



261, 271-281 INGLES STREET, PORT MELBOURNE

LOCATION/ADDRESS: 261, 271-281 INGLES STREET, PORT MELBOURNE
EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT
PREPARED BY: SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

1. PURPOSE

1.1 To provide a Council position to the Minister for Planning on an application to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for four multi-storey towers at 261, 271-281 Ingles Street, Port Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) in the Fishermans Bend Urban Renewal Area
APPLICATION NO:	DELWP Ref: PA15/00020 and PSA C181 port CoPP Ref: 1/2015/MPA/A and PSA C181port
APPLICANT:	APN DF2 Project 1 Pty Ltd C/- Urbis Pty Ltd
EXISTING USE:	Multi-storey car park and partially demolished former industrial building and areas of hard standing surfaces
ABUTTING USES:	One and two-storey warehouse, industrial, and commercial buildings
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Design and Development Overlay (DDO32) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Infrastructure Contributions Plan Overlay (ICO1)
ABORIGINAL CULTURAL HERITAGE	The land is in an 'area of Cultural Heritage Sensitivity' under the Aboriginal Heritage Regulations 2018.



**STATUTORY TIME REMAINING FOR
DECISION AS AT DAY OF COUNCIL**

20 Business days = 06-08-2020

- 2.1 This report is to consider an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme to demolish the existing buildings on the land and construct four (4) multi-storey mixed-use towers above three (3) podiums under a master planning process.
- 2.2 The application is an amendment to an application originally lodged with the Department on 22 December 2014.
- 2.3 The original application proposed 2 x 34 level and 1 x 52-level towers including 4 and/or 6 level podiums.
- 2.4 During 2015, the application was revised several times in response to Council and Department concerns
- 2.5 On 09 December 2015, Council's Planning Committee considered the application and resolved to advise the Minister it did not support the proposal because of concerns regarding the road design, the north side setbacks, the 34-level height of Tower 1, excessive retail floor area outside of the commercial centre, and the number of car parking spaces.
- 2.6 On 21 August 2017, an amended application was lodged with the Department for 4 x 18-storey towers (including 3, 4 and 5-storey podiums).
- 2.7 On 15 January 2018, an application for review was lodged at the Tribunal for failure to decide the application in the statutory time frame.
- 2.8 On 31 January 2018, officers (under delegation) advised the Minister of concerns regarding the affordable housing, dwelling diversity, car parking, loading bay design, bicycle parking, dwelling amenity, overshadowing, waste management, sustainable design, and Water Sensitive Urban Design.
- 2.9 On 21 February 2018, the Minister called in the application (and 20 other applications in CoPP).
- 2.10 On 29 March 2019, the applicant initiated discussions regarding revising their proposal.
- 2.11 On 30 August 2019, the applicant applied to the Minister to prepare a Planning Scheme Amendment (PSA) and have the proposal assessed by the Advisory Committee.
- 2.12 The Department has notified Council of the request for site-specific planning controls. Council has 20 business days from the date of receiving notification (9 July 2020) to provide a written response.
- 2.13 The PSA application proposes to demolish the existing buildings and construct four (4) mixed-use towers comprising 1 x 18 levels, 1 x 32 levels, 1 x 37 levels and 1 x 50 levels including three podiums of four (4) and six (6) levels, including a residential hotel, 78,656m² of commercial & retail floor area including a Supermarket, 947 dwellings and 919 car parking spaces.



- 2.14 A new road between Ingles Street and Bertie Street is proposed through the centre of the development.
- 2.15 The application seeks approval to develop in four stages over ten years, using a master planning process, where the broad parameters of the proposal and design and management conditions are set out at the time of initial approval, and detail design is resolved pursuant to the conditions and the submission of plans and reports for each stage.
- 2.16 The application includes detail plans for Stage 1 (Hotel) and general plans for Stages 2, 3 and 4.
- 2.17 The subject site is located in the Core area of the Sandridge precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.18 The proposal achieves the Planning Scheme and Framework Plan preferred precinct character for the land of hybrid - predominantly high-rise buildings.
- 2.19 The proposal predominantly complies with the building siting and setback requirements of the Planning Scheme.
- 2.20 Where the buildings do not comply, variances are generally minor and can be addressed by conditions for amended plans.
- 2.21 Recently received 'Discussion plans' and a 'Concept plan' prepared by the applicant demonstrate the proposal could be made to comply, with some consequential changes to overall dwelling numbers and commercial floor area.
- 2.22 Any approval should be conditional on substitution of the 'Discussion plans' and 'concept plan' and conditions for compliance of other setback non-compliances.
- 2.23 The proposal would provide car, motorbike, bicycle and car share parking in compliance with the planning scheme with the exception of bicycle parking for the office tenancies. A variation is supported subject to a condition for car spaces to be converted to bicycle parking if demand exceeds supply. A condition is also required to show bicycle end-of-trip facilities on the plans.
- 2.24 The proposal includes new roads and lanes, generally in accordance with the Planning Scheme and Framework Plan. Conditions of the Incorporated Document need to provide for final detail design of these accessways, their construction, and in the case of the new road, vesting in Council.
- 2.25 The proposal also includes new linear open space along the north side, the Ingles Street frontage and to the south of Stage 1 to link up with the proposed Metro park at the corner of Bertie Street and Fennell Street. Conditions are required for the design, construction and management of these open space areas.
- 2.26 It is recommended that the proposal be supported subject to conditions.



3. RECOMMENDATION

3.1 RECOMMENDATION – PART A

3.1.1 That the Statutory Planning Committee advise the Department of Environment, Land, Water and Planning that:

3.1.1-1 The Council support the application subject to amended plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.

3.1.1-2 That in the event the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns outlined at Sections 9 and 11 of this report.

3.2 RECOMMENDATION – PART B

3.2.1 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review and/or any future proceedings for the application including any independent advisory committee appointed by the Minister for Planning.

4. RELEVANT BACKGROUND

- 4.1 There are no previous relevant planning permit applications recorded for the site.
- 4.2 The land features a concrete and steel multi-storey car park and partially demolished former industrial buildings and large areas of hard standing surfaces, remnant from the previous use of the land by Australian Motor Industries (AMI) and Toyota.
- 4.3 The current application was first lodged with the Department on 22 December 2014, proposing 2 x 34 level and 1 x 52-level towers including 4 and/or 6 level podiums.
- 4.4 During 2015, the application was revised several times in response to Council and Department concerns.
- 4.5 On 09 December 2015, Council's Planning Committee considered the application and resolved to advise the Minister it did not support the proposal because of concerns regarding the road design, the north side setbacks, the 34-level height of Tower 1, excessive retail floor area outside of the commercial centre, and the number of car parking spaces.
- 4.6 On 21 August 2017, an amended application was lodged with the Department for 4 x 18-storey towers (including 3, 4 and 5-storey podiums).
- 4.7 On 15 January 2018, an application for review was lodged at the Tribunal for failure to decide the application in the statutory time frame.
- 4.8 On 31 January 2018, officers (under delegation) advised the Minister of concerns regarding the affordable housing, dwelling diversity, car parking, loading bay design,



bicycle parking, dwelling amenity, overshadowing, waste management, sustainable design, and Water Sensitive Urban Design.

- 4.9 On 21 February 2018, the Minister called in the application (and 20 other applications in CoPP).
- 4.10 On 29 March 2019, the applicant initiated discussions regarding revising their proposal.
- 4.11 On 30 August 2019, the applicant applied to the Minister to prepare a Planning Scheme Amendment (PSA) and have the proposal assessed by the Advisory Committee.
- 4.12 The PSA application proposes to demolish the existing buildings and construct four (4) mixed-use towers comprising 1 x 18 levels, 1 x 32 levels, 1 x 37 levels and 1 x 50 levels including three podiums of four (4) and six (6) levels.
- 4.13 This report relates to the PSA plans and reports.

5. PROPOSAL

- 5.1 It is proposed to develop the land over 10 years pursuant to a master planning process comprising:
 - 5.1.1 Initial approval in principle for the land uses and built form including:
 - The location, area and design of roads and open space areas.
 - Built form and massing including:
 - Height and location of podiums and towers.
 - Activated street frontages.
 - 5.1.2 Development in four stages.
 - 5.1.3 Detail design plans for Stage 1 for an 18-storey 324 room residential hotel.
 - 5.1.4 Detail design plans for Stages 2 to 4 to be prepared and approved in accordance with the permit.
 - 5.1.5 The Incorporated Document to set out the conditions for the development and use including standards for matters such as wind impacts, loading, landscaping, street construction etc.
- 5.2 The Minister, through the Department would be the responsible authority for approving plans for each stage. Council would typically be responsible or would share responsibility for approving aspects of the proposal such as traffic and parking, sustainable design, landscaping etc.
- 5.3 The plans and documents submitted with the application propose to:
 - Demolish the existing buildings on the land.
 - Construct 1 x 18, 1 x 32, 1 x 37 and 1 x 50 level towers (inc. 3 podiums of 4 and 6 levels) mixed use commercial and residential buildings and associated car and bicycle parking and construct and/or carry out works.



- Construct a new central road between Bertie and Ingles Street, a new north-south lane between Plummer Street and the new road and the north side boundary, and a new linear park along the north side.
- Use land for Accommodation (Dwellings and a Residential hotel), Retail premises including Restaurant, Shop and Supermarket in the CCZ1.

5.4 The towers would have maximum heights as follows:

- T1: 18 levels: **68.585m (71.59m RL) to top of roof (inc. plant screening as continuation of façade).**
- T2: 50 levels: **144.8m (173.3m RL) to roof top level, 148.0m (176.5m RL) to top of lift overrun.**
- T3: 32 levels: **117m (120.0m RL) to roof top level, 124.14m (127.14m RL) to top of roof plant.**
- T4: 37 levels: **122.1m (125.1m RL) to roof top level, 125.3m (128.3m RL) to top of roof plant screen.**

5.5 It is proposed to develop the land in four stages as follows:

- **Stage 1 (Bertie St south):** 1 x 18 level (inc. 4 level podium) tower inc. hotel and podium commercial office space, new public open space to N/A cnr. Fennell and Bertie Sts (Metro Park) and part of new 22m (w) E-W road.
- **Stage 2 (Bertie St north):** 1 x 50 level (inc. 6 level podium) residential apartment building with ground floor supermarket and retail and commercial space, part of new north-south lane, and new public open space (western Linear Park).
- **Stage 3 (rear of Bertie St north):** 1 x 32 level (inc. 6 level podium) commercial office building with ground floor retail and commercial space, part of new north-south lane, and new public open space (northern Linear Park).
- **Stage 4 (Ingles St):** 1 x 37 level (inc. 6 level podium) residential apartment building with ground floor retail and commercial space, new linear open space along Ingles St, and remainder of new 22m (w) E-W road.

5.6 More particularly, the proposal comprises:

5.6.1 **Tower 1 (18-storey Offices and Hotel) (Bertie Street)**

Level 1 (Ground floor level)

Hotel lobby, lounge/bar, commercial lobby, car parking, loading bay, back of house, building services.

Levels 2, 3, 4 (Podium)

Offices, car parking and building plant.

Level 5 (Podium roof top)

Hotel restaurant and amenities including pool and podium rooftop open space.

Levels 6 - 16 (Tower)



324 Hotel rooms inc. roof garden at Level 16

Roof top

Two levels of screened roof plant.

5.6.2 **Tower 2 (50-storey Retail / Commercial / Dwellings) (Bertie Street)**

Level 1 (Ground floor level)

Five (5) retail tenancies (including a 1,320m² Supermarket) facing Bertie Street, the new east west road, the new linear park on the north side and the new north-south internal lane, dwelling lobbies off all four sides, car park and loading access off the new east-west road and two loading bays, waste rooms and building services.

Levels 2, 3, 4, 5 and 6 (Podium)

Car and bicycle parking sleaved by apartments facing Bertie Street, the new east west road, the new linear park on the north side, + commercial on L2.

Level 7 (Podium roof top)

Resident lounge / kitchen, gym and pool and outdoor terrace areas.

Levels 8-50 (Tower)

Dwellings.

Roof top

Lift overrun and rebated screened roof plant area.

5.6.3 **Tower 3 (32-storey Retail / Commercial) (New Street)**

Level 1 (Ground floor level) (Shared with T4)

Retail / commercial tenancies, entry lobbies, car park and loading access off the new east-west road and loading bay, bicycle parking, waste rooms and building services.

Levels 2, 3, 4, 5 and (Podium) (Shared with T4)

Retail / commercial tenancies, car and bicycle parking sleaved by apartments facing north and east and building services.

Level 7 (Podium roof top)

Commercial tenancy and outdoor terrace areas.

Levels 8-32

Commercial tenancies

Roof top

Lift overrun and rebated screened roof plant area.

5.6.4 **Tower 4 (37-storey Retail / Commercial / Dwellings) (New Street)**

Level 1 (Ground floor level) (Shared with T3)

Retail / commercial tenancies, entry lobbies, car park and loading access off the new east-west road and loading bay, bicycle parking, waste rooms and building services.



Levels 2, 3, 4, 5 and (Podium) (Shared with T3)
Retail / commercial tenancies, car and bicycle parking slevaed by apartments facing north and east and building services.
Level 7 (Podium roof top)
 Resident lounge / kitchen, gym and pool and outdoor terrace areas.
 Levels 8-37
Dwellings
 Roof top
Lift overrun and rebated screened roof plant area.

5.7 A summary of the application is set out in Table 1 below:

Table 1: Application Summary

MEASURE:	TOTALS:
Application / Planning Scheme Amendment (PSA) No.	Application No. CoPP Ref: 1/2015/MPA/A PSA No. C181port
Plans assessed	Job No. 33120, Drawings Nos. TP-211 to TP-601, all Rev 1, dated 30/08/2019, prepared by Bruce Henderson Architects.
Site area / Title particulars	22,130m² (2.21ha) approx. Irregular: 71.17m/ 173.84m (w) x (max.) 181.12m (d). Nine (9) easements for Electricity (x3), Drainage, Drainage and electricity, Underground power line, and Carriageway (x2). Two Owners Corporations. Restrictive Covenant benefitting Lot 27 (No part of the land other than Lot 27 may be used for a café or premises where the primary use is the retail sale of food and drinks. Restrictive covenant which specifies design guidelines for the land including a 6.0m landscape strip and building setback from Bertie Street.
Minimum plot ratio not used for Dwelling (Core areas) Clause 22.15-4.1 <i>Note: Clause 73.01: Plot ratio: The GFA of all buildings on a site divided by the area of the site.</i> <i>(Includes any proposed road, laneway and pos.)</i>	Sandridge Core area ratio = 3.7:1 x 22,130m ² (2.21ha) = 81,881m²
Non-residential floor area	Stage 1: 18,385m ² (4,115m ² Office / 3 tenancies, 14,270m ² Hotel) (324 rooms); Stage 2: 3,438m ² ; (2,118m ² Retail / 5 tenancies + 1,320m ² Supermarket, potential additional 1,780m ² commercial); Stages 3-4: 56,833m ² (4,024m ² retail / 7 tenancies, 52,809m ² Office / 36 tenancies, with potential additional 4,268m ² commercial). Sub totals: Commercial: 56,924m ² (39 tenancies) (with potential additional 6,048m ²). Retail: 6,142m ² (12 tenancies) Supermarket: 1,320m ²



	<p>Hotel: 14,270m² (324 rooms) Total: 78,656m² (84,704m² with potential additional 6,048m²).</p>
<p>CCZ1 Dwelling Density Clause 22.15-3 <i>Dwelling density (dw/ha) means the number of dwellings on the site divided by the total site areas (hectares) including any proposed road, laneway and public open space.</i></p>	<p>Sandridge Core area @ 349 dw/ha x 2.21ha = 771 (771.29) dwellings</p>
<p>No. dwellings (inc. 61 x Affordable Housing) <i>Proposal > 100 dwellings should provide 20% 3BR dwellings</i></p>	<p>Stage 1 / T1: Nil Stage 2 / T2: 555 (228 / 41% x 1BR; 191 / 34.5% x 2B; 136 / 24.5% x 3BR) dwellings Stages 3-4 / T3-4: 392 (165 / 42% x 1BR; 168 / 43% x 2B; 59 / 15% x 3BR) dwellings Totals: 947 (393 / 41% x 1BR; 359 / 38% x 2B; 195 / 21% x 3BR) dwellings</p>
<p>Affordable housing Clause 22.15-4.3 <i>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</i></p>	<p>T1: Nil T2: 51 (31 / 61% x 1BR, 16 / 31% x 2BR, 4 / 8% x 3B) dwellings (Levels 1, 2, 3, 4, 5) T3-4: 10 (8 / 80% x 1BR, 2 / 20% x 2BR) dwellings (Level 1) Total: 6.44% of dwellings: 61 (39 / 64% x 1BR, 18 / 30% x 2BR, 4 / 7% x 3BR) dwellings by: <ul style="list-style-type: none"> • Head lease (for an unspecified period) to a Community Housing Provider (CHP) who sublets to affordable or social housing tenants; or • CHP purchases dwellings at a (unspecified) discount and owns and operates them. Note: 6% of 947 dwellings = 56 (56.82) dwellings.</p>
<p>Social housing Clause 4.2 of Schedule 1 to the CCZ. <i>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of dwellings allowable under the specified Dwelling density</i></p>	<p>Not specified Note #1: Social housing does not apply under Terms of Reference. Note #2: If applicable, 947 dwellings - 771 = 176 dwellings @ 1 per 8 = 22 social housing dwellings required for uplift.</p>
<p>Basement</p>	<p>N/A</p>
<p>Street wall (podium) height</p>	<p>T1: Four (4) levels to Bertie St: 16.5m (19.5m RL) to roof top level, 18.7m (20.7m RL) to parapet level. T2: Four (4) levels to Bertie St (with levels 5 and 6 setback): Max. 25.5m (28.5m RL) to roof top level, 26.6m (29.6m RL) approx. to parapet level. T3-4: Six (6) levels to Ingles St: 25.5m (28.5m RL) to roof top level, 26.6m (29.6m RL) approx. to parapet level. Note: NGL: 2.1m AHD to Ingles St, 2.31m AHD to Bertie St</p>
<p>Maximum height (Tower)</p>	<p>T1: 18 levels: 68.585m (71.59m RL) to top of roof (inc. plant screening as continuation of façade). T2: 50 levels: 144.8m (173.3m RL) to roof top level, 148.0m (176.5m RL) to top of lift overrun. T3: 32 levels: 117m (120.0m RL) to roof top level, 124.14m (127.14m RL) to top of roof plant.</p>



	T4: 37 levels: 122.1m (125.1m RL) to roof top level, 125.3m (128.3m RL) to top of roof plant screen.
Street wall (podium) Setbacks	T1: Bertie St: Min. 6.0m (to comply with covenant). T2: Bertie St: Min. 6.0m (to comply with covenant). T3-4: Ingles St: Min. 12.0m (abuts new linear park) North (new road): Min. 12.0m (abuts new linear park)
Tower Setbacks	T1: North (side): Min. 5.0m, South (side): Min. 5.0m, East: Min. 5.0m, West (Bertie St): Min. 5.41m, Max. 7.87m. T2: North (side): Min. 25.105m, South (side): Min. 10.0m, East: Min. 10.0m, West (Bertie St): Min. 20.22m T3: North (side): Min. 10.0m, South (side): N/A, East: Min. 10.0m, West: Min. 3.88m T4: North (side): N/A, South (side): Min. 10.38m, East (Ingles St): Min. 16.4m, West: Min. 8.9m
Building (podium) separation below the max. street wall	T1 to T2: Min. 22.4m T1 to T3: Min. 38.0m approx. T2 to T3: Min. 7.5m
Building (tower) separation above the max. street wall	T1 to T2: Min. 37.01m T2 to T3: Min. 25.86m T2 to T4: Min. 22.51m T3 to T4: Min. 19.76m
Loading bay	P1: 1 @ ground level: 1 x (5.06m (w) x 11.0m (l) x 4.0m (approx.) (h)). P2: 2 @ ground level: 1 x 4.26m (w) x 11.26m x 4.0m (approx. (h) + 1 x S-Mkt) (8.0m (w) x 18.46m (l) x 4.0m (approx.) (h)). P3-4: 1 @ ground level (4.7m (w) x 11.0m (l) x 4.0m (approx.) (h)).
Car parking	T1: 117 (77 Hotel, 1 Retail, 39 Commercial), Car share: Nil, EV charging: Nil T2: 381 (323 dwellings, 26 Supermarket, 17 Retail, 15 car share), EV charging: Nil T3: 421 (6 Retail, 197 Commercial, 3 car share), EV charging: Nil T4: 215 (190 dwellings, 15 Retail, 10 car share), EV charging: Nil Totals: 919 spaces (inc. 28 Car share) (513 dwellings; 77 Hotel, 24 Retail [0.39:100m ²]; 26 Supermarket [2:100m ²]; 236 Commercial [0.41:100m ²]) Car share: 28 EV charging: Nil / Not shown
Motorcycle parking 1: 50 dwellings req.	T1: Nil spaces T2: 67 spaces (1:8 dwellings) T3-4: 52 spaces (1:7 dwellings) Total: 119 spaces (1: 8 dwellings)
Bicycle parking	T1: 40 spaces (37 employee, 3 non-resident visitor), end of trip facilities; T2: 667 spaces (597 resident [1.2: dwelling], 70 resident-visitor, nil employee / customer) T3-4: 904 spaces (406 resident [1.03: dwelling], 42 resident-visitor, 400 employee / 56 customer)



	Total: 1,611 spaces (1,003 resident, 112 resident-visitor, 437 employee, 59 non-resident-visitor), end of trip facilities.
Open space	T1: N/A. T2: 1BR: Min. 8m ² , 2BR: Min. 8.1m ² , 3BR: Min. 9.5m ² . T3/4: 1BR: Min. 8.6m ² , 2BR: Min. 9.5m ² , 3BR: Min. 11.5m ² .
Stores* <i>*Note: Excludes storage in Apartments per BADS.</i>	T1: Nil T2: Marked on plans - No. not specified T3: Marked on plans - No. not specified T4: Marked on plans - No. not specified Total: Marked on plans - No. not specified
Communal facilities	T1: 1,965m ² communal open space (Level 04: podium rooftop inc. pool, leisure facilities and restaurant, Level 16: roof garden); T2: 2,858m ² communal open space (Level 06: podium roof inc. top pool, gym, lounge, kitchen); T3 and T4: 4,049m ² communal open space (Level 06 T3 podium roof inc. top pool, gym, lounge, kitchen); Total: 8,872m² Communal Open Space
Community (public) facilities	New 12.0m (w) linear park along north side boundary. New 12.0m (w) linear park along Ingles Street frontage. New 18.64m (w) x 27.1m (d) (505.14m ²) part of future Metro Park to corner of Fennell and Bertie Street. New internal road and lane.
New Roads / Laneways	New 22.0m (w) between Ingles Street and Bertie Street. New min. 7.5m (w) lane between new 22.0m road and north side boundary. New short length of road between new 22.0m road and existing common property road to south.
Vehicle access	T1: Off existing rear lane via new road and Fennell St. T2: Off new street T3/4: Off new street
Dwelling access	T1: Hotel access off new street via lobby T2: Off new street, Bertie St and new lane and new linear park to lobby T3/4: Off new street and new lane and new linear park to lobbies
Retail/commercial access	As for dwelling access via individual entries
Staging	Stage 1: Podium 1 and T1 (Bertie Street South) Stage 2: Podium 2 and T2 (Bertie Street North) Stage 3: Podium 3 and T3 (rear of Bertie Street North) Stage 4: Podium 2 and T4 (Ingles Street)
Gross floor area (GFA) / Plot ratio	Gross Floor Area (GFA): 182,011m ² (inc. potential additional Office m2) Site area = 22,130m ² approx. (2.13ha). Plot Ratio: 8.22:1

5.8 All four buildings are for a high-rise podium and tower comprised of a generally rectangular or 'L' shaped podium with an 'L' shaped (T1) or crescent shaped (T2, T3



and T4) tower above. T1 and T2 have individual podiums and T3 and T4 share a podium.

T1 is separated from T2, T3 and T4 by a proposed new east-west road. T2 is separated from T3 and T4 by a new north-south lane.

- 5.9 External materials and finishes include precast concrete panel or lightweight substrate with natural face or applied render in natural grey concrete, dark charcoal, or off-white colour, face brick, metal sheet cladding with powder coat white finish, stainless steel, matt dark charcoal, matt black, bronze/gold, or matt grey finish, aluminium framed windows in various colours, clear, and various coloured glazing, timber battens, and stone panels.

6. SUBJECT SITE AND SURROUNDS

6.1 Existing conditions are as follows:

<p>Site description and area</p>	<p>The subject site comprises multiple lots facing Ingles Street and Bertie Street, Port Melbourne.</p> <p>The land is an irregular, roughly inverted 'T' or battle-axe shape.</p> <p>The land has a frontage width of approximately 71m to Ingles Street and an abuttal of approximately 194m to Bertie Street, for an overall area of 23,011m² (2.3h.) approx.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show the natural ground level (NGL) is 2.1m AHD to the centre of the Ingles Street frontage, and 2.31m to the centre of the Bertie Street frontage.</p>
<p>Existing building & site conditions</p>	<p>The land is developed with a concrete and steel multi-storey car park and a partially demolished former industrial building and large areas of hard standing surfaces, remnant from previous use of the land by Australian Motor Industries (AMI) and Toyota.</p> <p>The land is developed with a contemporary one and two storey showroom building used for Motor vehicle sales and service (Mazda), and a interwar period single-storey red brick warehouse building used in part also for motor vehicle sales and service, and for storage, and associated at-grade outdoor parking.</p> <p>There are three (3) existing vehicle crossings to the site off Bertie Street and one (1) crossing off Ingles Street.</p>
<p>Surrounds / neighbourhood character</p>	<p>Existing land surrounding the subject site is developed as follows:</p> <ul style="list-style-type: none"> • North (side): One and two storey older style warehouse and industrial buildings, including one two-storey heritage graded building at the north-east corner of the site facing Ingles Street, the elevated West Gate Freeway and municipal boundary with the City of Melbourne, and a mix of older industrial buildings interspersed with medium-rise residential at South wharf beyond. • South (side): One and two storey older style commercial and industrial buildings facing to Fennell Street, and mostly single-storey warehouse and industrial buildings further beyond. • East (Ingles Street): The Ingles Street bridge ramp and one and two-storey warehouse and industrial buildings, the elevated West Gate Freeway and municipal boundary with the City of Melbourne, and a mix of industrial buildings and residential towers at Docklands beyond. • West (Bertie Street): One and two-storey industrial and warehouse buildings including the Colonial Brewery and venue to the south-west, and Toyota's head offices to the north-west.



<p>Fishermans Bend Framework October 2018</p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p>For the subject site:</p> <ul style="list-style-type: none"> • New 22.0m (w) road between Ingles Street and Bertie Street. • New linear park along the Ingles Street frontage. • New linear park along the northern boundary of the site. • New 'north-south' 6.0m (w) lane from Fennell St to future park to north (location indicative). • New 'L' shaped 6.0m (w) lane off 'north-south' lane, returning to new linear park along northern boundary (location indicative). <p>For the surrounding area:</p> <ul style="list-style-type: none"> • New linear park along opposite side of Bertie Street. • New neighbourhood park diagonally opposite to NW at corner of Bertie Street and a proposed new 22m (w) street. • New local park at the north-west corner of Bertie Street and Fennell Street. • Proposed tram alignment along Fennell Street, and new tram, pedestrian and cycle bridge over Freeway to the east (Medium term (i.e. 2020 - 2025) projects). • 'Pop-up' outdoor public space on future potential Sandridge Rail Station site (Medium term (i.e. 2020 - 2025) project). • Ingles Street bridge widening / upgrade (Long term (i.e. 2025+) project). • Potential Metro 2 rail corridor beneath Fennell Street including a possible future metro station between Ingles Street and Bertie Street (Long term (i.e. 2025+) project).
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6.2 Council records show major planning permit applications lodged, approved or completed for the nearby area of the Sandridge precinct of the FBURA since 2013 as follows (**Permits in bold**):

To North-west

- **118 Bertie Street, Port Melbourne (abutting site): PSA application for 6 and 20 level mixed use building. Panel hearing completed. Panel report submitted to Minister for determination.**

To South-east

- **14 Woodruff Street (Cnr. Ingles St), Port Melbourne: Permit for 3, 4 and 5 level alterations and additions for retail, offices and 22 dwellings. apartments. Under construction.**
- **220 Ingles Street (Land bounded by Ingles, Woodruff, White and Munro Streets): Permit for 287 3 and 4 level townhouses. Completed.**

To South-west (diagonally opposite)

- **89 Bertie Street, Port Melbourne: Amendments to Permit for Industry (Brewery) and associated General Licence venue including live music and late trading. Operating since 2011.**



7. PERMIT TRIGGERS

While the following zone and overlay controls apply to the site, with planning permission required as described, any incorporated document issued via the s20(4) process will prevail over any of the planning controls outlined below.

Planning Scheme Provision	Why is a planning permit required?
<p>Clause 37.04: Capital City Zone (CCZ1)</p>	<p>Use for a Dwelling requires a permit because the land is in the Sandridge Core area and in the amenity buffers for the Colonial Brewery opposite and the Delta Group Transfer Station at the corner of Plummer Street and Bridge Street and two industries in the City of Melbourne.</p> <p>Use for a Residential hotel requires a permit because the land is in the amenity buffers.</p> <p>Use for a Retail premises (other than Hotel, Shop and Tavern) (including Restaurant) requires a permit because the land is in the Sandridge Core area and the gross floor area exceeds 1,000m².</p> <p>Use for a Shop (other than an Adult sex product shop, Department store, Supermarket and Restricted retail premises), a Supermarket, and an Office do not require a permit.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> • An application lodged before the approval of Amendment VC136 (02-Feb-2017). • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136. <p>The application for a Planning Scheme Amendment was lodged on 30 October 2019 and so must meet Clause 58.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law. <p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 43.02: Design and Development Overlay - Schedule 32 -</p>	<p>The land is in Precinct Area S3 of DDO30 which encourages a hybrid (predominantly high-rise) building typology. No maximum building height is specified for the land.</p>



<p>Fishermans Bend - Montague Precinct (DDO32)</p>	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 32 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An application to construct a building or construct or carry out works in DDO 30 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>A planning permit is required under this clause.</p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, 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 not required under this clause.</p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for Dwelling, Retail premises (including Café, Restaurant, and Shop) and Office.</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The number of car parking spaces do not exceed the Parking Overlay rates.</p> <p>A planning permit is not required under this clause.</p>
<p>Clause 45.11: Infrastructure Contribution Overlay (IC01)</p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> • A non-government school; • Housing provided by or on behalf of the Department of Health and Human Services; • Any other land or development of land specified in a Schedule to the ICO. <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. • Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.



	<ul style="list-style-type: none"> Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose <p>A planning permit cannot be granted for the proposal.</p> <p>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</p>
Clause 52.06: Car Parking	<p>Use for Residential hotel is not listed in the Parking Overlay and so is subject to car parking rates set out at Clause 52.06 of the Planning Scheme. For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area.</p> <p>A planning permit is required to provide less than the Clause 52.06 parking rates.</p> <p>No parking rate is prescribed for Residential hotel.</p> <p>Pursuant to Clause 52.06-6, the number of car parking spaces for these uses must be to the satisfaction of the responsible authority (i.e. the Minister).</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 planning permit is not required under this clause.</p>
Clause 52.34: Bicycle Facilities	<p>A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A planning permit is required under this clause.</p>

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Framework (PPF)

The relevant Planning Policy Framework is noted at Appendix 1 of this report.

8.2 Local Planning Policy Framework (LPPF)

Relevant Local Planning Policies are noted at Appendix 1 of this report.

8.3 Relevant Planning Scheme Amendment/s

Past and present Planning Scheme Amendments relevant to the subject site are at Appendix 1 of this report.

9. REFERRALS

9.1 External referrals

The Minister for Planning C/- the Department is responsible for external referrals, including to Council. Council needs to provide a response.

9.2 Internal referrals

The application was internally referred for comment.



Internal referral responses in full are at **Appendix 2** to this report.

A summary of responses is as follows:

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Heritage	No heritage issues. Site abuts significant graded former Felton Grimwade building at no. 289 Ingles St. The proposal will be set back from Ingles St behind a linear park and includes good side separation which will ensure views to the Felton Grimwade building within the streetscape will be retained.
Traffic	<ul style="list-style-type: none"> • New 22m wide road needs to be consistent with FB Framework (as amended) • Multiple crossings off 'Roadway (Common Property)' inconsistent with roads designation as active frontage and key pedestrian link between Fennell Street and the new road. Recommend relocate all vehicle crossings for T1 to the new road. • Recommend improving pedestrian linkages, in particular north-south lanes and safe crossing of the new road. Note several zebra crossings on plans; these require approval (MoA) from VicRoads. Council does not have authority to approve. • Five (5) separate vehicle accesses to T1, including porte-cochere, crossovers and loading entry is poor design; potential vehicle / pedestrian conflict. Recommend reduce no. of crossings. • Query if two vehicles can circulate T1 car park simultaneously. Need swept path plans showing a B85 and B99 design can use access ramp at the same time, with suitable clearance, or install convex mirrors throughout the car park to help reduce potential conflicts. • Car park design generally satisfactory. Need a swept path plan to confirm a B85 vehicle can access critical spaces (including end spaces, spaces adjacent columns/walls, DDA spaces etc) • Plans should be updated to show non-residential and residential spaces. • Motor cycle space dimensions and ramp grades and transition changes considered acceptable. • Require a minimum height clearance of 3.0m above ramps. • All redundant crossings must be removed and made good and all new crossings installed to Council satisfaction. • No. of car parking spaces in accordance with max. parking rates, and no. of car share and motorcycle spaces considered acceptable. • Residential peak traffic generation rates, traffic generation assumptions, traffic generation during the AM and PM peak period and total traffic generation is considered acceptable, noting cumulative trip generation for other developments has not been considered. • Traffic generation by car share spaces will be negligible. • A SIDRA intersection analysis indicates the critical intersection will operate in a satisfactory manner (with minimal delays and queues) post development of the site. • Pedestrian sight triangles are considered acceptable.



	<ul style="list-style-type: none"> • Recommend loading bay access for T1 be relocated from lane designated as key pedestrian link. • Access to T2 loading bay poor – requirement for truck to stop, prop and reverse along internal access road used by both commercial and residential vehicles is a poor design outcome. • Bicycle parking for the dwellings is acceptable. Note applicant is seeking a waiver of 850 non-residential (staff) and 5 non-residential (visitor) bicycle spaces. • No. of bicycle spaces at ground floor level meets Australian Standard of 20% of all spaces. Bicycle spaces on Level 2 (or above) do not have direct convenient access from the street and are unlikely to be used. Recommend relocating spaces to ground or Level 1. • Plans need to confirm EOT facilities cited in Traffic Report meet planning scheme requirements. • Recommend some visitor bicycle spaces be provided on-street in prominent and safe locations. • All bicycle spaces must be installed in accordance with Australian Standard including clear 1.5m access aisles on plans
<p>Waste</p>	<ul style="list-style-type: none"> • Plans need to show details of chutes for all floors. • No. of bins on the plans and the WMP are inconsistent. Needs correction. • Strongly recommend compaction equipment for a development of this size • Need commingle recycling bins for supermarket. • Residential and commercial/retail bins must be separate unless WMP and plans updated to confirm residential bins are only used via chute system. • Plans should show space for organic/food waste bins for future council service, and Charity and E-waste bins.
<p>Urban Design</p>	<p>Response primarily relates to detailed plans for T1 (hotel). Comments relating to the masterplan and other stages will require further consideration once more detailed plans are lodged.</p> <p>Site is important because of its potential to achieve design excellence through integrated land uses and possible rail, tram and bus interchange points.</p> <p>Visual Bulk & Massing</p> <p>Masterplan uses and tower heights relatively consistent with DDO32 and FB Framework and are generally supported. Podium and tower form of all buildings inconsistent with preferred Hybrid (predominantly high-rise) typology for the area. Changes to modulate the street wall with some fine grain retail tenancies and housing types could improve opportunities for vitality, human interactions and exchange and help realise the Sandridge precinct vision in the Framework.</p> <p>The podium levels have more diverse articulation than previous iterations of the designs, however there are still opportunities to vary parts of the street wall.</p> <p>Massing of the street wall along laneways and linear parks is overwhelming in parts mainly due to building lengths of more than 100m in parts.</p> <p>Laneways and Pedestrian links</p> <p>Consider widening the proposed north-south laneway between stages 2, 3 & 4 to off-set impacts of 6-storey street wall or revising street wall heights to achieve a more human scale relative to lane width.</p>

Do not support predominantly un-sleeved car parking facing the lane above ground level. Podium car parking should be sleeved by other uses.

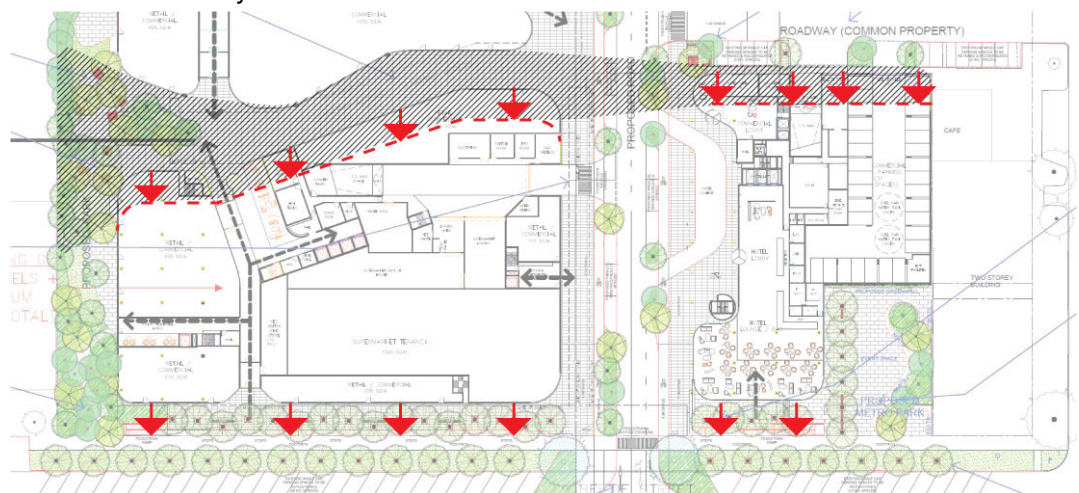
Stage One integration with future public transport interchange hub

Potential for pedestrian / vehicle conflict in design of T1. Recommend crossings be deleted from the north-south lane and the porte-cochere be shifted west away from pedestrian link.

Interface to Bertie Street

Bertie Street interface illustrates two pedestrian ramps and steps linking the T1 and T2 developments to the street and metro park. These are not illustrated in the elevation drawings and in principle, are not supported. Recommend universally accessible gradients be incorporated in landscaped areas throughout the site to improve connectivity and access for all. Any steps or ramps linking the public realm on such a large-scale proposal can easily be avoided and justified using standard principles of universal design and landscape treatments.

Recommend Stage 1 & 2 buildings be moved west to create a street wall on the Bertie Street title boundary



Move building west to improve street wall connection with Bertie Street and open internal laneway to improved amenity

Interface to Metro park

Question viability of T1 podium green wall facing the park; will it receive sunlight. Recommend wall facing the park feature active uses so car parking not visible from the public realm.

Interface to linear parks

Landscaping should not limit the functions of linear parks and pedestrian linkages or separate the proposal from its surrounds.

Wind effects should meet standards for safe sitting, walking and standing and be achieved in the building’s design and not rely on trees or awnings etc. in public realm parks or roads.

Officer Comment

The building cannot be moved forward to the Bertie Street boundary because the land is encumbered with a restrictive covenant which requires all building to be setback 6.0m from Bertie Street. The encumbrance should be noted on the plans.



<p>City Strategy</p>	<p>Need to:</p> <ul style="list-style-type: none"> • Amend wind assessment to ensure acceptable wind impacts to public realm (my usual approach) • Improve street level activation / interaction • Improve integration of metro park with adjoining building and street • Review interface of Stage 01 building with laneway between new road and Fennell Street and future development of corner of Bertie and Fennell Streets • Review interface of Stage 04 building with the heritage building fronting Ingles Street (including associated driveway / access easement over site) • Manage level changes at public / private interface to ensure good urban design and equitable access • Add FFL for all areas • Provide natural ventilation to car parking areas that doesn't impact on air quality in laneway • Provide equitable and easy access to bicycle parking • Provide communal open spaces and internal areas that are adaptable to changing needs • Ensure affordable housing residents have equitable access to communal open space and facilities • Condition developer to contribute (works or money) to streetscape improvements of Bertie and Ingles street frontages streets, and construction of new road and public open spaces. Design to accord with Council's standards (once finalised)
<p>Landscape Architect</p>	<p>North side linear park needs to address the public function of the street and not the private functions of the buildings ground floor uses, and instead function as a connection from Ingles Street to Bertie Street.</p> <p>Tree planting on the new road should be regularly (8-15m) spaced and species selection to Council satisfaction.</p> <p>A min. 2.2m (w) pedestrian path should be provided in the linear park adjacent to the buildings.</p> <p>Consider treatment such as raised surface at Ingles Street and new road intersection to strengthen linear park character. Linear park should provide active space rather than an urban forest.</p> <p>Pedestrian crossing(s) of new road should align with desire lines between buildings.</p> <p>Consider removing car parking from sides of Roadway (Common Property) to south of new road to improve pedestrian usability and activate frontage.</p> <p>The public realm should be accessible to all; ramps should be integrated with the public realm rather than placed to the fringes.</p> <p>Consider creating an urban plaza from the linear park into T3 and T4 from the new road.</p> <p>Communal open spaces should support a range of recreational activities at podium level to residents, not just passive activities.</p> <p>Consider removing the porte-cochere and replacing with a layby from the proposed road and an urban plaza at the entrance of the hotel lobby so vehicles can pick up / drop off without significant disruption to pedestrians.</p>
<p>Sustainable Design</p>	<p><u>Green Star:</u></p> <p>The Greenstar Score card in the SMP targets 60 points, whereas it should target 66 points to accommodate 10% buffer requirements.</p> <p><u>IEQ:</u></p>



	<p>Deep floor plates of commercial spaces may result in areas away from the building perimeter having poor daylight access.</p> <p>Commitment to indoor air pollutants is vague and does not address formaldehyde.</p> <p><u>Energy:</u></p> <p>Need to demonstrate how renewable energy generation, on-site energy storage and opportunities connect to a future precinct-wide or locally distributed low-carbon energy supply.</p> <p>A renewable energy system has not been specified in the SMP nor indicated on plans. It is unclear if there will be a renewable energy system incorporated into this development.</p> <p><u>Integrated Water Management (IWM):</u></p> <p>Application must demonstrate how third pipe and rain tank requirements at Clause 4.3 of CCZ1 are accommodated in the design. Current SMP does not provide a viable stormwater strategy.</p> <p>SMP proposal of a proprietary stormwater treatment system is not acceptable. As per Melbourne Water guidelines there are currently no proprietary systems recognized to have effective nitrogen and phosphorous removal. The use of a proprietary product is problematic as it would require product specific maintenance. Therefore, it is not possible to conclude that the proprietary product would result in meeting the stormwater quality objectives required.</p> <p><u>Waste:</u></p> <p>It is unclear how the proposed waste management system on the drawings and in the SMP addresses waste requirements of Clause 22.15-4.5. Plans do not detail waste collection or chute access to each block's floor.</p> <p><u>Urban Ecology:</u></p> <p>Need to demonstrate how the design would reduce urban heat island effect per Clause 22.15-4.5.</p> <p>Plans, including landscape plans do not show 70% of the site area planted with vegetation as proposed in the SMP. Landscape drawings do not show requirements in accordance with Clause 22.15-4.7 or flood mitigation and best practice Water Sensitive Urban Design.</p> <p><u>Transport:</u></p> <p>The application must include all bicycle, motorcycle and car share requirements as set out in "Table 2: Parking Provision" of Schedule 1 to the Capital City Zone. Bicycle parking spaces on plans do not meet requirements. Bicycle parking spaces are not convenient to EOT facilities.</p> <p><u>Greenstar Assessment</u></p> <p>NOTE: The comments following can be ignored if the development commits to achieving a GBCA certified <i>5-star Green Star - Design & As Built</i> rating.</p> <p>Many statements in the the report (S3 pp13-24) do not reflect the design and specification commitment for the relevant green star credits. Question if the proposal meets the 5-star Green Star Design & As Built rating requirement. Multiple credit specific issues need to be addressed.</p>
<p>Housing Officer</p>	<ul style="list-style-type: none"> • The exploration in the application's Affordable Housing Assessment by PwC of four affordable housing options, and an assessment of these options, is welcome because it provides an indication of the applicant's vision, objectives, and assumptions for the affordable housing component.



	<ul style="list-style-type: none"> • Further information or justification is required so that the proposed options can be properly assessed. There is inadequate information to justify the preference for the head leasing or discounted purchase options. • <u>A discounted sale is generally not viable for CHPs as an ongoing model for affordable housing in Fishermans Bend.</u> • Two alternatives are supported - <ul style="list-style-type: none"> - <u>Head lease - a variation should be considered involving extending the 30 year head lease to a long-term period, so that it does not defer the affordability problem to the a shorter period when the lease expires. A long-term period could be based on the economic life of the buildings; and</u> - <u>Negotiation of a proportion of dwellings being gifted to a CHP. As with a long-term head lease, Owners Corporation fees should not apply / be nominal.</u> • <u>The affordable housing comprise mix of 1, 2 and 3 bedroom dwellings, as indicated in the application. The proposed mix of 29 x 1 bedroom, 18 X 2 bedroom, and four x 3 bedroom dwellings is supported. This will address the needs of the 35.4% of singles and the 59.4% of families in Port Melbourne, as stated in the Affordable Housing Assessment (page 6).</u> • <u>The following target groups are preferred:</u> <ul style="list-style-type: none"> - Older persons, in particular older single women (requiring one bedroom dwellings). - Families, including larger families (requiring three + bedroom dwellings). - Low income wage earners (requiring one or two bedroom dwellings). <p>Note that this excludes singles at greatest risk of homelessness, which is a target group better suited to being housed in dedicated social housing.</p>
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10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 The Department has given notice of the proposal to the City of Port Phillip, relevant persons including land owners and occupiers, and referral authorities.

10.2 The Council had 20 business days from the date of receiving notice to provide a written response (i.e. Thursday 06 August 2020).

11. OFFICER’S ASSESSMENT

Fishermans Bend Standing Advisory Committee Terms of Reference

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

11.1 Responding to Local Policy

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>22.15-4.1 Providing for employment floor area Development in a Core area should provide a minimum floor area ratio not used for dwelling of: Montague: 1.6:1; Sandridge 3.7:1; Wirraway 1.9:1. Exceptions apply.</p>	<p>Not achieved - Variation or condition required: Recommended: 81,881m² (Sandridge Core area ratio = 3.7:1 x 22,130m² (2.21ha)</p>



	<p>Proposed: 78,656m² (56,924m² commercial (with potential additional 6,048m²), 6,142m² Retail, 1,320m² Supermarket and 14,270m² Hotel), or 84,704m² with potential additional 6,048m².</p> <p>The proposed 78,656m² falls short of the recommended employment floor area. The plans include a contingency for an additional 6,048m² commercial floor area. This should be incorporated in the final approval.</p>
<p>22.15-4.2 Community and diversity. Proposals of > 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p>Achieved: Recommended: 20% of 947 dwellings = 189 x 3BR Proposed: 21% / 195 x 3BR dwellings.</p>
<p>22.15-4.3 Providing for Affordable housing Affordable housing Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the policy objectives can be met by a lesser provision; or • It can be demonstrated meeting the objective would render the proposal economically unviable 	<p>Achieved in part - Condition required Recommended: 6% of 436 dwelling density = 26 (26.1) dwellings. Proposed: 6.44% of all 947 dwellings = 61 (39 / 64% x 1BR, 18 / 30% x 2BR, 4 / 7% x 3BR) dwellings by:</p> <ul style="list-style-type: none"> • Head lease (for an unspecified period) to a Community Housing Provider (CHP) who sublets to affordable or social housing tenants; or • CHP purchases dwellings at a (unspecified) discount and owns and operates them. <p>The lease duration and purchase price discounts are not specified. Ideally, affordable housing should be provided in perpetuity, and if not for at least 30 years. Housing should be provided as sufficient discount such that the dwellings would be affordable to persons in the very low and low and moderate-income bands of the affordable housing provisions of the <i>Planning and Environment Act</i>. Note: 6% of 947 dwellings = 56 (56.82) dwellings.</p>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p>Achieved: A mix of 1BR, 2BR and 3BR dwellings is proposed in the podiums of towers 2, 3 and 4.</p>
<p>Social housing <u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Not applicable: Pursuant to FBSAC Terms of Reference, Social Housing provisions do not formally apply.</p>
<p>22.15-4.4 Design Excellence</p>	<p>Achieved:</p>



<p><u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Recommended: Precinct character area S3 encourages a hybrid (predominantly high-rise 16+ levels) building typology. No maximum building height applies to the land.</p> <p>Proposed: Th3 18, 32, 37 and 50-storey towers with 4, 5 and 6 storey street walls and podiums would provide varied built forms that align with the precinct character of the DDO.</p>
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11.2 Clause 37.04: Capital City Zone (CCZ1)

11.2.1 Use of Land

Use for a **Dwelling** requires a permit because the land is in the Sandridge Core area and in the amenity buffers for the Colonial Brewery opposite and the Delta Group Transfer Station at the corner of Plummer Street and Bridge Street and two industries in the City of Melbourne.

Use for a **Residential hotel** requires a permit because the land is in the amenity buffers.

Use for a **Retail premises (other than Hotel, Shop and Tavern)** (including **Restaurant**) requires a permit because the land is in the Sandridge Core area and the gross floor area exceeds 1,000m².

Use for a **Shop** (other than an Adult sex product shop, Department store, Supermarket and Restricted retail premises), a **Supermarket**, and an **Office** do not require a permit.

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

1.1.1 Dwelling Density

Pursuant to the FBSAC Terms of Reference, the dwelling density provisions of the CCZ do not apply to the application.

1.1.2 Buildings and Works Requirements

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

Map 2: Sandridge Urban Structure seeks proposals to have an active frontage with 80% permeability facing Bertie Street, and 60% facing Ingles Street, the new east-west road between Bertie and Ingles Streets, and the new north-south internal lane; two new 6.0m (w) lanes through the site (Location indicative), a new linear public open space area along the west side of Ingles Street, and no vehicle crossings to the site off Bertie Street.



To the south-west, a new liner park is proposed along the opposite side of Bertie Street.

To the south-east, a new park is proposed at the north-west corner of Bertie Street and Fennell Street.

Map 4: Amenity buffers includes the land in the 250m and 300m buffers of the Colonial Brewery opposite and the 300m buffers of two industries in the City of Melbourne. Part of the Bertie Street frontage is fractionally in the 250m buffer of the Delta Group Transfer Station at the corner of Plummer Street and Bridge Street.

Impacts from these uses could be ameliorated by conditions for the buildings to include a high level of noise attenuation in its construction.

Map 5: Pipeline buffers. The land is not in a pipeline buffer.

Map 6: Transport Infrastructure shows the site abuts the proposed Ingles Street bridge upgrade and widening and is proximate to the proposed tram alignment along Fennell Street, and the proposed Metro 2 rail corridor, including a potential future metro station beneath Fennell Street between Ingles Street and Bertie Street. The proposal would not adversely impact on these proposed future transport infrastructure projects and would benefit significantly if the projects proceeded.

I.1.3 Bicycle, Motorcycle and Car Share Parking

Clause 4.2 of Schedule 1 to the Capital City Zone specifies the number of bicycle, motorcycle and car share parking spaces that must be provided, unless the responsible authority is satisfied a lesser number is sufficient.

A summary of the requirements and provision is set out below.

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

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 947 dwellings = 947 spaces	T2: 597 spaces + T4: 406 spaces = 1,003 spaces	1 per 50 dwellings x 947 dwellings = T2: 11 spaces + T4: 7 spaces = 18 spaces	T2: 67 spaces + T4: 50 spaces = 117 spaces	2 spaces + 1 per 25 car spaces x 513 residential car parking spaces = 22 spaces	T2: 15 spaces + T3: 3 spaces + T4: 10 spaces = 28 spaces ¹⁾
	1 visitor space per 10 dwellings x 947 = 94 spaces	T2: 70 spaces + T4: 42 spaces = 112 spaces	None specified	N/A	None specified	N/A
Subtotal:	1,041 spaces	1,115 spaces	18 spaces	117 spaces	22 spaces	28
Development with > 10,000m ² non-	1 per 50m ² of net non-residential floor space x	T1: 37 spaces + T3: 400 spaces = 437 spaces	1 per 100 car parking spaces x 286 non-res car	T3 = 2 spaces	1 per 60 car parking spaces x 286 non-res car	See above



residential floor space	52,809m ² = 1,056 spaces		parking spaces = 2 spaces		spaces = 4 spaces	
	1 visitor space per 1000m ² of net non-residential floor space x 52,809m ² = 52 spaces	T1: 3 spaces + T3: 56 spaces = 59 spaces	None specified	N/A	None specified	N/A
Subtotal:	1,108 spaces	496 spaces	2 spaces	2 spaces	4 spaces	See above
Total:	2,149 spaces	1,611 spaces	20 spaces	119 spaces	26 spaces	28 spaces

Bicycle parking

The development would provide more resident and resident-visitor and non-residential-visitor bicycle parking than required, but 619 fewer spaces than required for the non-residential floor space.

The Traffic Report for the application submitted a reduction in staff spaces for the office use was reasonable having regard to:

- A lack of empirical evidence in support of the number of spaces required;
- Car parking spaces could be converted to bicycle parking spaces in the future if bicycle parking demand exceeded supply.

The reduction is supported subject to all the first-floor level car spaces being noted on the plans as ‘*Car spaces to be converted to bicycle parking spaces if bicycle parking demand exceeds supply.*’

The plans do not show bicycle end-of-trip change rooms and showers for the Stage 2, 3 and 4 buildings. Detail drawings for each of these stages must show these facilities.

Motorcycle parking

The development would provide the required number of motorcycle spaces for the non-residential floor area and almost 6 times the required number of motorcycle spaces for the dwellings. The number of motorcycle spaces is considered satisfactory.

Car share spaces

Twenty-six car share spaces are required, and 28 car share spaces are proposed. The plans do not specify car share spaces. This number is satisfactory. The spaces should be shown on the plans.

I.1.4 Conditions on Permits

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

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



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

I.3 Clause 43.02: Design and Development Overlay - Schedule 32 - Fishermans Bend – Sandridge Precinct

I.3.1 Building Typologies

The land is in:

- An unlimited building height area pursuant to DDO32 and the Fishermans Bend Framework October 2018; and
- Building Typology Precinct Area S3 (Hybrid - predominantly high-rise) (i.e. 16-storeys and taller) of the Design and Development Overlay (DDO32) which has a preferred precinct character of:

'Predominantly tower developments with some mid-rise buildings.

Provision of towers with large floorplates with high quality outlook to support commercial development.

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

Developments that incorporate north–south laneways that provide high levels of pedestrian permeability and activation.

Assessment

The proposal achieves the preferred precinct character of hybrid - predominantly high-rise buildings.

All buildings are proposed to be high-rise podium and tower form buildings, with the Stage 2 / Tower 2 podium incorporating a hybrid form by:

- **Stepping back from Bertie Street at Levels 5 and 6 to present a 4-storey street wall; and**
- **Stepping back at Level 6 from the new linear park along the north side of the site to present a 5-storey street wall to the open space.**

I.3.2 Overshadowing

Buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over:

- The existing residential zoned land south of Williamstown Road between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces shown in **Map 4** of the schedule to DDO32 as follows:
 - North port oval extension between the hours of 11.00am and 2.00pm on 21 June to 22 September; and
 - The proposed new parks on the SW corner of Bertie and a new road to the north of the site, and Bertie Street and Fennell Street to the south of the site between the hours of 11.00am and 2.00pm on 22 September.



The application shadow plans confirm the proposal would not overshadow the specified existing residential zoned land or future public open space on the specified dates and times.

T1 would overshadow the new Metro park on the SE corner of Bertie Street and Fennell Street though most of the day. This park is however, not protected by overshadowing controls.

I.3.3 Building Height

Street Wall Height

The preferred street wall (i.e. podium) height for the land is **at least four storeys** and the maximum street wall height is **six storeys**.

Assessment

Street walls are proposed to be four-storeys for T1 and T2 facing Bertie Street (with levels 5 and 6 of the T2 podium stepped back) and 6-storeys for T3 and T4 which would comply.

Tower Height

No maximum building height is specified for the subject site.

Assessment

The 18, 32, 37 and 52 level height of the four towers would all fall within the ambit of high-rise (i.e. 16-storeys or greater).

Tall and very tall buildings are encouraged on the land by the planning controls which designate the site as having no maximum building height.

The heights would accord with planning scheme and Framework Plan ambitions for the site and surrounds.

I.3.4 Street wall setbacks

Street walls should be built to the boundary.

The T1 and T2 podiums are proposed to be setback 6.0m from Bertie Street.

The T3 and T4 podium is proposed to be setback 12.0m from Ingles Street.

Assessment

The variations are supported because they are required to comply with a covenant or a planning scheme provision.

T1 and T2 podiums are setback 6.0m from Bertie Street to comply with a restrictive covenant on the land which requires all buildings to be setback 6.0m.

The T3 and T4 podium is setback 12.0m from Ingles Street to accommodate a 12.0m wide linear park required by the planning scheme and Framework Plan.



I.3.5 Setbacks Above the Street Wall

For T1 (for a building of 20-storeys or less height), the preferred setback above the street wall is 10.0m and the minimum setback is 5.0m.

For T2, T3 and T4 (for a building more than 20-storeys in height), the preferred and minimum setback above the street wall is 10.0m.

T1 is proposed to be setback a minimum 5.41m and a maximum of 7.87m behind the street wall.

T2 is proposed to be setback to be setback 20.22 behind the street wall,

T3 is setback approximately 45.0m behind the T3-T4 street wall.

T4 is proposed to be setback a minimum of 16.4m behind the street wall.

Assessment

All the towers except T1 exceed the preferred setback.

T1 exceeds the minimum setback but is less than the preferred 10.0m. A variation is supported because:

- The slender width and angled setback of the tower, increasing from a minimum of 5.41m to a maximum of 7.87m away from Bertie Street would mitigate the variance to some degree;
- The 2.13m minimum variance is minor; and
- The angled roof of the tower, rising from a height of 16-storeys facing Bertie Street to its maximum height of 18-storeys at its rear would further mitigate the variance.

I.3.6 Side and Rear Setbacks

Buildings below the maximum street wall height should be built to or within 300mm of a side or rear boundary and if not, the preferred and minimum setback is 6.0m.

For buildings above the maximum street wall height, the preferred side and rear setback is 10.0m and the minimum is 5.0m.

The proposed side and rear setbacks comply except as follows:

- **T3 Tower:** North-west corner required to be setback 10.0m above the podium. Proposed setback = 3.94.
- **T4 Podium:** Required to be on the boundary or setback 6.0m. Proposed setback 3.06m from the northern (side) boundary.
- **T4 Tower:** Southern tower required to be setback 10.0m from the centre point of the lane. Proposed setback – 8.5m from the centre point of the lane.

Assessment



In response to concerns raised, the applicant's prepared 'discussion plans' which amended these setbacks to comply (**Refer to attachment to this report**).

Consequential changes resulting from the revised setbacks include:

Building 3 and 4:

- Building 3 commercial office space increased by 320m².
- Building 3/4 typical podium level car park altered from 93 car spaces / 12 motorbikes to 101 car spaces /13 motorbikes.
- Building 4 northern façade apartments deleted in lieu of carpark and commercial floor area.
- Building 4 western façade apartments reconfigured
- Building 4 typical podium level reconfigured from 15 apartments (12 x 1B, 3 x 2B) to 10 (8 x 1B, 2 x 2B)
- Building 4 core relocated.

Overall project:

- A reduction of 25 dwellings from 947 (393 x 1B, 359 x 2B, 195 x 3B) to 922 (389 x 1B, 358 x 2B, 195 x 3B) (Overall number of 3BR dwellings remains over 20% at 21.1%)
- Affordable apartment numbers are reduced accordingly but maintain 6% affordable housing requirement.
- Total employment-generating use increases by 1,490 sqm, resulting in a total of 86,196 sqm including the adaptable floor plates (80,148 sqm without).

The applicants also prepared a further 'concept plan' of the north and east corner interface (**Refer to attachment to this report**) showing:

- pedestrian connections from the linear park and through the site to Ingles Street; and
- amendments to the retail component to maximise active frontage to the lane

The changes in the 'discussion plans' and 'concept plan' are supported. Any approval of the proposal should substitute these drawings.

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

I.3.7 Building Separation

Podium

Building separation below the maximum street wall height is preferred to be 12.0m and must be a minimum of 6.0m.

The T1 and T2 podiums are separated by the new 22.0m wide road and comfortably exceed the minimum and preferred separation.



The T2 and T3-4 podiums do not achieve the preferred separation but exceeds the minimum 6.0m separation except:

- abutting the new linear park to the north side where it narrows to 5.38m; and
- to the south near the new east west road where it narrows to 5.0m.

The design needs to be amended to achieve the minimum separation. This could be provided for by a condition of any Incorporated Document for the proposal.

Tower

The preferred and minimum building separation above the street wall is 20.0m.

Assessment

All the towers exceed the required separation distances.

I.3.8 Wind Effects on the Public Realm

Any Incorporated Document that may be approved for the proposal must include conditions for:

- Wind reports, including wind tunnel testing for each Stage to confirm that the proposal would satisfy the relevant standing and walking wind criteria abutting each site and for pedestrian areas within the site and at podium rooftop level.
- The depth of any awning over any adjacent footpath must not impact on any existing street tree or proposed street tree plantings.
- Each Stage of the proposal to incorporate all the recommendations of the revised wind reports.

I.3.9 Active Street Frontages

The building design features active street frontages to Bertie Street and the new internal street and much of the new lanes.

A 'concept plan' provided by the applicant demonstrates that the lanes to the north-east corner of the site could also be activated. This could be provided for by conditions of any Incorporated Document that may issue for the proposal.

I.3.10 Adaptable Buildings

The podium levels allow for adaptability of the buildings.

I.4 Clause 45.09: Parking Overlay and Clause 52.06: Car Parking

12.4.1 Car Parking

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather



than minimum parking rates for **Dwelling, Retail premises** (including **Café, Restaurant, and Shop**), **Supermarket** and **Office**. A permit is required to provide parking in excess of the Parking Overlay rates.

Use for **Residential hotel** is not listed in the Parking Overlay or the and so is subject to car parking rates set out at Clause 52.06 of the Planning Scheme. A permit is required to provide less than the Clause 52.06 parking rates.

No parking rate is prescribed for **Residential hotel**. Pursuant to Clause 52.06-6, the number of car parking spaces for these uses must be to the satisfaction of the responsible authority (i.e. the Minister).

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

Table 12.4.1-1: Car parking rates and provision

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
Dwelling: Max 0.5 spaces per 1 or 2 BR dwelling, Max. 1 space per 3 BR dwelling (Clause 45.09)	
Tower 2: 555 dwellings	
228 x 1BR x 0.5 = 114 spaces	92 spaces = 0.4 spaces/dwelling. Complies
191 x 2BR x 0.5 = 95 (95.5) spaces	95 spaces = 0.49 space/dwelling. Complies
136 x 3BR x 1 = 136 spaces	136 spaces = 1.0 spaces/dwelling. Complies
Subtotal: 345 spaces	Total: 323 spaces. Complies
Towers 3-4: 392 dwellings	
165 x 1BR x 0.5 = 82 (82.5) spaces	47 spaces = 0.28 space/dwelling. Complies
168 x 2BR x 0.5 = 84 spaces	84 spaces = 0.5 space/dwelling. Complies
59 x 3BR x 1 = 59 spaces	59 spaces = 1 space/dwelling. Complies
Subtotal: 225 spaces	Total: 190 spaces. Complies
TOTAL: 947 dwellings / 570 spaces	TOTAL: 947 dwellings / 513 spaces. Complies
Retail premises (exc. Supermarket): Max. 1 space / 100m ² gross floor area (Clause 45.09)	
6,142m ² x 1/100 = 61 (61.42)	38 spaces = 1/61m² gross floor area. Complies
Supermarket): Max. 2 space / 100m ² gross floor area (Clause 45.09)	
1,320m ² x 2/100 = 26 (26.4)	Total: 26 spaces. Complies
Residential hotel (inc. Serviced apartments): No rate specified. Number of spaces must be to the satisfaction of the RA (i.e. the Minister) (Clause 52.06-6)	



<p>Residential hotel: 324 rooms Total: 324 rooms</p>	<p>Total: 77 spaces (proposed 0.23 spaces: hotel room / serviced apartment) Complies: The gross number of hotel room spaces proposed is considered to be satisfactory</p>
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Assessment

The gross number of resident spaces proposed for each of the uses would not exceed the Planning Scheme maximums or with regard to the Residential hotel, is considered to be satisfactory.

I.4.2 Design standards for car parking

The car park designs are generally satisfactory, subject to further detail by swept path diagrams to confirm accessibility on ramps and to end bays, and ramp clearances.

The plans do not detail the number of electric car charging points. Noting the life of the buildings (and the ten year construction period), EV charging points should be provided for at least 50% of all car spaces.

These matters would need to be provided for by conditions of any Incorporated Document that may issue for the proposal.

I.5 Clause 58 – Better Apartments Design Standards

Refer Appendix 3. Non-compliances can be addressed by conditions of any Incorporated Document that may issue for the proposal.

I.6 Waste Management

Final Waste Management details and operation will require conditions of any Incorporated Document that may issue for the proposal.

I.7 Loading

Loading bay access for Stage 1 and 2 could be improved by conditions of any Incorporated Document that may issue for the proposal.

I.8 Stores

The plans and development summary do not confirm the number of stores.

At least one store should be provided for each dwelling.

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

I.9 Public Open Space

The provision of open space within and along the perimeter of the development is welcomed.

Detail design matters, construction, management (and vesting as necessary) of



open spaces areas need to be provided for by conditions of any Incorporated Document

I.10 Sustainable design

Council's Sustainable Design officers identified a number of areas of concern with the level of detail in the Sustainability Management Plan (SMP).

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

I.11 Noise

The buildings need to meet the noise attenuation requirements of Clause 58, noting the land is in amenity buffers for nearby industries, including a brewery (and venue) opposite, and is proximate to the freeway.

This would need to be provided for by a condition of any Incorporated Document.

I.12 Community facilities

Community facilities / benefit would be provided by:

- Publicly accessible linear open space at ground level along the north side of the site and the Ingles Street frontage;
- The contribution to the Metro park to the south of the site.
- The new east-west road between Ingles Street and Bertie Street.
- The new laneways.
- The provision of 6% of all dwellings as Affordable Housing dwellings;

Formal provision of these facilities will require conditions in any Incorporated Document.

I.13 Affordable and Social Housing

I.13.1 Clause 22.15-4.3 of the Fishermans Bend Urban Renewal Policy states:

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

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

Affordable Housing



I.13.2 The application proposes to:

- Provide 61 (39 x 1BR, 18 x 2BR and 4 x 3BR) affordable housing dwelling in the Stage 2 and 4 residential podiums by:
 - A Head lease (for an unspecified period) to a Community Housing Provider (CHP) who sublets to affordable or social housing tenants; or
 - A CHP purchases the dwellings at a (unspecified) discount and owns and operates them.

Assessment

The 61 dwelling offer equates to 6.44% of all dwellings proposed which would exceed the 6% Policy target.

Council's Housing officer:

- Supported the number and mix of 1, 2 and 3BR dwellings.
- Supported the Head lease model of delivery subject to the lease being for the '*economic life*' of the building and the owner being responsible for Owners Corporation fees.

It was further recommended that a mechanism for monitoring affordability be included in any S173 for the affordable housing and a proportion of the dwellings be gifted to a CHP by negotiation.

- Recommended the affordable housing target:
 - Older persons, in particular older single women (requiring 1BR dwellings).
 - Families, including larger families (requiring 3BR or greater dwellings).
 - Low income wage earners (requiring 1 or 2BR dwellings).

It was noted the above target groups excluded singles at greatest risk of homelessness, which the housing officer considered better suited to being housed in dedicated social housing.

Officers recommend:

- The offer of 61 dwellings (equating to 6.44%) of dwellings be accepted;
- The dwellings be provided in perpetuity, and if not, for at least 30 years by means of a legal agreement.
- The dwellings be provided in a manner that makes them affordable to persons in the very low and low and moderate income bands as defined by the Planning and Environment Act.

Social Housing

- I.13.3** Pursuant to the FBSAC Terms of Reference, the dwelling uplift / Social Housing provisions of Clause 4.2 of Schedule 1 to the CCZ do not apply to the application. Consequently, the offer is above and beyond what is formally required.



I.14 Environmental Audit

An environmental audit has not been undertaken for the land.

Pursuant to Clause 6 of the Schedule to the Capital City Zone:

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

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

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

I.15 Infrastructure Contribution Overlay (ICO1)

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

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

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

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

10.9 Aboriginal Cultural Heritage

All of the land is in an 'area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations* 2018. This includes registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the *Aboriginal Heritage Regulations* 2018, 'areas of cultural heritage sensitivity' are one part of a two-part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.



Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

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

12. COVENANTS

12.1 A review of the Titles for the sites confirms the land is encumbered by:

- A Restrictive Covenant benefitting Lot 27 (No part of the land other than Lot 27 may be used for a café or premises where the primary use is the retail sale of food and drinks.
- A Restrictive covenant which sets out Design Guidelines including requiring buildings to be setback at least 6.0m from Bertie Street, landscaping of the setback, and building design matters including materials and finishes. and for the setback to be landscaped.
- Nine (9) easements for Electricity (x3), Drainage, Drainage and electricity, Underground power line, and Carriageway (x2).
- Two Owners Corporations.

12.2 The proposal has been designed to not encroach on the restrictive covenants, including by setting buildings back 6.0m from Bertie Street.

12.3 Resolution of the easements is a civil matter which requires direct negotiation with beneficiaries as part of any subdivision of the land.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

14.1 Provide comments to the Department as recommended.

14.2 Provide changed or additional comments to the Department to those recommended.

14.3 Refuse to provide comments.

15. CONCLUSION

15.1 The proposal achieves the Planning Scheme and Framework Plan preferred precinct character for the land of hybrid - predominantly high-rise buildings.

15.2 The proposal predominantly complies with the building siting and setback requirements of the Planning Scheme.

15.3 Where the buildings do not comply, variances are generally minor and can be addressed by conditions for amended plans.



- 15.4 'Discussion plans' and a 'concept plan' prepared by the applicant demonstrate the proposal could be made to comply, with some consequential changes to overall dwelling numbers and commercial floor area.
- 15.5 Any approval should be conditional on substitution of the 'Discussion plans' and 'concept plan' and conditions for compliance of other setback non-compliances.
- 15.6 The proposal would provide car, motorbike, bicycle and car share parking in compliance with the planning scheme with the exception of bicycle parking for the office tenancies. A variation is supported subject to a condition for car spaces to be converted to bicycle parking if demand exceeds supply. A condition is also required to show bicycle end-of-trip facilities on the plans.
- 15.7 The proposal includes new roads and lanes, generally in accordance with the Planning Scheme and Framework Plan. Conditions of the Incorporated Document need to provide for final detail design of these access ways, their construction, and in the case of the new road, vesting in Council.
- 15.8 The proposal also includes new linear open space along the north side, the Ingles Street frontage and to the south of Stage 1 to link up with the proposed Metro park at the corner of Bertie Street and Fennell Street. Conditions are required for the design, construction and management of these open space areas.
- 15.9 It is recommended that the proposal be supported subject to conditions.

TRIM FILE NO:

PF19/46176

ATTACHMENTS

1. **Appendix 1 - Strategic matters, Planning Scheme provisions and Amendments**
2. **Appendix 2 - Internal referral responses**
3. **Appendix 3 - Clause 58 Assessment**
4. **Attachment 1 - Plans - podiums**
5. **Attachment 2 - Plans - towers**
6. **Attachment 3 - Elevation drawings**
7. **Attachment 4 - Section drawings**
8. **Attachment 5 - Shadow plans**
9. **Attachment 6 - Renders #1**
10. **Attachment 7 - Renders #2**
11. **Attachment 8 - Renders #1**
12. **Attachment 9 - Discussion plans - compliant setbacks**
13. **Attachment 10 - Northern laneway detail drawing**