



<b>8.5</b>	<b>253-257 NORMANBY ROAD, SOUTH MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>253-257 NORMANBY ROAD, SOUTH MELBOURNE</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>SIMON GUTTERIDGE, PRINCIPAL PLANNER FBURA ROSANNE MASSEY, SENIOR URBAN PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF17/273837</b> <b>1. Plans (edit) pt 1</b> <b>2. Plans (edit) pt 2</b> <b>3. Elevations (edit)</b> <b>4. Sections</b> <b>5. Apt types - podium</b> <b>6. Apt types - tower (edit)</b> <b>7. Shadow plans pt 1</b> <b>8. Shadow plans pt 2</b> <b>9. Shadow plans pt 3</b> <b>10. Renderings pt 1</b> <b>11. Renderings pt 2</b> <b>12. Draft Conditions</b>
<b>ATTACHMENTS:</b>	
<b>WARD:</b>	Gateway Ward
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	Use of land for Accommodation (Dwelling, Residential hotel) in the Capital City Zone
<b>APPLICATION NO:</b>	2/2017/MIN
<b>APPLICANT:</b>	SM 253 Pty Ltd c/- Urbis Pty Ltd
<b>EXISTING USE:</b>	Offices and warehouse
<b>ABUTTING USES:</b>	Panel beater, offices, warehouses
<b>ZONING:</b>	Capital City Zone (CCZ1) Abuts Road Zone Category 1 (RDZ1)
<b>OVERLAYS:</b>	Design and Development Overlay (DDO30) Special Building Overlay (SBO2) (pt) Development Contributions Plan Overlay (DCPO2) Parking Overlay (PO1)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	N/A



## **PROPOSAL**

Demolish the existing buildings and works, construct a building comprising two towers of 33 and 42 storeys height including a five level podium containing ground floor level retail and townhouse dwellings, and apartments and a 147 room Residential hotel above, and associated car and bicycle parking and construct and/or carry out works

### **I. EXECUTIVE SUMMARY**

- 1.1 It is proposed to demolish the existing buildings and construct two towers of 33 and 42 levels (including five level podiums) in two stages, containing ground level retail, 10 townhouse dwellings, 818 apartments, a 147 room hotel, and associated car and bicycle parking and works.
- 1.2 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 1.3 The Minister for Planning is the Responsible Authority for the application pursuant to Section 2.0 and Figure 1 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme.
- 1.4 The Minister has provided Council with the opportunity to consider and provide advice on the application, which can be used by the Minister and his department in their assessment of the proposal.
- 1.5 Council's advice is provided on an informal basis as the planning scheme exempts most applications from notice and review.
- 1.6 The land is subject to mandatory podium (5-storey or 20m) and tower (40 storey) height limits and tower setbacks pursuant to interim Design and Development Overlay provision introduced in April 2015 while a review of the FBURA is carried out. The interim controls apply until 30 March 2018 (unless extended by the Minister).
- 1.7 The Fishermans Bend Strategic Framework Plan (September 2016) (FBSFP) does not identify the subject land for a particular use. The Plan notes Normanby Road as an existing main road and Woodgate and Boundary Streets as existing local streets. It recommends a new laneway between Normanby Road and Woodgate Street be created along the subject sites north-east side boundary.
- 1.8 The application proposes such a laneway along the north-east side between Normanby Road and Woodgate Street. This would enhance pedestrian permeability and would be satisfactory.
- 1.9 The north-west (Normanby Road / Boundary Street) corner of the site is encumbered with a sewerage easement and cannot be built on (other than minor landscaping and works).
- 1.10 The proposal was internally referred and officers raised concerns including regarding car park design, over provision of car parking and under provision of bicycle parking, traffic impacts, loading bay access and location, lack of diversity in housing types and sizes, lack of articulation of the podium along Normanby Road and Woodgate Street, lack of variation in façade treatment and materiality for the podium and towers, lack of back-of-



house detail for the residential hotel and retail tenancies, long corridor access to podium dwellings, overshadowing of the Stage 1 tower by the Stage 2 tower, overshadowing of the podium rooftop open space, and overshadowing of public open space, wind impacts, excessive waste collection traffic, lack of affordable housing, poor sustainable design including excessive glazing without adequate measures to control solar heat.

- 1.11 The uniform height of the podium and lack of vertical breaks would present excessive mass and an unsatisfactory urban design outcome to the abutting streets.
- 1.12 The Stage 1 tower would similarly present excessive mass to Normanby Road, and both towers would suffer from a lack of variation in materials and finishes.
- 1.13 The development would not comply with local policy for employment (other than for provision of non-residential uses along the Normanby Road frontage), diversity of dwelling types and sizes, or affordable housing.
- 1.14 The podium roof top open space would be adversely affected by wind from the towers and would require wind-break screens to achieve satisfactory walking comfort and would not be suitable for sitting.
- 1.15 It is considered these concerns cannot be ameliorated by conditions to modify the proposal.
- 1.16 On 14 July 2017, an application for review for failure to decide the application within 60 statutory days was lodged with the Planning List of the Victorian Civil and Administrative Tribunal (VCAT) on behalf of the applicant.
- 1.17 The matter was listed for a Practice Day on 25 August. Council engaged legal representation and was successful in being joined to the matter.
- 1.18 The matter has been set down for a Compulsory Conference on 05 or 22 October (tbc) and a hearing commencing 28 November 2017 for four days. Council will be legally represented at these hearings.
- 1.19 It is recommended that Council advise the Minister, the Tribunal and the applicant that it does not support the application as proposed.



**KEY ISSUES**

1. Consistency with Fishermans Bend Strategic Framework Plan.
2. Building height (including interpretation of basement, mezzanine and plant levels).
3. Car park design, vehicle access, and traffic impacts.
4. Loading bay design and location and waste collection traffic.
5. Overshadowing of dwellings and communal open space.
6. Overshadowing of public open space.
7. Sustainable design, including excessive façade glazing without sun control measures, and water sensitive urban design.
8. Urban design and building materiality.
9. Dwelling amenity including noise attenuation.

**2. RELEVANT BACKGROUND**

2.1 Three previous minor applications are recorded for the subject land as follows:

Application No.	Proposal	Decision
P0467/2001	Installation of a shade structure	Permit granted 17 May 2001
P1144/2005	Construct a vehicle crossover to provide access from a Road Zone I	Permit granted 16 March 2006
P0143/2017	Demolition of an existing in-ground storage tank and reinstatement of natural ground level	Permit granted 02 March 2017

**3. PROPOSAL**

3.1 The application proposes to:

- Demolish all of the existing buildings on the land.
- Construct a five level (plus basement) shared podium and two towers of max. 33 and 42 storeys height (including the podium) containing ground floor level retail and townhouse dwellings, apartments and a 147 room hotel above, and associated basement and podium car and bicycle parking in the Capital City Zone (CCZI).
- Construct and carry out works.
- Create a new min. 6.0m wide road between Normanby Road and Woodgate Street comprising a 2.0 to 2.5m wide pedestrian path and a 3.5m wide carriageway along the northern side boundary to provide one way vehicle access from Normanby Road to the hotel Porte Cochere and Woodgate Street.
- Use the land for Accommodation (dwellings and Residential hotel) in the CCZI.
- Remove existing vehicle crossings on Normanby Road, Boundary Street and Woodgate Street and construct new vehicle crossings on Normanby Road and Woodgate Street.

3.2 The podium is proposed to be constructed to the Normanby Road, Boundary Street and Woodgate Street boundaries (except for a splay at the corner of Normanby Road and Boundary Street for a sewerage easement), and be setback 6.0m from the north-



- east side boundary to facilitate a new access road and through-block link between Normanby Road and Woodgate Street.
- 3.3 The basement is proposed to match the podium building lines, except to the north-east side where it is proposed to be constructed to the boundary.
- 3.4 The two towers are proposed to vary in form as follows:
- Tower 1:** The south-western side tower (closest to Boundary Street) is proposed in an 'L' shaped form, with its long faces to Normanby Road and the north-east side. This tower sets back incrementally from Level 20 upwards, ostensibly to reduce shadow towards the parkland to the south-west.
- Tower 2:** The north-eastern side tower (closest to Montague Street) features a rectangular or 'I' shaped form. The south-west corner of this tower sets back incrementally from Level 36 upwards, also to reduce shadow towards the park.
- 3.5 Tower 1 has a maximum height of 33-storeys / 100.19m (102.2m AHD) to the top of the 31 residential levels, 106.3m (108.4m AHD) to the top of its two-storey roof plant, and 118.945m (120.955m) to its finished top.
- 3.6 Tower 2 has a maximum height of 42-storeys / 129.89m (131.1m AHD) to the top of its 40 residential levels, and 135.29m (137.3m AHD) to the top of its two-storey roof plant.
- 3.7 The building is proposed to be constructed in two stages as follows:
- 3.7.1 **Stage 1:** The south-western third of the basement and podium abutting Normanby Road, Boundary Street and Woodgate Street and Tower 1 comprising 1,957m<sup>2</sup> of retail (seven tenancies) and 446 dwellings;
- 3.7.2 **Stage 2:** The north-eastern remainder of the podium and Tower 2 comprising 416m<sup>2</sup> of retail (three tenancies), the 153 room hotel, 382 dwellings, and the through-block link along the north east side.
- 3.8 Materials and finishes are proposed to be a mixture of
- Dark and medium grey brick, dark and medium grey applied finish, bronze, silver and dark (unspecified colour) metal cladding, clear glazing at ground floor level and clear dark, clear and dark reflective and dark obscure glazing above for external walls; and
  - Bronze and dark grey palisades, clear dark glass and light colour metal cladding for balustrades.
- 3.9 The new street crossings proposed on Normanby Road and Woodgate Street would require removal of one existing street tree on each street.



3.10 A summary of the key elements of the proposals is as follows:

<b>Application Plans - Rev 1 - 14/06/2017 (Received 23 June 2017)</b>	
<b>Site area</b>	<b>Stage 1: 4,863m<sup>2</sup> Stage 2: 2,616m<sup>2</sup> Total: 7,479m<sup>2</sup> approx.</b>
<b>No. dwellings</b>	<b>Stage 1: ‘L’ Tower: 446 (127 x 1BR, 259 x 2BR, 60 x 3BR inc. 5 x townhouses)</b> <b>Stage 2: ‘I’ tower: 382 (129 x 1BR, 216 x 2BR, 37 x 3BR inc. 5 x townhouses)</b> <b>TOTAL: 828 (256 x 1BR [30.9%], 475 x 2BR [57.4%], 97 x 3BR [11.7%])</b> <b>+ 147 Hotel Rooms in Stage 2</b>
<b>Podium street, side and rear setbacks</b>	<b>Stage 1:</b> Min. 0.0m from Normanby Rd, Min. 0.0m from Boundary St, Min. 0.0m from Woodgate St. <b>Stage 2:</b> Min. 0.0m from Normanby Rd, Min. 0.0m from Woodgate St, Min. 6.0m from north-east (side) for new lane.
<b>Tower street, side and rear setbacks</b>	<b>Stage 1:</b> Min. 10.0m from Normanby Rd, Min. 10.0m from Boundary St, Min. 10.0m from Woodgate St. <b>Stage 2:</b> Min. 10.0m from Normanby Rd, Min. 10.0m from Woodgate St, Min. 10.0m from north-east (side) (inc. 6.0m for new land).
<b>Tower separation</b>	Min. 20.0m separation between towers
<b>Podium height</b>	<b>Stage 1 and 2:</b> 5 and 6-storeys (inc. 2 level townhouses), max. 19.59m (21.6m AHD), plus one basement level (min. floor level -0.25m AHD)
<b>Tower height</b>	<b>Stage 1:</b> 33-storeys, max. 100.19m (102.2m AHD) to top of 31 residential levels; 106.3m (108.4m AHD) to top of two-storey roof plant; 118.945m (120.955m) to finished top. <b>Stage 2:</b> 42-storeys, max. 129.89m (131.1m AHD) to top of 40 residential levels; 135.29m (137.3m AHD) to top of two-storey roof plant. <i>Note: Heights calculated from median natural ground level (NGL) of 2.01m AHD. Spot levels = 1.57m to 1.96m AHD on Normanby Rd, 1.99m to 2.24m on Boundary Street, and 2.10m to 1.77m on Woodgate St.</i>
<b>Non - residential floor area</b>	<b>Stage 1:</b> Retail: 1,958m <sup>2</sup> (seven tenancies) <b>Stage 2:</b> Retail: 416m <sup>2</sup> (three tenancies), 6,587m <sup>2</sup> Hotel (147 rooms) <b>Total: 8,961m<sup>2</sup>, (2,374m<sup>2</sup> retail, 6,587m<sup>2</sup> Hotel - 147 rooms).</b>
<b>Loading bay</b>	<b>Stage 1:</b> 1 x 3.5m (w) x 7.0m (l) x 4.4m (h) @ ground floor (Level 00) <b>Stage 2:</b> 1 x 3.5m (w) x 7.0m (l) x 4.4m (h) @ ground floor (Level 00)
<b>Car parking</b>	<b>Stage 1:</b> 528 (119 @ basement, 15 @ ground floor [Level 00], 80 @ mezzanine and Levels 01 and 03, and 77 @ Levels 02 and 04). <b>Stage 2:</b> 244 (80 @ basement, 4 @ ground floor [Level 00], and 32 @ mezzanine and Levels 01 to 05 inclusive). <b>Total: 772 spaces</b> (713 resident (0.86/dwelling), 16 retail (0.67/100m <sup>2</sup> ), 43 Hotel (0.28/room),
<b>Motorcycle parking</b>	<b>Stage 1:</b> 2 spaces @ ground level (Level 00) <b>Stage 2:</b> 5 spaces @ ground level (Level 00)



<b>Bicycle parking</b>	<b>Stage 1:</b> 116 <b>Stage 2:</b> 144 <b>Total: 260</b> <b>Note:</b> App refer to 310 spaces, Dev Summary refers to 283 spaces. Plans show 280 (260 inside, 20 on footpath).
<b>Open space</b>	Varies.
<b>Stores</b>	<b>Stage 1:</b> 460 (min. 4.0m <sup>3</sup> ) <b>Stage 2:</b> 369 (min. 4.9m <sup>3</sup> ) <b>Total: 829 x min 4.0m<sup>3</sup> cage additional to storage within apartments</b>
<b>Communal (resident / tenant) facilities</b>	<b>Stage 1:</b> Ground floor level resident lounge, inc. kitchen, and five meeting rooms. <b>Stage 2:</b> Ground floor level resident lounge, <b>Shared:</b> Podium rooftop open space, pool, function space.
<b>Community (public) facilities</b>	Landscaped cnr. Normanby Rd/Boundary St (above easement), 20 bicycle spaces on Normanby Rd, through-block link on NE side. <b>Note:</b> Documentation does <b>not</b> refer to provision of affordable housing.
<b>Vehicle access</b>	<b>Stage 1 and 2:</b> One x 6.0m wide crossing off Woodgate Street.
<b>Dwelling access</b>	<b>Stage 1:</b> <u>Podium:</u> Lobby off Normanby Rd/Boundary St cnr. <u>Tower:</u> Lobby off Normanby Rd. <b>Stage 2:</b> <u>Podium and tower:</u> Lobby off Normanby Rd. <u>Hotel:</u> Lobby off new lane between Normanby Road and Woodgate Street.
<b>Pedestrian path access</b>	Existing footpaths along all existing street frontages, and 2.5m (narrowing to 1.5m) footpath along SW side of new mid-block link/lane (Hotel entry).
<b>Road widths</b>	NE (side): Min. 6.0m road reserve with min. 3.5m (one-way Normanby Rd to Woodgate St) carriageway and 2.5m (narrows to min. 1.5m) footpath on SW side.
<b>Gross floor area / Floor area ratio</b>	Gross Floor Area (GFA): <b>Stage 1:</b> 60,845m <sup>2</sup> , <b>Stage 2:</b> 46,063m <sup>2</sup> <b>Total:</b> 106,908m <sup>2</sup> ; Site area = 7,479m <sup>2</sup> Plot Ratio / Floor Area Ratio (FAR): 14.29:1.

3.11 The plans which are the subject of this report are those referred to as:

- Job No. 12261, Drawing Nos. TP001 Rev 1, TP099 Rev 1, TP100-142 Rev 1 inclusive, TP200-207 Rev 1 inclusive, TP220-230 Rev 1 inclusive, TP700-736 Rev 1 inclusive, TP790-799 Rev 1 inclusive, all dated 07-06-2017, and associated shadow drawings and building details, all dated 14-06-2017, Materials Palette dated 15/06/2017, and Development Summaries (x3) dated 14/06/2017, prepared by Plus Architecture.
- Landscape Plans entitled Job No.17-0225, Drawing Nos. L-TP01, and L-TP02-Podium and L-TP02-Section, all dated April 2017, prepared by John Patrick Pty Ltd.

#### 4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is a located on the south-east corner of Normanby Road and Boundary Street, South Melbourne. The land also has a rear abuttal to Woodgate Street.
- 4.2 The land is irregularly shaped, albeit generally rectangular except for a minor angle along its Boundary Street alignment.



- 4.3 The land has a frontage width to Normanby Road of 118.05m approx., a side street abuttal to Boundary Street of 68.47m, a rear abuttal to Woodgate Street of 110.54m, and a maximum depth of 65.93m for an overall area of 7,479m<sup>2</sup> approximately.
- 4.4 The Normanby Road / Boundary Street corner of the site is encumbered by an easement for drainage, and part of the land facing Woodgate Street is encumbered by a lease for an electrical substation.
- 4.5 The land is generally flat with no discernible slope in any direction. Survey particulars show a minor rise of 1.57m to 1.96m AHD (0.39m) on Normanby Rd, 1.99m to 2.24m AHD (0.25m) on Boundary Street, and a fall of 2.10m to 1.77m AHD (0.32m) on Woodgate Street. The land has a median natural ground level (NGL) of 2.01m AHD.
- 4.6 The land is developed with a four-storey office and warehouse building and associated at grade car parking. The buildings are currently occupied by Oxford University Press
- 4.7 The land has two existing vehicle crossings along its Normanby Road frontage, three crossing along its Woodgate Street abuttal, and one vehicle crossing on its Boundary Street frontage.
- 4.8 Surrounding land is developed as follows:

- **North-west (opposite, across Normanby Road)**

One and two storey retail, commercial and warehouse/industrial buildings.

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

- 164 Ingles Street, Port Melbourne: Conversion of former offices to seven dwellings. Development completed.
- 220 Ingles Street, Port Melbourne: Construct 287 x three and four level townhouses. Development started.
- 60-82 Johnson Street, Port Melbourne: Construct four mixed use towers (22, 28, 43 and 46 levels) (1,379 dwellings). Not started.

Two permit applications are pending to the north-west as follows:

- 272-280 Normanby Road (Cnr. Boundary and Munro Streets), South Melbourne (Site 00): Construct a 40 level mixed use tower. Council has provided comments regards the original plans to the Department. Amended plans for increased tower setbacks and reduction in number of dwellings from 396 to 289 lodged to satisfy Amendment GC50. At assessment.
- 14 Woodruff Street (Cnr. Ingles Street), Port Melbourne: Alterations and four-storey additions including retail, offices and 22 dwellings. At assessment.

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

One and two storey industrial, commercial and warehouse buildings, a four-storey heritage graded former warehouse with two levels of dwellings about at the corner of Montague Street, and further one and two storey commercial and warehouse industrial buildings, and the Freeway and the Melbourne Exhibition and Conference Centre beyond.

Woodgate Street generally contains the rear of buildings located on Normanby Road with no street setback along its westerly side (including some vehicle crossovers), and the light rail line and landscaped embankment along its easterly side.





Woodgate Street is a two way street with on-street car parking on both sides. The westerly side contains a footpath with some small street trees. There is no footpath on the easterly side of the street.

Three planning permits have been granted to the north-east as follows:

- 228-238 Normanby Road (Cnr. Montague Street), Southbank: Construct two mixed use towers of 39 and 44 storeys (525 dwellings). Not started.
- 202-214 Normanby Road, Southbank: Construct a 40 level mixed use tower (284 dwellings). Not started.
- 199-201 Normanby Road, Southbank: Construct a 40 level mixed use tower (262 dwellings). Not started.

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

West side of Normanby Road:

- 264-270 Normanby Road, South Melbourne (Site 01): Construct a 40 level mixed use tower (238 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.
- 256-258 & 260-262 Normanby Road, South Melbourne (Site 02): Construct a 39 level mixed use tower (244 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.
- 248-250 & 252-254 Normanby Road, South Melbourne (Site 03): Construct a 39 level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.
- 240-246 Normanby Road (Cnr Montague Street), South Melbourne (Site 04): Construct a 40 level mixed use tower (216 dwellings). Council has provided comments to the Department. Decision pending.

East side of Normanby Road:

- 245-247 and 249-251 Normanby Road, South Melbourne: Construct a 40 level mixed use tower (324 dwellings). Council has provided comments to the Department. Decision pending.
- 207-217 Normanby Road, Southbank (Site 05): Construct a 41 level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.
- 203-205 Normanby Road, Southbank (Site 06): Construct a 40 level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.
- 179-185 Normanby Road, Southbank (Laconia): Construct a 40 level mixed use tower (240 dwellings). Council has provided comments regards the original plans to the Department. On hold pending applicants consideration of Amendment GC50 implications.



- **South-west (side, across Boundary Street)**

Parkland, and one and two-storey industrial buildings and two and three-storey office buildings along Boundary Street, Normanby Road and Evans Street (Land is not in the Fishermans Bend Urban Renewal Area).

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

The City to Port Melbourne light rail line and Montague light rail stop, part of the South Melbourne tram depot, the City to Port Melbourne bicycle and pedestrian path, and one, two and eight storey industrial, commercial and residential buildings beyond.

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

- City-Port Melbourne Route 109 tram/light rail stop approximately 102m to the north-east (Montague Street bridge);
- Buses (Routes 232, 235-7-8) to the City, Port Melbourne and Western suburbs along Normanby Road, Montague Street and the West Gate Freeway.
- City to Port Melbourne off-road bicycle path along the 109 tram/light rail reservation approximately 30m to the south-east;

4.11 The land is approximately 390m from the Bay Street Port Melbourne Activity Centre and approximately 830m from the South Melbourne Activity Centre including the South Melbourne Market.

4.12 Vehicle access to the Westgate Freeway is located approximately 450m from the site via Montague Street.

## 5. PERMIT TRIGGERS

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



Planning Scheme Provision	Why is a planning permit required?
<p><b>Clause 37.04 Capital City Zone (CCZI)</b></p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZI and Clause 1 of the Schedule to the CCZI, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone, including Accommodation (including Dwelling and Residential hotel) if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land is proximate to warehouse and industrial uses (including a Panel beating workshop next door at 249 Normanby Road) and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZI and Clause 3.0 of the Schedule to the CCZI, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZI, and Clause 4.0 of Schedule 1 to the CCZI, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to</p> <ul style="list-style-type: none"> <li>• Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop);</li> <li>• Construct a building or construct or carry out works;</li> <li>• Demolish or remove a building or works; or</li> <li>• Erect or construct or carry out works for an advertising sign;</li> </ul> <p>is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 6.0 of Schedule 1 to the CCZI:</p> <p><i>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</i></p> <ul style="list-style-type: none"> <li>• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul> <p>A planning permit is required under this clause.</p>
<p><b>Clause 43.02 Design and Development Overlay (DDO30)</b></p>	<p>The land is in Area A6 (40-storey max. height) of the DDO.</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>



Planning Scheme Provision	Why is a planning permit required?
<p><b>Clause 44.05 Special Building Overlay (SBO2)</b></p>	<p>A Planning Permit is required to construct a building and/or construct or carry out works in the Special Building Overlay.</p> <p>This does not apply to landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.</p> <p>An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p><b>44.05-5 Referral of applications</b></p> <p>An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.</p> <p>CoPP is the flood authority for SBO2.</p> <p>A planning permit and referral to Council is required under this clause.</p>
<p><b>Clause 45.06 Development Contributions Plan Overlay (DCPO2)</b></p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> <li>• A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning;</li> <li>• An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions.</li> <li>• The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development.</li> <li>• The permit allows for the construction of a building or construction or carrying out works for;                         <ul style="list-style-type: none"> <li>- Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling.</li> <li>- A single dwelling on a lot</li> <li>- An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres.</li> <li>- A sign.</li> </ul> </li> <li>• The permit only allows the consolidation of land or a boundary realignment.</li> </ul> <p>A planning permit is required under this clause.</p>
<p><b>Clause 45.09 Parking Overlay (PO1)</b></p>	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table I of Schedule I to the Overlay.</p> <p>The proposed parking provision for uses do not exceed the maximum rates in the Table.</p> <p>A permit is not required under this clause.</p>
<p><b>Clause 52.06 Car Parking</b></p>	<p>A permit is required to reduce the number of car parking spaces required for a use listed in Table I to Clause 52.06-5, unless the Parking Overlay specifies otherwise.</p> <p>Residential hotel is not listed in Table I to Clause 52.06-5 or the Parking Overlay. Pursuant to Clause 52.06-5A, car parking spaces for the Residential hotel must be provided to the satisfaction of the Responsible Authority (i.e. RA consent).</p> <p>Car parking should meet the design standards of Clause 52.06-8 unless the responsible authority agrees otherwise.</p> <p>A permit is not required under this clause.</p>



Planning Scheme Provision	Why is a planning permit required?
<b>Clause 52.07 Loading and Unloading Of Vehicles</b>	A permit is required to waive or vary the loading bay requirements associated with buildings and works for the sale of goods. A permit is not required under this clause.
<b>Clause 52.10 Uses with Adverse Amenity Potential</b>	The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met. A permit is required under this clause.
<b>Clause 52.29 Land adjacent to a Road Zone, Category I, or a Public Acquisition Overlay for a Category I road.</b>	A planning permit is required to create or alter access to a road in a Road Zone Category I. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the <i>Road Management Act 2004</i> , land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under Section 55 of the Act. A permit, referral and notice are required under this clause.
<b>Clause 52.34 Bicycle Facilities</b>	A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1. A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4. A permit is required under this clause.
<b>Clause 52.36 Integrated Public Transport Planning</b>	An application for a development including 60 or more dwellings must be referred to Public Transport Victoria under Section 55 of the Act.
<b>Clause 58 Apartment Developments</b>	Provisions in this Clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development. A development must meet all of the objectives of this clause and should meet all of the standards, except for Clause 58.04-1: building setbacks. If a zone or overlay or an associated schedule specifies a building setback different from 58.04-1, the setback in the zone, overlay or schedule applies. A permit is not required under this clause.

**6. PLANNING SCHEME PROVISIONS**

**6.1 State Planning Policy Frameworks (SPPF)**

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

- Clause 9: Plan Melbourne
- Clause 11: Settlement, inc. 11.02 Urban Growth, and 11.04 Metropolitan Melbourne
- Clause 15: Built Environment and Heritage inc. 15.01-1 Urban design and 15.01-2 Urban design principles, and 15.02-1 Energy and resource efficiency.  
Clause 15.01-2 requires consideration be given to the Design Guidelines for Higher Density Residential Development (*Department of Sustainability and Environment, 2004*)
- Clause 17: Economic Development
- Clause 18: Transport



## 6.2 Local Planning Policy Framework (LPPF)

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

- Clause 21.03 Ecologically Sustainable Development, including:
  - Clause 21.03-1: Environmentally Sustainable Land Use and Development
  - Clause 21.03-2: Sustainable Transport
- Clause 21.04: Land Use
- Clause 21.05 Built Form, including
  - Clause 21.05-2: Urban Structure and Character
  - Clause 21.05-3: Urban Design and the Public Realm
  - Clause 21.05-4: Physical Infrastructure
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-8: Fisherman's Bend Urban Renewal Area

The following clauses of the LPPF are also relevant:

- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development
- Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

## 6.3 Fishermans Bend Strategic Framework Plan

The *Fishermans Bend Strategic Framework Plan* July 2014 (Amended September 2016) (FBSFP) is an incorporated document pursuant to Clause 81 and the Schedule to Clause 81.01 of the Planning Scheme. Any decision within the FBURA must have regard to the Framework Plan including the Design Guidance provisions.

The Framework Plan is discussed at Section 7.1.1 of this report.

## 6.4 Relevant Planning Scheme Amendments

**Planning Scheme Amendments GC50 and GC59** effective 14 and 29 November 2016 respectively changed the Planning Scheme to include:

- A new Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, including discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- A new Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.

The height and setback controls apply on an interim basis until 31 March 2018 to allow time for permanent controls to be developed and tested by the Fishermans Bend Taskforce.

- An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended



September 2016). The Framework is an incorporated document to the Port Phillip Planning Scheme.

These amendments were implemented via a Ministerial Amendment which takes place without community consultation. There are no transitional provisions within the amendment, meaning that the new provisions apply to this application.

**Planning Scheme Amendment VC136** effective 13 April 2017 and implemented Clause 58 (Apartment Developments) which replaced Clause 52.34 (Urban Context Report and Design Response for Residential Development of Five or More Storeys), and the Guidelines for High Density Residential Development.

## 7. PUBLIC NOTIFICATION / OBJECTIONS AND REFERRALS

### 7.1 Notice of application

Council is not required to give notice of Department applications.

DELWP is responsible for giving of notice. Notice is required to be given (including to Council pursuant to S52.1(b) of the Act) for:

- The proposed creation and alteration (removal) of vehicle crossings on Normanby Road (Clause 52.29).

Notice was not required for:

- The proposal to demolish or remove a building or works, construct a building or carry out works in the Capital City Zone and the Design and Development Overlay;
- The proposed use of the land for Accommodation (Dwellings and Residential hotel) in the Capital City Zone; and
- Varying, reducing or waiving any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4,

as they are exempt from the notice requirements of S52(1)(a), (b) and (d), the decision requirements of S64(1), (2) and (3) and the review rights of S82(1) of the Act.

Pursuant to the Schedule to Clause 66.06, Notice of the application must be given to the Secretary, Department of Environment, Land, Water and Planning.

### 7.2 Objections

DELWP is yet to give notice.

### 7.3 Internal referrals

The application was internally referred. A summary of the responses is as follows:

#### **Traffic/Transport Matters**

##### RE: Rev I Drawings

##### Parking Layout and Access Arrangements

- Proposed access to off-street parking facilities is via proposed crossovers to Normanby Road and Woodgate Street. This is considered satisfactory. Noting, additional signage indicating 'Entry Only' from Normanby Road is required.
- Off-street car space dimensions of 2.6m x 4.9m accessed from a 6.4m aisle and dimensions of 2.8m x 4.9m accessed from a 5.8m aisle are considered satisfactory.
- Several rows of car parking spaces have been provided without width or length



dimensions shown. **Please update plans to include width and length dimensions for each row of car parking to determine if planning scheme requirements have been met.**

- Several parking spaces located throughout the car park are either non-conforming due to location of columns/storage and I have concerns over accessibility and safety, in particular the tandem spaces located on the ground floor. **Please refer to the attached mark-up showing council officers comments and recommendations regarding the carpark layout.**
- The traffic report indicates several parking spaces would be allocated to the hotel, retail and office. **Can the applicant please update plans to reflect proposed car parking provision (label hotel, retail and office spaces).**
- Vehicles can satisfactorily enter/exit the site in a forwards direction.
- Internal ramp grades and transition changes are considered acceptable. Access grade steeper than 10%, within 5 metres of the frontage, has been indicated. **Please reduce the grade of the access ramp to be no steeper than 10% within the first 5m of the site.**
- **Please ensure a minimum height clearance of 3.0m is provided above ramps to align with the directions of the Strategic Framework Plan. Noting that an 8.8m MRV has a body height of 3.63m.**
- Swept paths analysis in traffic report (Drawing No. 918701) does not show two-way traffic is possible when entering/exiting the access ramp. Noting due to the irregular shape I have concerns that two-way access is possible with suitable clearance. **Can the applicant please provide a swept path analysis showing that a B85 and B99 is able to enter/exit ramp simultaneously with suitable clearance.**
- Access ways at the entrance are considered acceptable.
- Application should be referred to VicRoads, noting access is proposed from Normanby Road (VicRoads controlled).
- All redundant crossovers must be reinstated to Council satisfaction.
- All proposed crossovers must be installed to Council satisfaction.
- Applicant shall be responsible for costs incurred by Council to modify any existing on-street parking signage and line-marking.

#### Parking Overlay and Parking Provisions

- The FBURA target rate for the provision of residential parking is 0.5 spaces/dwelling and a maximum rate of 1 space/100m<sup>2</sup> for retail.
- It is proposed to provide 713 resident parking spaces, which equates to a rate of 0.86 spaces/dwelling. This level of parking for residents is considered high and not in line with the FBURA target rate. **It is recommended reducing the level of off-street parking for residents.**
- It is proposed to provide 16 retail parking spaces, which equates to a rate of 0.71 spaces/100m<sup>2</sup>. This level of parking for staff is in line with FBURA parking provision rates and is considered acceptable.
- The traffic report indicates that 43 parking spaces will be provided on-site for hotel staff/visitors. This level of parking equates to a rate of 0.26 spaces/room. This level of parking is considered acceptable.

#### Traffic Generation

- Traffic generation assumptions of 22 inbound and 86 outbound movements during the





- AM peak and 65 inbound and 43 outbound movements during the PM peak.
- The total traffic generation from the proposal is 108 movements for entry and exit volumes during peak hours. **This level of traffic generation is considered low and not satisfactory for the size and density of the proposal.**
  - The traffic generation rate indicated is considered very conservative, it does not separate traffic generation for each use (i.e. residential traffic, retail traffic, hotel traffic).
  - The traffic report does not indicate the likely traffic distribution throughout the surrounding road network.
  - No traffic surveys have been undertaken of nearby critical intersections, or any SIDRA intersection analysis to determine the likely impact the proposed development will have on nearby intersections. **It is recommended undertaking a SIDRA analysis of nearby critical intersections to determine likely impact the proposed development traffic will have on nearby critical intersections, including (but not limited to):**
    - **Normanby Rd/Boundary St;**
    - **Woodgate St / Montague St;**
  - **Please note that 0.14 vehicle trips per car space has been used. No cumulative trip generation for other developments have been considered.**

#### Pedestrian Sightlines and Access

- Pedestrian sight triangles have not been provided in accordance with Clause 52.06 at all proposed crossovers.
- Concern with lack of visibility to pedestrians on the left hand side of accessway when exiting the site. TTM's recommendation for a mirror is considered a poor design outcome. **Please provide pedestrian sight triangles in accordance with Clause 52.06 at the proposed Woodgate Street crossover (exit to off-street carpark).**
- I have concerns given the location of storage containers, columns and parking spaces that a minimum 1.2m (1.5m preferred) pedestrian path has not been provided for pedestrians to safely access elevators within the basement car park. **Can the applicant please update plans to show that a minimum 1.2m (1.5m preferred) pedestrian path has been provided to/from elevators throughout all levels of car parking. If this cannot be provided, it is recommended removing storage and/or parking spaces to allow safe access for pedestrians.**

#### Provision for Loading and Waste Collection

- Two loading docks have been proposed on the ground floor of the development. Access has not been satisfactorily demonstrated for an 8.8m MRV within the traffic report. Swept paths show MRV driving over column located within accessway off Woodgate Street. **It is recommended either removing column or updating swept paths to show access/egress is possible without driving over column.**
- The traffic report swept paths indicate that to access the eastern loading bay, an 8.8m MRV will be required to enter the residential access ramp. This represents a poor design outcome as will create potentially dangerous conflicts between vehicles and loading operations. **It is recommended either relocating the loading bay to a more accessible location or restricting access to the northern loading bay**



to only 6.4m SRV's.

- I have concerns regarding the location of the loading docks and the ability for residents to load/unload when moving in/out. The proposed loading docks do not provide convenient access to residential lobbies/elevators. **Can the applicant please provide additional information regarding proposed loading activities for the residential component of the proposal. All loading activities must be contained completely within the site.**
- Waste Management plan to be referred to Council's Waste Management department for assessment.
- **Please ensure suitable height clearance is provided between Woodgate Street and Loading docks to provide access, noting that an 8.8m MRV has a body height of 3.63m.**

#### Provision for Bike Parking

- The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling.
- It is proposed to provide the following bicycle parking spaces:
  - 258 residential/staff bike spaces
  - 25 visitor/customer bike spaces
- This level of bicycle parking equates to a rate of 0.31 spaces/dwelling. This level of parking for residents is considered very low and not in line with the FBURA target rate. **Please increase the level of bicycle parking on-site for residents. Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).**
- The plans indicate resident/staff bicycle parking will be provided over several parking levels. Australian Standards for security, access and ease of use recommend that all day bicycle parking are stored within a secure communal compound and accessed via an attendant or by use of duplicate keys. **It is recommended locating all resident/staff bicycle spaces in one central location, within a secure compound to improve security and prevent potential bicycle theft.**
- The plans indicate a mixture of floor and wall mounted bicycle parking spaces throughout the site. I have concerns that a large number of bicycle parking spaces are inaccessible given they don't provide a clear 1.5m access aisle or have direct access to the street. **Can the applicant please update plans to show width, length and clear access aisle dimensions for bicycle parking space.**
- A significant number of proposed bicycle spaces shown on the plans also do not have direct access to the street (parking levels 1-4). These spaces would require access from the elevators which is not a suitable design outcome and would not be supported. **Please relocate these spaces to either the basement or ground level.**
- The plans indicate an area for 20 on-street bicycle spaces (located along Normanby Road) for visitor/customer use. **Can the applicant please provide additional information in regards to the type of bicycle spaces intended. Also update plans to show width, length and clear access aisle dimensions. Noting bicycle parking must be provided in accordance with Australian Standards.**

Council's traffic engineers provided marked-up plans of the car park floors highlighting their areas of concerns.



## **Urban Design**

### **• Master Plan**

The site area is 7,675.62m<sup>2</sup> approximately. As specified in the Strategic Framework Plan (SFP), sites over 3,000m<sup>2</sup> or more than 300 dwellings must prepare a master plan with provision for streets and laneways and publicly accessible spaces outlined in the SFP, diverse land-uses and dwelling types, affordable housing, diversity of built form typologies, including low and medium rise buildings. The applicant is requested to provide a master plan that addresses the criteria outlined above and clearly articulate the vision, design objectives and principles, program/functional requirements, staging etc. required for a master plan.

### **• Views**

The development occupies a prominent location at the norther edge of Turner Reserve and will be highly visible. The applicant is requested to provide additional views from:

- Evans St/Turner Reserve looking north east including the towers
- Normanby Rd (between Ingles and Boundary St) looking north east including the towers

### **• Site permeability**

The current site is 117m x 68.5m approximately. Additional pedestrian friendly access/laneway between Normanby Road and Woodstock Street is required at ground level in proximity to high streets, public transport stops and activity centres (refer SFP) which also responds to the Montague neighbourhood vision to provide fine grain connectivity.

### **• Access**

- The 6.0m setback for the proposed laneway (refer SFP) at the north east boundary is supported. The applicant rightly identifies that integration with the proposed laneway and adjacent proposed development is required. The applicant is recommended to fully explore opportunities for activation (retail spill-out, public seating, planting etc.) that are integrated with the proposed development at 249-251 Normanby Rd.
- Woodgate Street is identified by the City of Port Phillip Design & Technical Standards as the primary cycling route and is a recreational route in the SFP. The applicant is recommended to provide dedicated and convenient access from the bicycle storage area via lift to the street, and in particular Woodgate Street.
- The applicant is recommended to investigate providing a pedestrian link to Turner Reserve to improve connectivity.
- The applicant is recommended to provide visitor bicycle parking adjacent all proposed entrances including adjacent the townhouses on Woodgate St.
- The applicant is recommended to provide 1 bicycle park/dwelling.

### **• Architecture & built form**

- The hard edge to Normanby Road and Woodgate St and softening of the hard edge with landscaping to Boundary St are supported.
- The general approach to the articulation of the podium façade and brick palette is supported as illustrated in Views 2.08, 2.10 and 2.12. However, there is a lack of diversity in the podium built form given the 117m length of the site along Normanby



Rd and Woodgate St. The SFP requires built form variation along streets. At minimum, a break in the podium to highlight entries/ laneways also provides an opportunity to differentiate the podium built form and introduce daylight and natural ventilation into the centre of the site. In addition, the materiality/treatment of the podium is uniform across the length of the façade along Normanby Rd and Woodgate St. The applicant is recommended to introduce more diversity in materiality across the length of the façade.

- The proposed rectilinear/'I' and 'L' shape towers address Normanby Road and are an appropriate response in plan, while the reduction in built form towards the south east corner of the site illustrated in View 2.09 is also supported. This view illustrates the splayed roof and unifies the built form across the site.
- However, the proposed development is more successful in some 3D views than others. Elements of the proposed façade articulation and materiality of the two towers are less successful when viewed in View 2.07 (Normanby Rd elevation). The views present a different appearance for the towers making it difficult to assess the intended façade articulation and materiality. View 2.07 presents a dark façade of uniform materiality/treatment while View 2.09 presents a light façade with uniform materiality/treatment. Also, the use of dark reflective glazing is generally not supported. The same material palette is proposed for both towers, resulting in uniformity across the façade treatment. It is recommended that the approach to the built form and articulation of the towers requires further work and that the applicant consider the built form conceptually either as one built form with a consistent design language which can become more playful/less rationale towards Turner Reserve (refer to Big Architects west 57th residential building in New York), OR two different towers with sufficient variation in the materiality and articulation of each tower. With each approach, it is suggested that the podium language is also considered to establish a coherent language between the podium and tower. There is also an opportunity to further explore how the built form can respond more directly to the site's solar orientation and acoustic challenges, maximising the number of north facing single aspect dwellings and increasing solar access to communal open space.
- In addition it is not clear what the provision is for solar shading. The applicant is requested to provide adequate solar shading.
- Note: There is a misalignment between the elevations and plan drawings for the 'L' shaped tower where balconies are shown on the plan drawings but not in the elevations. The applicant is required to provide a consistent set of drawings.

• **Adaptive re-use**

Car parking areas currently provide 2.9m floor to floor clearance. The applicant is recommended to provide a minimum of 3m floor to ceiling clearance for the car parking levels for future conversion to other uses.

• **Universal access**

Many dwellings do not provide universal access. We require a DDA compliant report showing clear, legible and equitable access across the site including all dwellings.

• **Entries, internal circulation for different uses and active facades**

- The proposed vehicular access and parking for the hotel is unclear. Greater clarity is required on the use and function of the proposed laneway to assess the proposed



pedestrian entry and vehicular pick-up/drop-off.

- It is unclear how hotel services are addressed – back of house services will rely on passenger lifts as there is no service lift provided. The applicant is recommended to address hotel service provision and include a service lift for the hotel.
- Long corridors to dwellings in the podium are not supported. The applicant is recommended to increase the number of lift cores/lobbies servicing the podium dwellings which will serve to increase activation at the street level.
- There appears to be limited opportunity to provide retail spill-out space onto the street. The applicant is recommended to address level changes within the retail development that also provide opportunities for street activation.

• **Communal spaces**

- Communal facilities located on the podium roof are for hotel inhabitants and residents. The applicant is to clarify if there are adequate facilities to cater for all residents and hotel guests and provide some separated communal spaces.
- Proposed spaces on the podium terrace are predominantly passive spaces. The applicant is requested to provide more active uses.
- The majority of proposed podium roof garden is overshadowed from 11am-2pm on 22 September. The applicant is requested to reconsider relocating communal open space to provide solar access.

• **Wind mitigation**

The SFP does not support the use of vegetation to mitigate the effects of wind. The applicant is requested to provide other measures to address issues with wind.

• **Overshadowing of existing public open space**

The north east end of the Turner Reserve is overshadowed between the hours of 11am-2pm on 22 September. The applicant is requested to reduce the overall building mass to prevent overshadowing.

• **Deep plant zones**

Deep plant zones at ground level are limited. The applicant is requested to consider increasing the area provided for deep plant zones with solar access.

• **Dwellings**

- The applicant is requested to increase the number of three bedroom dwellings to 30% to align with the SFP.
- Some of the dwellings located in the splayed roof suffer from poor internal planning. The applicant is requested to improve the amenity of these apartments and ensure that the internal planning, storage and balcony spaces are not compromised.
- Plan drawings with furniture layouts are required to be submitted.

• **Alignment with City of Port Phillips Design and Technical Standards**

- The following guidance is suggested for alignment with CoPP's Draft Design & Technical Standards (DTS):
  - o The vision for Normanby Rd is to be redeveloped in the future as a boulevard in consultation with VicRoads. The following are desired outcomes for the street:
    - A median with large evergreen trees



- A 4-6m pedestrian space on both sides (excluding cycleways) with footpath, planted with Plane trees and new canopy trees
- A bi directional separated cycle path on the north side or separated cycle path on both sides, depending on configuration of the road that will be adapted
- Footpath is to have full bluestone paving similar to CBD
- Undergrounded powerlines and new street lighting installed.
- For the proposed 6m laneway connecting Normanby Rd and Woodgate St, bluestone paving material is recommended for consistency with CBD palette and to cater for possible intensive uses.
- For Woodgate St, the desired future outcome is:
  - Asphalt for footpath paving material, bluestone kerb and channel
  - Medium-size deciduous trees for the long term planting strategy
  - A one side parallel parking area at the north side to cater for commercial and residential uses
  - An enhanced linear green space at the light rail reserve to create a linear park with more trees, plantings with opportunities for WSUD, footpath and seating areas
  - Woodgate St is under SBO2 (Special Building Overlay) which is prone to flooding (site constraint).
- The applicant is to consider aligning the material palette for the landscape design at the street level with the Draft DTS above, and continue the material treatment at ground level to the ground floor building line to maintain a continuous material treatment.

## Waste Management

### Initial comments

I have reviewed the WMP ..... and recommend the following changes:

- A compaction unit is strongly recommended for a development of this size in order to reduce the amount of traffic and congestion that will be caused by these collections.
- A charity bin (or multiple) will need to be provided for a development of this size.

### Additional comments (response to Rev 1 plans)

- There is one bin missing in the Architectural Plans for I-Tower's residential waste bin room. This needs to be drawn in to demonstrate there is sufficient space for all the bins.
- Bin rooms on the Architectural Plans will need to be labelled in reference to which is the residential and commercial bin stores. This is to ensure when residents are disposing of hard waste and other large items that they will not be going into the same room where commercial waste and recycling is kept.
- Previous comments regarding the need for a compaction unit and charity bins still need to be addressed. Other developments of similar size in Fishermen's Bend have proposed compaction units. Additionally, in order to meet future amenity requirements to reduce vehicle/truck movement a compaction unit will assist in this process. The accumulative duration of noise from truck movements in and out of this development particular as it will be occurring adjacent a walking and bike path.
- Traffic Management Plan Sweep Path Diagram to be updated with the height of the



truck.

### **Housing Development Officer**

#### Original plans

- There must be 6% community housing. Based on the 824 dwellings (excluding the 150 hotel rooms), that equates to 49 units.
- These can be largely 1 bedroom but say up to 5 dwellings should be 2 and 3 bed to enable family housing
- Suitable priority target groups are:
  - older persons, in particular older single women
  - low income families, including larger families
  - low income wage earners / key workers.
- Dwellings should be tenure blind
- Community housing dwellings to be transferred to a housing trust to the satisfaction of the RA and Council, for the Trust to arrange management by a registered Housing Association or Housing Provider to the satisfaction of the RA and Council (ie. not the developer's responsibility to identify and arrange that)
- 1 bicycle space must be allocated / community housing dwelling.

#### RFI plans and Affordable Housing Response

The applicant is interpreting the affordable housing provision in a manner that is not the intent of the provision, through proposing to sell 32 dwellings at a prices stated as being discounted.

The intent of the provision is for developers to contribute to the supply of affordable housing in perpetuity.

'Affordable housing' is the umbrella term for a range of affordable housing that includes community housing. Registered Housing Associations and Housing Providers provide perpetually affordable rental housing, rented at 25 - 30% of household income. The applicant's interpretation of affordable housing will not achieve the intent of the provision for two reasons:

1. Discounted sale to registered organisations does not achieve perpetually affordable rental housing. Allocation of affordable housing to a registered Housing Association or Housing Provider should not be interpreted to mean discounted sale of units to a Housing Association or Housing Provider, as this would require an Association or Provider to pay \$14.05 million comprising:
  - \$6,614,000 for 16 dwellings at the proposed sale price of \$413,400 (targeting low to moderate income households, as stated by the applicant) and an additional
  - \$7,441,200 for 16 dwellings at a proposed sale price of \$465,075 (targeting moderate income households, as stated by the applicant).

Registered Housing Association of Housing Providers do not have such funds of their own available for regular spot purchasing units, and would have to fund this through bank borrowing. Based on the applicant's interpretation of the 6% affordable housing provision, if this interpretation was used by other developers, registered agencies would not have the capacity to finance such ongoing acquisitions due to borrowing capacity limits. This would also force these organisations to:



- rent the dwellings to up to 75% of market rent (the maximum such organisations can charge for rents) in order to try to sustain the borrowings, which would not make the dwellings affordable to low to moderate income households; and/or
- sell a proportion of units to draw down borrowing debt; or
- decline the offer of discounted purchase of dwellings (the most likely outcome).

As registered agencies provide perpetually affordable rental housing, 'allocation' to a registered Housing Association or Housing Provider should comprise transfer of title, not discounted sale.

2. The alternative offer of selling these 32 dwellings to the same 'affordable' prices to the public will provide a windfall gain to the initial purchasers, who will be at liberty to on-sell them at market prices, thereby eliminating the perpetual affordability.

To achieve the intent of the provision, I reiterate my advice from 15 June:

- There must be 6% community housing. Based on the 824 dwellings (excluding the 150 hotel rooms), that equates to 49 units.
- These can be largely 1 bedroom but say up to 5 dwellings should be 2 and 3 bed to enable family housing
- Suitable priority target groups are:
  - older persons, in particular older single women
  - low income families, including larger families
  - low income wage earners / key workers.
- Dwellings should be tenure blind
- Community housing dwellings to be transferred to a housing trust to the satisfaction of the RA and Council, for the Trust to arrange management by a registered Housing Association or Housing Provider to the satisfaction of the RA and Council (ie. not the developer's responsibility to identify and arrange that)
- 1 bicycle space must be allocated / community housing dwelling.

### **Community Infrastructure**

No comments/concerns

### **Open Space**

...the shadow analysis presented in the revised Architectural Plans is still inconsistent with Guideline 4 of objective 3.3, which states '*except in exceptional circumstances, new development must not overshadow existing open space between the hours of 11.00am and 2.00pm on 22 September (equinox)*'.

### **Subdivision Officer**

As we previously advised them, the corner is not suitable for the Public Open Space Contribution.

The road on the side appears to only service the hotel, so should be part of the hotel lot, or common property. It would not be appropriate to require that it became a Council road.

There don't appear to be any real subdivision issues in regard to the development, except for the staging.





The staging is reasonable for levels above the podium, but they're going to have to come up with some clever legal controls to ensure that all of the basement and podium are constructed. The site cannot function without the entire basement/podium being constructed. As we advised them, we would require a 173 agreement as part of any staging of the subdivision, and they'll need to come up with a legal opinion of how that can work.

### Heritage

No heritage issues.

### Sustainable Design

..... Note the comments are broad in nature. ... I have concerns about the core amenity and orientation issues for the proposal, which overshadow the a fine grain review of the SMP, and design. A further, more fine grain review of the ESD material is warranted should the application persist in its current form.

#### General Comments

- **Orientation** – While the 'L' shape building gives a north face profile for a majority of apartments, the height and position of the 'I' shape tower will severely restrict access to direct sun. This is not supported.
- **Active transport** – The proposal currently doesn't encourage residents to use active transport to access the street or the podium landscaped terrace. Consider providing open stairs that connect apartments on lower levels to the street, and those within two stories of the podium level to the podium to increase health and amenity and decrease energy use.
- **Southeast facing apartments** – this will be unlikely to get more than early morning sun. Access to a roof terrace and skylights will benefit the apartments on Level 4 which face Woodgate Street.
- **Green Star** – Self-assessment of Green Star benchmarking has limited credibility. Consider Green Star certification, or assessment third party post construction to confirm benchmark standard is reached.
- **Stormwater** – The SMP notes the use of proprietary stormwater treatment systems. These are not supported.
- **Clotheslines** - Council's Best Practice Standard is for external natural clothes drying facilities to be provided. Consider the provision of retractable clotheslines to apartment balconies, or failing this, a suitable internal location within the apartment utility rooms.

#### Basement

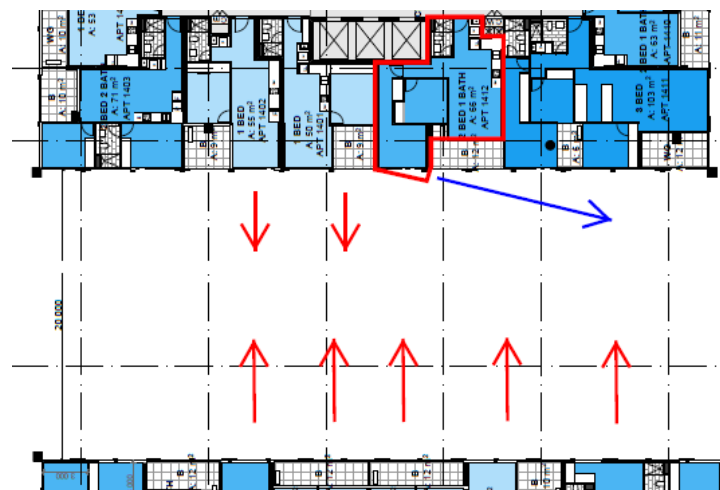
- **Bicycle storage** – The bicycle storage is spread in several areas within the basement with no clear, easy access. Ideally cycle access should be easy from ground level, with limited depth within plans and limited negotiation of narrow car ramps and aisle (that have limited visibility and limited additional safe width for passing of cycles). Consider:
  - providing a one or two combined locations
  - supporting these areas with tyre pumping / other rider support facilities
  - providing dedicated, and secure cycle ramps from ground level to these parking areas and/or –
  - a clear link from the cycle storage to the lifts that serve upper level apartments, and

- stairs that serve the retail and lower level apartments
- improved security with good passive surveillance and CCTV for bicycle storage areas.

- **Electric vehicles** – provide detail of charging facilities to be provided for electric car, bike and other vehicles.

Ground

- **Deliveries** – Less car ownership means more home deliveries. Residential foyer facilitates so not appear to have clearly identifiable access and short-term parking for: bicycle couriers, take away food, groceries etc.
- **Visitor Bicycle parking** – These should be concentrated adjacent key occupant building entrance, and also provide a number of smaller visitor spaces to all sides of the development. Visitors to apartments in Woodgate Street are unlikely to use visitor parking located in the Normanby Street for example.
- **Outlook** – Even with a 20m tower separation, occupants are less likely to utilise solar access and natural light from windows that are overlooked by an adjacent tower. Consider façade projections that facilitate longer oblique outlook paths for apartments facing a tower opposite.



Podium

- **Communal landscaped area** – The bulk of this area is to the southern corner of the site, giving an outdoor space that is shaded, overlooked, and potential subject to cool Bay breezes. Additionally:
  - the communal landscaped strip facing Normanby Road is poorly utilised
  - the pool position and adjacent ‘sun’ lounges will be significantly shaded by the ‘I’ tower and would benefit from being reoriented closer to Normanby Rd
  - the communal landscaped strip facing Woodgate Street is poorly utilised and has the potential to be shared for roof terraces to the apartments below.
- **Common corridors** – natural light and ventilation is limited to these corridors. Consider connecting all internal common corridors to natural light and air – particularly at corridor ends. Consider additional mid-length openings for the longer corridors proposed in Levels 1-4 of the podium, which run adjacent to Woodgate Street and Normanby Road.



### **Tower Apartments**

- **Common corridors** – natural light and ventilation is limited to these corridors. The external access available in some parts of the corridor is segregated from the other. Consider connecting all internal common corridors to natural light and air.
- **Living room depth** – some living areas are greater than 8m in depth from the window line. This is not supported.
- **Winter sun** - Council's Best Practice Standard Design for living areas and private open spaces are that at least 70% of apartments in a development receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.
  - the 'L' tower design appears to achieve under 39%
  - the 'I' tower design appears to achieve under 59%
- **Excessive glazing** – Many habitable rooms in both towers appear to have full-height glazed walls without providing adequate measures to control solar heat loads entering the relevant room. Even high-performing glazing is likely to produce irregular, thermal comfort outcomes for occupants. Indicate the portion of these walls which are proposed to be glazed.

### **7.4 External referrals**

Council is not required to externally refer Department applications.

DELWP is required to refer the application to the City of Port Phillip (Clauses 44.05-5 and 66.03 [SBO2 - Recommending referral authority]), Roads Corporation (eg: VicRoads) (Clauses 52.29 and 66.03 [RDZ1 - Determining referral authority]) and Public Transport Victoria (Clauses 52.36-1 and 66.03 [Determining referral authority]).

## **8. OFFICER'S ASSESSMENT**

### **8.1 Strategic Context**

#### **Fishermans Bend Strategic Framework Plan (September 2016)**

8.1.1 The FBSFP does not identify the subject land for a particular use.

The Plan notes Normanby Road as an existing main road and Woodgate and Boundary Streets as existing local streets.

It recommends a new laneway between Normanby Road and Woodgate Street be created along the subject sites north-east side boundary.

The proposed 6.0m wide road and footpath along the north-east side of the site would be consistent with the framework recommendation.

#### **Fishermans Bend Vision September 2016**

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

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

- A diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage, and network of gritty streets and laneways.
- A strong mixed use focus including office and residential use and co-located



community services north of the light rail line, with buildings carefully designed to achieve human scale at street level.

- Normanby Road developed as a vibrant boulevard with a cycling connection.
- A range of building types and a network of streets and lanes south of the light rail line, including retail, food and drink, and creative industry uses, and a strong pedestrian focus, with heritage and character buildings adapted to provide housing and commercial opportunities.
- Lower scale residential and commercial buildings along City Road and Boundary Street.
- Light rail and bus public transport linkages to the CBD and surrounding areas.
- A community hub including a park and school around the Buckhurst Street and Ferrars Street intersection.

**Clause 22.15: Local Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area**

8.1.4 An assessment of the proposal against the local policy is as follows:

Policy Measure	Officer Assessment
<p><b>Dwelling Diversity and Affordable Housing</b></p> <p>Encourage development on sites greater than 3,000m<sup>2</sup>, proposing more than 300 dwellings or proposing more than 1 building, to prepare a master plan for the whole site that includes provision for:</p> <ul style="list-style-type: none"> <li>○ Publicly accessible spaces that accommodate local passive recreation that are consistent with the Open Space Key Element of the Strategic Framework Plan;</li> <li>○ Diversity of land uses, including non-residential floor space (see ‘Employment’);</li> <li>○ Diversity of dwelling types and sizes, including an affordable housing component; and</li> <li>○ Diversity of built form typologies, including low and medium rise buildings.</li> </ul>	<p><b>Achieved in part</b> - The site has an area of 7,479m<sup>2</sup> approx. and is proposing 828 dwellings, in one podium and two towers. Drawing TP100 - Ground Floor Plan shows the whole site showing provision for:</p> <ul style="list-style-type: none"> <li>○ Some diversity of dwelling types and sizes.</li> </ul> <p>The plan does not show provision for:</p> <ul style="list-style-type: none"> <li>○ A publicly accessible space for local passive recreation consistent in part with the Open Space Key Element of the Strategic Framework Plan;</li> <li>○ Diversity of land uses: 91.6% of the floor area is residential; 8.38% of the floor area is non-residential.</li> <li>○ An affordable housing component.</li> <li>○ Diversity of built form typologies: Only a podium and tower typology is proposed. No low-rise buildings are proposed.</li> </ul>
<p>Encourage all new development that proposes accommodation uses and is over 12 storeys in height should provide at least 30% of dwellings as 3-bedroom units.</p>	<p><b>Not achieved</b> - Proposal only provides 9.7% of dwellings as 3-bedroom units.</p>
<p>Encourage all new development that proposes accommodation uses and is over 12 storeys in height, to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.</p>	<p><b>Not achieved</b> - No allocation of dwellings as affordable housing to a registered housing association or provider is proposed. The application proposes an alternative of making available for sale of 6% of dwellings above Level 12 of the buildings at a price they assert meets the definition of affordable housing.</p>



<p><b>Employment</b></p> <p>Encourage all development to provide opportunities for street level home occupation and non-residential use.</p>	<p><b>Achieved in part</b> – Non-residential (retail) use is proposed along the length of the Normanby Road and Boundary Street and part of the Woodgate Street and north-east side lane ground level frontages. Application documentation refers to the townhouse dwellings facing Woodgate Street as being suitable for SoHo offices and dwellings, but the floorplans of these dwellings are not well suited to such use.</p>
<p>Encourage all development over 40 metres in height within the Montague neighbourhood to provide a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area.</p>	<p><b>Not achieved</b> - Proposed 8,961m<sup>2</sup> non-residential floor space = 8.38% of total habitable gross floor area.</p>
<p>Encourage all development on sites along Normanby Road, Williamstown Road, Fennell Street, Plummer Street, Buckhurst Street, Ingles Street, Montague Street and Salmon Street should provide non-residential uses along at least 60% of the ground level street frontage.</p>	<p><b>Achieved</b> – More than 60% of the Normanby Road ground level frontage would comprise non-residential (retail) uses.</p>

**8.2 Building Height and Setbacks**

**Heights:**

Podium

- 8.2.1 Schedule 30 to the DDO limits podium street wall height to 20.0m or 5 storeys, whichever is the lesser.
- 8.2.2 Objective 3.1, Standard 2 of the SFP Design Guidance (Sep 2016) encourages a degree of parapet / wall height variation along streets, especially on large sites, albeit generally no lower than four storeys.
- 8.2.3 The proposed 19.59m and five storey height of the podium facing Normanby Road, Boundary Street and part of Woodgate Street would not exceed the permissible maximum height of the DDO, but would be inconsistent with the design guidance standards for a podium to not be uniform in height across a site.
- 8.2.5 Varying the height of part of the podium to four levels would provide a visually more interesting building more in keeping with the objectives of the Strategic Framework Plan for the site and surrounds. This could be provided for by a condition of any approval that may issue for the proposal.

Tower

- 8.2.6 Schedule 30 to the DDO limits tower height on the land to a maximum of 40 storeys.
- 8.2.7 The application documents refer to the Stage 1 ‘L’ tower as being 29 storeys, and the Stage 2 ‘I’ tower as being 40 storeys plus plantroom above.
- 8.2.8 The plans however show:
  - The Stage 1 ‘L’ tower would be 31 storeys high to the top of the residential



levels, and then would have two storeys of plant above this, and then a four level void space finished top above this for a total of 33 levels (equivalency of 37 levels).

- The Stage 2 'I' tower would be 40 storeys high to the top of the residential levels, and then would also have two storeys of plant above this for a total of 42 levels.

8.2.9 Roof top building plant is typically not counted as a level, because it usually is setback and unroofed, and if roofed, usually occupies only part of the roof area. Screening of rooftop plant is also typically setback, although it may comprise a perimeter parapet, or screen, or even a continuation of the façade / fenestration treatment of levels below or other architectural treatment. However, again, typically, such levels are unroofed.

8.2.10 Because the height limit for the site is expressed in storeys rather than metres, the two storeys of roof plant for the Stage 2 'I' tower would breach the height limit. A redesign of the plant, such as to a single level unroofed enclosure would resolve this conflict.

#### **Setbacks:**

##### Podium

8.2.11 Schedule 30 to the DDO does not specify a minimum setback for podium street walls (or side or rear boundaries), or define street wall, although it is generally accepted that street wall refers to a wall built to or very close to a street boundary.

8.2.12 Podium setbacks are proposed to be:

- **North-east (side):** Min. 6.0m (to provide new lane).
- **North-west (front) (Normanby Road):** Min. 0.0m
- **South-east (rear) (Woodgate Street):** Min. 0.0m
- **South-west (side) (Boundary Street):** Min. 0.0m.

8.2.13 The podium setbacks would be satisfactory.

##### Tower

8.2.14 Schedule 30 to the DDO requires towers above the street wall to be setback a minimum of 10.0m from the street and side and rear boundaries.

8.2.15 Tower setbacks are proposed to be:

- **North-east (side):** Min. 10.0m from side boundary; 4.0m from podium side wall).
- **North-west (front) (Normanby Road):** Min. 10.0m
- **South-east (rear) (Woodgate Street):** Min. 10.0m
- **South-west (side) (Boundary Street):** Min. 10.0m.

8.2.16 The tower setbacks would meet the minimum 10.0m requirement.

#### **Tower Separation:**

8.2.17 DDO 30 specifies a mandatory tower separation distance of 20.0m.  
The two towers would achieve this.



### 8.3 Dwelling Layout, Amenity and Diversity.

8.3.1 The scheme would provide a range of one, two and three bedroom apartments and three bedroom townhouse dwellings which would provide some dwelling diversity, including accommodation for families.

8.3.2 The proposal would however be biased towards smaller one and two bedroom dwellings, and only 9.7% of dwellings would have three bedrooms, contrary to Local Planning Policy for Fishermans Bend which recommends at least 30% of dwellings have three (or more) bedrooms.

The application documentation notes the one and two bedroom dwellings have been designed to allow amalgamation and conversion to three bedroom dwellings, but does not elaborate or commit to the number of such conversions.

A condition of any approval should require at least 30% of all dwellings to have three (or more) bedrooms.

8.3.3 Dwelling floor areas and open space areas would range as follows:

- 50m<sup>2</sup> + min. 8m<sup>2</sup> balcony to 55m<sup>2</sup> + min 9.5m<sup>2</sup> balcony for a 1BR dwelling;
- 63m<sup>2</sup> + min. 11m<sup>2</sup> balcony to 79m<sup>2</sup> + min. 10m<sup>2</sup> balcony for a 2BR dwelling;
- 90m<sup>2</sup> + min. 14m<sup>2</sup> balcony to 125m<sup>2</sup> + min. 18m<sup>2</sup> balcony for a 3BR dwelling;

These gross areas are considered satisfactory.

8.3.4 Clause 58 Apartment Standards applies to the application.

Standard D24 specifies minimum floor areas for living rooms and bedrooms and access ways in dwellings, rather than minimum gross floor areas.

8.3.5 Officer assessment is that the proposal generally meets the Standards of Clause 58.

8.3.6 The subject site abuts a panel beaters and is proximate to the light rail line and the freeway and existing industries. Any approval should include a condition for all dwellings to incorporate noise attenuation methods in their construction to ensure reasonable internal amenity day and night.

8.3.7 Open space for the dwelling would be by balconies and terraces of more than 8m<sup>2</sup>.

8.3.8 Overlooking between dwellings has been addressed by the tower separation of 20.0m.

### 8.4 Building Massing and Form / Architecture

8.4.1 The massing and form of the proposal reflects two principle factors:

1. The maximum podium and tower heights and minimum tower setbacks prescribed for the site by Design and Development Overlay 30; and
2. Stepping and setting back of the upper tower levels to meet FBSFP Design Guidance Objective 3.3 Standard 3 which states *'Buildings must not overshadow existing public open space between the hours of 11.00am and 2.00pm on 22 September (equinox)'*.



- 8.4.2 It is considered the resulting design is excessively driven by maximisation of the buildings within the above two constraints, and consequently suffers from:
- Excessive building bulk and mass at podium level, particularly facing Normanby Road and Woodgate Street; the podium mass should be broken up by one or more vertical breaks;
  - Excessive building bulk and mass from the Stage I ‘L’ tower facing Normanby Road and the corner of Boundary Street and Woodgate Street as viewed from Turner Reserve; a building form that less rigidly followed the maximum building envelope afforded by the above two constraints would offer greater opportunity for an architectural response to the site and surrounds.
- 8.4.3 It is considered the mass and bulk of the building is accentuated by the dark coloured materials pallet including glazing, and the lack of differentiation in materials between the podium and the towers, and between the pair of towers.

**8.5 Transport and parking**

**8.5.1 Parking Overlay**

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 dwellings and retail premises as follows:

REQUIREMENT:	COMPLIANCE:
<b>Car parking provision</b>	
<u>Dwelling</u> : Maximum 1 space per dwelling x 828 dwellings = 828 spaces.	<p><b>Achieved:</b> 713 car spaces are proposed for the dwellings.</p> <p>The would equate to a parking provision of 0.86 spaces / dwelling which would:</p> <ul style="list-style-type: none"> <li>• Not exceed the maximum parking rate specified in the Parking Overlay; but</li> <li>• Exceed the SFP target rate of 0.5 spaces per dwelling.</li> </ul> <p>The site is served by buses along Williamstown and Normanby Roads and Montague Street, and trams along the adjacent light rail and Montague Street tram stop.</p> <p>Having regard to the sites access to public transport and the strategic ambitions for the area, the number of car parking spaces should be reduced to, or close to the FBSFP target rate of 0.5 spaces per dwelling.</p> <p>New dwellings would not be eligible for resident or visitor parking permits to park in permit zone on-street spaces on Council roads.</p>
<u>Retail</u> : Maximum 1 space per 100m <sup>2</sup> gross floor area	<p><b>Achieved:</b> 16 spaces are proposed for the 2,374m<sup>2</sup> retail floor area (10 tenancies) which equates to 0.67 spaces /100m<sup>2</sup> gross floor area.</p>

**8.5.2 Clause 52.06**

Residential hotel is not listed in the Parking Overlay, or Table I to Clause 52.06-5. Pursuant to Clause 52.06-5A, car parking spaces for the Residential hotel must be provided to the satisfaction of the Responsible Authority (i.e. RA consent).

Forty three car spaces are proposed for the 147 room Residential hotel, which equates to 0.28 spaces / room.

Council’s Traffic engineers consider this level of provision satisfactory.





**8.5.3 Design Standards for Car Parking**

8.5.3-1 Car parking is proposed to be at-grade single spaces at basement and podium levels.

8.5.3-2 Car parking should meet the dimensions and design requirements of Clause 52.06-8. An assessment of the application against the standards is as follows:

<b>Design Standard 1: Accessways:</b>																												
Minimum of 3m wide		<b>Achieved</b>																										
Internal radius of at least 4m at changes of direction or intersection or be >4.2m wide		<b>Achieved</b> - intersections would be > 4.2m wide.																										
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.		<b>Not applicable</b>																										
Provide Min. 2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8m.		<b>Not achieved</b>																										
If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction.		<b>Achieved</b>																										
Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone.		<b>Achieved</b>																										
Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent landscaped areas provided the landscaping is less than 900mm in height.		<b>Not achieved</b>																										
If access to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway.		<b>Not applicable</b>																										
<b>Design Standard 2: Car parking Spaces</b>																												
<p><b>Table 2: Minimum dimensions of car parks and accessways</b></p> <table border="1"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Access way width</th> <th>Car park width</th> <th>Car park length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td rowspan="3">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> </tbody> </table>		Angle of car parking spaces to access way	Access way width	Car park width	Car park length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	<p><b>Achieved in part</b> - several rows of car parking lack width and length dimensions, so cannot confirm if they comply or not.</p>
Angle of car parking spaces to access way	Access way width	Car park width	Car park length																									
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	5.2 m	3.0 m	4.9 m																									
Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport.		<b>Not applicable</b>																										



<p><b>Diagram 1 Clearance to car parking spaces</b></p>	<p><b>Achieved in part</b> - several rows of car parking lack width and length dimensions, so cannot confirm if they comply or not.</p>													
<p><b>Design Standard 3: Gradients</b></p> <p>Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p>	<p><b>Not achieved</b> - Plans show grades &gt; 10% within 5.0m of the frontage.</p>													
<table border="1"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.</p>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	
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	longer than 20 metres	1:5 (20%)												
<p><b>Design Standard 4: Mechanical Parking:</b></p>														
<p>At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m.</p>	<p><b>Not applicable</b></p>													
<p>Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.</p>	<p><b>Not applicable</b></p>													
<p><b>Design Standard 5: Urban Design</b></p>														
<p>Ground level parking, garage doors &amp; accessways should not visually dominate public space.</p>	<p><b>Achieved</b></p>													
<p>Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p>	<p><b>Achieved</b></p>													



Design of car parks should take into account their use as entry points to the site.	<b>Achieved</b>
<b>Design Standard 6: Safety</b>	
Car parking should be well lit & clearly signed.	<b>Refer Building Regs</b>
The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	<b>Not applicable</b> - The car parks would be internal.
Pedestrian access to car parking areas from the street should be convenient.	<b>Achieved</b>
Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas.	<b>Not applicable</b>
<b>Design Standard 7: Landscaping:</b>	
The layout of parking areas should provide for water sensitive urban design treatment & landscaping.	<b>Not applicable</b> - The car parks would be internal.
Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths.	<b>Not applicable</b> - The car parks would be internal.
Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	<b>Not applicable</b> - The car parks would be internal.

8.5.3-4 Council’s Traffic Engineers raised concerns about the detail design of the car parking plans, including:

- Lack of some dimensions to confirm aisle and car park sizes.
- Non-conforming or potentially unsafe parking spaces.
- Lack of details on plans of parking allocation for different uses.
- Too steep ramp grades.
- Lack of detail of ramp and car park height clearances.
- Lack of swept path confirmation that ramps have sufficient clearance to allow two-way passing of large (B85 and B99) vehicles.
- Excessive car parking provision for the dwellings;

They also:

- Questioned the traffic generation assumptions for the proposal.
- Raised concerns about the lack of traffic surveys of SIDRA analysis of nearby critical intersections (inc. Normanby Rd / Boundary St, and Woodgate St / Montague St) to determine the likely traffic impact from the proposal.
- Raised concerns about the lack of sightline triangles for all intersections.
- Did not support the use of an external mirror at driveway exits.
- Raised concerns about the absence of pedestrian paths within the car park.

8.5.3-5 Any approval that may issue should include conditions to address these matters.

## 8.6 Vehicle Crossings

There are seven existing vehicle crossing to the site (two off Normanby Road, one off Boundary Street, and four off Woodgate Street. It is proposed to



- Remove all of the existing crossings;
- Construct one new crossing off Normanby Road;
- Construct two new crossings off Woodgate Street.

The removal of the existing crossings and construction of new crossings would be satisfactory subject to conditions to meet Council’s design standards and make good all kerbs and footpaths etc.

**8.7 Loading**

The 2,374m<sup>2</sup> of retail floor area requires one on-site loading bay. Two loading bays with dimensions of 3.6m (w), x 7.6m (l) x 4.4m (h) are proposed adjacent to the bin stores and retail and hotel back-of-house areas, and proximate to the Stage 1 and 2 lobbies (for furniture removal etc.).

The dimensions of the loading bay would meet or exceed the requirements of Clause 52.08 and would be satisfactory.

The location of the loading bays at the end of traffic aisles would be unsatisfactory because:

- They would require long reversing manoeuvres which would obstruct or block other traffic and adjacent car parking spaces;
- The accessways lack satisfactory sightline splays at corners;
- The plans do not confirm satisfactory swept paths for delivery vehicles.

Council’s traffic engineers noted the swept paths provided show vehicles would have insufficient clearance from columns and other aisle, and recommend the loading bays be relocated to a more accessible location, or loading be limited to (max. 6.4m length) small rigid vehicles.

**8.8 Bicycle Facilities**

Clause 52.34-1 of the Planning Scheme requires bicycle parking and facilities as follows:

Use, and Bicycle parking rate	No. dwellings / floor area / No. rooms	No. of spaces / facilities required	No. of spaces proposed
Dwellings (in developments of four or more storeys) must provide: - One (1) employee/resident bicycle space / 5 dwellings; and - One (1) visitor bicycle space / 10 dwellings	824 dwellings	246 (164 resident, 82 visitor spaces)	260 resident spaces (internal) 20 visitor spaces (on footpath)
Retail premises requires: - 1 employee/resident space per 300m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 1000m <sup>2</sup> . - 1 visitor/shopper space per 500m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 1,000m <sup>2</sup> . If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower/change room to each shower	2,374m <sup>2</sup> floor area	11 (7 employee, 4 visitor spaces) 1 employee shower and 1 employee change room or 1 combined shower/change room	Nil Nil



Use, and Bicycle parking rate	No. dwellings / floor area / No. rooms	No. of spaces / facilities required	No. of spaces proposed
Residential building (including Residential hotel) requires: - 1 employee/resident space per 10 lodging room in developments of four or more storeys. - 1 visitor/shopper space per 10 lodging room in developments of four or more storeys. If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower/change room to each shower	147 rooms	28 (14 employee, 14 visitor/shopper spaces) 2 employee shower and 2 employee change rooms or 2 combined shower/change rooms	Nil  Nil
<b>Totals</b>		<b>285 spaces</b> <b>1 retail employee shower and 1 change room or 1 combined shower/change room</b> <b>2 residential hotel employee shower and 2 change rooms or 2 combined shower/change rooms</b>	<b>260 resident / 20 visitor spaces</b> <i>Note: App refer to 310 spaces, Dev Summary refers to 283 spaces. Plans show 280 (260 inside, 20 on footpath).</i>

The gross number of bicycle parking spaces proposed would be less than the number of spaces required for the uses.

The location of the basement and ground floor level bicycle parking would be generally satisfactory, but the spaces at Levels 1, 2, 3 and 4 of the podium would be remote and not easily accessible.

Any approval should include a condition that the number of bicycle parking spaces be increased to 1.0 / dwelling.

### 8.9 Open Space

No public open space is proposed on the site. The triangular sewerage easement on the corner of Normanby Road and Boundary Street is proposed to be landscaped and would be publicly trafficable, but would not provide sufficient or satisfactory area for leisure or recreation.

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

### 8.10 Sustainable design

8.10.1 A Sustainable Management Plan (SMP) and a Water Sensitive Urban Design Response were provided with the application.

Council’s Sustainable Design officer raised multiple concerns including regarding:



- Overshadowing of the Stage 1 tower by the Stage 2 tower.
- Overshadowing of the podium rooftop open space.
- Excessive façade glazing without adequate measures to control solar heat.
- Lack of independent certification of proposed sustainability measures.
- Limited natural light and natural ventilation in podium and tower corridors.
- Living room depths exceeding 8.0m.
- Lack of mid-winter sun access to dwelling living areas and open space.
- Use of proprietary stormwater systems.

8.10.2 Any approval should include a condition requiring an amended Sustainable Management Plan and changes to the drawings to address these matters.

### 8.11 Waste Management

8.11.1 A Waste Management Plan (WMP) was submitted with the application.

8.11.2 Residential and commercial waste and recyclables are proposed to be collected from the on-site internal loading bays by a private contractor using a rear-lift vehicle with a nominal 8.8m length and a 4.0m operational height during collections.

8.11.3 Council's Waste Management Section reviewed the drawings and the WMP and raised concerns as follows:

- A compaction unit is strongly recommended for a development of this size in order to reduce the amount of traffic and congestion that would be caused by waste collections.
- One (or more) charity bins are needed for a development of this size.
- There is one bin missing in the Architectural Plans for I-Tower's residential waste bin room. This needs to be drawn in to demonstrate there is sufficient space for all the bins.
- Bin rooms on the Architectural Plans will need to be labelled in reference to which is the residential and commercial bin stores. This is to ensure when residents are disposing of hard waste and other large items that they will not be going into the same room where commercial waste and recycling is kept.
- Previous comments regarding the need for a compaction unit and charity bins still need to be addressed. Other developments of similar size in Fishermen's Bend have proposed compaction units. Additionally, in order to meet future amenity requirements to reduce vehicle/truck movement a compaction unit will assist in this process. The accumulative duration of noise from truck movements in and out of this development particular as it will be occurring adjacent a walking and bike path.
- Traffic Management Plan Sweep Path Diagram to be updated with the height of the truck.

8.11.4 The plan drawings indicate the loading bays would have 4.4m height clearance which would accommodate the operation of the waste collection vehicles.

However the section drawings show the Stage 2 loading bay would only have a clearance of 4.0m, which would be marginal.

8.11.5 Any approval should include a condition requiring an amended Waste Management Plan and changes to the drawings to address these matters.



### 8.12 Community Facilities

No specific community facilities are proposed as part of the development.

The 6.0m wide through-block link along the north-east side of the site between Normanby Road and Woodgate Street would provide some community benefit by improving mid-block pedestrian permeability, but this would be secondary to the provision of car and pedestrian access to the 147 room residential hotel.

Based on the sites almost island location, and the nature, design and density of the development, Officers do not encourage accommodating any community infrastructure in the development. The proposal would best provide for community infrastructure by a cash development contribution.

### 8.13 Development Contributions

The construction proposed as part of the permit application triggers a requirement for a development contribution.

Any approval should include a condition that development contributions be provided via a S173 Agreement, with 10% of contributions payable at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).

### 8.14 Environmental Audit

An environmental audit has not been undertaken for the land. Pursuant to Clause 6 of the Schedule to the Capital City Zone:

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

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

This could be provided for by a condition of any approval that may issue for the proposal.

### 8.15 Noise Impacts

The subject site abuts a main road (Normanby Road) and is proximate to another main road (Montague Street) and the Westgate Freeway, is immediately opposite a light rail line, abuts a panel beater and is proximate to other commercial and industrial uses.

It is imperative for the amenity of all future residents, that all of the proposed dwellings and residential hotel rooms incorporate a very high standard of noise abatement measures in their construction.

This could be provided for by a condition of any approval that may issue for the proposal.

### 8.16 Landscaping

Plans show landscaping of the triangular easement at the corner of Normanby Road and Boundary Street, part of the podium facades facing Normanby Road and Boundary Street, and the podium roof top level.

No in-principle objection is raised to the landscape concept, although questions are raised about maintenance, irrigation and building water proofing.



### 8.17 Wind Impacts

- 8.17.1 Objective 4.2 of the FBSFP Design Guidance specifies that mean wind speed from all directions must not exceed limits for walking, standing and sitting comfort for more than 20% of the time, measured across all hours of the year.
- 8.17.2 A consultant engineer Pedestrian Level Winds - Wind Tunnel Report was submitted with the application. The report concluded:
- Subject to recommended modifications, the proposal could meet the recommended criterion for safety at all test locations for the ground level, and the podium roof top terrace.
  - As proposed, the proposal would meet the walking criterion at most footpath locations and at the building main entrances.
  - The proposal would not meet the walking criterion at the Boundary Street corners, and even with recommended modifications, would only meet the fast walking criterion.
  - The proposal would require modifications to meet the recommended walking criterion at the podium rooftop.
  - The proposal would not generate a significant adverse wind impact on adjacent areas.
- 8.17.3 Officers note that the model tested in the wind tunnel differs from the application plans, particularly with regard to the crown of the State 1 tower.
- 8.17.4 The recommended modifications were:
- Ground
- Adding trees to the triangular sewerage easement splay on the corner of Normanby Road and Boundary Street;
  - Adding approx. 1.0m (h) openings above the retail tenancies on part of the Normanby Road and Gladstone Street frontages and all the Boundary Street frontage to allow for wind flow through the podium.
  - Adding 1.8m high planters along part of the Normanby Road and Boundary Street frontages
- Podium roof top
- Adding 1.0m high balustrades and associated groins along the length of the terrace,
  - Adding >1.5m planters / landscaping along part of the Normanby Road, Boundary Street and Woodgate Street.
  - Adding a porous canopy over the pool and outdoor terrace area between the Stage 1 and Stage 2 towers.
- 8.17.5 Standard 2 of Objective 4.2 of the FBSFP Design Guidance recommends wind mitigation strategies not rely on protective screens and other incidental add-ons to buildings and landscaping within open spaces.
- 8.17.6 It is recommended that conditions of any approval require an amended wind tunnel assessment using a model that matches the application plans, and the building to be





redesigned to achieve the recommended walking, standing and sitting comfort criteria on and surrounding the site, without relying on protective screens and other incidental add-ons to buildings and landscaping within open spaces.

### 8.18 Affordable housing

1. Clause 22.15: Local Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area at Clause 22.15 of the Planning Scheme encourages all new development that proposes accommodation uses and is over 12-storeys in height, to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.
2. Six per cent of the proposed 828 dwellings would be 49 (49.68) dwellings.
3. The applicants have declined to meet the policy in whole or in part.
4. Instead, they have proposed to make available for sale 6% of the dwellings above level 12 of the buildings (equating to 32 dwellings) to a registered housing association or provider at a price they calculate as being affordable to 50 percentile of low to moderate households (calculated to be \$413,400 and \$465,075).
5. The applicants have further proposed that if a registered housing association or provider takes up the offer, they would make the 32 dwellings available for sale to the general public at the same reduced price, and subject to a covenant that they may only be resold to other persons who meet the affordability criteria for the initial sale.
6. Notwithstanding the limited background and financial information provided with the offer, the proposal is considered unsatisfactory because:
  - It proposes less than 6% of all the dwellings as part of the offer;
  - The 'discounted' prices would not meet established measures of affordability;
  - The 'discounted' price of the dwellings would be likely beyond the budget of registered housing associations or providers.
  - It is unclear who the S173 Agreement for dwellings sold to the general public would be with (i.e. would Council, and/or the Minister as responsible authority need to be parties to the agreement and/or would some or all owners in the building or one or both stages of the building via an Owners Corporation need to be parties to the agreement), and who would be responsible for enforcing the 'discount' sale and purchase provisions of any the 'affordable' dwellings sold to the general public.
7. It is considered that the applicants 'offer' and alternate policy lacks the rigor and community benefit of the policy at Clause 22.15, and would be insufficient and unsatisfactory.

### 8.19 Melbourne Water

The 2.4m floor levels for the ground level retail tenancies and car park, and 3.0m floor level for the entry lobbies, residential hotel lobby and café, townhouses, and substation and building services would meet or exceed Melbourne Water's recommended flood and sea level rise floor levels, and would be satisfactory.

However, the car park ramp down to the basement lacks a 3.0m flood barrier to bund and so would be at risk of inundation.

Any approval should include a condition that the car park ramp incorporate a 3.0m flood barrier unless Melbourne Water consents otherwise.



### 8.20 High Pressure Gas Transmission Pipeline

The subject site abuts the Port Melbourne 150mm high pressure gas transmission pipeline (along Boundary Street) and is in the buffer zone of the South Melbourne to Brooklyn 750mm high pressure gas transmission pipeline. Any approval should include a notation alerting the permit applicant to the proximity of the pipelines and the potential need for protection works to be undertaken to protect residential uses.

### 8.21 Overshadowing Public Open Space

The massing and form of the towers has been shaped by the angle of the mid-winter sun, to meet FBSFP Design Guidance Objective 3.3 Standard 3 which states '*Buildings must not overshadow existing public open space between the hours of 11.00am and 2.00pm on 22 September (equinox)*'.

The subject site is north-west of Turner Reserve, which is a linear park that runs parallel to the City to Port Melbourne light rail line.

The park was enlarged some years ago by partial closure and landscaping of part of Boundary Street adjacent to the intersections of Woodgate and Evans Street.

The park extension is contiguous with the original Turner Reserve, and is indistinguishable from Turner Reserve other than by its landscaping with native grasses and plants rather than lawn and predominantly exotic species.

The proposed towers would overshadow part of the original park and the whole of the new area of park at 11.00am on September 22 and would not clear both until 12.15pm, although the extent of overshadowing would be minor from approximately 11.45am onwards.

It is considered that the building design should be modified to meet Standard 3 of Objective 3.3.

As noted at 8.4 of this report, modification of the building design away from a strictly technical (and ultimately unsuccessful) response to overshadow may realise opportunities for a more architectural site response.

## 9. COVENANTS

A review of the supplied Title, Volume 11415, Folio 350, being Crown Allotments 16-26, Parish of Melbourne South, commonly known as Plan of Consolidation 162394W, confirmed it is not encumbered by a restrictive covenant or a Section 173 Agreement or a building envelope. The Title is however encumbered as follows:

Easement E1: Triangular easement at the corner of Normanby Road (18.30m length) and Boundary Street (19.90m length) (Area: 181m<sup>2</sup>) for sewerage in favour of Melbourne Water Corporation.

Lease L1: Lease on Woodgate Street for an indoor type substation in favour of CitiPower (as successor to the State Electricity Commission of Victoria).

A review of the plans shows:

- The buildings (including basement) would be setback to not encroach on Easement E-1;
- The existing electrical substation is proposed to be removed, and a new larger substation (commensurate with the larger development) is proposed along Woodgate Street, approximately 18.0m from the corner of Boundary Street.

This would be satisfactory.



**10. OFFICER DIRECT OR INDIRECT INTEREST**

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

**11. OPTIONS**

- 11.1 Provide comments to the Department and the Tribunal supporting the application as lodged, subject to conditions;
- 11.2 Provide comments to the Department and the Tribunal supporting the application subject to conditions for changes to the design;
- 11.3 Provide comments to the Department and the Tribunal not supporting the application, and providing without prejudice draft conditions.

**12. CONCLUSION**

- 12.1 The application proposes such a laneway along the north-east side between Normanby Road and Woodgate Street. This would enhance pedestrian permeability and would be satisfactory.
- 12.2 Officer assessment raised concerns including car park design, over provision of car parking and under provision of bicycle parking, traffic impacts, loading bay access and location, lack of diversity in housing types and sizes, lack of articulation of the podium along Normanby Road and Woodgate Street, lack of variation in façade treatment and materiality for the podium and towers, lack of back-of-house detail for the residential hotel and retail tenancies, long corridor access to podium dwellings, overshadowing of the Stage 1 tower by the Stage 2 tower, overshadowing of the podium rooftop open space, and overshadowing of public open space, wind impacts, excessive waste collection traffic, lack of affordable housing, sustainable design matters including excessive glazing without adequate measures to control solar heat.
- 12.3 The uniform height of the podium and lack of vertical breaks would present excessive mass and an unsatisfactory urban design outcome to the abutting streets.
- 12.4 The Stage 1 tower would similarly present excessive mass to Normanby Road, and both towers would suffer from a lack of variation in materials and finishes.
- 12.5 The development would not comply with local policy for employment (other than for provision of non-residential uses along the Normanby Road frontage), diversity of dwelling types and sizes, or affordable housing.
- 12.6 The podium roof top open space would also be adversely affected by wind from the towers and would require wind-break screens to achieve satisfactory walking comfort and would not be suitable for sitting.
- 12.7 On 14 July 2017, an application for review for failure to decide the application within 60 statutory days was lodged with the Planning List of the Victorian Civil and Administrative Tribunal (VCAT) on behalf of the applicant.
- 12.8 It is recommended that Council advise the Minister, the Tribunal and the applicant that it does not support the application as proposed.



### 13. RECOMMENDATION

That the Council resolve:

**13.1** That a letter be sent to the Department of Environment, Land, Water and Planning and the Planning List of the Victorian Civil and Administrative Tribunal advising that the Council:

- I. Does not support the proposal in its current form based on the matters set out in Sections 7 and 8 of this report, including in particular:
  - (a) The proposal would not meet the policy objectives of Clause 22.15 for Employment, housing type and size diversity and provision of affordable housing in the Fishermans Bend Urban Renewal Area.
  - (b) The car park detail design would be unsatisfactory, including insufficient details of ceiling heights and heights above ramps, and ramp gradients.
  - (c) The proposal would provide excessive car parking for the dwellings.
  - (d) The proposal would provide insufficient bicycle parking for the dwellings.
  - (e) Vehicle access to and the location of the loading bays would be unsatisfactory, and would have insufficient height clearance for waste collection vehicles in Stage two.
  - (f) The waste management arrangements would generate an excessive number of waste vehicle visits.
  - (g) The application does not satisfactorily access traffic generation impacts on surrounding intersections.
  - (h) The plans lack details of back-of-house facilities for the residential hotel and retail tenancies.
  - (i) The corridor access to the podium dwellings would be unduly long and would have poor natural light and ventilation.
  - (j) The Stage one 'L' tower would present excessive mass to Normanby Road, and the corner of Boundary Street and Woodgate Street.
  - (k) The Stage one 'L' tower would be overshadowed by the Stage two 'I' tower.
  - (l) The towers would overshadow the podium roof top open space.
  - (m) The Stage two 'I' tower would exceed the 40 storey mandatory height limit of DDO30.
  - (n) The abutting streets and the podium roof top open space would be adversely affected by wind from the towers.
  - (o) The uniform height of the podium and lack of vertical breaks would present excessive mass and an unsatisfactory urban design outcome to Normanby Road and Woodgate Street.
  - (p) The podium and towers would suffer from a lack of variation in materials and finishes.
  - (q) The proposal would unreasonably overshadow existing public open space opposite the site.



- (r) The proposal would not achieve a satisfactory level of sustainable design or Water Sensitive Urban Design.
- 13.2** In the event that the Tribunal determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the Attachment to this report.
- 13.3** Delegates the Manager City Development the discretion to object to the application as necessary if notice of the application is given by the Department.
- 13.4** Delegates the Manager City Development to instruct Council's solicitors on this matter.