

## AGENDA - ORDINARY MEETING OF COUNCIL – 4 OCTOBER 2017



<b>8.6</b>	<b>272-280 NORMANBY ROAD, SOUTH MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>272-280 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</b>
<b>TRIM FILE NO.:</b>	<b>PF16/671544</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li><b>1. Attachment - S50 amended plans</b></li><li><b>2. Attachment - S50 amended elevations</b></li><li><b>3. Attachment - S50 amended sections</b></li><li><b>4. Attachment - S50 amended rendering</b></li><li><b>5. Attachment - Draft conditions</b></li><li><b>6. Attachment - Council Report 16 August 2016</b></li></ol>
<b>WARD:</b>	Gateway Ward
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	Use of land for Accommodation (Dwelling) in the Capital City Zone
<b>APPLICATION NO:</b>	DELWP ref: 16/00106, Council ref: MINRA 0004/2016/A
<b>APPLICANT:</b>	280 Normanby Road Pty Ltd C/-proUrban Planning
<b>EXISTING USE:</b>	Two-storey commercial building
<b>ABUTTING USES:</b>	Commercial, warehouse and industrial
<b>ZONING:</b>	Capital City Zone (CCZ1) Abuts Road Zone Category I (RDZ1) (Normanby Road)
<b>OVERLAYS:</b>	Design and Development Overlay (DDO30) Parking Overlay (PO1) Development Contribution Plan Overlay (DCPO2)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Not applicable – Minister is Responsible Authority

### PROPOSAL

Demolish the existing buildings, construct a multi-level mixed use building and construct and carry out works, and use land for Accommodation and a Place of Assembly in the Capital City Zone. Alter access to a road in a Road Zone, Category I.



**I. EXECUTIVE SUMMARY**

- 1.1 This report is to consider amended plans for a 40 level mixed use development previously considered by Council on 16 August 2016.
- 1.2 The generality of the scheme is unchanged from the original proposal, in that it is still proposed to demolish the existing buildings and construct a 40 level mixed use building comprising a podium with retail and commercial tenancies, a community room, car, motorbike and bicycle parking, building services and dwellings with a through block link between Normanby Road and Munro Street along its north-east side, and a tower comprising dwellings and communal amenities.
- 1.3 In November 2016, after Council considered the original plans, the Planning Scheme controls were amended to introduce a mandatory podium height limit of 5 storeys or 20m (whichever is the lesser) and mandatory minimum 10.0m tower setbacks, and Local Policy for employment, dwelling diversity and housing affordability.  
  
In April 2017, the Planning Scheme was further amended to introduce new apartment design provisions.
- 1.4 The current application has been prepared in response to the amended controls and concerns raised by Council and the Department of Environment, Land, Water and Planning (DELWP).
- 1.5 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 1.6 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.
- 1.7 The Minister has provided Council with the opportunity to consider and provide advice on the application, which can be used by the Minister and his department in their assessment of the proposal.  
  
Council's advice is provided on an informal basis as the Capital City Zone (CCZ1) exempts most applications from notice and review.
- 1.8 The land is in a mandatory 40 storey maximum height area pursuant to interim mandatory height limits introduced in April 2015 while a review of the FBURA is carried out. The interim controls apply until 31 March 2018 (unless extended by the Minister).
- 1.9 Officers raised concerns with the original proposal regarding building height, tower street setbacks, open space provision, car parking and loading bay design and access matters, shadow impacts, and impedance of easements along the north-east side of the land, urban design, traffic impacts, and a number of minor matters.

Officers were supportive of the generality of the architecture and the provision of the ground floor level through block link, the podium design, the tower separation from proposed adjacent development, dwelling layouts and floor and open space areas, the provision of community infrastructure and affordable housing (relative to the planning controls current at that time).

It was considered on balance, for the original proposal to warrant support, it would need to be modified to reduce the tower height, increase the tower setbacks from Normanby



Road and Munro Street, revise the loading bay to allow delivery vehicles to enter and exit in a forward direction, remove obstructions from the appurtenant easements, and a number of more minor matters.

- 1.10 The amended plans satisfactorily address a number of Council concerns with the original application regarding tower setbacks, loading bay design, car park layout, car park ramp angles and headroom and vehicle exit splays, and new Local Policy for dwelling diversity, but does not meet the new Local Policy for employment or affordable housing.
- 1.11 The amended plans do not respond to Council concerns regarding tower height, and changes to the podium and tower façade treatments and the tower lobby and internal corridor design are considered inferior to the original scheme.
- 1.12 Whilst the amended plans are an improvement over the original scheme, it is still not able to be supported as proposed and would need to be further modified to better respond to its neighbourhood context and Local Policy, particularly with regard to reducing the tower height, revising the façade treatments, and providing for more non-residential floor area and affordable housing.
- 1.13 It is considered that these matters could be provided for by conditions.
- 1.14 It is recommended that Council advise the Minister it does not support the application in its current form, but could support it subject to conditions, including a condition to reduce the tower height by at least five levels.

**KEY ISSUES**

- Tower height.
- Justification for tower seeking the maximum allowable height.
- Cumulative wind and traffic impacts.
- Community benefit, including affordable housing.
- Shadow.

**2. RELEVANT BACKGROUND**

- 2.1 There is one minor permit application, P0877/2010 recorded to use the land for the purposes of trade supplies and display of business identification signage. A permit was granted on 03 December 2010. The current use of the land operates pursuant to this permit.
- 2.2 The current application for a 40 level tower was originally submitted to the Minister on 31 May 2016 and informally forwarded to Council for comment.
- 2.3 Council considered the original application at its Statutory Planning Committee Meeting of 16 August 2016 and resolved to advise the Minister:
  - It supported the tower setbacks facing Johnson Street and the north-east side boundary, the architectural treatment of the podium and tower facades, the provision of a through-block link along the side, community infrastructure, and affordable housing and the level of car, motorcycle and bicycle parking.
  - It had concerns with tower setbacks facing Normanby Road and Johnson Street, tower



height, building mass and loading bay design and a number of more minor matters. A reduction in tower height of at least five levels was recommended. (Refer attached copy of 16 August 2016 report).

- 2.4 The Minster has not made a determination on the application.
- 2.5 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.
- 2.6 The Planning Scheme was further changed by **Amendment VCI36** on 13 April 2017 which introduced a new 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.

### 3. PROPOSAL

- 3.1 The amended scheme proposes to:
- Demolish the existing buildings on the site.
  - Construct a multi-level mixed use building on the site comprising a five level podium with a mix of retail and commercial tenancies, a community room, dwellings, car, motorbike and bicycle parking and building services, and a tower comprising dwellings and communal amenities above.
  - Use the land for accommodation (including a dwelling) and a Place of assembly (the community room).
  - Alter access to a Road Zone Category 1 (i.e. remove an existing vehicle crossing on Normanby Road).
- 3.2 The building would have maximum height of 40 storeys / 128.3m to roof top parapet level, 130.1m to the top of the plant screen, and 133.26m to the top of the lift overrun.
- 3.3 As per the original scheme, a 4.5m wide pedestrian through block lane/link is proposed along the north-east side of the site, abutting Site 01. The link would be covered at first floor level for weather protection and wind mitigation.
- 3.4 More particularly, the proposal comprises (original proposal where different shown as ~~strikeouts~~):



**Basement**

Building services including a fire tank, rain tank and fire pump room, stairs, ~~153~~ 115 residential stores, and lifts and lobby to access the levels above.

**Level 0 (Ground floor level)**

~~Six~~ Five retail tenancies (~~530m<sup>2</sup>~~) (471m<sup>2</sup>) facing Normanby Road, Johnston Street, Munro Street and the east side through-block link, a community room (342m<sup>2</sup>) at the corner of Normanby Road and Johnson Street, dwelling lobby accessed off Normanby Road and Johnson Street, office lobbies off Normanby Road and the through block link, bicycle parking (~~204~~ 132 spaces), a loading bay (accessed off Munro Street), bin room, substation and building services.

**Level 1 (Podium)**

Two commercial tenancies (~~368m<sup>2</sup>~~ 366m<sup>2</sup>), ~~seven~~ six (5 x 1BR, 1 x 2BR) dwellings, 20 18 at-grade (11 mechanical palette, 4 tandem & 1 single) car parking spaces, 1 motor bike space, ~~42~~ 51 stores, and building services.

**Level 2 (Podium)**

Two commercial tenancies (~~368m<sup>2</sup>~~ 366m<sup>2</sup>), seven (6 x 1BR, 1 x 2BR) dwellings, 21 at-grade (20 mechanical palette & 1 single) car parking spaces, ~~68~~ 42 stores, and building services.

**Level 3 (Podium)**

Twelve (8 x 1BR, 4 x 2BR) dwellings, 22 at-grade (20 mechanical palette & 2 single) car parking spaces, ~~34~~ 25 stores, and building services.

**Level 4 (Podium)**

~~Eight~~ Five (4 3 x 1BR, ~~3 x 2BR,~~ + 2 x 3BR) dwellings, 25 at grade (13 mechanical pallet, 4 tandem and 8 single) car parking spaces, ~~44~~ 65 stores, and building services.

**Level 5**

~~Five~~ Three (3 1 x 1BR, 1 x 2BR, 2 1 x 3BR) dwellings, ~~37~~ car parking spaces, ~~60~~ stores, and building services, communal podium rooftop outdoor landscaped open space and amenities, communal lounge, library, gym, children's room, spa and sauna and pool.

**Levels 7 6 – 36 40 (30 35 levels) Tower)**

~~11~~ 8 (4 2 x 1BR, 6 3 x 2BR, + 3 x 3BR) dwellings per floor

**Levels 37 and 38 (Tower)**

~~9~~ (3 x 1BR, 4 x 2BR, 2 x 3BR) dwellings per floor

**Level 39 (Tower)**

~~9~~ (4 x 1BR, 2 x 2BR, 2 x 3BR) dwellings per floor

**Roof top**

Lift overrun and screened roof plant area.

3.5 A table summary of the original proposal and the amended proposal is as follows:

	Original Plans – July 2016	Amended plans – March 2017
Site area	2,609m <sup>2</sup>	2,609m <sup>2</sup>
No. dwellings	396 (156 [39.4%] x 1BR, 201 [50.75%] x 2BR, 39 [9.85%] x 3BR)	289 (87 [30.1%] x 1BR, 103 [35.6%] x 2BR, 99 [34.3%] x 3BR)

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<b>Affordable housing</b>	2 x IBR dwellings to be transferred to a Housing Trust. 3 x IBR dwellings to be leased for 20 years at 75% of market rental value, managed by a Housing Trust.	2 x IBR dwellings to be transferred to a Housing Trust. 3 x IBR dwellings to be leased for 20 years at 75% of market rental value, managed by a Housing Trust.
<b>Podium street, side and rear setbacks</b>	<u>Normanby Rd</u> : 1.1m to 1.5m indent at ground level, min. 0.0m at Levels 1 to 4. <u>Munro St</u> : 1.18m indent at ground level, min. 0.0m at Levels 1 to 4. <u>Johnson St</u> : 1.1m indent at ground level, min. 0.0m at Levels 1 to 4. <u>East (side)</u> : 4.5m Levels 0 to 4 (for side lane)	<u>Normanby Rd</u> : 1.18m to 1.5m indent at ground level, min. 0.0m at Levels 1 to 4. <u>Munro St</u> : 1.18m indent at ground level, min. 0.0m at Levels 1 to 4. <u>Johnson St</u> : 1.18m indent at ground level, min. 0.0m at Levels 1 to 4. <u>East (side)</u> : 4.5m Levels 0 to 4 (for side lane)
<b>Tower street, side and rear setbacks</b>	<u>Normanby Rd</u> : min. 5.0m/5.5m, max 9.0m <u>Munro St</u> : min. 5.57m <u>Johnson Street</u> : min. 9.0m <u>East (side)</u> : min. 9.75m, max 11.7m	<u>Normanby Rd</u> : min. 10.0m <u>Munro St</u> : min. 10.0m <u>Johnson Street</u> : min. 10.0m <u>East (side)</u> : min. 10.0m
<b>Tower separation</b>	East (side): min.19.40m West: N/A	East: min.19.65m West: N/A
<b>Podium height</b>	<u>Normanby Rd</u> : 6 levels/max. 23.2m (21.34m AHD) <u>Munro St</u> : 6 levels/ max. 23.2m (21.34m AHD) <u>Johnson St</u> : 6 levels/ max. 23.2m (21.34m AHD) <u>East side</u> : min. 9.75m, max 11.7m	<u>Normanby Rd</u> : 5 levels/max. 20.64m (22.5m AHD) <u>Munro St</u> : 5 levels/ max. 20.64m (22.5m AHD) <u>Johnson St</u> : 5 levels/max. 20.64m (22.5m AHD) <u>East side</u> : 5 levels/max. 20.64m (22.5m AHD)
<b>Tower height</b>	40 levels Max. 126.24m (128.1m AHD) (rooftop) Max. 129.24m (131.1m AHD) (top plant screen) Max. 131.6m (133.46m AHD) (top lift overrun) <i>Note: Heights calculated from median Normanby Rd natural ground level (NGL) of 1.86m AHD. Spot levels = 1.59m to 2.13m AHD to Normanby Rd, 1.59m to 1.85m AHD to Johnson St, and 1.85m to 2.25m AHD to Munro St.</i>	40 levels Max. 126.44m (128.3m AHD) (rooftop parapet) Max. 128.24m (130.1m AHD) (top plant screen) Max. 131.4m (133.26m AHD) (top lift overrun) <i>Note: Heights calculated from median Normanby Rd natural ground level (NGL) of 1.86m AHD. Spot levels = 1.59m to 2.13m AHD on Normanby Rd, 1.59m to 1.85m AHD on Johnson Street, and 1.85m to 2.25m AHD on Munro Street.</i>
<b>Non - residential floor area</b>	1,266m <sup>2</sup> Retail: 530m <sup>2</sup> (six tenancies) Commercial: 736m <sup>2</sup> (Four tenancies)	1,203m <sup>2</sup> Retail: 471m <sup>2</sup> (Five tenancies) Commercial: 732m <sup>2</sup> (Four tenancies)
<b>Loading bay</b>	1 x 3.5m (w) x 7.5m (l) x 4.0m (h) @ ground floor (Level 00)	1 x 10.0m diameter turntable x 6.2m (h) @ ground floor (Level 00)
<b>Car parking</b>	125 (nil commercial, 125 residential - 0.31/ dwelling)	86 (nil commercial, 86 residential - 0.30 dwelling)
<b>Motorcycle parking</b>	1	1
<b>Bicycle parking</b>	204 (0.51/ dwelling)	132 (0.45/ dwelling)
<b>Open space</b>	Varies. Min. 8.0m <sup>2</sup> (1BR), 10m <sup>2</sup> (2BR and 3BR)	Varies. Min. 8.0m <sup>2</sup> (1BR), 12m <sup>2</sup> (2BR and 3BR)
<b>Stores</b>	398 (3m <sup>3</sup> ) (1.0/ dwelling)	298 (3m <sup>3</sup> ) (1.0/ dwelling / retail / commercial tenancy)



<b>Communal (resident / tenant) facilities</b>	Level 6: Resident lounge, library, gym, children's room, spa and sauna, and communal whole of podium rooftop outdoor landscaped open space and amenities	Level 5: Resident lounge, resident gym, pool, communal part of podium rooftop outdoor terrace and landscaped open space
<b>Community (public) facilities</b>	Ground floor level community room (342m <sup>2</sup> ) 4.5m (w) pedestrian link btw Munro St and Normanby Rd on n-e side (to match 3.94m (w) link on adjoining property = 8.44m (w) link).	Ground floor level community room (342m <sup>2</sup> ); 4.5m (w) pedestrian link btw Munro St and Normanby Rd on n-e side (to match 3.94m (w) link on adjoining property = 8.44m (w) link).
<b>Vehicle access</b>	One x 6.4m wide crossing off Munro Street.	One x 6.0m wide crossing off Munro Street.
<b>Dwelling access</b>	<u>Podium</u> : Lobbies off Normanby Rd, Johnson Street and east side lane. <u>Tower</u> : Lobby off Johnson St and Normanby Rd.	<u>Podium</u> : Lobbies off Normanby Rd, Johnson Street and east side lane. <u>Tower</u> : Lobby off Johnson St and Normanby Rd.
<b>Commercial access</b>	<u>Podium</u> : Lobbies off Normanby Rd, Johnson and east side lane.	<u>Podium</u> : Lobbies off Normanby Rd, Johnson and east side lane.
<b>Gross floor area / Floor area ratio</b>	Gross Floor Area (GFA): 43,074m <sup>2</sup> Site area = 2,609m <sup>2</sup> Plot Ratio / Floor Area Ratio (FAR): 16.50:1	Gross Floor Area (GFA): 35,918m <sup>2</sup> Site area = 2,609m <sup>2</sup> Plot Ratio / Floor Area Ratio (FAR): 13:76:1

- 3.6 Materials and finishes are proposed to be general the same as the original scheme, comprising pewter coloured precast concrete, charcoal and grey coloured panel-rib metal and aluminium cladding, clear shopfront glazing, grey coloured double glazing in pewter coloured aluminium frames for external walls and balustrades, perforated charcoal aluminium garage doors, and timber screening, pergolas and decking.
- 3.7 The plans which are the subject of this report are those referred to as Project No. 2024, Drawing Nos. A00.00 Rev 1, A03.01 Rev 4 to A03.06 Rev 4 inclusive, A03.07 Rev 3, A03.08 Rev 2, all dated 20.03.2017, A03.09 Rev 2 dated 30.03.2017, A0.10 Rev 1 dated 20.03.2017, A06.01 Rev 2 dated 01.03.2017, A06.02 Rev 2 dated 01.03.2017, A06.03 Rev 1 dated 10.05.2016, A06.04 Rev 2 dated 01.03.2017, A06.05 Rev 2 dated 01.03.2017, A06.06 Rev 2 dated 01.03.2017, A06.07 Rev 1 dated 10.05.2016, A06.09 Rev 2 dated 01.03.2017, A06.10 Rev 2 dated 01.03.2017, and A09.01 Rev 1 dated 10.05.2016, and Development Summary, undated, all prepared by Hayball Pty Ltd (Architects).

#### 4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the corner of Normanby Road, Johnson Street and Munro Street, South Melbourne.
- 4.2 The land is irregularly shaped and includes a frontage width to Normanby Road of 80.83m, a frontage to Johnson Street of 76.65m, a frontage to Munro Street of 23.03m and a depth of 50.29m for an overall area of 2,609m<sup>2</sup>.
- 4.3 The north-east side of the land is encumbered by a 2.25m to 3.2m wide easement (E-1) for drainage and carriageway in favour of the adjoining property at 264-270 Normanby Road, South Melbourne (Site 01 of the Normanby Road precinct applications).
- This easement matches a 2.25m to 3.2m wide easement (A-1) also for drainage and carriageway on the south-western side of 264-270 Normanby Road, South Melbourne (Site 01) in favour of the subject land.



- 4.4 The land is generally flat with no discernible slope in any direction. Survey particulars show only minor falls in the order of 0.12m from Munro Street to Normanby Road and 0.5m along Normanby Road from the north-east side to the Johnson Street corner.
- 4.5 The land is developed for a two-storey commercial building dating from the 1980s and currently used for Trade supplies and associated offices and car parking.
- 4.6 There is one existing vehicle crossing to the land off Normanby Road, and two crossings off Munro Street (one of which aligns with Easements E-1 and A-1).
- 4.7 Land surrounding the subject site is developed as follows:
- North (rear):** Munro Street, one storey industrial and warehouse buildings and an electrical substation.
- South (front):** Normanby Road, one and two storey commercial, industrial and warehouse buildings, the elevated Port Melbourne light rail line, and further one and two storey commercial, industrial and warehouse buildings and some older houses further beyond.
- East (side):** Four contemporary single storey glass façade and tilt-slab concrete office and warehouse buildings with at-grade car parking along one side or the front, accessed via crossings off Normanby Road and/or Munro Street, a four storey warehouse (with two-storeys of apartments on the roof) at the south-east corner of Normanby Road and Montague Street, Montague Street, further one and two-storey commercial buildings, the West Gate Freeway, Melbourne Convention and Entertainment Centre, and Docklands beyond.
- West (side):** Johnson Street, a single-storey commercial / industrial building and a substation and one and two storey office and industrial and warehouse buildings, and three and four-storey townhouses under construction beyond.
- 4.7 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 300m to the south-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 150m to the south;
- 4.8 The land is approximately 600m from the Bay Street Port Melbourne Activity Centre and approximately 990m from the South Melbourne Activity Centre including the South Melbourne Market.
- 4.9 Six planning permits have been granted for nearby sites as follows:
- North
- **60-82 Johnson Street, South Melbourne:** Demolition of existing buildings; construction of four 22, 28, 43 and 46 storey residential towers (1,379 dwellings) above a shared podium; and use of the land for dwellings, a supermarket and home occupation. Permit granted 20 May 2015 by Minister. Amended permit granted 17



October 2016. Not commenced.

East

- **199-201 Normanby Road, Southbank:** Demolish the existing building and construct a 40 level building comprising a ground floor commercial tenancy (326m<sup>2</sup>), 262 dwellings, and associated car, motorbike and bicycle parking. Approved 01-Sep-2014 by Minister. Not commenced.
- **202-214 Normanby Road, Southbank:** Demolish existing buildings and construct a 40 level building comprising 284 dwellings, ground floor retail and two office tenancies and associated car, motorbike and bicycle parking. Approved at VCAT by consent. Not commenced.
- **228-232 Normanby Road (Cnr Montague Street), Southbank:** Demolish existing buildings, construct two 39 and 44 level towers with a six level podium comprising 525 dwellings, 243 car, and 332 bicycle spaces. Permit granted 20 May 2015 by Minister. Not commenced.

West

- **164 Ingles St, Port Melbourne** Demolish part of former office building, construct alterations and additions and construct or carry out works, and use the land for 7 dwellings. Permit issued 20-Apr-2016 by Council. Completed
- **220 Ingles Street, Port Melbourne:** Demolish existing buildings and construct 287 three and four level townhouse dwellings and construct and carry out associated road and drainage works Permit granted 10-01-2014 by Minister. Under construction. Partly completed.

4.10 Ten current planning permit applications for nearby sites are pending a decision by the Minister for Planning as follows:

South

- **245-247, 249-251 Normanby Road, South Melbourne:** Demolish the existing buildings, construct a mixed use, 40 level building containing ground floor level retail and commercial tenancies, 321 dwellings plus resident communal spaces, and car and bicycle parking, construct and carry out works, and use the land for Accommodation in the Capital City Zone. Alter access to a Road Zone Category 1 (i.e. remove two vehicle crossings on Normanby Rd).
- **253-273 Normanby Road, South Melbourne:** 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.

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. The matter has been set down for a Compulsory Conference on 05 October and a hearing commencing 28 November 2017 for four days.

East:



- **264-270 Normanby Road, South Melbourne (Site 01):** Demolish the existing building and construct a 40 level mixed use building with 238 (72 x 1BR, 140 x 2BR, 26 x 3BR) dwellings.
- **256-258 & 260-262 Normanby Road, South Melbourne (Site 02):** Demolish the existing building and construct a 39 level mixed use building with 244 (71 x 1BR, 139 x 2BR, 34 x 3BR) dwellings.
- **248-250 & 252-254 Normanby Road, South Melbourne (Site 03):** Demolish the existing building and construct a 39 level mixed use building with 240 (6 x 1BR, 137 x 2BR, 37 x 3BR) dwellings.
- **240 - 246 Normanby Road South Melbourne (Site 04):** Demolish the existing building and construct a 40 level mixed use building with 216 (59 x 1BR, 134 x 2BR, 23 x 3BR) dwellings.
- **215-217 Normanby Road, Southbank (Site 05):** Demolish the existing building and construct a 41 level mixed use building with 403 (66 x 1BR, 298 x 2BR, 39 x 3BR) dwellings.
- **203 - 205 Normanby Road, Southbank (Site 06):** Demolish the existing building and construct a 40 level mixed use building with 262 (61 x 1BR, 151 x 2BR, 25 x 3BR) dwellings.
- **179-185 Normanby Road, Southbank (Laconia):** Part demolish the existing buildings and construct a mixed use, 40 level building containing retail and commercial tenancies, 318 dwellings and associated car, motor-cycle and bicycle parking, construct and carry out works in the CCZ and HO. Use the land for Accommodation in the CCZI. Alter access to a road in a Road Zone Category 1.

West:

**14 Woodruff Street (Cnr. Ingles St):** Partial demolition of existing building, use of the land for accommodation (dwellings), construct a building and construct or carry out works, and reduce the loading/unloading requirements. At referral.

- 4.8 Normanby Road and Montague Street are both main roads and carry high volumes of car and truck traffic, especially during the morning and evening.

Normanby Road features mature canopy trees on both sides (albeit with some gaps).

## 5. PERMIT TRIGGERS

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



Planning Scheme Provision	Planning Permit requirement
<p><b>Clause 37.04 Capital City Zone (CCZ1)</b></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 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 sites abut or are close to warehouse and industrial uses and thus requires a permit under this clause. A permit is not required to use the land for a Retail premises, including a Shop or a Food and drink premises, or for an Office.</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"> <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 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"> <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>



<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 boundary realignment.</li> </ul> <p>A permit condition 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 number of spaces for the uses do not exceed the maximum rates in the Table. A permit is not required under this clause.</p>
<p><b>Clause 52.07 Loading and Unloading Of Vehicles</b></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><b>Clause 52.10 Uses with Adverse Amenity Potential</b></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><b>Clause 52.29 Land Adjacent to a Road Zone, Category I, or a Public Acquisition Overlay for a Category I Road</b></p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> <li>• Create or alter access to:</li> <li>• A road in a Road Zone, Category I.</li> <li>• Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category I road.</li> </ul> <p>A permit is required under this clause.</p>
<p><b>Clause 52.34 Bicycle Facilities</b></p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A permit is not required under this clause.</p>
<p><b>Clause 52.36 Integrated Public Transport Planning</b></p>	<p>An application for a development including 60 or more dwellings is required to be referred to Public Transport Victoria.</p>



<p><b>Clause 58 - Apartment Developments</b></p>	<p>Provisions in this Clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.</p> <p>A development must meet all of the objectives of this clause and should meet all of the standards, except for Clause 58.04-1: building setbacks.</p> <p>If a zone or overlay or an associated schedule specifies a building setback different from 58.04-1, the setback in the zone, overlay or schedule applies. A permit is not required under this clause.</p>
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**6. PLANNING SCHEME PROVISIONS**

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

Provisions of the SPPF relevant to the applications include:

- Clause 9: Plan Melbourne
- Clause 11: Settlement, including Clause 11.02 Urban Growth and Clause 11.04 Metropolitan Melbourne
- Clause 15: Built Environment and Heritage, including Clauses 15.01-1 and 15.01-2 Urban Design 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 Fishermans Bend Vision

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

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.

### 6.5 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 apply as the application was amended pursuant to Section 50 of the Act circa 06 April 2017 before the approval date of VCI36.



## 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. It is considered that 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).

This however is a decision for the Minister as the Responsible Authority.

Notice is 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 Place of assembly in the Capital City Zone; and

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 Internal referrals

The amended application was internally referred to Council's traffic engineers and waste management officers for comment. A summary of responses is as follows:

#### 7.1.1 Traffic Engineers

##### Parking Layout and Access Arrangements

- Proposed access to off-street parking facilities is via modified crossover to Munro Street. This is considered satisfactory.
- Mechanical parking is proposed via a car pallet system (Klaus ParkBoard PQ) as noted in the TTM's traffic report.
- The Clause 52.06 requirement for additional 500mm clearance in between tandem car spaces has been provided in the design.
- Vehicles can satisfactorily enter/exit the site in a forward direction.
- Ramp grades and transition changes are considered acceptable.
- Please ensure a minimum height clearance of 2.1m is provided above ramps and throughout the car park.
- The traffic report has provided swept paths for critical parking spaces located throughout the car park, this is considered acceptable.
- Proposed car share space on Normanby Rd shall be subject to a separate car share application process via Sustainable Transport team.
- 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, line-marking or Council assets.



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 86 resident parking spaces, which equates to a rate of 0.30 spaces/dwelling. This level of parking for residents is in line with the FBURA target rate and is considered acceptable.
- It is proposed to provide no off-street parking for the retail space. This level of parking for staff is in line with FBURA parking provision rates and is considered acceptable.

Traffic Generation

- Traffic generation assumptions of 2 inbound and 10 outbound movements during the AM peak and 7 inbound and 5 outbound movements during the PM peak.
- The total traffic generation from the proposal is 12 movements for entry and exit volumes during peak hours. **This level of traffic generation is considered conservative for the proposed development.**
- 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.
- **Please note comments have been previously provided on the cumulative traffic impacts generated by this site and adjacent developments.**

Pedestrian Sightlines and Laneway

- Pedestrian sight triangles have been provided in accordance with Clause 52.06 and are considered acceptable.
- A new shared pedestrian laneway / link is proposed to replace the carriageway easement which effectively removes existing vehicle access to off-street parking.
- Delivery of the proposed pedestrian link will depend on timing of future redevelopments for both the site and adjacent property. In the event of different redevelopment timeframes, vehicle access shall be maintained to the remaining car spaces for either property.

Provision for Loading & Waste Collection

- One loading dock has been proposed on the ground floor of the development. Access has been satisfactorily demonstrated with swept path diagrams for an 8.8m vehicle.
- **Please ensure suitable height clearance is provided between Munro Street and Loading dock to provide access, noting a minimum height clearance of 4.5m is required.**
- I have concerns of potential conflicts between trucks and cars accessing the ramp at the same time. **It is recommended installing a warning light system (or similar) when loading dock/turntable is in operation to reduce potential conflicts.**
- Waste Management plan to be referred to Council's Waste Management department for assessment.



- Given the location of the loading dock and the earlier issues identified with waste collection vehicles reversing out onto the street, a turntable would be the most cost effective solution. The only other option would have been to significantly increase the size of the loading dock, which I'm assuming the applicant would not want to do.

I am happy to support the use of a turntable for the loading dock, subject to a warning light system (or similar) being installed.

#### Provisions 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:
  - 147 residential/staff bike spaces
  - 39 visitor/customer bike spaces
- This level of bicycle parking equates to a rate of 0.51 spaces/dwelling. This level of parking for residents is considered very low and not in line with the FBURA target rate. **It is recommended increasing the level of bicycle parking on-site for residents.**
- The plans indicate visitor bicycle parking will be provided within the secure resident bicycle parking area. **It is recommended some visitor/customer bicycle spaces be located in publicly accessible areas.**
- The traffic report indicates a proposed Bike Share facility located along Normanby Road. **Application will need to be referred to the responsible authority (RACV / Public Transport Victoria) for further assessment.**

#### 7.1.2 Waste management

The use of a turntable is fine, although there may be issues with the proximity of the turntable to the walkway that goes to and past the bin room.

#### 7.3 External referrals

Council is not required to externally refer Department applications (VicRoads, Public Transport Victoria and Melbourne Water are referral authorities).

## 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 Munro and Boundary Streets as existing local streets.

It recommends a 6.0m landscape setback along the north-west side of Normanby Road.

It proposes Johnson Street between Normanby Road and Munro abutting the westerly side of the site be closed in the future to create a public park.



**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> 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>Not applicable:</b> The site has an area of 2,609m<sup>2</sup> approx. and is proposing 289 dwellings, in one podium and tower.</p>
<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>Achieved:</b> Ninety nine or 34.3% of dwellings are proposed to have three-bedrooms.</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> Six per cent of 289 dwellings = 17 (17.34) dwellings. The application proposes five affordable dwellings (equal to 1.73% of all dwellings) as follows:</p> <ul style="list-style-type: none"> <li>• Two x IBR dwellings to be transferred to a Housing Trust (equals 0.69% of all dwellings).</li> <li>• Three x IBR dwellings to be leased for 20 years at 75% of market rental value, managed by a Housing Trust (equals 1.03% of all dwellings).</li> </ul>
<p><b>Employment</b> 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 majority of the Normanby Road and Munro Street and north-east side lane ground level frontages. No home occupation uses are proposed.</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 1,203m<sup>2</sup> non-residential floor space = 3.34% of 35,918m<sup>2</sup> 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 and community) 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 20.64m and five storey height of the podium would comply with the maximum number of allowed storeys, but would exceed the permissible maximum metre height of the DDO and would be inconsistent with Objective 3.1 Standard 2 of the Fishermans Bend Strategic Framework Plan (FBSFP) Design Guidance which states podium street wall heights should vary in height (down to four storeys in part) along streets.
- 8.2.4 The height of the podium must be reduced to not more than 20.0m to comply, and should be varied in height. As per comments for the original scheme, 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.
- 8.2.5 These matters 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 subject site and land to the north-east and opposite to a maximum of 40 storeys.

8.2.7 Tower heights for the subject site and the proposals to the north-east side are:

	<b>Site 00: 272-280 Normanby Road, South Melbourne</b>	<b>Site 01: 264-270 Normanby Road, South Melbourne</b>	<b>Site 02: 256-258, 260-262 Normanby Road, South Melbourne</b>	<b>Site 03: 248-250, 252-254 Normanby Road South Melbourne</b>	<b>Site 04: 240-246 Normanby Road South Melbourne</b>
<b>Tower heights</b>	<b>40 levels</b> <b>126.44m (rooftop parapet)</b> <b>128.24m (top of roof plant)</b> <b>131.4 (top of lift overrun)</b>	40 levels 128.45m (rooftop)  135.55m (top of roof plant / screen)	39 levels 119.45m (rooftop)  126.55m (top of roof plant / screen)	39 levels 122.1m (rooftop)  129.2m (top of roof plant) / screen	40 levels 120.24m (rooftop)  127.34m (top of roof plant / screen)

8.2.8 The 40 storey height of the tower would not exceed the allowable maximum building height for the land. This does not mean the height is automatically satisfactory. The height of the tower needs to be considered in its strategic and neighbourhood context, and with regard to what community benefit the proposal may provide.

8.2.9 As per comments for the original scheme, it is considered the height of the proposal would, in conjunction with the site 01, 02, 03 and 04 tower proposals along Normanby Road create an unduly similar built form and skyline profile which would be inconsistent with the urban design objectives and guidelines of the Fishermans Bend Strategic Framework Plan.

8.2.10 The five towers would vary in height between 119.45m and 128.45m (i.e. a variation of 9.0m or 7.9%) to roof top level, and 126.55m to 135.55m (i.e. a variation of 9.0m or 6.63%) to the top of the roof plant / finished top.

8.2.11 The 39 and 40 storey height of the towers would be consistent with the applicable maximum height limit. However, as for towers 01 to 04 to the north-east previously considered, officers are concerned about all five towers being at or within one level of the maximum allowable height for the sites, and the adverse urban design outcome of all towers being so similar in height.

8.2.12 The 9.0m / 6.63% variation in maximum height of the five towers (to finished top) would be relatively minor in the context of multiple 39 to 40 level buildings.

8.2.13 Council’s Urban Designers argued the height of the original tower should be less than the statutory maximum so as to transition from the 40 storey maximum limit down to lower scale development / height precincts to the north-west.



- 8.2.14 Officers considered a transition in height for the original tower would be appropriate given the subject site is located at one end of the 40 storey height limit area and faces an 18 storey height limit area and is within 71.0m of a 4 storey height limit area.
- 8.2.15 Officers noted that whilst it is common for applicants and architects to argue end sites should be considered landmark locations worthy of being distinguished by substantial height, the inverse of such a proposition is that in this instance, with all five towers being within one storey height of each other and there being so little variation in height between the towers, none of the buildings would achieve landmark status.
- 8.2.16 Further, landmark status can be achieved by architectural means other than height, eg. building form and orientation, façade articulation and fenestration, and/or materials and finishes may all contribute to especially distinguishing a building from its neighbours.
- 8.2.17 As for the original scheme, it is considered that the atypical form and the architecture and materials and finishes of the proposal are all of sufficient quality to establish the building as a significant structure along Normanby Road, and a reduction in the height of the tower would not diminish the buildings architectural prominence or integrity (and would arguably distinguish the building from taller neighbours to the north-east).
- 8.2.18 As per officer assessment of Sites 01 to 04, it is considered that the proposal and the adjacent four towers would benefit from greater height variation. A reduction in height in the order of **five levels** would achieve a material difference from the proposed 40 level tower on Site 01 and would also achieve a stepping down in height facing the lower height precincts to the west.
- 8.2.19 This could be provided for by a condition of any approval that may issue for the proposal.

**Setbacks:**

Podium

- 8.2.20 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.
- 8.2.21 Podium setbacks are proposed to be:
- Normanby Rd: 1.18m to 1.5m indent at ground level, min. 0.0m at Levels 1 to 4.
  - Munro St: 1.18m indent at ground level, min. 0.0m at Levels 1 to 4.
  - Johnson St: 1.1m indent at ground level, min. 0.0m at Levels 1 to 4.
  - East (side): 4.5m Levels 0 to 4 (for side lane).
- 8.2.22 The setbacks would be consistent with the FBSFP Design Guidance which envisages podiums typically constructed to boundaries to achieve a hard edged street wall, and would be satisfactory.



### Tower

8.2.23 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.

8.2.24 Tower setbacks are proposed to be:

- Normanby Rd: min. 10.0m
- Munro St: min. 10.0m
- Johnson Street: min. 10.0m
- East (side): min. 10.0m

8.2.25 The tower setbacks would meet the minimum 10.0m requirement and would be satisfactory.

8.2.26 The increase in tower setbacks address and ameliorate officer concerns with the previous scheme

## **8.3 Tower Separation**

DDO30 requires a mandatory minimum setback of 20.0m between towers (typically achieved by neighbouring properties each setting back 10.0m).

The amended plans propose to set the tower back 10.0m from the east side boundary facing a proposed tower on the adjacent Site 01 (264-270 Normanby Road) which is proposed to be setback a minimum of 8.0m from the shared side boundary.

Tower separation would increase slightly towards Normanby Road (to approx. 21.0m), and markedly towards Munro Street (to approx. 26.0m) due to the elliptical shape of the Site 01 tower.

It is considered the 10.0m east side setback of the proposal would be satisfactory, and the onus to achieve the mandatory 20.0m setback between towers would need to be provided for by a condition for any approval that may issue for the adjacent 264-270 Normanby Road proposal.

## **8.4 Dwelling Layout, Size, Amenity and Mix**

8.4.1 The dwelling mix of the original scheme was heavily biased towards one (39.4%) and two (50.75%) bedroom dwellings rather than three (9.85%) dwellings.

The amended scheme redresses this imbalance and would provide a more equal mix of 30.1% x 1BR, 35.6% 2BR, and 34.3% 3BR dwellings, and better provide for a range of household groups including families.

8.4.2 The dwelling mix of the original scheme was heavily biased towards one (39.4%) and two (50.75%) bedroom dwellings rather than three (9.85%) dwellings.

The amended scheme redresses this imbalance and would provide a more equal mix of 30.1% x 1BR, 35.6% 2BR, and 34.3% 3BR dwellings, and better provide for a range of household groups including families.

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

- 50m<sup>2</sup> + min. 8m<sup>2</sup> balcony to 61m<sup>2</sup> + min 14m<sup>2</sup> balcony for a 1BR dwelling;
- 67m<sup>2</sup> + min. 8m<sup>2</sup> balcony to 79m<sup>2</sup> + min. 9m<sup>2</sup> balcony for a 2BR dwelling;



- 88m<sup>2</sup> + min. 12m<sup>2</sup> balcony to 103m<sup>2</sup> + min. 31m<sup>2</sup> balcony for a 3BR dwelling;
- 8.4.4 Clause 58 Apartment Standards do not apply because the amendment application was lodged circa 06 April 2017 before the approval date of VCI36. However, the standards do provide a benchmark for assessment of the dwellings.
- 8.4.5 Standard D19 specifies minimum private open space requirements including minimum balcony areas and dimensions. The balcony areas would be satisfactory.
- 8.4.6 Standard D24 specifies minimum floor areas for living rooms and bedrooms and access ways in dwellings, rather than minimum gross floor areas.

As for the original scheme, except for the corner dwellings, the apartments would be single-aspect facing either Normanby Road, Johnson Street or the north-east side boundary.

All living rooms and bedrooms would have direct access to natural light and ventilation and would not rely on light courts or borrowed light.

Commensurate with the increased tower setbacks and reduced tower footprint, maximum dwelling depths would be reduced from the approx. 8.24m to 8.3m of the original scheme to approx. 7.0m on average, which would allow for good natural light to rooms.

It is considered the apartment dimensions would be generally satisfactory.

- 8.4.7 Overlooking between dwellings would be satisfied by the 10.0m tower setbacks and abutting streets.
- 8.4.8 The stair and lift lobby and internal corridors of the podium levels would be provided with satisfactory natural light via windows to Johnson Street or Normanby Road or the side lane.

The lobbies and internal corridors of the tower levels however would have no access to natural light, which would be a regressive change compared to the original scheme which provided natural light via a void facing Johnson Street.

A condition of any approval could require the tower design to be revised to provide natural light to the lobbies and internal corridors.

## 8.5 Building Massing and Form / Architecture / Façade Treatment / Detailing

- 8.5.1 The podium and the tower forms reflect the triangular shape of the subject site. This is considered an appropriate and satisfactory response to the site.
- 8.5.2 The podium and tower façade treatment of the amended scheme is similar to, but simplified and regularised compared to the original scheme, and consequently less visually interesting and accomplished.
- 8.5.3 It is considered the podium and tower facades should be revised to increase the level of articulation, variation, animation, visual interest and sculptural form (such as carrying over the original façade treatments). This could be provided for by a condition.



**Figure 8.5.1:** Munro Street - original



**Figure 8.5.2:** Munro Street - amended

## 8.6 Shadow Impacts

- 8.6.1 The proposal would not overshadow any existing residentially zoned land or public open space / park land.
- 8.6.2 The podium and the tower would however overshadow Johnson Street between Normanby Road and Munro Street which is identified in the FBSFP to be closed to create Local Recreational Open Space.
- 8.6.3 Objective 3.3 Standard 4 of the FBSFP states new development must not overshadow proposed neighbourhood or local recreational open space between the hours of 11.00am and 2.00pm on 22 September (equinox).
- 8.6.4 The podium would meet the standard, but the tower would overshadow part of the southern end of the road/park between 11.00am and approximately 11.30am.
- 8.6.5 The building design should be modified to not overshadow the future open space. This could be provided for by a condition.

## 8.7 Acoustic Matters

An Acoustic Engineers report was submitted with the original application, setting out measures for minimising noise emissions from building plant and equipment and protection from external noise such as traffic and nearby businesses. The report concluded the building design could meet the relevant SEPP and Australian Standards.

The subject site abuts a main road and is proximate to a light rail line, a freeway and 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.

## 8.8 Communal facilities

Proposed communal facilities for building residents comprise a 409m<sup>2</sup> podium rooftop



terrace and 347m<sup>2</sup> associated landscaping, and an indoor communal lounge, gym, and pool at Level 6 of the building. These would be satisfactory.

**8.9 Car Parking / Traffic / Access**

**8.9.1 Car Parking**

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

REQUIREMENT / PROVISION	COMPLIANCE
<b>Dwelling:</b> Max. 1 space/dwelling x 289 dwellings = 289 spaces Proposed = 86 resident spaces = 0.30/dwelling	<b>Achieved:</b> The gross number of resident spaces proposed would not exceed the maximum number of spaces specified
<b>Retail premises (other than Supermarket) / Office:</b> Max. 1 space per 100m <sup>2</sup> gross floor area x 1,203m <sup>2</sup> = 12 spaces. Proposed = nil spaces	<b>Achieved:</b> The gross number of spaces proposed would not exceed the maximum number of spaces specified
<b>Place of assembly:</b> Max. 1 space per 100m <sup>2</sup> gross floor area x 342m <sup>2</sup> = 3 spaces. Proposed = nil spaces	<b>Achieved:</b> The gross number of spaces proposed would not exceed the maximum number of spaces specified

The gross number of resident and employee / visitor spaces provided would not exceed the Planning Scheme maximums.

**8.9.2 Motorcycle Parking**

The Parking Overlay requires one motor-cycle parking space for every 100 car parking spaces. The site thus does not require a motorcycle parking space. Nonetheless, one motorcycle parking space is proposed.

**8.9.3 Design Standards for Car Parking**

The amended car park design addresses the majority of officers concerns with the original scheme as follows:

- Width of Munro Street vehicle crossing reduced to 6.0m.
- Pedestrian sightline triangles of 2.5m x 2.0m provided at the Munro Street entry.
- Tandem car spaces modified to include at least 500mm separation.
- All ramps and car parking areas to have a minimum height clearance of 2.1m.
- Loading bay and associated access to have min. 6.0m height clearance (to accommodate 4.5m operation height of the proposed waste collection vehicles).
- The loading bay modified to incorporate a 10.0m turntable to turn vehicles on-site so they can enter and exit in a forward direction.
- Ramp grades to the loading bay modified to not exceed 1:16 over 7.0m of travel.

The amended plans do not however show the dimensions of the car spaces.

In addition, officers note:



- New crossings must be constructed to Council’s standard construction drawing specifications.
- Redundant vehicles crossings must be removed and kerb and channel and footpath reinstated to Council’s specification / satisfaction.

These matters could be provided for by a condition of any permit that may issue.

#### 8.9.4 Cumulative traffic impacts

Council’s traffic engineers repeated previous concerns regarding the cumulative traffic impacts of the proposal and other FBURA tower applications or permits along Normanby Road and nearby.

Whilst these concerns are still relevant, it is considered the proposed low (0.30 space per dwelling and nil commercial spaces) car parking provision and commitments towards provision of a car share space and a bicycle share station appurtenant to the development mean the proposal would not have as great an impact on cumulative traffic levels as other nearby proposals and approvals and would be reasonable in this regard.

#### 8.9.5 Pedestrian connectivity

The amended plans maintain the previously proposed 4.5m wide through block link along the north-east site of the site, facing a similar link along the south-west side of Site 01; part of these links are encumbered with easements for drainage and carriageway. These links would provide mid-block pedestrian and bicycle access, which would enhance connectivity in the neighbourhood.

The amended plans address an officer concern with the original design by deleting proposed doors at both ends, to improve accessibility and match the design of the proposed adjacent half of the link.

The amended plans also clarify the underside clearance of the canopy as being a minimum of 6.0m, which would be sufficient for (service) vehicle access as necessary until both sites 00 and 01 are completed. As per assessment of the original plans, setting the canopy higher at second or third floor level would achieve a much more open feel to the spaces below, and space (outside of the easements) for landscaping to incorporate trees.

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

### 8.10 **Loading / Waste Management**

The amended plans address officer concerns with the design of the loading bay and waste management in the original scheme as follows:

- The loading bay is dimensioned including increased head clearance of 6.2m.
- The 10.0m radius of the loading bay turntable would exceed the minimum 7.6 m length, 3.6m width, and 4.6m height clearance dimensions needed for a 8.8m Medium Rigid Vehicle (MRV) such as a Removals Truck or a Council waste collection vehicle.
- The turntable would allow trucks etc. to turn on-site and enter and exit in a forward direction.



- Ramp angles from Munro Street to the loading bay would not exceed 1:16.

The amended loading bay design and waste management arrangements would be satisfactory.

### 8.11 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. of spaces / facilities required	No. of spaces proposed
Dwellings (in developments of four or more storeys) must provide: - 1 employee/resident bicycle space/5 dwellings; - 1 visitor bicycle space / 10 dwellings	289 dwellings	85 (57 resident / 28 visitor)	132 (93 resident / 39 visitor)
Office requires: - 1 employee/resident space per 300m <sup>2</sup> of net floor area if the floor area exceeds 1000m <sup>2</sup> . - 1 visitor/shopper space per 1,000m <sup>2</sup> of net floor area if the floor area exceeds 1,000m <sup>2</sup> .	732m <sup>2</sup> commercial	Nil	Nil
Shop requires: - 1 employee/resident space 600m <sup>2</sup> leasable floor area if leasable floor area exceeds 1,000m <sup>2</sup> . - 1 visitor/shopper space 500m <sup>2</sup> leasable floor area if leasable floor area exceeds 1,000m <sup>2</sup> .	471m <sup>2</sup> retail	Nil	Nil
<b>Totals</b>		<b>85</b>	<b>132</b>

The gross number of bicycle parking spaces would exceed the Planning Scheme minimum requirements.

The ground floor location of the spaces would accord with Objective 6.4 Guidelines 2 and 3 of the FBSFP which encourages resident bicycle parking to be located at basement, ground or first floor level, and visitor parking to be provided at ground level with dedicated access to the street.

### 8.12 Stores

One 3m<sup>3</sup> store per dwelling is proposed. This would be satisfactory in conjunction with storage in the individual dwellings.

### 8.13 Open Space

The applicant has requested the 4.5m wide through block link along the north-east side of the site be accepted by Council as public open space to satisfy Clause 52.01 of the Planning Scheme which requires applicants make a public open space contribution equivalent to 8% of the land or value or a combination thereof at the time of subdivision.

The link would not achieve the requirements of Objective 5.1 of the FBSFP Design Guidance for Public Space and Landscaping as follows:



<b>Public Spaces and Landscaping</b> <b>Objective 5.1: To ensure open space is provided in a way that achieves a high standard of amenity for the whole neighbourhood.</b>	<b>Officer assessment</b>
<b>Standard 1:</b> Public open space must be provided in accordance with the Open Space Plan in the Strategic Framework Plan.	<b>Not achieved:</b> The link is not shown as proposed open space in the Strategic Framework Plan.
<b>Standard 2:</b> New open spaces must be appropriately sited to maximise solar access, be protected from wind and have adequate conditions for tree planting including sufficient deep soil zones and access to daylight and rainfall (without building overhangs or canopies).	<b>Not achieved:</b> The link would be overshadowed at most times of the day and would be primarily a pedestrian link, and would be overhung by an awning. Easements over much of the link would prevent tree planting.
<b>Standard 3:</b> New public open spaces must be a minimum of 300m <sup>2</sup> and a minimum dimension of 10.0m and generally be in a location that is consistent with the Open Space Plan. Co-location with existing or proposed open space is preferred.	<b>Not achieved:</b> The link, including Easement E-1 would have an area of 226.30m <sup>2</sup> and a maximum width of 4.5m. The link would not be in a location consistent with the Open Space Plan.
<b>Standard 4:</b> Open spaces should be designed to accommodate a range of activities for a range of users, as well as incorporate any ecological and stormwater management function.	<b>Not achieved:</b> The link would not fulfil a clear open space role and would be primarily a pedestrian link. The plans do not detail any ecological and stormwater management function.
<b>Standard 5:</b> All open space proposals must be approved by the relevant local council to ensure coordination and integration with local open space strategies and standards. Open space should be unencumbered so they can be transferred to Council if publicly accessible.	<b>Not achieved:</b> The majority of the link is encumbered with an easement (E-1) for drainage and carriageway which cannot be impeded by buildings or works or landscaping, thus limiting the lands usability for open space.

The link would not satisfy Council’s requirements for public open space and should not vest in Council. The link should remain in private ownership, but needs to be:

- Constructed to Council’s design and technical standards including being surfaced in sawn bluestone;
- Accessible to the general public at all times; and
- Maintained by the owners.

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

Open space for the proposals would be best provided by an 8% cash contribution in accordance with the Planning Scheme, which could then be used to purchase or develop parkland in the neighbourhood, such as the park proposed in Plan 3 of the FBSFP to be created by closing Johnson Street between Normanby Road and Munro abutting the westerly side of the site.



**8.14 Sustainable design**

A Sustainability Management Plan (SMP) including a Green Star score card, a Sustainable Design Scorecard and a STORM Rating Report was submitted with the original application. The SMP was assessed as being generally satisfactory, but requiring further details of:

- Cross ventilation;
- Daylight access to dwellings and commercial tenancies;
- Sunlight access to dwellings;
- Third pipe water supply plumbing system and connection;
- The overall ESD assessment tool used, the Energy assessment;
- Bicycle allocation and parking; and
- Water Sensitive Urban Design management.

The officer recommended changes to the design, the submission of further information, and imposition of a Water Sensitive Urban Design management condition should a permit issue.

These matters could be provided for by a condition for modifications of the SMP.

**8.15 Development contributions**

The proposed triggers a requirement for a development contribution.

As for the original scheme, it is recommended that any approval include a condition that development contributions must be provided via a S173 Agreement. The condition should require an owner to enter into an agreement before the development starts, with 10% of development contributions payable at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).

**8.16 Community facilities**

The original application included a Community Benefit Statement which proposed:

- A pedestrian through block link along the north-east side matching a link proposed on the shared boundary of the adjacent tower proposal at 264-270 Normanby Road.
- A community room at ground floor level at the corner of Normanby Road and Johnson Street.
- Five affordable housing dwellings.
- Works towards the realisation of the Johnson Street Park.

The applicants' submission noted

- The exact details for the community facility and the Johnson Street Park offering were subject to a negotiated outcome as part of the application process.
- The affordable housing offer, the community facility offer and the offer for works towards the Johnson Street Park would be secured by S173 agreements and would be conditional on the approval of a 40-storey development outcome as proposed.

Officers welcomed all four community initiatives, and supported the applicant's offer to negotiate the matters, but did not support the 40-storey height of the proposal or the conditional nature of the community facilities offer.



Officer's opinion on these matters is unchanged from their assessment of the original proposal. It is considered that the proposal, whether approved at 40 storeys as proposed, or circa 35 levels or less as previously recommended should provide for the matters set out in the Community Benefit Statement, with the exception of the affordable housing offer, which should be varied (increased) to accord with new Local Policy at 22.15 of the Planning Scheme, introduced since the original application was considered by Council (Refer to affordable housing assessment at Section 8.17 of this report).

### **8.17 Affordable Housing**

The original and amended applications propose five affordable housing dwellings comprising:

- 2 x IBR dwellings to be transferred to the Port Phillip Housing Trust at registration of the Plan of Subdivision (with the value of these two units not exceeding \$900,000), for the provision of housing for older single women.
- 3 x IBR dwellings to be leased for 20 years at 75% of market rental value, managed by a registered housing agency, which are required to pay the developer \$1,500/annum.

Officers supported the offer of five dwellings, but raised concerns that the three dwellings to be leased would not be affordable and would be difficult to manage.

Officers recommended the applicant be encouraged to transfer all five dwellings to a housing trust, and the choice of housing trust be at the discretion of Council, and managed by a community housing organisation.

Since Council considered the original plans, the Planning Scheme has been amended to introduce a local policy for affordable housing that 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.

Six per cent of 289 dwellings would equate to 17 (17.34) dwellings.

The five affordable dwellings proposed would equate to 1.73% of all dwellings) as follows:

- Two x IBR dwellings to be transferred to a Housing Trust (equals 0.69% of all dwellings).
- Three x IBR dwellings to be leased for 20 years at 75% of market rental value, managed by a Housing Trust (equals 1.03% of all dwellings).

It is considered the amended scheme should satisfy the new local policy and should provide at least 6% of dwellings as affordable housing to a registered housing association or provider.

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

### **8.18 Wind impacts**

A desktop wind assessment of the amended proposal by wind engineers was submitted with the plans. The assessment noted:

- The original design was tested in a wind tunnel in 2015, and modified and wind tunnel



tested again in 2016;

- The amended proposal incorporates most of the recommendations from the wind tunnel testing, including:
  - Provision of a canopy at ground level;
  - A porch structure at the corner of Johnson Street and Normanby Road;
  - Landscaping in the eastern arcade; and
  - Openings through the podium on Levels 1 and 2.
- The amended proposal's ground floor and podium envelope is largely unchanged from the original plans;
- The amended plans tower form has changed and tower setbacks have increased from 5.5m to 9.0m to 10.0m from all boundaries;
- The amended proposal reduces the height of the tower slightly (from 129.24m to 128.24m);
- The amended proposal's changes would not significantly or adversely affect the adjacent wind environment, and the increased tower setbacks would likely result in an improvement in wind conditions.

The assessment recommended changes to the amended proposal to include:

- A 1.8m high porous windscreen along the outer edge of the podium rooftop terrace facing Johnson Street (at the corner of Normanby Road);
- A porous roof pergola over part of the podium rooftop terrace facing Johnson Street; and
- Two 1.8m high partition walls along the Johnson Street podium rooftop terrace and one partition wall along the Normanby Road podium rooftop terrace.
- Balconies on the south-west (Normanby Road / Johnson Street) corner be designed as wintergardens for the full height of the tower to protect against exposure to winds from the south, west and north;

The report concluded *'With the proposed design and recommended wind controls measures for the podium level, all areas adjacent to the proposed development would be expected to meet the relevant criteria for safety and comfort'*.

It is considered the wind conditions for and surrounding the proposal would be satisfactory subject to a condition requiring the building design to be altered to incorporate the wind mitigation measures recommended by the original and amended wind reports.

#### **8.19 Environmental Audit**

A preliminary Environmental Site Assessment was undertaken for the original application, which identified the land was occupied by the Dunlop Rubber Co. between 1910 and approximately 1982. A full environmental audit has not yet 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.

#### 8.20 Floor Levels Re: Flooding / Sea Level Rise

The land is not identified as being subject to flooding.

Melbourne Water has recommended minimum floor levels protect against future sea level rise as follows:

<b>On-street parking spaces / external dwelling entries:</b>	1.9 to 2.1m AHD
<b>Commercial lobbies / retail:</b>	2.4m AHD
<b>Garage / car park entry:</b>	2.4m AHD plus 600mm mechanical freeboard
<b>Habitable residential, Office, Lifts, Services:</b>	3.0m AHD

The proposed floor levels would meet or exceed the recommended minimums and would be satisfactory.

#### 8.21 High Pressure Gas Transmission Pipeline

The subject site is in the buffer zones of the 150mm Port Melbourne gas pipeline along Ingles Street and the South Melbourne to Brooklyn 750mm high pressure gas transmission pipeline along Gladstone Street.

There is also a high pressure 600mm liquid hydrocarbon pipeline that runs in the same easement as the Brooklyn 750mm gas pipeline.

Development for high density residential development may require protection works to be undertaken for the pipeline and/or the dwellings. Applicants could be alerted to this by a notation on any permit that may issue for the proposal.

### 9. COVENANTS

- 9.1 The original and amended applications include a declaration that the subject land, being all that land contained within Volume 0966 Folio 398, commonly known as Plan of Consolidation 161638A, is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.
- 9.2 Notwithstanding this declaration, the north-east side of the land is encumbered by a 2.25m to 3.2m wide easement (E-1) for drainage and carriageway in favour of the adjoining property at 264-270 Normanby Road, South Melbourne (Site 01).



- 9.3 This easement matches a 2.25m to 3.2m wide easement (A-1) also for drainage and carriageway on the south-western side of Site 01 in favour of the subject land.

Easements E-1 and A-1 create a combined 4.5m to 6.4m wide easement for drainage and carriageway.

- 9.4 Proposed canopies over and landscape works along the right of way and doors at the ends would potentially conflict with the neighbouring properties rights of access over easement E-1, particularly if Site 00 or Site 01 were developed at different times. Any structures that would obstruct access along the right of way should be modified to allow access or deleted (as applicable).

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

## **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 supporting the application as lodged, subject to conditions;
- 11.2 Provide comments to the Department supporting the application subject to conditions for changes to the design;
- 11.3 Provide comments to the Department not supporting for the application, but providing without prejudice draft conditions;

## **12. CONCLUSION**

- 12.1 The amended proposal carries over positive attributes of the original scheme as follows:
- Building entry and uses respond to the possible future development of Johnson Street for a park;
  - Design would achieve satisfactory wind conditions, subject to minor changes;
  - Satisfactory car, motorcycle and bicycle parking provision.
  - Provision of one 3m<sup>3</sup> external store per dwelling;
  - Provision of a ground floor level through block link,;
  - Higher offer of community space than other Fishermans Bend proposals;
  - Higher offer of affordable housing provision than other Fishermans Bend proposals (pre Clause 22.15);
- 12.2 The amended proposal addresses Council concerns with the original with regard to:
- Tower setbacks from all boundaries, and amelioration of building mass to Normanby Road and Johnson Street.
  - Tower separation from 262-270 Normanby Road;
  - Car park and loading bay design including adequate head room and facilitating vehicles entering and exiting in a forward direction, exit sightline splays, and ramp angles;
  - Wind mitigation for, and deletion of doors that would impede carriageway easements along the side lane;



- 12.3 The amended plans do not address Council concerns with the original with regard to:
- The 40 storey height would not transition to abutting lower height precincts;
  - The 40 storey height would contribute to a monotonous skyline of similar height towers along Normanby Road;
  - Affordable housing offer would be less than needed to satisfy anticipated demand;
  - Affordable housing rental offer would not provide truly affordable or long-term affordable housing;
- 12.4 The amended plans are considered to be inferior to the original plans as follows:
- Podium and tower façade treatments not as well articulated and architecturally resolved as original plans;
  - No natural light to tower level lobbies and corridors.
- 12.5 Whilst the amended plans are an improvement over the original scheme, it is still not able to be supported as proposed and would need to be further modified to better respond to its neighbourhood context and Local Policy, particularly with regard to reducing the tower height by at least five levels, revising the façade treatments, providing for more non-residential floor area and affordable housing, and not overshadowing the proposed future park on Johnson Street.
- 12.6 It is considered these matters could be provided for by conditions.
- 12.7 It is recommended that Council advise the Minister that it does not support the application in its current form, but could support it subject to conditions, including a condition to reduce the tower height by at least five levels.



**13. RECOMMENDATION**

That the Council resolve:

- 13.1 That a letter be sent to the Minister for Planning care of the Department of Environment, Land, Water and Planning advising that the Council:
- I. Does not support the proposal in its current form based on the matters set out in Sections 7, 8 and 12 of this report, including in particular:
    - The 40 storey height would not transition to abutting lower height precincts;
    - The 40 storey height would contribute to a monotonous skyline of similar height towers along Normanby Road;
    - The affordable housing offer would be less than needed to satisfy anticipated demand;
    - The affordable housing rental offer would not provide truly affordable or long-term affordable housing;
    - The podium and tower façade treatments not as well articulated and architecturally resolved as the original plans;
    - The plans do not provide for natural light to tower level lobbies and corridors.
    - The building would overshadow the proposed Johnson Street park between 11.00am and 2.00pm at the equinox.
- 13.2 In the event that 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.
- 13.3 Delegates the Manager City Development the discretion to object to the application 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 in the event that an application for review is lodged for the application.