non-res spaces	1:100 non- res car parking spaces x 20 spaces = <b>Nil spaces</b>	N/A	1:60 non- res car parking spaces x 20 spaces = <b>nil spaces</b>	N/A
	N/A	9 visitor spaces (on street)	None specified	N/A	None specified	N/A
<b>Subtotal:</b>	<b>Nil spaces</b>	<b>128 spaces</b>	<b>Nil spaces</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Total:</b>	<b>322 spaces</b>	<b>450 spaces</b> (412 on-site, 38 on street)	<b>5 spaces</b>	<b>12 spaces</b> (See Note 1)	<b>9 spaces</b>	<b>9 spaces</b>

**Note 1:** Visitor spaces proposed on street. 2 x 12 hoops (24 spaces) on Ingles St; 7 x hoops (14 spaces) on Anderson St.

**Note 2:** Traffic Impact Assessment states 6 motorbike spaces provided. Plans show 12 spaces. Development Schedule silent

### Assessment

#### Bicycle parking

The development would provide more bicycle spaces than required overall.

It is considered the proposed allocation of spaces to residents and resident visitors and non-residential staff and visitors would be satisfactory.

The plans show 412 (293 resident and 119 non-residential staff) of the spaces would be inside the building and the 38 resident and non-residential visitor spaces would be on the Ingles Street 2 x 12 hoops (24 spaces) and Anderson Street 7 x hoops (14 spaces) footpaths.

The location of all visitor bicycle parking on the footpath in unsecure locations is not supported. At least 50% of all resident and staff visitor bicycle spaces should be available in a secure and undercover location.

Final location of any on-street bicycle parking hoops etc. would need to be approved by Council's civil and traffic engineers having regard to assets and services on and below the footpath and not obstructing pedestrian and DDA access.

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

#### Motorcycle parking

The development would provide more than the required number of motorcycle spaces for the dwellings and commercial floor area. The number and level 2 and 3 location of the motorcycle spaces is considered satisfactory.

### Car share spaces

Nine (9) car share spaces are required for the dwellings. The Planning and Report refers to the provision of nine (9) car share spaces, but these are not shown on the plans. The Traffic Report notes the requirement for nine (9) car share spaces and notes *'Based on a review of the development plans, there is capacity to allocate 9 car share bays'*.

The provision of car share spaces within the building is supported. It is recommended the spaces be distributed across both basement and both podium car parking levels and at least three (3) of the spaces should be accessible to persons not resident or working in the building.

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

### **12.2.5 Conditions on Permits**

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

- Green star rating;
- Third pipe and rain tank; and
- Roads and laneways;

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

### **12.3 Clause 43.02: Design and Development Overlay - Schedule 32 - Fishermans Bend - Sandridge Precinct (DDO32)**

#### **12.3.1 Building Typologies**

The land is in Precinct Area S3 of DDO32 which encompasses the Sandridge Core Area and encourages a hybrid (predominantly high-rise i.e. 16 storeys and taller) building typology. It includes a range of preferred maximum building heights ranging from 30m (8-storeys), 43m (12-storeys), 68m (20-storeys), 81m (24-storeys), 100m (30-storeys) to no maximum height specified.

The subject site is an area with no preferred or maximum building height specified.

#### **12.3.2** Precinct Area S3 has a preferred precinct character of:

*'Predominantly tower developments with some mid-rise buildings. Provision of towers with large floorplates with high quality outlook to support commercial developments.*

*Provision of publicly accessible private urban courtyard spaces within new developments to enhance the overall network of open spaces to support high densities of activity.*

*Developments that incorporate north-south laneways that provide high levels of pedestrian permeability and activation.'*

#### **Assessment**





Preferred Precinct Character Element	Assessment
Predominantly tower developments with some mid-rise buildings. Provision of towers with large floorplates with high quality outlook to support commercial developments.	<b>Achieved in part:</b> The proposal is for a tower and would have quality outlooks, but relatively small floor plates.
Provision of publicly accessible private urban courtyard spaces within new developments to enhance the overall network of open spaces to support high densities of activity.	<b>Not achieved:</b> The sole public space on the site on the podium rooftop is not noted as being publicly accessible.  The green open space areas shown on the plans on adjoining lots are not owned or controlled by the applicant's and cannot be relied on as being delivered.
Developments that incorporate north-south laneways that provide high levels of pedestrian permeability and activation.'	<b>Not applicable:</b> The site is not required to and does not include a north-south laneway.

The assessment above shows the proposal would achieve some, but not all of the precinct character elements. It is accepted however that the relatively small size of the site and the sites almost island nature makes achievement of all elements not possible or not necessary (i.e. north-south laneways).

It is considered the proposal would reasonably fit in the precinct and would not otherwise prejudice the preferred precinct character.

### 12.3.3 Overshadowing

Clause 2.6 of DDO32 states buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over:

- The existing residential zoned land south of Williamstown Road between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces or streets shown in **Map 4** of the schedule as follows:
  - The new public open space park at the s-w corner of Bertie Street and the new street to the south-west between 11.00am and 2.00pm on 22 September;
  - The new public open space park at the s-w corner of Bertie Street and Fennell Street between 11.00am and 2.00pm on 22 September;
  - The new public open space park at the s-e corner of Boundary Street and the proposed extension of Woodruff Street between 11.00am and 2.00pm on 22 September;
  - The North Port Oval extension between 11.00am and 2.00pm on 21 June to 22 September;

No overshadowing controls apply to the proposed new linear parks opposite and nearby.

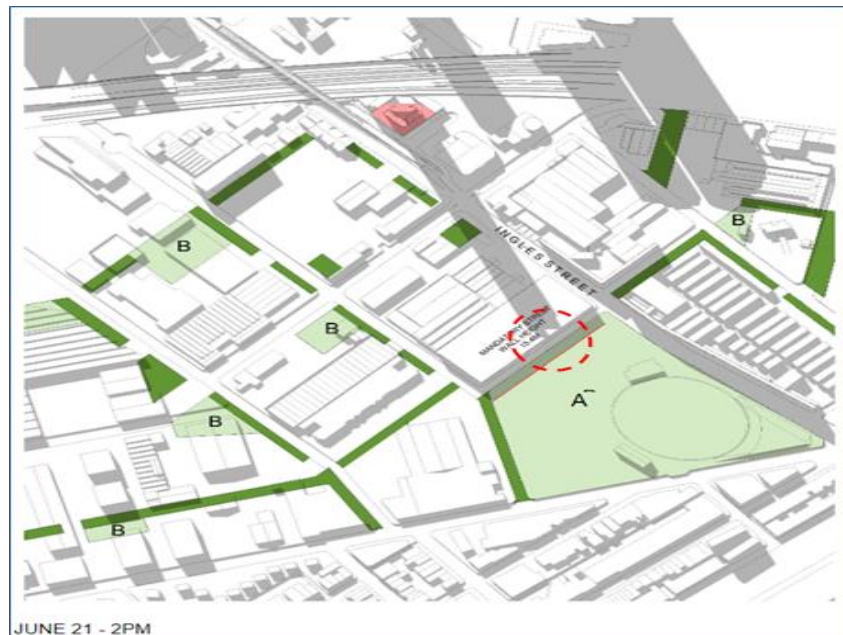
#### Assessment

Pre-application plans for the subject site proposed a maximum 87 levels / 309.1m (311m AHD) tower. DELWP, Council and other agencies raised concerns that proposal would overshadow existing and proposed new

public open space including North Port Oval at the corner of Ingles Street and Williamstown Road.

The application plans reduced the maximum height to 56 levels / 197.1m (199m AHD) to reduce shadow impacts. Shadow plans show the proposal would meet the overshadowing control and **would not** cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over the above areas of proposed new public open space at the specified times.

Notwithstanding the above, in response to Statutory Planning and City Design Concerns about the limited difference in height of the three elements of the tower, Councils City Strategy Team noted some additional height might be possible without compromising the mandatory overshadowing requirements.



Refer also to assessment below.

#### 12.3.4 Building Height

##### Street Wall Height

**Street wall** is defined at Clause 2.3 of DDO32 as ‘...that part of a building constructed within 0.3 metres of an existing or proposed street, laneway or public open space’.

Clause 2.7 of DDO33 states ‘Buildings should include a street wall (built to the boundary) of the Preferred street wall height...’ (officer emphasis added).

Ingles Street is approx. 43m wide opposite the subject site. Anderson Street is approx. 30.0m wide. The proposed new street to the rear would be 12.0m wide.



The preferred street wall (i.e. podium) height facing streets of these widths is at least 4 storeys and the maximum street wall height is 6 storeys and 8 storeys within 25m of the corner of Ingles and Anderson Streets. Non-habitable architectural features may exceed the specified height.

#### **Assessment**

The four (4) storey street wall proposed to all three streets would be consistent with the preferred height for the site. The street wall height would be satisfactory.

#### **Tower Height**

The preferred building height for the precinct is High-rise (16 storeys and taller) and the subject site is an area with no preferred or maximum building height specified.

#### **Assessment**

**Achieved:** The tower would have a maximum height of **56 levels** / 197.1m (199m AHD) to rooftop level with the top of the tower in three tiers as follows:

- **53 levels:** Max. 185.8m (187.7m AHD) to roof top level
- **55 levels:** Max. 192m (193.9m AHD) to roof top level
- **56 levels:** Max. 197.1m / 199m AHD to roof top level

The proposed maximum height is satisfactory.

#### Officer recommendation for increase variation in height at the top of the tower including a possible increase in height

As noted in the overshadowing assessment above, an earlier pre-application scheme for the site proposed a taller tower with a maximum height of **87 levels** / 309.1m (311m AHD), also with a three tier top but with greater variation in height between the different levels as follows:

- **57 levels inc. rooftop terrace:** Max. 203.1m (205m AHD) to roof top level
- **69 levels inc. rooftop terrace:** Max. 243.1m (245m AHD) to roof top level
- **87 levels inc. rooftop terrace:** Max. 309.1m (311m AHD) to roof top level

Officers consider the-3 level difference in height in 1 and 2 level steps of the three elements of the tower is minor and would not be generally discernible to the detriment of the architectural philosophy and ambitions for the building.

It is considered the 30-level variation in 12 and 18 level steps of the 57, 69 and 87 level proposal provided superior articulation of the top three tower elements and design quality for a significant new landmark building on the skyline.

It is recommended that the top of the tower be amended to provide greater variation in height of the three elements of the tower, and that this may include an increase in height subject to still meeting the overshadowing controls for North Port Oval and the 3 new parks shown on Map 4 of DDO32.

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

#### 12.3.5 Street wall setbacks

Street walls should be built to or within 0.3m of an existing or proposed street, laneway or public open space. This is not a mandatory requirement.

##### Assessment

The street walls facing all three streets would be predominantly built to the boundary except for the four varying radius corners of the podium and the circular vehicle ramp at the north-west corner.

The street wall setbacks including the curved corners are considered satisfactory and are supported. The circular vehicle ramp to the n-w corner however:

- Would be inconsistent with the street wall objective for the site and precinct;
- Would be inconsistent with the architecture of the remainder of the podium; and
- May inhibit the equitable development opportunity of the abutting site to the north-west side for a podium height building.

#### 12.3.6 (Tower) Setbacks Above the Street Wall

The preferred and minimum setback above the Ingles and Anderson Street street walls is 10.0m.

The preferred setback above the street wall facing the new street that runs beside the West Gate Freeway is 10.0m and the minimum setback is 5.0m.

##### Assessment

The tower setbacks from Ingles and Anderson Street are proposed to be 10.0m which would comply with the preferred and minimum setback.

The tower setback from the new street alongside the freeway is proposed to be the minimum 5.0m rather than the preferred 10.0m. A variation is supported for the minimum 5.0m setback because it would be read in the context of the new 12.0m (w) street and the expansive approx. 63m width of the adjacent freeway reserve (approx. 75m overall) such that it would not present unreasonable building mass or bulk or contribute to a canyon effect in the area.

#### 12.3.7 Side and Rear Setbacks (podium and tower not facing a street)

Walls below the maximum street wall height not on or within 300mm of a side or rear boundary in Core areas should be setback 9.0m (i.e. preferred) and **must** be setback at least 6.0 metres.

Walls above the maximum street wall height for a building of 20 storeys or less **should** be setback 10.0m (i.e. preferred) and **must** be setback at least 5.0m.

Walls above the maximum street wall height for a building of more than 20 storeys or less **must** be setback 10.0m.



**Assessment**

Standard	Proposal	Assessment
For walls below the maximum street wall height not on or within 300mm of a side or rear boundary in Core areas, the preferred and minimum setback is <b>6.0m</b> .	<b>North-west (side):</b> 0.0m and curved wall of car park ramp <b>North-east (side):</b> 0.0m and curved corner wall	<b>Not achieved</b> - the curved ramp wall would not comply. <b>Achieved</b> - the curved corner wall would not comply.
For walls above the maximum street wall height for a building of more than 20 storeys the preferred and minimum setback is <b>10.0m</b> .	<b>North-west (side):</b> 10.0m <b>North-east (side):</b> 10.0m	<b>Achieved</b> <b>Achieved</b>

The curved corners of the podium side walls would not comply. Officers have no in-principle objection to the curved corners and note:

- the variations would be minor;
- If and when the new street at the rear was constructed, most of the walls would fall within the ambit of a street wall for which there is discretion to vary the setback.
- The DDO controls would benefit from an amendment to accommodate minor variations to the setback requirements for curved walls and rebates / articulation.

The tower side setbacks would comply except for the circular vehicle ramp to the n-w corner – Refer 12.3.5 above.

**12.3.8 Building Separation**

Not applicable. Only one building is proposed.

**12.3.9 Wind Effects on the Public Realm**

A Wind Impact Statement (WIS) was not submitted with the application. Council requested a Wind Report as further information, but this was not provided.

The Planning Report for the application does not refer to wind impacts. The Urban Context Report includes a single page sketch which refers to measures to manage wind impacts including:

- Three storey podium and open base to the tower to push wind gust away from the ground plane / public realm;
- Canopies over footpaths at ground floor level;
- Tree planting surrounding the podium;
- Openings to the bicycle and car parking levels;
- Curved profile to the podium and tower;
- Structural fins in the podium/tower undercroft;

The lack of a wind study including wind tunnel testing is a major omission. A detailed Wind Impact Statement including a scaled wind tunnel study needs to be carried out to determine safe and comfortable wind conditions on the site and surrounds including the podium rooftop terrace and



footpaths, roads and open space areas abutting and near the site needs to be provided.

Council's City Strategy Team commented regards wind impacts on public spaces that:

*'..... The wind assessment required under Clause 2.11 of DDO32 needs to include wind tunnel modelling and must address the following requirements:*

- *The assessment distance used in accordance with Clause 2.11;*
- *Address existing and future publicly accessible areas within the assessment distance;*
- *Address approved and proposed development within the assessment distance (those identified in the Urban Context Report but updated to include more recent proposal particularly that on the opposite side of Ingles Street (Nos. 261 & 277-281));*
- *Application of different wind comfort criteria to the following publicly accessible areas within the assessment distance:*
  - *Sitting:*
    - *Existing and future public open spaces;*
    - *Areas intended for outdoor seating within the subject development and approved / proposed developments;*
    - *Areas intended for outdoor seating within communal open space;*
  - *Standing:*
    - *Footpaths of existing and future streets;*
    - *Outside retail / commercial tenancies and pedestrian entry areas within the subject development and approved / proposed developments;*
    - *Remaining communal open space areas except for those solely designed for access; and*
  - *Walking – remaining publicly accessible areas.*
- *Where these criteria are exceeded under existing conditions, the development must not worsen the wind situation.*
- *Wind management treatments must be located within the development site.*
- *Wind management treatments must not impact on required urban design outcomes (e.g. accessibility or surveillance opportunities); and*
- *Evidence that wind management treatments will successfully achieve required wind criteria.'*

Noting that the wind impacts of the building may be substantial, and may require revisions to the building design, the wind report should be provided to all agencies for review and comment before any decision is made to refer the application to the Fishermans Bend Standing Advisory Committee and/or approve the proposal.



A detailed Wind Impact Statement including a scaled wind tunnel study should also be a requirement of any Incorporated Document that may be approved for the proposal.

### 12.3.10 Active Street Frontages

The subject site does not face a road with active street frontage requirements.

Council's Urban Design Architect raised a concern that the lower levels contain few public and active uses and have relatively weak relationship to the public realm for such as large building. It was recommended that further work be done to increase public and active uses to these spaces.

This could be provided for as a requirement of any Incorporated Document that may be approved for the proposal.

### 12.3.11 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
<b>Lower levels up to the height of the street wall</b>	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	<b>Achieved:</b> Ground level floor-to-floor height: 5.0m Podium levels 2 to 4 floor-to-floor height: 3.8m
<b>Car parking areas</b>	<ul style="list-style-type: none"> <li>In areas not in a basement: Level floors.</li> <li>A floor-to-floor height at least 3.8m.</li> </ul> Mechanical parking systems to reduce the area required for car parking	<b>Achieved in part:</b> Level floors at podium levels 2, 3 and 4. Podium levels 2 to 4 floor-to-floor height: 3.8m No mechanical parking system proposed
<b>Dwelling layout</b>	The ability for one and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings	<b>Not achieved - variation supported</b> The plans do not demonstrate how 1 and 2BR dwellings could be combined into 3 or more BR dwellings. A variation is supported because the proposed 60 (20%) x 3BR dwellings already meets the recommended 20% of all dwellings in developments in Sandridge to be 3 or more BR dwellings.
<b>Internal layout</b>	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	<b>Achieved:</b> The principle load bearing elements in the podium would be the service core, several rows of columns and the building floors and beams, allowing internal spaces back to the service cores to be altered and adapted. The tower would rely on a similar mix of the service core, columns and load bearing floors and walls that would also allow for adaptability.

### **Assessment**

The adaptability of the podium and tower levels would be satisfactory.

#### **12.3.12 Building Finishes**

Building façade materials and finishes are proposed as follows:

##### Podium:

- Pigmented concrete using natural iron oxide additives for walls.
- Dark bronze coloured metal for façade inserts and detailing including meter room doors and lobby entry surrounds, and the awnings over the footpaths.
- Clear high (70%) VLT Double Glazing to ground floor café and lobby windows and doors.
- Frameless cantilevered clear glass balustrades to bicycle and car park level openings.

##### Tower:

- Pigmented concrete using natural iron oxide additives for walls.
- Dark bronze coloured aluminium horizontal spandrels between floors.
- Dark bronze coloured aluminium round vertical mullions between rooms / apartments.
- Dark bronze aluminium framed sliding doors with clear high VLT double glazing for tower façade winter gardens.
- Frameless clear high (70%) VLT Double Glazing to windows.
- Frameless cantilevered clear glass balustrades to balconies and winter gardens.

The application documentation refers to design inspirations and themes of raw, earthy, robust and sustainability for external materials and finishes.

### **Assessment**

#### Podium and Tower

The proposed materials and finishes would be satisfactory. Council's Urban Design Architect and City Strategy Team raised no concerns with the proposed materials and finishes.

As noted at 12.1 of this report, the Sustainability Management Plan (SMP) submitted with the application does not specify details of the reflective index of façade materials including non-glazed façade materials exposed to summer sun. These should have a low solar absorptance.

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

#### **12.4 Clause 45.09: Parking Overlay**

(Note: See also assessment at 12.2.4 of this report).

##### **12.4.1 Car Parking**



The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum parking rates for **Dwelling, Office, Retail premises (including Café, Restaurant, and Shop) and Supermarket**. A permit is required to provide parking in excess of the Parking Overlay (or Clause 52.06) rates.

### Assessment

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

**Table 12.4.1-1: Clause 45.09 Parking Overlay Car Parking Rates and Provision**

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
<b>Dwelling:</b> Max 0.5 spaces per 1 or 2BR dwelling, Max. 1 space per 3BR (or greater) dwelling (Clause 45.09 - Parking Overlay)	
122 x 1BR x 0.5 = 61 spaces	Not specified
111 x 2BR x 0.5 = 55 (55.5) spaces	Not specified
60 x 3BR x 1 = 60 spaces	Not specified
<b>Total: 293 dwellings / 176 (176.5) car spaces</b>	<b>176 spaces. Complies:</b> The gross number of spaces proposed would not exceed the maximum number of spaces specified
<b>Office:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09 - Parking Overlay)	
6,616m <sup>2</sup> x 1/100 = <b>66 (66.16) spaces</b>	<b>20 spaces for the office and retail uses with no more than 3 spaces allocated to the retail uses. Complies:</b> The gross number of staff spaces proposed would not exceed the maximum number of spaces specified
<b>Retail premises:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09 - Parking Overlay)	
397m <sup>2</sup> x 1/100 = <b>3 (3.97) spaces</b>	<b>Max. 3 spaces. Complies:</b> The gross number of spaces proposed would not exceed the maximum number of spaces specified
<b>Totals: 245 spaces</b>	<b>196 spaces</b>

#### 12.4.2 Design standards for car parking

Council's Traffic Engineers raised concerns regarding the car park design noting:

##### Access ways:

- Plans need to show the between kerb carriageway width of the circular ramp.
- Need a detailed design drawing of the circular ramp to determine if it meets AS.
- Concerned there is insufficient clearance for a B85 and B99 vehicle to pass each other on the circular ramp. The ramp should be widened to allow this.
- Concerned regarding the functionality and driver's safety of the circular ramp. Depending on the design, the circulation creates a continuous sight

line concern. In addition, the entry and exit points at all levels should have corner splays for drivers' sightlines.

- The footpath on Ingles Street should be continuous and unobstructed by any street crossing.
- Need for sight triangles at the Ingles Street exit and consequential update of the Traffic Impact Assessment (TIA).
- Need to update plan drawings etc. to accord with the TIA including installation of a stop/go lighting system and line marking to manage traffic along the ramps in the basement levels.
- Need to relocate vehicle entry security gate to allow vehicles to queue on site rather than in Ingles Street and across the footpath when waiting to access the building;

#### Car Parking Space design:

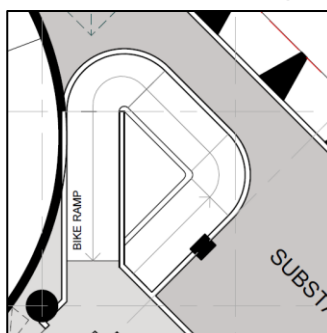
- Inadequate car parking space clearance from columns and walls;
- DDA parking space design and dimensions revised to be fully compliant;

#### Headroom and ramp grades:

- Plans need to detail:
  - Minimum 3.5m headroom clearance within the car park and ramps to and from the two loading bays; and
  - Minimum headroom clearance of 2.1m throughout all other areas of the car park, including beneath the carpark doors and within basement ramps, calculated for a vehicle with a wheelbase of 2.8m.
- Need to resolve inconsistencies in the grades in the architectural plans and the TIA including amending grades to comply as necessary.
- Need for a vertical clearance assessment of ramp grade changes.

#### Bicycles:

- Concerns regarding the design of the bicycle accessway. The width is unclear and very sharp turns/bends are proposed which results in poor sight lines and may result in falls for inexperienced riders.



- Recommend reducing the bicycle ramp grade from 1:6 to 1:12.
- All bicycle spaces must be installed in accordance with the Australian standards, ensuring each space has a clear 1.5m access aisle.
- Horizontal rail spaces are to be 1.8m long with 1m centres.
- Vertical rails are to be installed in a staggered arrangement as per Figure B7 – AS2890.3.



On Street Parking:

- Note residents/visitors/staff of the development would not be eligible for resident parking permits and would need to abide by on-street restrictions.
- Note residents, staff and visitors would not be exempt from any future change to on-street parking restrictions.

Other:

- Concerned regarding basement car park levels extending beneath a new road. Note section of new road does not provide a connection between existing roads.
- Plans need to be amended to incorporate the recommendations in the TIA and Council (noting recommendations made by Council supersede recommendations in the TIA).
- Need a street lighting assessment for new footpath in Ingles Street.
- Need further assessment and discussions with Council regarding modification to the nature strip and proposed indented parking and streetscape works on Ingles Street.
- Need for EV charging points.
- New crossings and remediation of redundant crossings to be to the satisfaction of Council.

The Traffic Engineers comments are set out in full in the Referral Response Appendix to this report.

Officers concur and note in addition:

- A street lighting assessment should be conducted for any new footpath on Anderson Street and the new street to the rear as well as for Ingles Street.
- At least 50% of all car spaces on all car park levels should have access to an electric vehicle (EV) charge point, having regard to:
  - The likely lead time of 1-2 years from approval before any commencement and approximately 18-month construction time for the proposal;
  - The economic life of the building;
  - Existing and pending legislation for car manufactures to end new internal combustion engine (ICE) vehicle sales from 2025 (Norway and Singapore (pt)), 2030 (Denmark, Germany, Greece, Israel, Iceland, Netherlands Sweden), 2030-2035 (United Kingdom). 2031 (Slovenia), 2035 (Canada, Chile, China, Italy, Japan, Portugal, South Korea, Thailand, South Korea, Hong Kong, Macau, California), 2040 (Austria, Azerbaijan, Cambodia, Croatia, Cyprus, Egypt, Finland, Ireland, Mexico, New Zealand, Poland, Rwanda, Spain, Taiwan, Turkey), and 2050 (Costa Rica, Indonesia);
  - Major global car manufactures announcing they will cease production of ICE vehicles by 2025 (Jaguar), 2030 (Ford of Europe, Maserati, Rolls-Royce, Volvo), 2035 (General Motors), 2036 (Land Rover, VW), 2040 (Honda)
  - The increase in EV (and Hybrid Electric Vehicles (HEV) and Plug-in hybrid electric vehicles (PHEV) and Battery electric vehicles (BEV))



sales in Australia with EV's the 5<sup>th</sup> and 6<sup>th</sup> largest selling vehicles in March 2022 and demand exceeding supply.

- At least 50% of all resident and staff visitor bicycle spaces should be available in a secure and undercover location.
- Footpaths and laneways must be designed and constructed to Council's standards and be approved by Council.

These matters could be requirements of any Incorporated Document.

## Other Matters

### 12.5 Clause 58 – Better Apartments Design Standards

Since the application was lodged in April 2021, the apartment design standards at Clause 58 of all planning schemes in Victoria have been changed by Amendment VC174, effective 20-12-2021.

An assessment against the provisions applicable at the time of the application and the post VC174 provisions found the proposed dwelling layouts and designs would generally comply with the objectives and standards for apartments, except for wholly or in part:

- Integration with the street – Standard D5
- Safety – Standard D9
- Landscaping – Standard D10
- Access – Standard D11
- Car parking – Standard D12
- Integrated water and stormwater management – Standard D13
- Building setbacks – Standard D14
- Internal views – Standard D15
- Accessibility – Standard D17
- Building entry and circulation – Standard D18
- Private open space – Standard D19
- Common Property - Standard D21
- Waste and recycling – Standard D23
- Functional layout – Standard D24
- Room depth – Standard D25
- Natural ventilation – Standard D27
- Wind impacts – Standard D32

The non-compliances for Standards D12, D13, D15, D17, D18, D19, D21, D23 are relatively minor and can be remedied by conditions for changes to the apartment layouts or specifications.

The non-compliances for Standards D5, D9, D10, D11, D14, D25, D28 and D32 are more substantial, but it is considered these can also be addressed by conditions, although some may require material change to the building design.

A variation from Standard D24 is supported.



Council's Clause 58 Assessment, including against the 20-12-2021 updated VC174 provisions is at **Attachment 11** to this report.

## 12.6 Transport Matters

### 12.6.1 Motorcycle Parking

Motorcycle parking is assessed at 12.2.4 of this report (and is satisfactory).

### 12.6.2 Bicycle facilities

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

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

For this assessment, officers have elected to:

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

Bicycle facilities need to comply with the requirements of Clause 52.34-5 as follows:

Bicycle Facility	Rate	Requirement	Provision
<b>Showers</b>	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	Nil. No employee bicycle spaces required.	Male and Female EoT inc. 10 showers (58 lockers / 5 showers x 2 for Male & Female EoT and 40 external lockers). 158 lockers in total
<b>Change rooms</b>	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	Nil. No showers required – so no change rooms required.	1 x male change room with 58 lockers and 5 showers and 1 x female change room with 58 lockers and 5 showers

The proposal would provide bicycle facilities in excess of requirements.

### 12.6.3 Cumulative traffic impacts

Council's traffic engineers did not raise concerns regarding the traffic generation of the proposal and/or cumulative traffic impacts, other than

the need to set the vehicle entry gates back so that vehicles did not queue in Ingles Street or across the footpath.

### 12.7 Waste Management

Waste is proposed to be disposed of via chutes to a Waste Store with two compactors, in Basement Level 01. Waste Collection is proposed by a private contractor from a loading bay to one side of the Waste Store.

Council's Waste Management Officer was generally supportive of the waste arrangements, but raised concerns as follows:

- The number of 1100ltr bins on the plan does match the number of 1100ltr bins mentioned in the Waste management Plan (WMP);
- Council's free Hard/Green waste collection service is for residents only and will only be able to collect if the collection room or loading dock is located at street level, within the property boundary, and which opens onto the street or laneway. The space required for this service must not block footpath/public space access.
- Query how will the hard waste be collected from the ground floor?
- The WMP needs to note how often the green/food waste bin will be emptied from the drop off cupboards (i.e. daily or on a need basis – regular emptying and cleaning of the bins will be helpful to keep the area clean and safe.
- The WMP need to note the frequency of collection for the glass bins.
- The plans do not show the location of the Charity bin as specified in the WMP. It would be practical to place it next to the (final approved) Hard waste storage area.

These matters could be provided for by requirements of any Incorporated Document.

### 12.8 Loading

Two (2) loading bays are proposed on site in Basement 01 for Commercial loading and for Waste collection/Residential loading. Each loading area has a **minimum headroom clearance of 3.5m.**

#### Assessment

Council's Traffic Engineer advised:

- The headroom clearance of 3.5m would be acceptable subject to this clearance being maintained within the car park to allow larger vehicles to enter / exit the loading bay.
- The loading areas would allow for a 6.35m low profile rear loader / 5.2m design van to enter / exit each respective parking bay.

Council's Waste Management Officer raised no concerns regarding the loading bays.

The headroom clearance could be provided for by a requirement of any Incorporated Document for the proposal.

### 12.9 Stores



The plans and development summary do not specify the number of stores (excluding storage provided pursuant to Clause 58 – Better Apartment Design Standards).

#### **Assessment**

At least one 6m<sup>3</sup> store should be provided for each dwelling. Given theft problems with wire cages, all stores should feature solid walls /doors / floors / roofs for security.

This could be provided for by a requirement of any Incorporated Document for the proposal.

#### **12.10 Public Open Space**

No public open space is proposed within the subject site.

The application does make reference to acquiring the two adjoining lots to the n-w and n-e sides and incorporating these into the proposal as open green space.

However, in the absence of the applicant concluding such an acquisition and formalizing that proposition by amending the application, there is no mechanism to compel the inclusion of those two sites to be part of the proposal and to be landscaped.

#### **12.11 Communal Open Space**

The podium rooftop is proposed to be a landscaped terrace of approx. 1,847m<sup>2</sup> including undercroft areas beneath the tower. The landscaping design for this area would be satisfactory.

The usability of this area for passive relaxation is unknown because the application did not include a wind assessment. It is noted the design of the undercroft includes vertical blades as part of a wind mitigation strategy for the building and its surrounds, suggesting the area would be subject to notable wind impacts.

Council's City Strategy Team recommend that wind comfort criteria for the rooftop podium should achieve the sitting standard.

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

#### **12.12 Sustainable design including Water Sensitive Urban Design**

A Sustainability Management Plan (SMP) and a Water Sensitive Urban Design (WSUD) Assessment Report were submitted with the application.

The SMP includes:

- A clear commitment to meet a 5 Star Green Star Design and As Built v1.3 certified rating;
- High performance building envelope (min. average 7-star NatHERS);
- High efficiency mechanical systems;
- Independent Commissioning Agent;
- Completion of a Climate Adaptation Plan;
- Best practice building user information;



- Reduction in building operational, construction and end of life waste;
- High quality internal environment, including high levels of outdoor air and low emission internal finishes;
- High levels of thermal comfort;
- Active transport facilities;
- High efficiency water fittings and fixtures;
- Use of responsibly sourced building materials;
- Building Integrated Photovoltaics (BIPV);
- Very high performance building envelope (e.g. adopting Passive House principles);
- Best practice waste management, including onsite organic processing; and
- Lifecycle assessment of building materials.

Council's Sustainable Design officer advised both documents were satisfactory subject to:

- The Green Building Council of Australia needing to agree to the proposed two separate Green Star certifications, one for the commercial component and another for the residential component of the building.
- The WSUD Assessment being amended to show the rainwater tank to be connected to all non-potable outlets in the building via the building-wide third pipe network and the hierarchy of water use for non-potable demand within the building as follows:
  - Rainwater tank water first until exhausted, then use of recycled water supply from precinct-wide recycled water system (once available).
  - Water from the rainwater tank must be continually drawn-down to ensure that the tank contains sufficient storage capacity in the event of a significant storm/rainfall.

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

The Sustainable Design Officer comments are set out in full in the Referral Response **Appendix** to this report.

## **12.13 Community (public) facilities**

**12.13.1** The application plans include Streetscape works along the Anderson Street and Ingles Street frontages.

**12.13.2** More particularly, the proposed works include:

### Terrace and Steps for the building

- A terrace/landing and steps and DDA access ramp from the subject site boundary / proposed building projecting 13.9m into Anderson Street and to the corner of Ingles Street to provide a 1.28m transition from the Natural Ground Level (NGL) of 1.72m AHD to the 3.0m AHD ground floor level required to meet Melbourne Water flood requirements.

### Streetscape Works



- Reconstruction of Anderson Street including:
  - Reduce the road and footpath width from approx. 30.0m to approx. 16.1m;
  - Remove 25 x 90-degree angle car parking spaces (13 on n-w side, 12 on s-e side) and replace with eight (8) indented parallel spaces (four (4) on both sides).
  - Reduce the carriage way width from approx. 15.5m (including angle parking and 5.5m wide two-way traffic lane) to 6.0m two-way traffic lane.
  - A new paved footpath along the n-w side of Anderson Street
  - An avenue of up to eight (8) new street trees along both sides of the street;
- Construction of a paver footpath including accent paving opposite the building entry and 3 x indented parallel parking spaces on Ingles Street.

**12.13.3** The application plans also show 'proposed open green space' landscaping works and sections of new 12m wide road to the two (2) properties abutting the n-w and n-e sides of the subject site and the property at the northern end of Anderson Street, currently developed as a car park for offices on the southern side of Anderson Street.

#### **Assessment**

**12.13.4** The terrace and steps and streetscape works are not supported at this time.

##### Terrace and Steps for the building

Council's City Strategy Team raised concerns about the proposed works in Anderson Street, noting:

*'The development is proposing to heavily utilise the Anderson Street reserve to transition up to the required Ground Floor levels for flood management. I'm not convinced that this is the best use of this road space (being 13.8 out of the 30m wide road reserve); particularly as it will be extensively overshadowed by the proposed building (refer to shadow diagrams in the architectural plans) and there are limited uses to encourage activation of this space. Further, this area doesn't need more sealed / impermeable spaces, but more green, cool and water-sensitive spaces.*

*For the purpose of this application, I recommend that any works within the public realm are not approved, but subject to future design to Council's approval.'*

Officers concur with this assessment and note it is considered there is space within the ground floor plan to accommodate stair and DDA access within the building in a similar manner to that proposed to Ingles Street.

##### Streetscape Works

##### Anderson Street



The generality of the construction of a footpath and bicycle parking hoops along the Anderson Street frontage of the subject site, together with the potential for landscaping and changes to car parking in the existing carriageway is supported in principle.

The extent of the proposed steps into Anderson Street, removal of all existing street trees, and narrowing of the carriageway as proposed however are not supported at this time because of concerns that:

- The stairs rely on public land for private access;
- The existing street trees are in good condition;
- The design pre-empts the preparation of a Precinct Implementation Plan (PIP) for the detail design of the Sandridge Precinct;
- The need to resolve ownership matters on parts of the affected land.
- The net public benefit of the proposed works for outdoor amenity noting they would be in shadow for much of the day throughout the year.

Officers also wish to understand the wind conditions on Anderson Street and any relationship between the proposed new rows of street trees and wind mitigation for the building in the absence of a detailed wind assessment report for the proposal. The footpath area should achieve the wind comfort criteria for Standing, and areas for outdoor seating and public open space should achieve the criteria for Sitting.

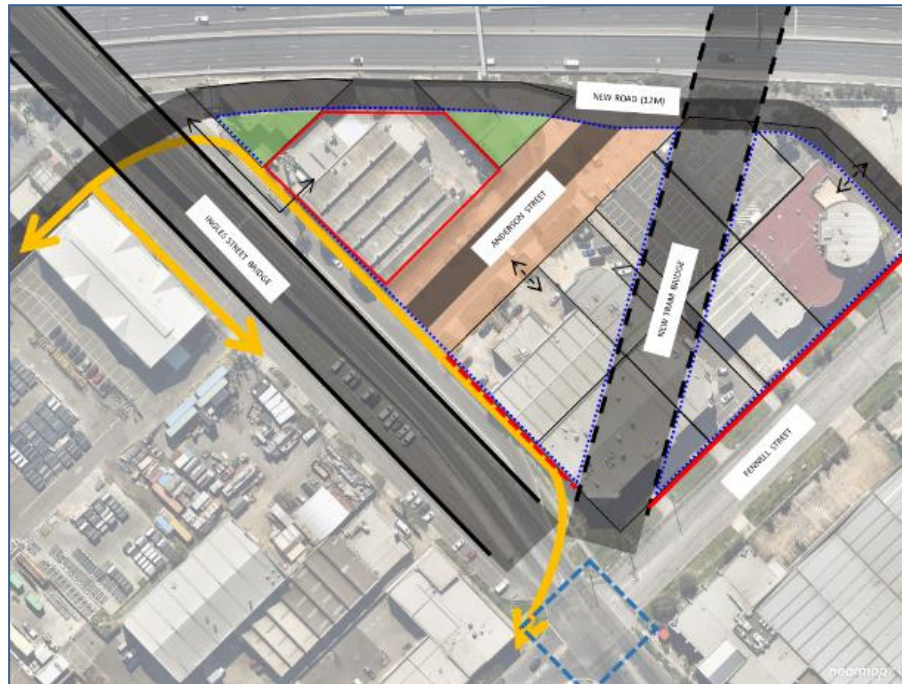
The proposed ancillary landscape works on the two abutting properties and at the end of Anderson Street are also questioned with regard to net public benefit and ownership matters.

Council's City Strategy Team noted:

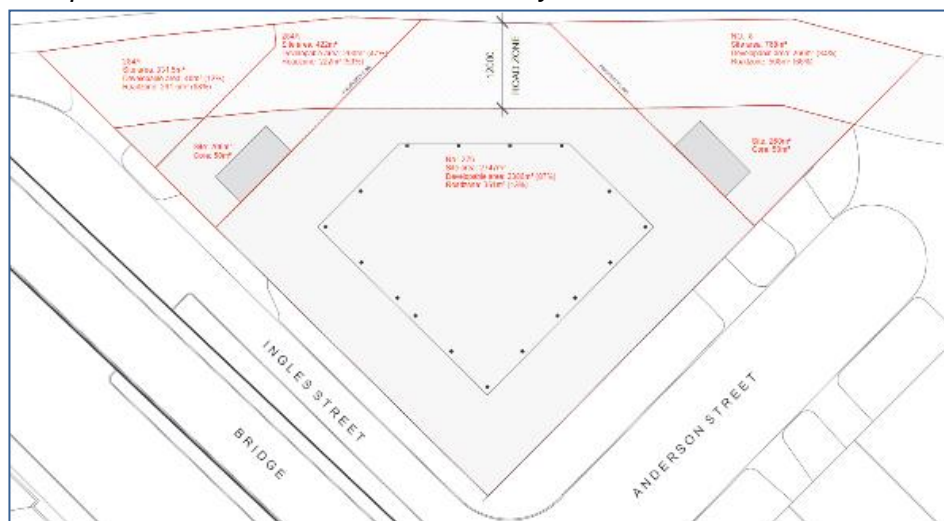
*'The proponent is also proposing to provide 2 small public open spaces on the portions of 8 Anderson Street and 284 Ingles Street that would remain after the future service road is provided (shown as green in the top sketch below). It is assumed that the proponent proposes to purchase these properties; only to then 'give them away' for either road or park? It is unclear why the proponent would make such a contribution – is this seeking a 'net community benefit' to balance another non-compliant aspect of the proposal? The analysis included in the Urban Context Report (pp. 173-176) indicated that development yield is possible on these balance sites up to 6 storeys. On this basis, it is imagined that the proponent could reasonably incorporate this potential building envelope into an expanded building podium. This outcome would increase floor areas by up to 600sqm (including 2 x core areas that wouldn't be required; refer to bottom diagram extract below) across up to 6 levels – increasing saleable non-residential space and potentially improving the efficiency of car parking, service and amenity areas.*

*I consider that provision of these small public open spaces are not justified. In my view, it would be of greater benefit to incorporate these*

- spaces into the building to provide greater non-residential floor space (which could include
- (1) affordable workspaces and
  - (2) uses that will increase activation of the public realm on Anderson Street.



Council’s Urban Design Architect also requested ‘Improved quality and extent of public realm works ... to provide suitable amenity for building occupants and to demonstrate community benefit.’





### Ingles Street

The proposed construction of a footpath and bicycle parking hoops and the generality of the indented parking along Ingles Street is supported, subject to resolution of issues for:

- Protection or replacement of the existing street trees;
- Achieving a minimum 1.8m footpath width;
- Detail design of paver materials and orientation;
- The street crossing to incorporate Council's pedestrian priority specification including a continuation of the footpath.
- The location of bicycle parking.

The above matters would need to be provided for by a requirement of any Incorporated Document.

## **12.14 New Road**

**12.14.1** The application plans include a new 12.0m wide road along the northern (rear) of the site including a footpath on the south side of the road and space for a cycle lane and landscaping on the northern side, generally in accordance with the Framework Plan and the Planning Scheme.

**12.14.2** More particularly, the proposed works include:

### New Road

- A max. approx. 44.0m length of new 12.0m wide road along the northern rear of the property abutting the southern boundary of the City of Melbourne and the West Gate Freeway.

This section of new road would form part of a link from the rear of Anderson Street to the northern end of the at-grade section of Ingles Street to improve local street access in accordance with the future road network set out in the Fishermans Bend Framework and the Planning Scheme.

Completion of this link would require matching road to be constructed across the rear of the two (2) properties abutting the subject site and the car park at the northern end of Anderson Street.

The application makes reference to seeking to acquire the two adjoining lots and the plans show the new road and landscaping to these lots and the lot at the end of Anderson Street.

The Framework proposes a further section of new 12m wide road be provided to the south from Anderson Street to Fennell Street as part of any redevelopment of the properties on the south-east side of Anderson Street.

## **Assessment**

**12.14.3** The new road to the rear is supported.

### New Road



The new 12.0m wide road along the northern (rear) of the site would accord with the Fishermans Bend Framework and the Planning Scheme provisions for the FBURA.

The indicative design of the road includes a footpath on the south side of the road and space for a cycle lane and landscaping on the northern side.

There are multiple issues to be resolved for the new road to be practicably constructed on the site and the link from Anderson Street to Ingles Street to be achieved.

Firstly, the road has not been designed and to date, the State Government has not finalised profiles for new roads Fishermans Bend, such that the final design may be ad-hoc.

Secondly, it is not feasible to construct the section of road at the rear of the subject site on its own. Practically, economically and for consistency and quality control, the new road should be constructed from Anderson Street to Ingles Street as a single project rather than in several stages relating to the different ownership of the land parcels through which the road would pass.

Further, the typical trigger for setting aside land and constructing a road is a development application for the relevant land parcel. In the absence of a development application for the other lots there is not a ready mechanism to require or carry out construction of the other sections of the road.

One possible resolution of this impasse would be for the applicant to acquire the adjoining parcels of land as mooted and include them in the application; however, this has not happened.

Thirdly, land in the at-grade car park at the northern end of Anderson, including land in the alignment of the new road and land shown on the application plans as '*proposed open green space*' is encumbered by a legal agreement for 12 car spaces to be allocated to a property on the opposite side of Anderson Street until 2058. In addition to acquiring the two parcels to the sides of the subject site, it would be necessary to amend or end this agreement by some means to allow the road construction.

Fourthly, the design of the project with the two basement car parking levels extending beneath the new road would be undesirable because:

- The level of engineering needed to be able to accommodate a full range of vehicles atop the car park including heavy vehicles (or the imposition of weight limits along the road, with commensurate difficulties in enforcing any such limit);
- The ownership and maintenance responsibilities and liabilities that would result from private car parking levels sitting below services and a new road vested in Council.
- The need to access services through the basement.



- It would limit the opportunity for the planting and growth of street trees along the road alignment.

If the basement levels were approved beneath this road alignment, Council's Engineer and Subdivision Officer recommend:

- The road be a private road.
- The applicant / developer be responsible for the design of the road and basement levels including sign off by a registered certified engineer and Professional and Public Liability Insurance that remains valid for the life of the asset.
- Arrangements for how the road and associated assets in the basement should be maintained, provisional area in the carpark for future upgrading and additional services, and 24/7 access to the basement carpark for maintenance purposes for all the Responsible Authorities.
- For the road to be vested in Council, provision of details including:
  - The exact dimensions of the basement roof, the road construction thickness, the material between them and the proposed vesting boundary;
  - Construction standards, maintenance and insurance for the basement to ensure it doesn't compromise the Road at any time in the future;
  - Projections for the use and life of the Road; and
  - Requirements and design of the Road and any other relevant information in consultation with Council's Asset team.

Any approval of the development would need to include requirements including for:

- The road to be designed to Council's standards including drainage and servicing as applicable;
- The applicant to undertake or cause to provide full construction of the road to Council's satisfaction or provide a Bank Guarantee or other approved security for the (indexed) full cost of the future construction of the road;
- The transfer to or vesting of the road in the relevant road authority as a public road at no cost to the relevant road authority (subject to resolution of issues noted above).
- Section 173 Agreements for these matters as applicable.

These matters would need to be provided for by a requirement of any Incorporated Document.

## **12.15 Affordable and Social Housing**

Refer also to assessment at Clause 12.1 of this report.

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



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

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

Because the application was lodged after the 05 October 2018 approval date of Amendment GC81, pursuant to the FBSAC Terms of Reference, Clause 2.1 of Schedule 1 to the CCZ applies as follows:

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

Clause 4.2 of the Schedule further requires that a permit must not be granted to construct a building or construct or carry out works with a Dwelling Density in excess of the specified dwelling density unless a S173 Agreement has been entered into for the Social Housing dwellings.

#### Affordable Housing

**12.15.2** The application proposes to provide for the delivery of at least 6% of all dwellings for affordable housing by entering into a S173 Agreement for:

- Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum **35% discount** to market value; or
- Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum **35% discount** from market rent for a period of not less than **30 years** for the building approved under this control.
- any other mechanism providing a contribution of equivalent or higher value to (i) to the satisfaction of the Responsible Authority.

The Affordable housing must:

- i. be delivered within the development;
- ii. take the form of one or two or three-bedroom dwellings representative of the approved dwelling mix;
- iii. be functionally and physically indistinguishable from conventional dwellings within the development;



- iv. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
- v. allocate one or more bicycle parking space per dwelling for the life of the Affordable housing,

unless otherwise agreed in writing by the Responsible Authority.

The Agreement would provide that if the affordable housing is delivered per leasing, the agreement must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of Affordable housing in the Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.60(a), the Responsible Authority may agree to payment of an equivalent amount of money to a registered housing agency or other housing provider or trust to be expended for affordable housing in the Fishermans Bend Urban Renewal Area provided the Responsible Authority and Council are satisfied that:
  - i) the owner has made best endeavours to secure a registered housing agency recipient or other housing provider or trust for the affordable housing and has not been successful; and
  - ii) the payment amount is equivalent to the value of the affordable housing that would otherwise have to be delivered less the value of any affordable housing provided within the development.

### **Assessment**

The Affordable Housing offer is consistent with recent determinations for other FBURA PSA applications and is considered generally satisfactory.

It would however be desirable to include an additional provision for:

- An option for a percentage of the dwellings to be transferred to a Housing provider at zero consideration, the value of which must be equivalent or higher to the value of the transfer at the minimum 35% discount option.

This would likely equate to the gifting of one or two (2) dwellings.

### **Social Housing**

- 12.15.3** The Dwelling Density for the site is 95 dwellings. The 293 proposed dwellings would exceed the density by 198 dwellings, which divided by eight generates a requirement for 24 (24.75) Social housing dwellings. number of dwellings proposed exceeds the Dwelling

Twenty-five (25) Social housing dwellings are proposed which meets the requirement.





The requirement needs to be formally provided for by entering into a S173 Agreement in accordance with Clause 4.2 of Schedule 1 to the CCZ.

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

#### **12.16 Environmental Audit**

An environmental audit has not been undertaken for the land. Pursuant to Clause 45.03-1 of the Environmental Audit Overlay:

*Before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:*

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use.*

This would need to be provided for by requirements of any Incorporated Document that may be approved for the proposal.

#### **12.17 Infrastructure Contribution Overlay (ICO1)**

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

Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan (ICP) has been incorporated into the Planning Scheme.

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

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

#### **12.17 Aboriginal Cultural Heritage**

All of the land is in an 'area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations* 2018. Under the Regulations, a 'cultural heritage management plan' (CHMP) to be prepared where a listed 'high impact activity' is proposed, unless the proposal meets an exemption under the Act. Exemptions include if the land has already been significantly disturbed.

The application included a report from a Cultural Heritage Consultant which assessed whether a mandatory CHMP would be required prior to issued approval for the proposal. The report concluded a CHMP was not required:

*'... based on evidence for prior works, constituting significant ground disturbance, to the entirety of the activity area'.*

Notwithstanding this, the report recommended that a procedure be put in place for the management of any Aboriginal Cultural Heritage that was found during any works on the site - Refer **Attachment 13** to this report.

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

### 12.18 Street Trees

An Arboricultural Impact Assessment submitted with the application noted:

- There are five (5) existing street trees (designated trees 1 to 5 in the report) on the Anderson Street nature strip outside the site and four (4) existing street trees (designated trees 6 to 9 in the report) on the Ingles Street frontage.
- Trees 1-5 and 8-9 are currently in good health and condition and trees 6-7 were in good-to-average health and condition.
- All nine (9) trees are incompatible with the location and scale of the proposal which includes extensive below ground excavation and ground-level landscaping elements.



**Fig - Street trees proposed to be removed** Source: Arboricultural Impact Assessment

Council's Arborist disagrees with the reports conclusions and does not support removal of the trees. The Arborist advised that if streetscape works and stairs were to be constructed in Anderson Street, the design of the structure should be modified to include openings to incorporate the five existing trees as well as any new trees.

Council's Arborist also recommended that a Tree Protection and Management Plan be required that details how the trees would be protected in accordance with AS4970-2009 (Protection of Trees on Development Sites) for endorsement as part of any approval.

Any approval would need conditions for tree protection during construction.

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

The Arborist's comments are set out in full in the Referral Response Appendix to this report.

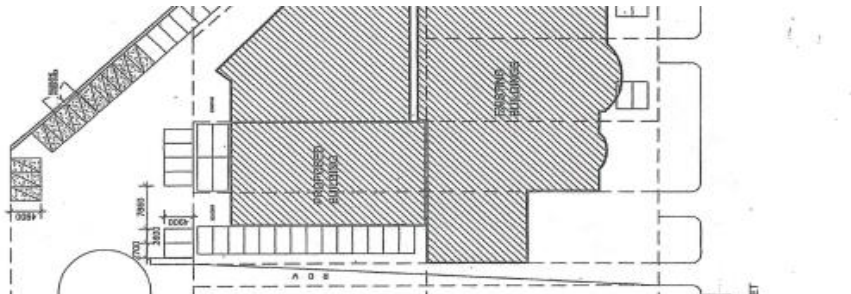
### 13. COVENANTS AND OTHER TITLE MATTERS

#### Covenants

- 13.1 A review of the Title for the site confirms the land known as Volume 10530 Folio 078, commonly described as Lot 9 on PS 434174U is not encumbered by a restrictive covenant or Section 173 Agreement or building envelope or easement.
- 13.2 The land is however encumbered with a lease for the parts of the land presently occupied by the telecommunications tower and associated equipment shed.
- 13.3 The land is also part of a body corporate which includes the Lot to the n-e side (known as Lot 8 on PS 434174U) and land on the opposite side of Anderson Street through to Fennell Street (known as Lots 1, 2, 3, 4A, 5, 6 and 7B and 7C and common property on PS 434174U).

#### Other Title Matters

- 13.4 Land at the end of Anderson Street is developed with an at-grade concrete car park.
- 13.5 Twelve (12) spaces in that car park are subject to a legal agreement tying them to a Fennell Street property for a maximum of 50 years from 20 May 2008 (i.e. 20 May 2058).



**Fig** – Location of 12 car spaces subject to agreement.

- 13.6 The car park and the 12 car spaces subject to the agreement are in part in the alignment of the future 12m (w) road proposed by the Framework and Planning Scheme and shown on the streetscape and landscape plans for the proposal.
- 13.7 The agreement concerning the car park and the 12 car spaces would need to be resolved before the new road from Anderson Street to Ingles Street could be constructed.

### 14. OFFICER DIRECT OR INDIRECT INTEREST

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













### 15. OPTIONS

- 15.1 Support the Planning Scheme Amendment as proposed.
- 15.2 Approve with changed or additional conditions the Planning Scheme Amendment subject to requirements to be included in the Incorporated Document for the amendment.
- 15.3 Refuse - on key issues

## 16. CONCLUSION

- 16.1 The four (4) storey street walls (podiums) and the 56-level tower would comply with height requirements / allowances for the site and surrounds.
- 16.2 The curved corners of the podium and the exposed circular vehicle ramp would not comply with the street wall setback requirements.
- 16.3 The tower setbacks would comply at the preferred distance from Ingles Street and Anderson Street and the minimum from the new street to the north (rear).
- 16.4 The finished top of the building could be improved by increasing the difference in height of the three elements of the tower. This could include an increase in building height provided it still met the overshadowing requirements of the Planning Scheme.
- 16.5 The proposal was internally referred, and officers raised concerns which are set out at Clause 2.35 of this report.
- 16.6 Officers recommend changes to address these concerns and other matters identified in the assessment in the body of this report.
- 16.7 The proposed provision of Affordable and Social Housing is supported, however it is recommended three bedroom dwellings be provided in addition to the 1 and 2BR dwellings shown on the plans.
- 16.8 It is recommended that the Statutory Planning Committee resolve to advise the Minister for Planning C/- the Department of Environment, Land, Water and Planning that the Council does not support the application in its current form based on the matters set out in Section 12 and the Appendices of this report.
- 16.9 That the Statutory Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.

## ATTACHMENTS

1. Site Location - Aerial #1 [↓](#) 
2. Site Location - Aerial #2 [↓](#) 
3. Site and Surrounds Photos [↓](#) 
4. Plan Drawings [↓](#) 
5. Elevation Drawings [↓](#) 
6. Section and Facade Detail Drawings [↓](#) 
7. Shadow Drawings [↓](#) 
8. Apartment Layouts - BADS Assessment [↓](#) 
9. Architectural Renders [↓](#) 
10. CoPP Internal Referral Responses [↓](#) 
11. Clause 58 Assessment [↓](#) 
12. FB Standing Advisory Committee [↓](#) 
13. Procedure for Management of Aboriginal Cultural Heritage [↓](#) 