

AGENDA - ORDINARY MEETING OF COUNCIL – 19 JULY 2017



8.6

245 - 251 NORMANBY ROAD, SOUTH MELBOURNE

LOCATION/ADDRESS:

245 - 251 NORMANBY ROAD, SOUTH MELBOURNE

GENERAL MANAGER:

CLAIRE FERRES MILES, PLACE STRATEGY AND DEVELOPMENT

RESPONSIBLE MANAGER:

GEORGE BORG, MANAGER CITY DEVELOPMENT

AUTHOR:

ROSANNE MASSEY, SENIOR URBAN PLANNER

TRIM FILE NO.:

MINRA0013/2015-02

ATTACHMENTS:

- 1. Report - Council Meeting 21 June 2016**
- 2. Architectural Plans**
- 3. Perspectives and Landscape Plans**
- 4. Shadow Diagrams**
- 5. Draft conditions**

WARD:

Gateway

TRIGGER FOR DETERMINATION BY COUNCIL:

Development and use for accommodation in the Capital City Zone

APPLICATION NO:

MINRA 0013/2015

APPLICANT:

BEG Developments

EXISTING USE:

Panel beaters & wholesale warehouse

ABUTTING USES:

Oxford University Press and wholesale warehouse

ZONING:

Capital City Zone - Schedule 1

OVERLAYS:

Design & Development Overlay – Schedule 30 (DDO30)
Parking Overlay (PO1)
Development Contributions Plan Overlay (DCPO2)
Special Building Overlay (SBO2)

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL

Expired

PROPOSAL

Demolish existing buildings, construct a mixed use 40 level building comprising retail, offices and 321 dwellings and associated car and bicycle parking, use the land for accommodation (dwellings) and alter access to a Road Zone Category 1 (i.e. remove two vehicle crossings on Normanby Road)



I. EXECUTIVE SUMMARY

- 1.1 This report assesses amended plans for a mixed use tower proposal on the land.
- 1.2 Council previously considered a proposal for the land at its Statutory Planning Meeting of 21 June 2016 and determined to advise the Minister for Planning it did not support the design because of concerns relating to the built form, inadequate internal amenity, lack of affordable housing, poor environmental outcomes, unresolved waste management design, and lack of bicycle parking. A copy of June 2016 Statutory Planning Report is attached.
- 1.3 The amended plans have been lodged with the Minister for Planning (the Minister) pursuant to Section 50 of the Planning and Environment Act 1987.
- 1.4 The Minister for Planning is the Responsible Authority for this application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for a building greater than 4-storeys height and more than 60 dwellings.
- 1.5 The plans have been informally referred to Council by the Department of Environment, Land, Water and Planning (the Department) on behalf of the Minister. Council's advice is provided on an informal basis as the Capital City Zone (CCZ1) and other relevant planning scheme provisions exempt most applications from notice and review.
- 1.6 The amended plans have been submitted in response to changes to the planning controls affecting the site, introduced pursuant to Amendments GC50 and GC59 (on 14/11/2016 and 22/11/2016 respectively), and concerns raised by Council and the Department in relation to the previous plans.
- 1.7 The site is located in the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA) and is within a mandatory 40 storey maximum height area pursuant to the Design and Development Overlay (DDO30).
- 1.8 The amended plans were internally referred to Council's expert officers for comment.
- 1.9 The amended plans resolve previous issues regarding building height and dwelling diversity. However, officers have continuing concerns regarding the ground floor layout, building activation to Normanby Road and along the proposed laneway through-block link, and stormwater management which should be resolved prior to a decision being made. Other issues of visual bulk, storage and internal amenity, design of vehicle access and car parking, lack of affordable housing, and environmentally sustainable design initiatives, while unresolved, could be addressed via conditions of any approval.
- 1.10 It is recommended that Council advise the Minister that Council does not support the proposal in its current form.

KEY ISSUES

- 1. Responses to Council concerns arising from June 2016 Statutory Planning Committee
- 2. Built form response to the Design and Development Overlay (DDO30)
- 3. Street activation and laneway activation
- 4. Affordable housing
- 5. Internal amenity
- 6. Environmentally sustainable design



2. RELEVANT BACKGROUND

- 2.1 This application was originally submitted to the Minister on 28 October 2015 and informally referred to Council for comment.
- 2.2 Council considered the original application at its Statutory Planning Committee Meeting of 21 June 2016 and resolved to advise the Minister it did not support the proposal (Refer attached copy of 21 June 2016 report).
- 2.3 The Minister has not made a determination on the application.
- 2.4 The Planning Scheme controls affecting the site were changed by Amendments GC50 and GC59 on 14 and 29 November 2016 respectively. The Amendments introduced:
 - A new Local Planning Policy, Clause 22.15 *Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area*, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
 - A new Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The height and setback controls apply on an interim basis until 31 March 2018 to allow time for permanent controls to be developed and tested by the Fishermans Bend Taskforce.
 - An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016). The Framework is an incorporated document to the Port Phillip Planning Scheme.

3. PROPOSAL

- 3.1 The amended plans propose a 40 storey tower including a five level podium, containing two retail tenancies, offices, a health spa, and 321 dwellings, and a through-block link laneway along the south-west side between Normanby Road and Woodgate Street. The building would also contain car and bicycle parking and communal space for residential use including a roof garden and a communal lounge. Separate lifts and staircases would be provided for upper level offices.
- 3.2 More particularly the plans propose:
 - 3.2.1 **Level 00 - Ground:** A 68m² retail tenancy, building services and a residential lobby, mail room, and gallery space facing Normanby Road, a laneway along the south-west side of the site connecting Normanby Road to Woodgate Street, the ground floor of a two level retail tenancy measuring 521m², and 35m² external retail area, facing the laneway, a second residential lobby, bicycle parking, a loading bay and a car park access ramp adjacent to Woodgate Street.
 - 3.2.2 **Level 01:** The first floor (mezzanine floor) of the two level retail tenancy measuring 248m², two offices at the front and rear of the building measuring 252m² and 297m², the office facing Normanby Street would contain end of trip facilities with an area of 41m², car parking, bicycle parking and residential storage.



- 3.2.3 **Level 02:** Two offices at the front and rear of the building measuring 261m² and 233m², car parking, bicycle parking and residential storage.
- 3.2.4 **Level 03:** Two offices at the front and rear of the building with mezzanines measuring 451m² and 384m², car parking, bicycle parking and residential storage.
- 3.2.5 **Level 04 (top of podium):** A 1084m² health and wellness centre containing a gym and spa, yoga studio and massage, treatment rooms plus a 430m² external terrace, a communal lounge, cinema and dining room for residential use measuring 161m² in total. The health and wellness centre is proposed to be operated by an external entity, and would be open to the public, and residents would also have access to the facility and external terrace. A landscape buffer would be located around the perimeter of the podium.
- 3.2.6 **Levels 05 - 06:** Seven 1-bedroom apartments and five 2-bedroom apartments at each level. All apartments have balconies of between 8m² and 9m².
- 3.2.7 **Levels 07 – 39:** Three 1-bedroom apartments, three 2-bedroom apartments, three 3-bedroom apartments at each level. All with balconies of 8m² for 1 & 2-bedroom apartments, and 13m² - 16m² for 3-bedroom apartments.
- 3.2.8 **Roof level:** Lifts and stair access to a 448m² communal external terrace for residential use with semi-solid pergola structures, and a building services enclosure including a solar PV system.

Setbacks

- 3.3 The podium would abut the front, rear and north-east side boundaries with a minimum 3m setback from the south-west side boundary. Architectural feature screening would protrude approx. 300 - 350mm outside of the title boundaries to Normanby Road for a length of approx. 11.4m, and approx. 950mm for a length of approx. 17.6 m to Woodgate Street. A canopy with architectural feature & wind mitigation (1000mm in depth) would extend from the architectural screening to the Normanby Road frontage, the side laneway, and to the Woodgate Street frontage.
- 3.4 The tower would be setback by 10m from all site boundaries. The angled architectural feature would project up to a maximum of 1400mm from the edges of the tower.

Height

- 3.5 Podium height would be four levels / 19.7m (21.7m AHD)
- 3.6 Tower height would be 40 levels / 129.7m (131.7m AHD)

Development Summary

3.7 A table summary of the proposal is as follows:

	Commercial m ²	Communal m ²	1BR	2BR	3BR
Ground (Level 00) (podium)	Retail 624 Art Gallery 209				
Level 1 (podium)	Retail 248 Office 549				

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Level 2 (podium)	Office 494				
Level 3 (podium)	Office 835				
Level 4 (tower)	Health spa 1,084	1,245 inc. health spa 591 exc. health spa			
Levels 5 – 6 (Tower)			7	5	
Levels 7 – 39 (Tower)			3	3	3
Roof		448			
Total	4,043	1,693 including health spa 1,039 excluding health spa	113	109	99

Comparison with June 2016 Plans

3.8 A table comparison of the June 2016 plans and the amended plans is as follows:

Previous Plans - June 2016 SPC	Amended Plans – May 2016
Tower Height 41 levels - 134.7m	Tower Height 40 levels / 129.7m (131.7m AHD)
Podium Height 5 levels - 23.7m	Podium Height Four levels / 19.7m (21.7m AHD)
Tower Setbacks NW: 3.6m - 5.6m (Normanby Rd) SE: 6.5m – 8.9m (Woodgate St) NE & SW: 8m – 10m	Tower Setbacks 10m from all boundaries
Laneway Location N-E side 3.2m – 4m wide	Laneway Location S-W side 3m wide
Total apartments = 536 1 Bed = 208 / 38.8% 2 Bed = 314 / 58.6% 3 Bed = 14 / 2.6%	Total apartments = 321 1 Bed = 113 / 35.20% 2 Bed = 109 / 33.96% 3 Bed = 99 / 30.84%
Commercial Floor Area = 385m ² All retail at ground floor	Commercial Floor Area = 4043m ² / 14.38% Retail = 872m ² Office = 1878m ² Art Gallery = 209 m ² Health spa = 1084m ²
Communal Floor Area = 1643.5m ²	Communal Floor Area = 1693m ² - Podium = 1245 m ² (including health spa) - Roof = 448m ²
Car spaces = 279	Car spaces = 206



Bike spaces = 363	Bike spaces = 386
Stores = 160	Stores = 327
Motorcycle spaces = 4	Motorcycle spaces = 4

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the south-east side of Normanby Road, between Montague Street to the north-east and Boundary Street to the south-west. Woodgate Street abuts the rear site boundary.
- 4.2 The site is located within the Montague Precinct of the Fishermans Bend Strategic Framework Plan (FBSFP). A maximum mandatory height limit of 40 storeys applies to this site (Area A6).
- 4.3 The site is regular in shape and measures 2,640m². The land currently contains two double storey warehouses that are constructed to all site boundaries except for a front setback of 15m from Normanby Road, which contains a hard-standing car park.
- 4.4 There are two existing vehicle crossovers from Normanby Road to the subject site. There is a nature strip containing a mature tree adjacent to the Normanby Road site frontage.
- 4.5 There are also two vehicle crossovers from the subject site to Woodgate Street.
- 4.6 The adjacent site to the north-east contains a two storey warehouse constructed to the site boundary, and the adjacent site to the south-west contains the Oxford University Press which is setback approximately 17m from the subject site boundary. A car parking area for the Oxford University Press directly abuts the south-western side boundary of the subject site.
- 4.7 Normanby Road, between Boundary Street/ Johnston Street and Montague Street, generally contains contemporary two-storey warehouse / industry / showroom buildings with car parking in the front setback, with the exception of the building on the corner of Montague Street and Normanby Road which comprises a four level heritage graded warehouse used for Self-Storage, and two levels of apartments above.
- 4.8 To the south of the site, 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.
- 4.9 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.



5. PERMIT TRIGGERS

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

Planning Scheme Provision	Planning Permit requirement
<p>Clause 37.04 Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone, including Accommodation if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land abuts warehouse and industrial uses and thus a permit is required for Accommodation under this clause.</p> <p>The Art Gallery would be an ancillary component of the proposal and would not require a permit.</p> <p>Pursuant to Section 1 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1 Office and Retail are as-of-right uses (no permit required).</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to</p> <ul style="list-style-type: none"> • Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop); • Construct a building or construct or carry out works; • Demolish or remove a building or works; or • Erect or construct or carry out works for an advertising sign; <p>is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1:</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p>



<p>Clause 43.02 Design & Development Overlay Schedule 30 (DDO30)</p>	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works.</p> <p>A permit must not be granted for buildings and works which are not in accordance with the Built Form Requirement Heights specified in Table 1 and the Requirements of Table 2 to DDO30, with the exception of architectural features, building services and landscaping. Buildings and works must meet the Built Form Outcomes specified in Table 2 to DDO30.</p> <p>Pursuant to Clause 3.0 of DDO30, an application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) 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>Clause 44.05 Special Building Overlay Schedule 2 (SBO2)</p>	<p>Pursuant to Clause 44.05-1 of a permit is required to construct a building or construct and carry out works.</p> <p>Pursuant to Clause 44.05-4 an application under the 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>Pursuant to Clause 44.05-5 an application must be referred to the relevant floodplain management authority under Section 55 of the Act. The floodplain management authority for the SBO2 is CoPP.</p>



<p>Clause 45.06 Development Contributions Plan Overlay (DCPO2)</p>	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development. • The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. - A single dwelling on a lot - An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. - A sign. • The permit only allows the consolidation of land or boundary realignment. <p>A permit is required under this clause.</p>
<p>Clause 45.09 Parking Overlay (PO1)</p>	<p>Uses including Dwelling, Office, and Retail premises are listed in Schedule 1 to the Parking Overlay.</p> <p>The proposed parking provision for the dwellings, office and/or retail premises do not exceed the measures set out in the Overlay.</p> <p>A permit is not required under this clause.</p>
<p>Clause 52.10 Uses with Adverse Amenity Potential</p>	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met.</p> <p>A permit is required under this clause.</p>
<p>Clause 52.06 Car Parking</p>	<p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p> <p>A permit is required under this clause.</p>
<p>Clause 52.07 Loading and Unloading Of Vehicles</p>	<p>A permit is required to waive or vary the loading bay requirements associated with buildings and works for the sale of goods.</p> <p>A permit is not required under this clause.</p>



<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> • Create or alter access to: • A road in a Road Zone, Category 1. • Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. <p>A permit is required under this clause because Normanby Road is a Road Zone Category 1.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for a development including 60 or more dwellings is required to be referred to Public Transport Victoria.</p>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Framework (SPPF)

The following State Planning Policies are relevant to this application:

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

6.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses which are relevant to this application 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, including
 - Clause 21.04-1 Housing and Accommodation
 - Clause 21.04-3 Office and Mixed Activity Areas
 - Clause 21.04-4 Industry
 - Clause 21.04-5 Public Open Space and Foreshore
 - Clause 21.04-8 Social Impact Assessments
- Clause 21.05 Built Form, including
 - Clause 21.05-2 Urban Structure and Character
 - Clause 21.05-3 Urban Design and the Public Realm
 - Clause 21.05-4 Physical Infrastructure
- Clause 21.06 Neighbourhoods, including
 - Clause 21.06-8 Fishermans Bend Urban Renewal Area

The following Local Planning Policies are relevant to this application:

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

6.3 Other relevant provisions

- Clause 52.06 Car parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.10 Uses with Adverse Amenity Potential
- Clause 52.34 Bicycle Facilities
- Clause 58 Apartment Developments

6.4 Relevant Planning Scheme Amendments

Planning Scheme Amendments GC50 and GC59 were introduced on 14 and 29 November 2016 respectively (Refer to Section 2 of this report for a summary of changes). 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 VCI36 was introduced on 13 April 2017 and implemented Clause 58 (Apartment Developments) which replaced Clause 52.34 (Urban Context Report and Design Response for Residential Development of Five or More Storeys), and the Guidelines for High Density Residential Development. Transitional Provisions at Clause 37.04-4 of the Capital City Zone do not apply as the application was amended pursuant to Section 50 of the Act following the approval date of VCI36. An assessment against Clause 58 of the Planning Scheme has been completed. Recommended conditions are included to improve the level of compliance, should a permit be issued.



7. REFERRALS

7.1 Internal referrals

The application was referred internally for comment. A summary of responses is set out below. The comments are discussed in Section 9 of this report.

City Design:

Height and Setbacks

The towers will appear equally spaced rather than introducing some variety in horizontal spacing reflecting the location of the lane. Another consequence is that the tower is not centrally located on the podium.

The revised proposal has reduced the proposed building height by one storey, and the podium has been reduced from 5 to 4 storeys. The tower has been reduced in plan as a result of the increased setbacks which has slightly reduced the appearance of visual bulk to the tower.

Architecture & Form

The proposed architectural concept references Fishermans Bends history in aviation and in particular the aeroplane turbine. The chamfered tower has been revised to a rectilinear form with horizontal triangular blades to mimic a design reference to an aeroplane turbine. It is still perhaps questionable whether the concept is delivered in the final building form, however there have been some improvements notably:

- *The tower has reduced in size. The reduced bulk of the tower increases the appearance of slenderness, however, the angle of the perspectives could also be more flattering than the reality.*
- *The horizontal triangular blades referencing the dynamic movement of the turbine are more evident in the revised design, creating a blurred vertical edge to the building.*
- *The podium utilises a vertical blade with a faceted and folded surface peeling away the corner to reveal the lobby. While the link between the podium and tower is less direct than the previous design, the folded façade clearly highlights the building entry and laneway.*

Despite improvements to the proposed design, we still have concerns about the overall visual bulk of this application. This would be assisted by considering the following:

- *The material palette provided lacks sufficient detail to demonstrate the quality of finishes and detailing that would be required with this proposed design. A material palette with more detailed information on the proposed colours and finishes is required to demonstrate the quality of finishes and detailing.*
- *The removal of the cuts has detracted somewhat from the tower. The applicant is to consider introducing elements to the design that will add more interest to the façade and improve the slender appearance of the tower either through material treatment, façade articulation etc.*
- *The proposed building has a base and middle but does not include any articulation of the tower crown. The applicant is to consider adding more articulation to the upper third of the tower and crown.*
- *Additional accurate photomontages from the street at pedestrian eye level are suggested from: Boundary, Johnson and Normanby Streets; south of the reserve along Woodgate Street and Boundary Street; and south of the reserve along Woodgate Street and Montague Street.*

The potential for the podium to activate the street interface should be considered further in the development of the proposed building program and façade treatment with an emphasis on finer grain articulation. Attention to materials and details as outlined for the tower are also applicable here. In addition, incorporation of natural ventilation to the car parking areas should be



considered.

The car entry/opening and gate is to be integrated into the façade and building design.

Mix of Uses & Street Activation

Retail/commercial uses on the ground floor fronting the proposed laneway and Normanby Road are supported.

The proposed gallery space does not have a strong presence and appears to be located in left over lobby space, rather than presenting a useable and accessible gallery space.

Offices sleeve the car park levels 2-4 which create active upper levels onto Normanby and Woodgate Streets and is supported. The applicant should consider providing a separate lobby and entry for the offices at the street to provide dedicated and clearly legible addresses for both offices on Normanby and Woodgate Streets. This will introduce additional articulation into the façade and further activate the street interface.

The applicant is to consider redesigning the retail area floor levels to remove the ramps in each triangular corner and also consider how the laneway entry could be utilised for retail spill-out space to further activate this interface. The applicant is to consider how the laneway can be used to its full potential for activation.

Laneways

The proposed laneway has been relocated to the west of the site as requested and indicated in the SFP. DDA compliant ramps have been provided for universal access. However, the SFP Objective 7.1 Standard 3 specifies that internal level entries are preferred, thus removing ramps from the laneway. The applicant is to consider providing level access in the laneway and relocating level changes within the proposed building. Or, providing a DDA compliant solution which is integrated into the building design and which also demonstrates opportunities for activation including retail spill-out space and lighting.

For the proposed 3m laneway connecting Normanby Road and Woodgate Street, bluestone paving material is recommended for consistency with CBD palette and to cater for possible intensive uses.

The SFP does not support the use of landscape to mitigate the effects of wind. The applicant is to review the proposal and provide other options to address the impact of wind.

Open Space

All balcony depths should be 2m deep for 2 bedroom apartments and 2.4m deep for 3 bedroom apartments to make them usable. If condensers are proposed to be located on all balconies an additional area of 1.5m² should be provided.

Access and Layout

Building's entries should meet universal access requirements, and plans should be updated to accommodate separate access to the offices, residential and retail/commercial/art gallery spaces which provide universal access.

General

The applicant is to consider aligning the material palette for the landscape design with the Draft DTS, and continue the material treatment at ground level to the ground floor building line to maintain a continuous material treatment.

Housing Development Officer:

I welcome the offer of the 8 affordable housing dwellings, although Council's preferred position is for the affordable housing to comprise 6% of total dwellings (19 dwellings).



I do not support the affordability mechanism being the discounted sale of the 8 dwellings to low to moderate income households via a housing provider for the following reasons:

- *Council's position is that the affordable housing must be perpetually affordable housing. That comprises transfer of dwelling titles for:*
 - *Community housing units (if rental housing) or*
 - *Community Land Trust (CLT) units (if home ownership). I note that CLTs are emerging as a new tenure form in Australia and the likely vehicle for them will be via specific, interested community housing organisations.*

Discounting the sale of dwellings only makes the dwellings affordable to the initial purchasers, and gives them a windfall gain when they resell. This is not perpetually affordable housing.

- *Notwithstanding the above point, the 8 units are unlikely to be affordable to low to moderate income earners. The discounted sale price is yet to be determined, and it is unlikely that low to moderate income households could afford discounted purchase, given the high land values at Fishermans Bend. It is estimated that it is more likely that only households in the 8th to 10th income decile (the highest 20% of the income range) could afford to purchase in Fishermans Bend. To effectively target low to moderate income earners, housing would need to target the first 6 income deciles (the lowest 60% of the household income range).*
- *If the applicant wishes to provide the 8 dwellings as affordable home ownership, then they could be provided to a Housing Trust to the satisfaction of the Responsible Authority and the City of Port Phillip, for management by a locally based, registers Housing Association of Housing Provider for Community Land Trust purposes.*

This is suitable as the Fishermans Bend planning controls define affordable housing in terms of a benchmark for both rental and home purchase.

Only one locally based community housing organisation, St Kilda Community Housing, is currently interested in operating Community Land Trust units in a Community Land Trust. However, Council's preferred position is to have affordable housing held in a housing trust and managed by a locally based community housing organisation for community housing or a CLT, with the trust to ensure that it partners with a suitable community housing organisation that will achieve this outcome.

Sustainable Design Architect:

The architectural drawings and Sustainable Management Plan (SMP) for the above project were reviewed against the City of Port Phillip's WSUD (LPP 22.12), and ESD (LPP 22.13) policies as well as the Fishermans Bend Strategic Framework Plan. The proposal as it stands requires clarification and further detail before it would be supported.

General

Confirm if the project is to be Green Building Council of Australia (GBCA) certified project. If the project is not, state the projects Green Star benchmarking and ESD related claims offered in the SMP and drawings will be certified as achieved by an appropriately qualified, independent Green Star Accredited Professional to the approval of the responsible authority.

If the project is not to be certified, describe the measures to be taken to achieve each point to be claimed.

The project is seeking to claim 90% of the available innovation points, the proposed innovation points need to be linked to the individual credits being claimed.



Indoor Environmental Quality

Further details are required to establish if windows allow practical ventilation. Clearly indicate window and door opening format/direction. Typical diagrams per apartment type would be adequate.

Many apartment living rooms appear to have only sliding doors to balconies to access ventilation. While these may comply with the legal minima of the BCA, they are unlikely to be left open when unattended, overnight or in variable weather, including wind-blown rain. Consider the addition of awning sashes over the sliding glass doors.

For cross ventilation to be effective, a minimum of two openings are required per space, preferably on opposing walls. Indicate openings to facilitate cross-ventilation to all habitable rooms which have at two or more external walls.

Provide details of sashes proposed to ventilated the common corridor on the tower levels.

Some bedrooms are shown with what appear to be two of their four walls as full-height, fully exposed, northern glazing. Even high-performing glazing is likely to produce irregular, thermal comfort outcomes for occupants. Indicate how opaque wall portion can be increased and confirm extent of glazing to all bedrooms (indicated on typical apartment plans).

Provide details of where lighting is to be controlled by daylight, timer, and and/or occupancy sensors.

The provision of double glazing will assist significantly with heat loss and the incursion of traffic noise. Indicate the extent of the double glazing noted in the table on page 18.

Energy

While the provision of perimeter shading aprons at residential floor level could offer significant shading potential it appear back the front on some levels. The most sun-exposed bedrooms on the northern corner of the floors in the centre of the tower receive no shading benefit, while the least exposed bedrooms on the southern corner receive the most. This shading device only provides partial shading to fully glazed walls. Provide a consistent minimum of effective shading to glazed walls of habitable rooms on the north-east, and north-west. This might be provided by:

- realigning perimeter shading apron mentioned above
- providing multiple intermediate transom projections to glazed walls
- reducing the height of glazing so as to be shaded by one of the methods above
- other appropriate method

The elevated photovoltaic array indicated at roof panel is shown tightly contained by a building services screen. Confirm the height of these will not overshadow the panels.

Car park ventilation – Providing a grilled façade to the south west face of the podium offers the potential for all four levels of car parking to access natural ventilation. Further minor replanning in the northern and eastern corners of the podium levels may allow cross-ventilation of all car parking levels with the potential for a reduction in mechanical exhaust volumes and plant and the resultant savings in cost and energy.

Water

Page 8 of the SMP notes water used for fire system testing and maintenance water will be temporarily stored for usage onsite. Please clarify how water will be reused.

Water supplied for toilets, fire services, irrigation and cooling must be connected to alternate water supply system, which is ready to be connected to future ‘third pipe’ water supply.



Transport

Bicycle parking appears on each of the podium levels. Access to the Level 4 parking for example would require extensive travel via the internal car parking ramps, unless lift access is made available. Clarify whether the southern podium lift or other lifts are to be nominated for use by cyclists to access facilities on levels from 1-4, and note this on the drawings.

External visitor bicycle parking should be provided.

The route to access the building on bicycle, park, use end of trip facilities and access the podium office or retail levels appears excessive. Consider locating end-of-trip facilities to a more central position such as adjacent to the main lift and stair core.

Pedestrian access to the offices on the podium levels 1, 2 and 3 should be encouraged as much as possible, which will minimise lift usage, save energy and benefit health. Consider providing a glazed wall to northern and southern stairs which provide access to the podium office levels. Consider providing additional exits for each level of these offices.

The applicant should consider provision of car share accommodation on-site.

Waste:

The location of electrical charging parking bays should be nominated on the plans or detailed within the SMP.

The Hard Waste Area nominated on the Ground Level does not provide access for residents without traversing the loading area. Consider a contained separate room which allows safe and direct access for residents from the main circulation corridor, and provide space for short-term storage of occupant potential exchange/recycling/disposal of furniture or other items.

Consider provision of a shared composting facility on the podium or ground level for use by residents.

Consider adopting a recycling target of at least 70% for all demolition and construction waste.

Urban ecology:

Consider maximising the extent of the provision of garden on the Level 4 podium level. Significant opportunity exists for this expansion on the south, west, and east sides with the potential to enhance biodiversity. The expansion of the garden area would assist to reduce the Urban Heat Island Effect. For non-garden areas of the tower and podium roof/floor surfaces, provide an indication of the albedo of finishes so as to minimise UHI Effect yet avoid creating glare for future and adjoining building occupants.

Consider the provision of communal gardens on the Level 4 terrace.

Drainage Engineer:

It would be prudent to re-refer to Melbourne Water for the latest conditions/requirements that is specific to 245-247 & 249-251 Normanby Road, South Melbourne.

From the referral chronology conditions summarized below, it appears the 10 April 2013 and 7 January 2016 conditions/requirements could be superseded by the general advice on 15 August 2016.

10 Apr 2013: Fishermans Bend recommendations in general.

Melbourne Water recommends current (2013) floor levels = 1.6m AHD; 2040 = 1.8m AHD; and for 2100 = 2.4m AHD.

Habitable Residential/Office: 3.0m AHD
External entry: 1.9m - 2.1m AHD
Commercial Lobbies/Retail: 2.4m AHD



Lift/services: 3.0m AHD
Garage/car park: 2.4m AHD (+ 600mm mechanical Freeboard)
On street parking spaces: 1.9m - 2.1m AHD

07 Jan 2016: conditions specific to 245-247 & 249-251 Normanby Road South Melbourne.
Minimum FFL of commercial areas, bin storage area, street lobby and entry lobby = 2.4m AHD.
Minimum FFL of gas meters, fire control room, substation = 3.0m AHD

15 Aug 2016: Fishermans Bend recommendation floor levels in general
Melbourne Water recommends current (2016) floor levels = 1.6m AHD.

For Fishermans Bend Urban Renewal Area Melbourne Water recommends adopting long term planning approach to flood levels for 2100 = 2.4m AHD.

For areas prone to tidal inundation, finished floor levels should be minimum 600mm above the flood level, which would be 2.4m AHD + 600mm = 3.0m AHD.

Transport Safety Engineering:

Update drawings to show existing street assets (crossovers, trees, on-street parking, etc.) and any proposed changes for assessment.

Annotate drawings to show removal and reinstatement of redundant crossovers. The Applicant is responsible for costs incurred by Council for associated changes to on-street parking signage and line-marking.

The plans indicate a 12m long single continuous crossover onto Woodgate St which is not supported. Options to minimise crossover width and to improve pedestrian priority should be considered (e.g. two separate crossovers? note maximum 3.0m single width or 6.0m double width crossovers)

Typical car space dimensions are shown to comply with Clause 52.06 requirements.

TTM's swept paths showing the B85 passenger vehicle reverse entry manoeuvres into the end car spaces are not considered realistic nor practical. Update swept paths to demonstrate satisfactory access to/from the end spaces.

Concern with ramp design to both car park and loading area as the summit grade changes exceed AS2890.1 and AS2890.2 specifications.

Concern with loading area design as TTM has only shown individual swept paths of a 8.8m long Medium Rigid Vehicle and 6.4m long Small Rigid Vehicle in isolation without considering turning manoeuvres when there is more than one service vehicle in the loading area.

While the plans indicate sufficient headroom, the loading area height clearance should be clearly identified. The loading bays should be sized to accommodate the expected service vehicle i.e. 8.8m MRV?

Concern with lack of visibility to pedestrians on the left hand side of a service vehicle exiting the site. TTM's recommendation for a mirror is considered a poor design outcome. Options to provide a corner splay or improve visual permeability should be considered (e.g. wall setback?).

Application should be referred to VicRoads and internal Council departments for comment.

Waste Management:

All requirements have been met.

Open Space Planning:

I am supportive of the proposed laneway to link the subject site to the existing Woodgate Street Reserve.



The Fishermans Bend Public Space Strategy recommends public open space must receive a minimum of at least 5 hours direct sunlight between 9am and 3pm on 22 September.

The town planning report acknowledges the Shadow Diagrams demonstrate the proposed use will overshadow Fennell Reserve between 10am and 11am on 23 September.

7.2 External referrals

Council is not required to externally refer applications that the Minister for Planning is the Responsible Authority for.

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 Notice of the application was not required to be given because an application to demolish or remove a building or works, construct a building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone, and an application affected by the Design and Development Overlay and Special Building Overlay, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

9. OFFICER'S ASSESSMENT

Comparison of the current proposal with previous plans & Council's concerns raised at the 21 June 2016 Statutory Planning Committee

9.1 Numerous concerns were raised with the original plans that were considered at Council's Statutory Planning Committee meeting of 21 June 2016. These concerns formed the basis of Council's referral response informing the Minister that it did not support the proposal in its original form. A number of concerns continue to exist in regards to activation of the proposed laneway and Normanby Road and percentage of commercial use to Normanby Road, finished floor levels of the ground floor, and stormwater management however the issues below are considered to be resolved by the amended plans;

- Building height
- Dwelling diversity
- Internal amenity, subject to conditions
- Laneway location
- Visual Bulk, subject to conditions
- Provision of commercial uses

9.2 Building Height and Setbacks

Heights

Podium: The proposed 19.7m / four level podium would be consistent with DDO30 (Area 6) and the objectives of the SFP Design Guidance which encourage streets frontages of new developments to be no greater than 20m or five storeys tall.

Tower: The proposal involves a 129.7m / 40 level tower (including the four level podium and excluding rooftop building services). The revised design proposes retail and office mezzanines within the ground and third floor levels respectively. The mezzanines would not read as separate storeys and would share the same roof as the level below.



The plant screening, and rooftop garden balustrading, seating nooks, and semi solid pergola structures would also protrude above 40 storeys. The DDO30 allows architectural features, building services and landscaping to exceed the building height requirements, therefore the elements exceeding the maximum height requirement are not prohibited and are considered acceptable.

Setbacks

Podium: The zero setbacks of the four storey podium from the Normanby Road, Woodgate Street and the north-east side boundaries would be consistent with the Fishermans Bend Strategic Framework Plan Design Guidance which envisages podiums typically constructed to all boundaries. The 3.0m setback from the podium to the south-west title boundary is proposed to provide for part of a through-block pedestrian laneway in accordance with *Plan 6: Montague Urban Village* and Design Guidance Objective 2.1, Standards 1, 2, 3, 5 (recommends 6-9m width), 6 and 7 of the Fishermans Bend Strategic Framework Plan (*September 2016*).

The previous design included parts of the podium overhanging the front and rear site boundaries which was not supported. The architectural features which protrude beyond the title boundaries should either be deleted, or amended to incorporate minimum clearances of 2.7m over any footpath and 4.5m over any lane or road, and a Section 173 Agreement entered into to ensure appropriate management, safety, and clearances are achieved.

Tower: The tower setbacks above the podium would comply with the DDO30 mandatory minimum 10.0m setbacks from the street, centre line of the proposed lane, and rear boundary. The angled architectural features would protrude into these setback areas by a maximum of 1400mm which would be allowed under the DDO30.

The tower setbacks on the previous plans, from the front and rear streets were considered to be unacceptably small at between 3.6m - 8.9m.

It is considered the 10.0m setbacks of amended plans satisfactorily resolve this issue.

9.3 Visual Bulk

To the proposed laneway:

The previous application involved a laneway on the eastern side of the site, measuring between 3.2m – 4m wide. The podium levels 1 – 5 partially overhung the side laneway, leaving a minimum setback of 1.3m clear to the sky. It considered that the podium, rather than the tower, would result in an imposing visual impact as viewed from the proposed laneway. The amended proposal involves a 3m wide laneway along the south-west of the site, with a further 3m anticipated to be contributed by the adjoining site. The laneway would be clear to the sky excluding the 1000mm deep architectural feature which would also act to mitigate wind. The podium levels would no longer project into the laneway area, and the tower would be setback 10m from the centre of the proposed laneway. The impact of the podium to the laneway has been resolved, however the incorporation of a fine grain approach to providing retail to the laneway would activate the laneway to a higher degree. The current plans show an expansive retail area along the laneway which should be reconfigured to improve activation. This should be addressed prior to a permit being issued however it has been included in the recommended permit conditions, should a permit be issued.



To the streetscapes:

The previous application was considered to appear bulky partly due to the discreet nature of the side chamfering, and in part due to the reduced street setbacks. The setbacks of the tower have now been increased to a minimum of 10m to lessen bulk and respond to the DDO30 requirements.

Articulation of the building could be further improved by a more detailed colours and materials pallet which demonstrates the quality of finishes and detailing. Material treatment, façade articulation, or the like, could be introduced to the tower component to add more visual interest and improve the slender appearance. Further consideration should also be given to the level of activation to the street with an emphasis on fine grain articulation. These elements could be addressed through conditions, however it would be preferable that consideration of fine grain elements to the podium level be considered prior to a decision being made.

9.4 **Dwelling Layout, Amenity and Diversity**

Dwelling mix, internal areas and balcony areas

A number of the 1-bedroom and 2-bedroom apartments on the previous plans were considered to be too small at 47m² and 59m² respectively (the size of the proposed 3-bedroom apartments was considered to be acceptable). Furthermore many of the apartments on the previous plans did not have any private open space.

The amended plans propose the following apartment sizes:

- 1-bedroom apartments: 49m² - 58m² internally with 8m² balconies
- 2-bedroom apartments: 65² – 66m² internally with 8m² balconies
- 3-bedroom apartments: 100m² - 117m² internally with 13m² - 16m² balconies

Council advocated for the following minimum apartment sizes:

- 1-bedroom apartments: 50m² internally with 8m² balcony
- 2-bedroom apartments: 65m² with 10m² balcony
- 3-bedroom apartments: 90m² with 12m² balcony

A number of the one bedroom apartments would have internal floor areas of 49m² (i.e. 1.0m² less internally than advocated by Council), but would achieve the 8.0m² balcony requirement. The one bedroom apartments would need to be increased to a minimum of 50m² internally to achieve the standard. The two bedroom apartments would meet the minimum 65m² internal areas advocated by Council, but would be provided with balconies 2.0m² less than the preferred 10.0m². The three bedroom apartments would exceed the 90m² internal area and 12m² balcony area advocated by Council. All balcony depths should be increased to a minimum of 2.0m, with additional area to accommodate condensers. Balconies areas and widths, and internal areas of the one bedroom apartments should be increased in accordance with Council's standard minimums. Clause 58 (Apartment Developments) sets out minimum dimensions for living areas and bedrooms. Some apartments do not meet these dimensions, although the variations would be relatively limited, all apartments should meet the standard. This could be addressed through conditions.



The proposed dwelling mix of 113 (35.20%) one bedroom dwellings, 109 (33.96%) two bedroom and 99 (30.84%) three bedroom dwellings would provide improved dwelling diversity compared to the previous mix which provided a total of 536 apartments with 208 (38.8%) one bedroom dwellings and 314 (58.6%) two bedroom dwellings, and 14 (2.6%) three bedroom dwellings, and would meet the dwelling diversity goal of the Local Planning Policy Framework (LPPF) Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area at Clause 22.15 of the Scheme which recommends all new residential development over 12 storeys provide at least 30% of dwellings as 3-bedroom units.

Affordable housing

The proposal would not achieve the affordable housing goal of Clause 22.15 which seeks all new residential development over 12 storeys, to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.

Six per cent of the proposed 321 dwellings equals 19 affordable housing dwellings.

The amended plans propose eight one-bedroom affordable housing dwellings, which equates to 2.49% of the proposed dwellings, and would not include a mix of dwelling sizes.

Whilst the offer of eight 1-bedroom dwellings is welcomed, officers have concerns as follows:

- The eight dwellings would have balcony widths less than the 2.5m preferred minimum to achieve good quality private open space, noting private open space is highly valuable to occupants of affordable housing who are less likely to go out for entertainment and to travel due to cost.
- The applicant's offer expresses a preference to deliver the affordable dwellings by direct sale, at a discounted price, to an appropriate housing trust for forward management by an affordable housing provider. This affordability mechanism is not supported as the method would not facilitate perpetually affordable housing. The affordable dwelling title should be transferred for community housing units (if rental housing) or Community Land Trust (if home ownership).
- The eight dwellings are unlikely to be affordable for low to moderate income earners. Whilst the discounted sale price is yet to be determined, it is unlikely that low to moderate income households could afford discounted purchase, given the high land values at Fishermans Bend.
- The offer of 2.49% affordable housing would be less than half of the 6% affordable housing goal of Clause 22.15, which in turn only goes part of the way to achieving Council's target of 20% affordable housing within Fishermans Bend.

It is recommended that any approval be subject to conditions providing for:

- 6% of dwellings be provided as affordable dwellings;
- The affordable dwellings be allocated to a registered housing association or provider;
- Appropriate management;
- Appropriate design of the dwellings including minimum balcony dimensions; and
- A variety of dwelling sizes and types.



Noise:

The original application included an external noise intrusion report which identified traffic on Normanby Road would be the primary noise source to the building, and provided a number of recommendations.

The subject site has an immediate interface to a main road (Normanby Road), is proximate to light rail lines to the rear, and surrounded by a variety of industrial and commercial uses. It is unclear where air-conditioning condensers would be located, although it is likely they would be located within individual balconies. Previous advice was balcony locations would raise amenity issues including noise impacts to habitable room windows. This issues remains unresolved on the amended plans.

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.

Daylight access:

Poor natural daylight to “battle-axe” rooms was raised as an issue with the previous proposal. The revised proposal doesn’t include any “battle-axe” configurations to habitable rooms of apartments on the amended plans. Natural daylight access to all apartments would be good. All habitable room windows would have good access to daylight and no borrowed light or light courts are proposed. Furthermore daylight access to habitable rooms would meet the requirements of Clause 58 (Apartment Developments) of the Scheme.

9.5 **Employment**

The LPPF Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area at Clause 22.15 of the Scheme sets out ambitions for employment relevant to the proposal as follows:

- Encourage all development to provide opportunities for street level home occupation and non-residential use.
- Encourage all development over 40.0m height in the Montague neighbourhood to provide a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area.
- Encourage all development on sites along Normanby Road, Williamstown Road, Fennell Street, Plummer Street, Buckhurst Street, Ingles Street, Montague Street and Salmon Street to provide non-residential uses along at least 60% of the ground level street frontage.

The proposal would include 14.38% commercial uses across the development comprising, office, retail, art gallery and a wellness/health spa. At ground floor level the development would provide two retail spaces, one with a mezzanine level above, and a small art gallery space within the lobby facing Normanby Road. This percentage would be slightly less than the 15% required by the policy, however it would be a vast improvement compared to the original proposal which involved 385m² of retail space at ground floor level only. The proposed 14.38% provision of commercial space is considered appropriate.



The proposal involves less than 60% commercial uses along the ground floor of the Normanby Road frontage. Approximately 17.0m of the frontage of the amended plans is allocated to retail, and a small art gallery space, which would equal approximately 42% of the frontage. It is recommended that the layout be amended to achieve 60% of the frontage to provide commercial floor space so as to improve street activation.

The ground floor level of the retail space and gallery space fronting Normanby Road appear to be 0.02m higher than the footpath level, and would likely be lower than a level which Melbourne Water would be supportive of. This would further reduce the usable area of commercial space at this interface, with the likely need for a ramp/steps up to the retail space.

The percentage of commercial space to Normanby Road is limited by the provision of the gas and water meters, and a fire control room. The services would be hidden behind an architectural feature. This arrangement could be acceptable provided the relevant authority confirms access is sufficient, otherwise the services should be relocated away from the Normanby Street frontage. Regardless of the arrangement it is considered the extent of commercial uses fronting Normanby Road should be increased. Further thought should also be given to the layout of the ground floor gallery spaces to improve usability.

9.6 Laneway

The original plans proposed a through-block link laneway along the north-eastern side boundary which was not in accordance with the preferred laneway location on the Montague Urban Village Plan in the FBSFP. The laneway width of 3.2 to 4.0m was also considered to be too narrow.

The amended plans propose a 3.0m wide lane (with a wind mitigation canopy projecting 1.0m over leaving 2.0m clear to the sky) along the south-western side of the site, in accordance with the recommended location shown on the Montague Urban Village Plan of the FBSFP. The amended location is supported.

The proposed 3.0m width is predicated on the adjacent site providing a similar width laneway to achieve a new lane of at least 6.0m width.

The Fishermans Bend Strategic Framework Plan Design Guidance Objective 2.1 Standard 5 recommends laneways be between 6-9 metres in final clear width.

Council's draft Design and Technical Standards recommend 'Access Only' laneways vary in width between 4.0m, 6.0m, 9.0m and 12.0m, and 'Destination/Active' Laneways vary in width between 9.0m and 10.0m.

Where lanes are located on a boundary (such as in this instance), provision would be typically shared equally between the two adjoining properties.

The proposed laneway would fall within the characterisation of a Destination/Active Laneway and is envisaged as including a mixture of access, outdoor dining and tree planting. Laneway width must be sufficient to allow two-way movement as it would provide an important access way for pedestrians and cyclists. The proposed 3.0m width, plus 3.0m on the adjoining site would achieve an overall width of 6.0m which would achieve the minimum recommended width the Strategic Framework Plan, but less than the ambition of the draft Design and Technical Standards.



An application for the development of the adjacent site to the south at 253-273 Normanby Road has been lodged with the Department and forwarded to Council for comment (Ref: MINRA0002/2017). The application is currently at referral and will be reported to Council at a later date. The application proposes a 6.0m lane along the shared side boundary with the subject site, which would ostensibly realise a 9.0m wide lane overall consistent with the Framework Plan and draft Design and Technical Standards recommended lane widths, albeit inequitably distributed over the two properties. However, there are design issues to be resolved regarding matching levels of the two parts of any future lane, and the adjacent property's ambition for car access along their part of the lane that mean the adjacent application cannot be relied upon at this time.

It is considered the proposed 3.0m laneway width would be satisfactory, subject to detail drawings including cross-sections be required to demonstrate the width provides a functional space for pedestrians and cyclists, including any landscaping.

Council's City Design Team have recommended the laneway be constructed out of bluestone paving material, for consistency with CBD palette and to cater for potential intensive uses. These matters could be provided for by conditions of any approval that may issue for the proposal.

9.7 Transport and Parking

Vehicle access

Vehicle access to the site is proposed via a single location from Woodgate Street, containing two ramps. One ramp would leave up to the podium level car parking and the other would lead to the ground floor level loading bay/waste collection area, much the same as the previous application, excluding the 'flipping' of the location due to the relocation of the laneway to the south-west of the site.

The two existing crossovers to Normanby Road would be removed and crossovers to Woodgate Street would be reduced to one and relocated. The drawings do not show existing street assets. The crossover to Woodgate Street would be approximately 12m long which is not supported. Options to minimise crossover width and to improve pedestrian priority should be considered.

Concerns are raised with the lack of visibility to pedestrians on the left hand side of a service vehicle exiting the site. The recommendation, within the submitted traffic report, for a mirror is considered a poor design outcome. Options to provide a corner splay or improve visual permeability should be considered.

Traffic generation

No cumulative assessment of the impact of traffic generation from this and surrounding developments has been provided. The Traffic Impact Assessment states that traffic generation from this development would have a minimal impact on the surrounding road network.



9.8 **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 as follows:

REQUIREMENT:	COMPLIANCE:
Car parking provision	
<u>Dwelling</u> : Max. 1 space per dwelling x 321 dwellings = 321 spaces.	Achieved: The proposed 206 spaces for the dwellings would not exceed the maximum.
<u>Retail premises (retail spaces)</u> : Max. 1 space/100m ² GFA x 827m ² = 8 spaces. <u>Retail premises (Wellness/health spa)</u> 1 space/100m ² GFA x 654m ² = 7 spaces. <u>Office</u> : Max. 1 space/100m ² GFA x 1878m ² = 19 spaces. <u>Place of assembly</u> 1 space/100 m ² of GFA x 209 m ² = 2 spaces	Achieved: The proposed nil retail, office and place of assembly spaces would not exceed the specified maximums.

The 206 car spaces proposed would equate to 0.64 per dwelling which would exceed the Framework Plan target rate of 0.5 spaces / dwelling ratio. A reduction in the number of car parking spaces for the dwelling would be desirable, noting that the subject site is opposite a light rail line and stop. Car spaces should be allocated by way of condition, if a permit is approved.

The provision of no car parking for the retail, art gallery, wellness/health spa, and office components is considered acceptable as the planning scheme sets a maximum parking rate for development within FBURA. Pursuant to Schedule 1 of the Parking Overlay a permit is required to exceed the maximums prescribed, however no planning permission is required for rates lower than the prescribed maximum.

Schedule 1 to the Parking Overlay requires all buildings that provide on-site car parking to provide motor-cycle parking for the use of occupants and visitors, at a minimum rate of one motor-cycle parking space for every 100 car parking spaces. The applicant proposes 4 on site motorbike spaces within Level 1 of the car park. This is considered satisfactory, although allocation is unknown and should be addressed through a condition if a permit is issued.

9.9 **Car Parking Design**

The floor to ceiling heights proposed within the car parking levels range from 2.5m to 3m, this would not enable opportunities for future conversion of the spaces to other uses, excluding the upper most level car park facing Normanby Road which contains a 3m floor to ceiling height. This would not respond to the requirements of Standard 4 of Objective 6.4 of the FBSFP design guidance.

Natural ventilation to the car parking levels have not been provided. Standard 3 of Objective 6.4 of the FBSFP requires above ground car parking to provide natural ventilation without compromising activated street frontages. It appears that opportunities exist to improve natural ventilation to the car parking area, possibly through the provision of a grilled façade to the south west face of the podium, and potential replanning of the northern and eastern corners of the podium.



The provision on natural ventilation should be incorporated into the design of the building.

The typical car space dimensions are shown to comply with Clause 52.06 requirements.

The swept paths showing the B85 passenger vehicle (up to a Ford Falcon sized car) reverse entry manoeuvres into the end car spaces are not considered realistic nor practical. The swept paths should be updated to demonstrate satisfactory access to/from the end spaces.

The ramp design to both car park and loading areas are not supported as they both exceed Australian Standards. Further concerns regarding the loading bay are discussed below at section 9.11 of this report.

9.10 **Bicycle Facilities**

The previous plans provided 0.67 bicycle spaces per dwelling. The amended plans propose 386 bicycle spaces, which would provide a ratio of 1.2. It is unclear what the intended allocations are. Allocations of bicycle parking areas should be identified and addressed by a condition if a permit is issued.

Bicycle parking rates prescribed within Clause 52.34 are calculated as follows:

Residential:	1 space / dwelling = 321 spaces required
Residential visitors:	1 space / 10 dwellings = 32 spaces.
Retail premises:	1 space / 300m ² leasable floor area = 3 spaces.
Retail visitor:	1 to each 500 m ² leasable floor area = 2 spaces.
Office:	1 to each 300 m ² net floor area if the net floor area exceeds 1,000 m ² = 6 spaces.
Office visitor:	1 space / 1,000m ² net floor area if net floor area > 1,000 m ² = 2 spaces.

Wellness/ Health Spa: Use is undefined, therefore no bicycle parking rate applies

Total required = 366; Total provided = 386 (surplus of 20).

The FBSFP sets out a preferred rate of one bicycle space per dwelling and one bicycle space per 50m² of net office floor area. This would require a total of 321 resident spaces, and 38 spaces allocated to the offices in total (359 spaces in total), the proposal involves a surplus of 27 spaces. The total number of bicycle spaces would exceed the planning scheme requirements, however allocations need to be identified to ensure each use is provided with an appropriate number of spaces.

153 bike parks would be located at the ground floor level, with access to Woodgate Street. The remaining bike parks would be located within the car parking levels 1 to 4. The main Woodgate Street bike park would be supported as the FBSFP envisions a recreational link along Woodgate Street. Bicycle parking within level 1 to 4 would require the occupants to access the spaces either via the residential lifts or via the basement ramps. Potentially cycling up to levels four to park a bicycle would not be reasonable and would likely discourage cycling for those users. Access to the residential and office lifts for bicycle users should be encouraged.

Visitor bicycle parking should be provided at ground level in a permanent and safe location.



End of trip facilities are proposed within the Level 1 Office space with 12 lockers detailed on the plans. The end of trip facilities would be 41m², however the internal layout is not provided. Standard 4 of Objective 6.2 requires change facilities and locker facilities to be provided to serve occupants of commercial uses at ratios of one shower per 10 bicycles and one locker per bicycle respectively. It is considered that the location of the end of facilities should be reconsidered to provide an easily accessible communal facility for all offices.

9.11 Loading

The previous application detailed a similar loading bay arrangement, although the revised application has increased the maximum width. The application has also been submitted with turning circles, however the movements would be cumbersome, and have only been demonstrated and provided when no other vehicles are located within the space. The functionality of the loading bay area is critical given waste collections would be made a number of times throughout the week.

Individual swept paths for the Medium and Small Rigid Vehicle have been provided in isolation, without considering turning manoeuvres when there is more than one service vehicle in the loading area. Additional swept paths should be provided which detail access if another vehicle is located within the loading/parking bays at the ground floor level if a permit is issued.

Clearances should be required on the plans to demonstrate that a medium ridged vehicle can access the loading bay, if a permit is issued.

As noted previously the ramps do not comply with Australian Standards including the ramp to the loading bay. This would need to be addressed should a permit be issued.

9.12 Waste Management

The ground floor plan of the previous plans showed two waste storage rooms, one residential and one commercial, containing storage space for 22 x 1,100 litre bins in total, of which 18 were located in the residential store. The Waste Management Plan that was submitted with the application stated that 10 x recycling bins and 10 x general waste bins would be required for the residential waste generation of the previous proposal. The amended plans contain a significant reduction in apartment numbers from 536 to 321 dwellings. There is also a significant increase in commercial floor space proposed on the amended plans.

The amended plans show a single waste storage room (101m²), which includes a total of 28 bins, two allocated for bin chutes (1 recycling and 1 garbage), 13 of the remaining bins are recycling bins and 13 would be allocated for garbage. There would be 15m² storage space for hard rubbish within two spaces, the smaller space would be a rather awkward triangular space. The space would be insufficient for on-site storage of garbage for both residential and commercial waste, as such a private contractor would be engaged to organise staggered collections (approx. 3 times per week for residential and commercial). Council's Waste Officer has reviewed the submitted Waste Management Plan, and has advised that the proposed management, requiring private collection, would be acceptable. The functionality of the loading bay area is critical given collections would be made a number of times throughout the week.



On-street waste collection is not supported, due to the amount of congestion that would result from multiple high density developments in the locality. The amended plans include loading/ services access on the ground floor which would be accessible from the waste storage room. An updated traffic assessment provided with the amended plans demonstrates sufficient access and turning space for a medium ridged truck to access the loading area, and exit in a forwards motion, however the swept paths are not considered to accurately represent the likely situations where another vehicle may be within that area. A longitudinal section of the ramp and loading area should be provided which identifies appropriate clearances for a medium ridged truck. This could be provided for by a condition of any approval.

9.13 Public Open Space

The proposed building would cast an additional shadow to the north-west corner of Fennel Reserve from 9.45am to 10.15am at 22 September (the equinox). The extent of additional overshadowing would occur for 30 minutes within the morning, and would not be excessive. Standard 3 of Objective 3.3 of the FBSFP states that buildings must not overshadow existing public open space between the hours of 11.00am and 2.00pm on 22 September (equinox). The overshadowing would occur prior to 11am.

The DDO30 requires towers to be setback from the street by 10m to achieve a built form outcome which does not cause undue shadowing, and wind effects on the public realm. It would be preferable that Fennel Reserve was not overshadowed at all by the proposed development, however the shadows meet the FBSFP objective, and the tower has been setback from all boundaries in accordance with the built form requirements of the DDO30.

9.14 Wind Impacts

The wind mitigation methods for the previous application recommended a 3m deep canopy over level 1, and installation of three porous pergolas/canopies within the podium level external space to address wind impacts.

The proposal has been submitted with an updated Wind Impact Assessment (pedestrian level winds & wind tunnels). The updated Wind Impact Assessment finds that the proposed design of the building would fulfil the recommended criterion for safety at all test locations (ground, podium terrace, and rooftop terrace). The proposal would meet requirements for walking in all footpath locations and standing at the main entrances. Walking criteria would be met at the podium and rooftop terrace levels, and standing and sitting criteria would be met for some areas within the rooftop terrace level. The report recommends educating occupants about wind conditions at high-level terraces/balconies during high-wind events and tying down lightweight furniture is highly recommended.

The current proposal seeks to address wind impacts via the following methods;

- 1000mm depth canopy which would wrap around Normanby Road frontage, the proposed laneway and the Woodgate Street frontage.
- Canopy trees within the proposed laneway.
- Semi solid pergola structures within the roof top terrace.



The Wind Impact Assessment recommended a full width canopy extending from the corner of Normanby Road, along the proposed laneway and to the Woodgate Street corner. The proposal deviates from the full width canopy and seeks to provide canopy trees and a 1000mm deep canopy, the report confirms that the arrangement would achieve the same wind mitigation outcomes. Although it is noted that the recommended permeable screens/box planters at the podium terrace level have not been included on the submitted plans.

The proposed planting and protective screens are not considered to respond to Objective 4.2, Standard 2 of the Fishermans Bend Strategic Framework. Standard 2 explains that incidental add-ons to buildings, landscaping, and other incidental add-ons to buildings are not supported. Although it is noted that the Wind Impact Assessment advises that all test locations met the safety criteria without any wind control measures, and the wind mitigation methods proposed would improve comfort whilst not enclosing the area. Furthermore the Draft Design and Technical Standards encourage landscaping within active laneways and the vegetation would provide wind amelioration, shade, and visual amenity. Therefore the proposed wind limiting methods proposed are supported.

9.15 Sustainable Design

Overall the previous development fell significantly short in relation to environmentally sustainable design. The previous application would have achieved the lowest possible rating possible under the green star framework, and raised issues in regards to indoor environmental quality, energy management, water efficiency, stormwater management, sustainable transport and construction and building management.

The amended proposal involves a better level of indoor environmental quality through the deletion of bedrooms with snorkel windows and light courts. However, some bedrooms would be provided with full-height exposed northern glazing which is likely to result in thermal comfort issues. The shading to the residential levels would provide the most shading to rooms which are the least sun exposed, and the least shading to the rooms which are most exposed. Shading to the most exposed rooms with full glazing should be incorporated into the design if a permit is issued to provide a good level of thermal comfort. This is reflected in the draft recommended permit. In addition further information should be provided to confirm natural ventilation options are maximised.

Council's ESD Officer has made a number of recommendations in regards to the SMP and Sustainable Design initiatives to meet the requirements of the relevant planning policy. It is considered that if a permit is issued these recommendations should be addressed through a permit condition.

9.16 Unresolved stormwater management:

The previous plans included a rainwater tank for storage and reuse of stormwater runoff in the building, such as for toilet flushing. However, the extensive stormwater management requirements of the FBSFP were not addressed. The amended plans also include a large rainwater tank with a capacity of 50kL, proposed to be used for landscape irrigation, toilet flushing, swimming pool top up and bin wash. However specific additional information has not been provided in relation to the stormwater management strategy. Objective 7.3 of the design guidance in the FBSFP requires the following:



- All stormwater generated within the site to be managed on site, within the development footprint.
- Runoff from 100% of the roof area to be captured and at least 50% of the runoff volume generated by a 5 year, 72 hour storm event to be successfully retained on site.
- Stormwater to be reused for toilet flushing and irrigation or as a last resort, controlled release.
- Minimise surface generated stormwater generation through maximising permeability and provision of raingardens, swales and other water sensitive urban design.
- Stormwater quality to meet best practice standards to the satisfaction of the relevant water authority prior to discharge to receiving waterways.

The above requirements are extensive and should be addressed at the design stage of the development, prior to finalisation of floor plans. If the stormwater management design is not resolved at the planning stage, this could result in the need to amend a planning permit later on. Therefore, while conditions have been included on the attached suggested conditions list to ensure that these requirements are met, this is not the recommended process. The application should demonstrate that these stormwater management requirements could be achieved, prior to any planning approval, given that it is a specified requirement for the FBURA and that the area is flood prone as well as subject to sea level inundation.

9.17 Special Building Overlay

The previous application was submitted with a referral response from Melbourne Water, dated 07 January 2017, identifying that the reduced finished floor levels of 2.4m AHD for the retail spaces, and 3.0m AHD is required for gas meters, fire control room, and the substation was acceptable. The applicant intends to continue to rely on the Melbourne Water letter dated 07 January 2017 for the current proposal, which advises that the finished floor levels of the commercial areas and bin storage area, street lobby and entry lobby constructed no lower than 2.4m to Australian Height Datum (AHD), and the finished floor levels of the gas meters, fire control room, substation constructed no lower than 3.0m to AHD.

The proposal details the Normanby Road retail area (2.0m AHD), substation (2.0m AHD), waste services (2.0m AHD), and street lobbies (2.0m AHD) with levels lower than those recommended by Melbourne Water within the letter dated 07 January 2017. Council's Development Engineer has recommended that the application be referred to Melbourne Water to confirm the levels previously agreed to are still relevant. A permit condition should be included to ensure the proposed ground floor finished floor levels meet Melbourne Water requirements, if a permit is granted.

9.18 Community Facilities

No community meeting room or child care facility or similar is proposed. This is considered satisfactory as the land is not on Buckhurst Street which is the preferred location for commercial and community floor area in the Montague Precinct.

9.19 Development Contributions

Pursuant to Clause 45.06-1, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into the Planning Scheme.



No Development Contributions Plan has been publicly released or adopted into the planning scheme.

Any approval would need to include a condition that development contributions must be provided via a S173 Agreement.

9.20 Environmental Audit

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.

9.21 Stores

The plans show 327 store areas for 321 dwellings. The storage areas are generally in the form of above bonnet storage within the car parks, excluding the 36 storage cages (5m³) which are proposed within car park level 04. The proposal should provide at least one store, or storage in multiple parts in accordance with Clause 58 (Apartment Development) for each dwelling.

These matters could be demonstrated/provided for by a condition of any approval that may issue for the proposal.

9.22 Open Space

The provision of terrace and roof top open spaces areas would be satisfactory subject to the wind amelioration works described within the Wind Impact Assessment and detailed on the plans, noting that the podium level wind amelioration requirements should be detailed on any endorsed plans, if a permit is to issue.

9.23 Other matters

The application has been assessed against the objectives and standards of Clause 58 (Apartment Developments) of the Scheme. The proposed development meets the following objectives and associated standards;

- Urban context, Residential policy objective, dwelling diversity objective, infrastructure objective, communal open space objective, solar access to communal outdoor open space, safety objective, internal views objective, common property objective, waste objective, room depth objective, and windows objective.

Further work is required to achieve compliance with the following objectives and associated standards;



- Integration with the street objective, landscaping objectives, access objective, parking location objective, energy efficiency objective, integrated stormwater management objective, noise impacts objective, accessibility objective, building entry and circulation objective, private open space objective, storage objective, site services objective, functional layout objective, and natural ventilation objective.

Recommended conditions include requirements to achieve an adequate level of compliance if a permit is issued.

10. COVENANTS

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Land in Plan of Consolidation 162071X [Volume 09926 Folio 295], and Land in Plan of Consolidation 126072V [Volume 09870 Folio 028].

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Provide comments to the Department of Environment, Land, Water and Planning as recommended
- 12.2 Provide changed or amended comments to the Department
- 12.3 Refuse to provide comments to the Department

13. CONCLUSION

- 13.1 Whilst a number of concerning elements of the previous proposal have been addressed, on balance the proposal should not be supported as a number of issues remain unresolved.
- 13.2 The amended proposal details compliant building height and setbacks, an improved mix of apartment types and sizes with balconies, laneway location in accordance with the FBSFP, and improved percentage of commercial uses. These improvements resolve a number of concerns with the previous proposal.
- 13.3 Visual Bulk (in part), provision and management of affordable housing, internal amenity, sustainable design, and storage are not currently considered acceptable, however could be reasonably conditioned.
- 13.4 Concerns that should be addressed prior to a decision being made, rather than through conditions, include the design of the ground floor retail/commercial components. Specifically the expansive retail space that would have an interface with the proposed laneway, limited extent of commercial space fronting Normanby Road, and subsequent street activation concerns. It is considered that the ground floor commercial spaces should activate the street and laneway interface to a higher degree. The building program and façade treatment could achieve this with an emphasis on finer grain articulation.



- 13.5 Vehicle access, and car parking design, including natural ventilation to the car parking levels, and access to bicycle parking spaces within the car parking levels are unresolved.
- 13.6 The proposal does not address the extensive stormwater management requirements listed within the FBSFP. Stormwater management should not be considered at the last stages of a project, and should be considered within the preliminary stages to ensure its suitability and effectiveness.

14. RECOMMENDATION

- 14.1 That Council advises the Department of Environment, Land, Water and Planning that:
 - 14.1.1 Council does not support the application in its current form based on the matters set out in Sections 7 and 9 of this report;
 - 14.1.2 In the event the Minister determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the Attachment to this report.