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| 8.5 | 112 SALMON STREET PORT MELBOURNE |
| LOCATION/ADDRESS: | 112 SALMON STREET PORT MELBOURNE |
| RESPONSIBLE MANAGER: | GEORGE BORG, MANAGER CITY DEVELOPMENT |
| AUTHOR: | SIMON GUTTERIDGE, PRINCIPAL PLANNER FBURA |
| TRIM FILE NO.: | PF17/272598 |
| ATTACHMENTS: | NIL |
| WARD: | Gateway |
| TRIGGER FOR DETERMINATION BY COUNCIL: | Residential use and development in the Fishermans Bend Urban Renewal Area |
| APPLICATION NO: | DELWP Ref: PA17/00225 CoPP Ref: MINRA 0001/2017 |
| APPLICANT: | Aquino Pty Ltd C/- Message Consultants Pty Ltd |
| EXISTING USE: | Timber yard |
| ABUTTING USES: | Industry and warehouses |
| ZONING: | Capital City Zone (CCZ1) |
| OVERLAYS: | Heritage Overlay (HO246) Design and Development Overlay (DDO30) Special Building Overlay (SBO2) (pt) Development Contributions Plan Overlay (DCPO2) Parking Overlay (PO1) |
| STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL | Expired |

PROPOSAL

Demolish the existing buildings and construct six towers of 12, 15 or 18 storeys height (including two three level podiums) containing retail and SoHo office/dwellings at ground floor level, and a child care centre, communal facilities and apartments above, and associated car and bicycle parking, and works.

I. EXECUTIVE SUMMARY

- 1.1 It is proposed to demolish the existing buildings and construct six towers of 12, 15 or 18 storeys height (arranged in two groups of three towers atop and including two separate three level podiums) containing retail and SoHo office/dwellings at ground floor level, and a child care centre, communal facilities and apartments above, and associated car and bicycle parking, and works.
- 1.2 The application site is located in the Wirraway precinct of the Fishermans Bend Urban Renewal Area (FBURA).



- 1.3 The Minister for Planning is the Responsible Authority for the application pursuant to Section 2.0 and Figure 1 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for development with a building height of 4 storeys or greater, and use and development of 60 or more dwellings.
- 1.4 The Minister has provided Council with the opportunity to consider and provide advice on the application, which can be used by the Minister and his department in their assessment of the proposal.
- 1.5 Council's advice is provided on an informal basis as the planning scheme exempts most applications from notice and review.
- 1.6 The land is subject to mandatory podium (5-storey or 20m) and tower (18 storey) height limits and tower setbacks pursuant to interim Design and Development Overlay provision introduced in April 2015 while a review of the FBURA is carried out. The interim controls apply until 30 March 2018 (unless extended by the Minister).
- 1.7 The subject site and in particular the existing office building on the land is graded as a significant Heritage place.
- 1.8 The Fishermans Bend Strategic Framework Plan (September 2016) (FBSFP) identifies the land as indicative Proposed Neighbourhood Open Space.
- 1.9 The southern end of the land is encumbered with high voltage electricity transmission lines which reduce the sites appropriateness / desirability for residential development.
- 1.10 The proposal was internally referred and officers raised concerns including inconsistency with the FBSFP identification of the site as Open Space, inconsistency with local policy for employment and affordable housing, the extent of demolition, the design and/or width of the internal road network, building setbacks, under and over provision of car parking for different uses, and architectural and urban design matters.
- 1.11 The uniform height of the podiums and lack of vertical breaks or lanes, lack of active street frontages and a preponderance of screened car parks at upper levels would present an unsatisfactory urban design outcome.
- 1.12 The towers would similarly suffer from a lack of variation in height, with both groups of three towers having the same heights and massing, and the towers along the rear street being all 18 storeys. The towers would also not be setback sufficiently from existing and proposed streets.
- 1.13 The development proposes negligible floor area for retail or commercial uses, and no affordable housing, but would provide a satisfactory range of dwelling types and sizes.
- 1.14 Open space areas along the southern perimeter of the land and podium roof top level would be overshadowed through most of the day, and would have reduced amenity as a result of being beneath or in close proximity to major electricity transmission lines. The podium roof top open space would also be adversely affected by wind from the towers and require wind-break screens to achieve satisfactory walking comfort and are not suitable for sitting.
- 1.15 Officers disagree with the applicant's arguments for demolition of all of the buildings on the land, and believe the existing offices and one of the existing industrial buildings are suitable for retention and adaptive reuse, as part of any mixed use or open space development of the site.



- 1.16 The location and width of the proposed new road to the rear of the site would be inconsistent with the recommendations of the FBSFP and should be deleted.
- 1.17 The subject site is in a far corner of the FBURA, remote from existing services and the proposed future activity centre of the Wirraway Precinct around the junction of Plummer and Salmon Streets. It is considered the site is not well suited to a dense perimeter podium block and tower development over the whole of the land, and would be an overdevelopment having regard to the strategic direction of the FBSFP and the Fishermans Bend Vision September 2016.
- 1.18 It is considered these concerns cannot be ameliorated by conditions to modify the proposal and the development of the land needs to be fundamentally reconsidered having regard to the Strategic Framework Plan and Fishermans Bend Vision.
- 1.19 It is recommended that Council advise the Minister that it does not support the application as proposed.

KEY ISSUES

1. Inconsistency with open space ambitions of Fishermans Bend Strategic Framework Plan.
2. Inconsistency with Local Policy for employment and affordable housing in Fishermans Bend.
3. Demolition of Significant Heritage graded building(s).
4. Site suitability for residential use adjacent to electricity transmission lines.
5. Quality/amenity of open space beneath or proximate to electricity transmission lines and in shadow of proposed multi-storey buildings.
6. Location, dimensions and design of streets/lanes.
7. Podium height, setbacks, massing, permeability, inactive frontages, street façade presentation.
8. Lack of variety in tower design and height.
9. Dwelling amenity including Clause 58 compliance, and noise abatement.
10. Oversupply of car parking spaces for the Dwellings and Retail premises and undersupply of spaces for the Child-care centre.
11. Loading bay dimensions and accessibility.
12. Sustainable design, including water sensitive urban design.

2. RELEVANT BACKGROUND

2.1 There are two previous permit applications recorded for the subject land as follows:

| Application No. | Proposal | Decision |
|-----------------|---|--------------------------------|
| P0388/2010 | Use the land for motor vehicle sales, and vary the requirements of clause 52.14 of the scheme | Permit granted 18 October 2010 |
| P0410/2012 | Demolition of three buildings | Permit granted 27 July 2012 |

2.2 Prior to 1959, it is believed some sand mining and subsequent filling with overburden from the Coode canal construction to raise the ground level took place, but otherwise the land was undeveloped and formed part of the Yarra River floodplain.



Circa 1960 onwards, the land was developed with industrial buildings and used for the distribution and light manufacture of timber products including sawing, sanding, moulding and laminating and aluminium fabrication. Operations have scaled back in recent years.

3. PROPOSAL

3.1 The application proposes to:

- Demolish all of the existing buildings on the land.
- Construct six towers of 12, 15 or 18 storeys height (including two three level podiums separated by a new road midway along Woolboard Road) containing ground floor level retail and SoHo office/dwellings, and communal facilities, a child care centre and apartments above, and associated podium level car and bicycle parking in the Capital City Zone (CCZI).
- Construct and carry out works including:
 - A new min. 8.0m wide street comprising a 1.5m wide footpath, a 6.0m wide carriageway and a 0.5m kerb along the northern side boundary between Salmon Street and Thackray Street to provide two-way vehicle access to/from the car parks in both podiums.
 - A new min. 12.78m wide road comprising 4.39m wide landscaped verges and a 4.0m wide one-way (south to north) street between Woolboard Rd and the new rear road.
 - Landscaping of the area beneath the electricity transmission lines including lawn and paved areas, wetland, youth play area including a sandpit play area, skate park, sports courts (softball, basketball, handball etc.), dog park, shrubs and trees. It is noted the landscape concept extends onto land in Woodboard Road not owned by the permit applicant.
- Use the land for Accommodation (dwellings) and a Child care centre in the CCZI.
- Remove two existing vehicle crossings off Woolboard Road, and one existing vehicle crossings off Thackray Road, and modify one existing vehicle crossing on Salmon Street and Thackray Road.
- Provision car parking spaces for the Retail premises in excess of the rate specified in Table I of Schedule I to the Parking Overlay.
- Reduce the number of car parking spaces required for the Child-care centre under Clause 52.06-5.

3.2 The podiums would have a uniform maximum height of 3 storeys / 11.0m (15.3m AHD).
The towers would have a maximum height of 12 storeys (38.9m (43.2m AHD) and 15 and 18 storeys / 57.55m (61.8m AHD) to top of the roof, and 62m (66.3m AHD to the top of roof plant parapet.

Tower F features a roof top viewing deck of 112m².

3.3 The buildings are proposed in a contemporary flat roofed and highly decorated style.



- 3.4 Materials and finishes are proposed to be concrete panel walls with brick snap cladding in ten different colours/finishes (black glazed, black, blue, cream, orange, grey terracotta, pink, and brick face, and terracotta screen), timber cladding, timber and painted steel detailing and feature steel piping, black steel window reveals, and clear and fritted glazing.
- 3.5 A summary of the key elements of the proposal is as follows:

| | Application Plans (Received May 2017) |
|--|---|
| Site area | 14,670m ² + 2,882m ² = 17,552m ² (1.752 ha) approx. |
| No. dwellings | <p>Podium 1 (west): 41 (17 [12 x 1BR inc. 4 x SoHo, 5 x 2BR] @ ground floor (Level 00), 12 [8 x 1BR, 4 x 2BR] @ Level 01, 12 [8 x 1BR, 4 x 2BR] @ Level 02)</p> <p>Tower A: 69 (15 x 1BR, 24 x 2BR, 30 x 3BR)</p> <p>Tower B: 54 (27 x 1BR, 9 x 2BR, 18 x 3BR)</p> <p>Tower C: 151 (79 x 1BR, 29 x 2BR, 43 x 3BR)</p> <p>Sub total: 315 (149 x 1BR inc. 4 SoHo, 75 x 2BR, 91 x 3BR)</p> <p>Podium 2 (east): 35 (17 [8 x 1BR, 9 x 2BR] @ ground floor (Level 00), 9 [5 x 1BR 4 x 2BR] @ Level 01, 9 [5 x 1BR, 4 x 2BR] @ Level 02)</p> <p>Tower D: 81 (24 x 1BR, 24 x 2BR, 33 x 3BR)</p> <p>Tower E: 54 (18 x 1BR, 18 x 2BR, 18 x 3BR)</p> <p>Tower F: 151 (80 x 1BR, 28 x 2BR, 43 x 3BR)</p> <p>Sub total: 321 (140 x 1BR, 87 x 2BR, 94 x 3BR)</p> <p>TOTAL: 636 (289 x 1BR [45.5%], 162 x 2BR [25.5%], 185 x 3BR [29%])</p> |
| Podium street, side and rear setbacks | <p>Podium 1 (west): Min. 2.0m from Salmon St, Min. 20.0m from Woolboard Rd, Min. 9.5m from north (side) [Min. 1.5m from new road on north side].</p> <p>Podium 2 (east): Min. 2.0m from Thackray Rd, Min. 20.0m from Woolboard Rd, Min. 9.5m from north (side) [Min. 1.5m from new road on north side].</p> |
| Tower street, side and rear setbacks | <p>Tower A: Min. 10.0m from Salmon St, Min. 17.35m north (side) [Min. 7.85m from new road on north side].</p> <p>Tower B: Min. 10.0m from Salmon St, Min. 20.0m Woolboard Rd.</p> <p>Tower C: Min. 20.0m from Woodboard Rd, Min. 17.35m north (side) [Min. 7.85m from new road on north side].</p> <p>Tower D: Min. 13.74m north (side) [Min. 4.24m from new road on north side].</p> <p>Tower E: Min. 20.0m from Woolboard Rd.</p> <p>Tower F: Min. 20.0m from Woodboard Rd, Min. 10.0m from Thackray Rd, Min. 17.35m north (side) [Min. 7.85m from new road on north side].</p> |
| Tower separation | Min. 19.65m between Towers A and C, Min. 20.0m separation between all other towers |
| Podium height | <p>Podium 1 (west): 3-storeys, max. 11.0m (15.3m AHD).</p> <p>Podium 2 (east): 3-storeys, max. 11.0m (15.3m AHD).</p> |
| Tower height | <p>Towers A, C, D & F: 15 and 18-storeys, max. 57.55m (61.8m AHD) to top of roof, 62m (66.3m AHD to top of roof plant parapet).</p> <p>Towers B & E: 12-storeys, max. 38.9m (43.2m AHD) to top of roof, 42m (46.3m AHD to top of roof plant parapet).</p> <p>Note: Natural ground level (NGL) = 3.69m AHD Cnr. Salmon St & Woolboard Rd; 3.71m AHD Cnr. Thackray Rd & Woolboard Rd, 3.76m AHD NW rear cnr, 3.90m AHD NE rear cnr.</p> |

AGENDA - ORDINARY MEETING OF COUNCIL – 2 AUGUST 2017



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| Commercial floor area | 370m ² retail, 144m ² SoHo, 72 child / 605m ² Child care centre (+ 510m ² external play) at podium 2 roof top and Level 03 of Tower F. |
| Loading bay | Podium 1 (west): 2 x 4.0m (w) x 8.0m (l) x 3.5m (h) @ ground floor (Level 00) Podium 2 (east): 2 x 4.0m (w) x 8.0m (l) x 3.5m (h) @ ground floor (Level 00) |
| Car parking | Podium 1 (west): 301 (46 @ ground floor [Level 00], 133 @ Level 01, 124 @ Level 02) Podium 2 (east): 302 (36 @ ground floor [Level 00], 132 @ Level 01, 134 @ Level 02) Total: 603 spaces (591 resident (0.93/dwelling), 4 retail (1.0/100m ²) / 8 child care 0:11/childcare place), Note: Four external spaces are proposed on the new north-south mid-block road |
| Motorcycle parking | Podium 1 (west): 5 spaces @ ground level Podium 2 (east): Nil |
| Bicycle parking | Podium 1 (west): 307 (211 (inc. 21 x over bonnet) @ ground floor (Level 00) and 12 on Salmon St footpath, 4 on internal road, and 14 in power line easement facing Woolboard Rd, 45 over bonnet @ Level 1, 51 over bonnet @ Level 2). Podium 2 (east): 382 (296 (inc. 16 over bonnet @ ground floor (Level 00) and 12 on Thackray Rd footpath, 14 on internal road, and 8 in power line easement facing Woolboard Rd), 42 over bonnet @ Level 1, 44 over bonnet @ Level 2). Total: 689 (625 internal, 64 external) |
| Open space | Varies. Not specified for tower dwellings. |
| Stores | Podium 1 (west): 145 (51 @ ground (Level 00), 24 @ Level 01, 70 @ Level 02) Podium 2 (east): 108 (47 @ ground (Level 00), 21 @ Level 01, 40 @ Level 02) Total: 253 x 6m³ cage additional to storage within apartments |
| Communal facilities | Podium 1 (west): Rooftop podium open space (est. 2,165m ²), Gym, Pool, Yoga room, resident lounge Podium 2 (east): Rooftop podium open space (est. 2,165m ²), resident lounge. |
| Community facilities | Landscaping, play equipment, sport courts beneath electricity transmission lines. |
| Vehicle access | Podium 1 (west): One x 6.4m wide crossing off new east-west road on north side between Salmon Street and Thackray Road. Podium 2 (east): One x 6.4m wide crossing off new east-west road on north side between Salmon Street and Thackray Road. |
| Dwelling access | Tower A: Lobby off Salmon St. Tower B: Lobby off Woolboard Rd. Tower C: Lobby off new north-south one-way street off Woolboard Rd. Tower D: Lobby off new north-south one-way street off Woolboard Rd. Tower E: Lobby off new north-south one-way street off Woolboard Rd. Tower F: Lobby off Thackray Rd. |
| Pedestrian path access | Footpaths along all existing and proposed street frontages. |
| Road widths | North (side): Min. 8.0m road reserve with min. 6.0m carriageway and min. 1.5m footpath on south side. Midblock - Woolboard Road: Min 7.5m road reserve with 4.0m carriageway and min. 1.0m footpaths both sides. |



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| Gross floor area / Floor area ratio | Gross Floor Area (GFA): 87,020m ² ; Site area = 17,552m ² Floor Area Ratio (FAR): 4.95. |
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- 3.6 The plans which are the subject of this report are those referred to as Project No. 2054, Drawing Nos. TP A0401, A0501, A1001, A1100, A1101, A1102, A1103, A1104, A1114, A1116, A1117, A2001, A2002, A2003, A2004, A2005, A2006, A2007, A2008, A2009, A2010, A2011, A2012, A2101, A3001, A3002, A3004, A3100, A4001, A4002 Architecture and Landscape Design Proposal (24 pages) dated 04 April 2017 prepared by Rush/Wright Associates., and A4901, various dates, prepared by ARM

4. SUBJECT SITE AND SURROUNDS

4.1 The subject site is located on the north-east corner of Salmon Street and Woolboard Road, Port Melbourne. The land has an abuttal to Thackray Street on its east side.

4.2 The land comprises two lots as follows:

- Crown Allotment 6D: Rectangular; 80.23m facing Salmon Street, 80.27m facing Thackray Road, and 182.78m width = 14,670m² (1.467ha.).

This lot is encumbered by two minor easements in favour of CitiPower (as successor to the City of Port Melbourne Electricity Supply Authority).

- Crown Allotment 6E: Generally rectangular except for chamfers at the corners of Salmon Street and Woolboard Road and Thackray Street and Woolboard Road; 7.12m frontage facing to Salmon Street, 7.04m frontage to Thackray Road, and 164.51m frontage to Woolboard Road = 2,882m².

This lot is wholly encumbered by an easement in favour of AusNet Services (as successor to the State Electricity Commission of Victoria) for an overhead 275Kv power line and tower.

The two lots have combined measurements of 87.35m facing Salmon Street, 87.31m facing Thackray Road, 182.78 max. width, and 164.51m facing Woolboard Road and an overall area of 17,552m² (1.755ha.) approximately.

Easement matters are discussed further at Sections 7.18 and 8 of this report.

4.3 The land is generally flat with no discernible slope in any direction. Survey particulars show a minor rise of 0.07m from the corner of Woolboard Road and the NW rear corner of the land, and 0.19m from the corner of Woolboard Road and the NE corner of the land.

4.4 The land is developed with five circa 1960s single storey steel framed and galvanised iron clad industrial / warehouse buildings and a two storey office building dating from 1996.

4.5 The buildings are currently used for a timber yard and associated offices.

4.6 The land has one existing vehicle crossing off Salmon Street, two existing vehicle crossings off Woolboard Road, and two existing vehicle crossings off Thackray Road.



4.7 Land surrounding the subject site is developed as follows:

- **North (rear):** Industrial and warehouse buildings, the West Gate Freeway and municipal boundary with the City of Melbourne, and the FBURA Employment Precinct beyond.
- **South (front) (Woolboard Road):** Industrial and warehouse buildings, J L Murphey Reserve, Williamstown Road and two storey Fishermans Bend Housing Estate semi-detached dwellings and the Bay beyond.

Three planning permits have been granted for medium rise mixed-use development to the south or south-west as follows:

- Lot 9A, 339 Williamstown Road: 10 level building comprising offices and seven dwellings;
- Lots 10, 11, 12, 339 Williamstown Road: 12 level building comprising commercial tenancies and 50 dwellings.
- 320 Plummer Street (Cnr. Prohasky and Tarver Streets): 3, 12 and 15 level mixed-use building comprising retail and 536 dwellings.

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

- 19 Salmon Street (Cnr. Plummer Street): Construct 135 x 3-4 level townhouses. Ministerial Notice of Decision issued. Council has lodged an application for review at the Tribunal.
- 365-391 Plummer Street (Cnr Salmon Street): Construct a mixed-use multi-storey building comprising three towers with retail, commercial and dwellings. Pending receipt of further information.
- **East (side):** Industrial and warehouse buildings and the on-off ramp between the freeway and Citylink / the Bolte Bridge beyond.
- **West (side) (Salmon Street):** The Rocklea Gardens industrial estate comprising industrial and warehouse buildings, and the freeway and freeway service centre and West Gate bridge beyond.

One planning permit has have been granted to the west as follows:

- 101 Salmon Street (opposite): Construct a 12 level mixed-use building comprising retail and dwellings. This development has not started.

One permit application is pending to the west as follows:

- 17 Rocklea Drive: Construct an 18 level mixed-use development. Received by Council 08 June 2017 for comment.



5. PERMIT TRIGGERS

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

| Planning Scheme Provision | Why is a planning permit required? |
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| <p>Clause 37.04 - Capital City Zone (CCZ1)</p> | <p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land Accommodation or a Child care centre if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land is proximate to warehouse and industrial uses and thus both uses require a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to:</p> <ul style="list-style-type: none"> • Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop); • Construct a building or construct or carry out works; • Demolish or remove a building or works; or • Erect or construct or carry out works for an advertising sign; <p>is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1: <i>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</i></p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is required under this clause.</p> |
| <p>Clause 43.01 - Heritage Overlay (HO2)</p> | <p>A Planning Permit is required to demolish a building and construct a building and/or construct or carry out works including removing three vehicle crossovers and modifying two crossovers in the Heritage Overlay.</p> <p>An application to demolish or construct a building is not 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>An application to carry out works or construct a vehicle cross-over is exempt from the notice, decision and review rights of the Act.</p> <p>A planning permit and notice is required under this clause.</p> |



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| <p>Clause 43.02 - Design and Development Overlay (DDO30)</p> | <p>The land is in Area A4 (18-storey max. height) of the DDO. 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. 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>Clause 44.05 - Special Building Overlay (SBO2)</p> | <p>A Planning Permit is required to construct a building and/or construct or carry out works in the Special Building Overlay. This does not apply to landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed. An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. 44.05-5 Referral of applications An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority. CoPP is the flood authority for SBO2. A planning permit is required under this clause.</p> |
| <p>Clause 45.06 - Development Contributions Plan Overlay (DCPO2)</p> | <p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> • A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning; • An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions. • The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development. • The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling. - A single dwelling on a lot - An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres. - A sign. • The permit only allows the consolidation of land or a boundary realignment. <p>A permit is required under this clause.</p> |



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| <p>Clause 45.09 - Parking Overlay (POI)</p> | <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay. The proposed parking provision for the retail premises exceeds the maximum rate set out in the Table. A permit and notice are required under this clause.</p> |
| <p>Clause 52.10 - Uses with Adverse Amenity Potential</p> | <p>A planning permit is required to vary the threshold distances for use for Accommodation or a Child care centre from industrial and/or warehouse uses referred to in the table to Clause 52.10. A permit is required under this clause.</p> |
| <p>Clause 52.06 - Car Parking</p> | <p>A planning permit is required to reduce the number of car parking spaces required for the Child-care centre under Clause 52.06-5. Car parking must meet the design requirements of Clause 52.06-9 unless the responsible authority agrees otherwise. A permit and notice is required under this clause.</p> |
| <p>Clause 52.07 Loading and Unloading Of Vehicles</p> | <p>A permit is required to waive or vary the loading bay requirements associated with buildings and works for the sale of goods. A permit is required under this clause.</p> |
| <p>Clause 52.34 - Bicycle Facilities</p> | <p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1. A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4. A permit is not required under this clause.</p> |
| <p>Clause 52.35 - Urban Context report and Design response for residential development of five or more storeys</p> | <p>An application for a residential development of five or more storeys must be accompanied by:</p> <ul style="list-style-type: none"> • An urban context report. • A design response. |
| <p>Clause 52.36 Integrated Public Transport Planning</p> | <p>An application for a development including 60 or more dwellings is required to be referred to Public Transport Victoria.</p> |
| <p>Clause 58 - Apartment Developments</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. A development must meet all of the objectives of this clause and should meet all of the standards, except for Clause 58.04-1: building setbacks. If a zone or overlay or an associated schedule specifies a building setback different from 58.04-1, the setback in the zone, overlay or schedule applies. A permit is not required under this clause.</p> |

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

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

Clause 9: Plan Melbourne

Clause 11: Settlement, inc. 11.02 Urban Growth, and 11.04 Metropolitan Melbourne



- Clause 15: Built Environment and Heritage inc. 15.01-1 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 in and 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 8.1.1 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 Vision is discussed at Section 8.1.2 of this report.



7. PUBLIC NOTIFICATION / OBJECTIONS AND REFERRALS

7.1 Notice of application

7.1.1 Council is not required to give notice of Department applications.

7.1.2 The Department is responsible for the giving of notice. Notice is required to be given to the owners and occupiers of adjoining properties, Council, and any other person(s) the Department deems might be materially detrimentally affected for:

- The demolition and construction of a building pursuant to the Heritage Overlay.
- The provision of car parking spaces for the Retail premises in excess of the rate specified in Table I of Schedule I to the Parking Overlay.
- Reducing the number of car parking spaces required for the Child-care centre under Clause 52.06-5.

7.1.3 Notice is not required for:

- The proposal to demolish or remove a building or works, construct a building or construct or carry out works, and use the land for Accommodation (dwellings) and a Child care centre in the Capital City Zone;
- The proposal to construct a building or construct or carry out works in the Design and Development Overlay and Special Building Overlay;

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.

7.1.4 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.

7.1.5 If notice (advertising) was given, Council would have the opportunity to object. Should the application continue to remain inconsistent with the planning scheme and the strategic plan, it would be prudent to delegate the power to object to the application to the Manager City Development.

7.2 Objections

The Department is yet to give notice.

7.3 Internal referrals

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

Traffic/Transport Matters

Parking layout and access arrangements

- Access to off-street parking facilities via laneway between Salmon Street and Thackray Road is satisfactory. All Laneways should align with the City of Port Phillip Design and Technical Standards for Fisherman's Bend.
- On-street car space dimensions and aisle widths are considered satisfactory.
- Off-street car space dimensions of 2.6m x 4.9m accessed from a 6.4m aisle are considered satisfactory.
- Several rows of car parking spaces have been provided without width or length dimensions shown. Please update plans to include width and length dimensions for



each row of car parking to determine if planning scheme requirements have been met.

- Several parking spaces are either non-conforming and/or raise safety concerns, it is recommended removing the following parking spaces:
 - All 'small car spaces' due to restrictive nature of location adjacent to walls and columns.
 - Spaces A1.132 & A1.133 adjacent the level 1 ramp due to potential conflict between vehicles utilizing ramp and vehicles entering / egressing parking spaces.
 - Spaces B1.92 & B2.92 located adjacent lifts, unless 1.5m clearance can be provided for pedestrian access.
- Vehicles can satisfactorily enter/exit the site in a forwards direction.
- Ramp Grades and transition changes are considered acceptable.
- Please ensure a minimum height clearance of 3.0m above ramps to align with the directions of the Strategic Framework Plan.
- Access ways at the entrance are considered acceptable.
- Access grade of no steeper than 10% within 5.0 metres of the frontage has been indicated and must be adhered to.

Parking Overlay and Parking Provisions

- FBURA target rate for the provision of residential parking is 0.5 spaces/dwelling and a maximum rate of 1 space/100m² for retail.
- Proposed 591 resident parking spaces equates to rate of 0.93 spaces /dwelling. This is considered high and not in line with the FBURA target rate. It is recommended reducing the level of off-street parking for residents.
- The traffic report indicates 12 parking spaces will be provided on-site for retail and childcare staff. This is in line with FBURA parking provision rates and is considered acceptable.

Traffic Generation

- Traffic generation assumptions of 44 inbound and 112 outbound movements during AM peak and 89 inbound and 67 outbound movements during PM peak.
- Total traffic generation from the proposal is 156 movements for entry and exit volumes during peak hours. This is considered satisfactory.
- SIDRA intersection analysis indicate that the intersections will operate in a satisfactory manner post development of the site.
- Please note 0.2 trips per car space has been used. No cumulative trip generation for other developments have been considered.

Pedestrian sightlines

- Pedestrian sight triangles have been provided in accordance with Clause 52.06 and are considered acceptable.

Provisions for Loading and Waste Collection

- Two loading docks are provided in both east and west carparks. Swept path diagrams demonstrate satisfactory access for a 6.4m vehicle.



- Traffic report indicates that access around the laneway network has been assessed for an 8.8m long Medium Rigid Vehicle, with a copy of the swept paths attached as Appendix C. Please provide a copy of these swept paths to Council for review.
- Waste Management plan to be referred to Council's Waste Management department for assessment.

If Loading docks need to accommodate waste vehicles larger than 6.4m, a swept path assessment will need to be provided demonstrates the suitable waste collection vehicle is able to enter/exit the site in forwards direction with suitable clearance.

Provisions for Bike Parking

A proposed parking provision of:

- 632 residential/staff bike spaces
- 64 visitor bike spaces

This level of bicycle parking is considered satisfactory.

Urban Design

Heritage

- Heritage Overlay 246: Gunnersens Pty. Ltd., 112 Salmon St, Port Melbourne applies to the entire site and is identified as a significant heritage place. In addition, questions have been raised about the heritage significance of the storage building on the site.
- Under Objective 3.2: To recognise the important contribution of heritage places to the character of Fishermans Bend, buildings with heritage significance are recommended to be retained for adaptive reuse and new development is to respond sensitively to heritage places. Retention and adaptive reuse of existing heritage places is supported, as it provides a connection to the site's history and contributes to the richness and diversity of the design response.
- The significance of both buildings needs to be confirmed/clarified as retention will significantly impact the proposed building typology and layout.
- Under Cl.22.04 Heritage Policy in the Planning Scheme, demolition of significant and contributory heritage place is discouraged. A permit to demolish a significant building and replace it with another development may be granted if the "*the building is structurally unsound*" and "*the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.*" In order to satisfy conditions required for a permit to demolish significant heritage places, both criteria need to be addressed. It is suggested the proposal be referred to the Fishermans Bend Design Review Panel to determine the design excellence of the proposal.

Neighbourhood Open Space

- The site is identified in the current Strategic Framework Plan September 2014 (SFP) as Proposed Neighbourhood Open Space, "*catering for a broad range of users within 400m safe walking distance of at least 95% of all dwellings and community uses*" (p.27).
- While the development does not fully support the objectives of the SFP to create a Neighbourhood Open Space, public open space that is to be transferred to City of Port Phillip is to satisfy Council requirements (Open Space Contributions in Fishermans Bend, p.44).



Site Layout

- Under Objective 2.2, sites larger than 3,000m² must prepare a master plan with provision for streets and laneways and publicly accessible spaces outlined in the SFP, diverse land-uses and dwelling types, affordable housing, diversity of built form typologies, including low and medium rise buildings.
- The subject site is 1.7ha, well in excess of the 3,000m² threshold. The applicant should provide a master plan that addresses the criteria in Objective 2.2 and clearly articulate the vision, design objectives and principles, program / functional requirements, staging etc. required.
- The podiums (approximately 83m x 67m) reduce permeability across the site and effectively privatise a majority of the site area.
- Under Objective 2.1, streets and lanes should not be more than 50m apart in the vicinity of public transport stops. Woolboard Street is identified as a potential Tram and Bus Network in Plan 2: Sustainable Transport (SFP, p.17). While the proposed new lanes are supported, permeability across the site can be further improved to provide a fine grain street network which supports creating a successful neighbourhood. It is suggested additional streets / lanes / through block connections are provided both north-south and east-west across the site to better service public transport routes, encourage sustainable forms of transport and introduce a fine grain scale to the street network and urban form. It is suggested the applicant introduce a street hierarchy clearly articulating the purpose, use and the activity each street supports. Streets should be clearly legible as public spaces.

Built Form

Height, form & mass

- Objective 3.1: To ensure development creates a diverse cityscape, and maintains a human scale at street level that does not overwhelm the public domain. The current proposal presents a singular response to a large site. The diversity implied in the precedent images of New York City is a product of a collection of individual sites, developed by different landowners/architects cumulatively over time. This proposal lacks the diversity of those precedents by essentially applying a podium tower typology across the site. There is a missed opportunity here to introduce different built form typologies which would provide a variety of dwelling types and outdoor spaces that would appeal to a broader cross-section of the market. The result of this homogeneity is an absence of collage evident in city development but also a lack of integration with the broader area.
- The applicant should consider how a more diverse and fine grain approach to the urban form can be achieved through a consideration of a hierarchy in use and height across the site; variety in the height of the podium and tower forms; increased differentiation and articulation between the tower forms and the middle and upper sections of the tower crown; and more variety in built form and dwelling typologies.
- The current development does not support Objective 3.3: To avoid undue visual dominance and overshadowing of the public environment, with 12-15 storey towers fronting onto the public open space. It is suggested the applicant consider a transition in scale to the proposed public open spaces/linear park to improve the interface between the proposed buildings and linear park.



Response to character and streetscape

- Salmon Street bridge provides a key connection across the West Gate Freeway. The applicant should consider in more detail how the interface along Salmon Street will support any future plans for improved connectivity.
- Similarly, the Woolboard Road interface is also to be considered for any future integration with public transport routes.

Overshadowing

- New development must not overshadow the proposed neighbourhood or local recreational open space between the hours of 11.00 am and 2.00 pm on 22 September (SFP, Objective 3.3, Standard 4 p.30). The applicant should consider providing public open spaces that complies with overshadowing constraints.
- The proposed built form overshadows Gunnersons Lane for a majority of the hours between 11.00 am and 2.00 pm on 22 September. The applicant should reduce overshadowing of the public realm for the hours specified above to encourage use of the public realm.

Public realm & ground floor

Legibility and access to entry and lobby areas

- While 1:20 ramps are provided to lobby entries, ground floor apartments are not at the same level as lobbies, thus excluding wheelchair users from access into these apartments. The applicant should consider providing universal access to all apartment entries.

Ground floor activation

- The proposed 3 levels (ground, 1st and 2nd levels) of car parking in the podium which directly interface the street for a majority of the podium above ground is not supported by the SFP which specifies above ground car parking be sleeved by active uses. Active uses should be incorporated in all faces of the podium interfacing the street.
- Under Objective 2.4, 60% of the street frontage at ground level along Salmon Street must provide non-residential uses. It is arguable the proposed SOHO apartments along Salmon Street do not satisfy this standard. The applicant should consider providing other non-residential uses along Salmon Street to support this key thoroughfare and further activate this interface.

Landscape and open space requirements

- Public Open Space is concentrated in one area only to the south of the site which is subject to overshadowing between 9am-3pm on September 22nd and is located below overhead high voltage transmission lines. Consolidation of public open space serves to limit resident interaction and access to the space from the wider community. The applicant should consider providing a hierarchy of public open space that caters for different open space uses and introduces smaller intimately scaled spaces.
- It is unclear what wind mitigation measures have been incorporated into the design of the open space on the podium roof. The applicant should provide further information and clarity on any wind mitigation measures to make the podium roof level habitable spaces.

Laneway and servicing

- The proposal to concentrate vehicular access to the north of the site creates a poor interface, reduces opportunities for activation and does not take full advantage of the access to sunlight. The applicant should consider diversifying the approach to



vehicular access across the site to improve the interface along the northern boundary, improve pedestrian amenity and potential for active frontages.

Compliance with CoPP Design & Tech Standards

- The applicant should consider aligning all proposed streets and lanes with the City of Port Phillip Draft Design and Technical Standards.

Façade treatment & detail

Podium, tower and crown detailing

- The proposed façade articulation appears quite homogenous across the podium and towers. This does not serve to differentiate the podium treatment from the towers, nor is any crown detailing proposed. The applicant should introduce more diversity into the façade treatment, introducing more fine grain detailing into the design.

Materials and reflectivity

- The use of a brick palette is supported within the robust character of the area, however the uniform language of the façade articulation - once colour is subtracted from the design, adds to the homogenous appearance of the proposed buildings. The applicant should consider diversifying the materiality of the proposed buildings.

Positioning of doors and windows

- While access is possible, proposed ground floor apartment entries are not legible (Objective 3.4, p.30). The applicant should consider improving the legibility of ground level street entries to the apartments.

Habitable rooms and balconies in the street

- Apartments in the triangular section of the towers suffer from poor amenity. While some of these apartment sizes are generous, some of this space is absorbed in inefficient apartment planning. The applicant should review these apartment designs to address issues such as reduced wardrobe area/storage and usable balcony space.

Amenity

Outlook and access to daylight

- Single aspect south facing one bedroom apartments are not supported. The applicant should consider changing single into double aspect apartments and providing more three bedroom apartments to accommodate families. Where possible, living spaces are preferably located on north, east and west orientations.

Private open spaces

- Balcony sizes are not included on drawings. The applicant should demonstrate that balcony provision (area and minimum depth) complies with Better Apartments Standards.

Heritage

This is an individually listed building and complete demolition is not supported. The industrial history of Port Melbourne is represented by only a handful of buildings and the conservation and adaptive re-use of these buildings is essential if the Fisherman's Bend urban renewal area is to retain any connection with this history, and sense of place.

I would prefer to see a scheme that retains the building and adapts it for re-use within the development.

I also believe the former 1950s storage building is of potential significance. Adaptive re-use of this building as part of any scheme is also encouraged.

I believe the sensitive incorporation of these buildings would add much needed interest



and variety, as well as a unique identity for any future development of this site.

Waste Management

- The size of the separate chute rooms need to be checked that the rooms can accommodate 2 x 1100L under the chute (waste and recycling) and that the door from the chute room is big enough to move the 1100L bins into the waste collection area. Both look currently too small.
- Table 1: Waste Estimate needs to separate the ground and podium apartments respective to which building/tower waste collection room these residents will be taking their waste and recycling. Table 1 and the overall waste estimates expected for each bin room can't be reviewed until this is done.
- There is no mention for the waste that will be collected in the amenities and outdoor space areas (aquatic centre/spa/pool, fitness club, and outdoor playground at ground level). Some consideration will need to be made for the waste that will be generated in these areas and where it will be collected- especially the outdoor playground area. Ideally, this would be listed under the respecting building/tower bin room where this waste will be going in Table 1 as well.
- Under 2.1 'User Access to Waste Facilities' commercial bins would ideally be kept separate from residential waste bins for the ground floor tenants who will be directly going to the waste collection rooms too. Additionally, the WMP will need to identify which buildings/towers waste collection rooms are being used for each commercial (café, shop, crèche) tenant. All of these recommendations will make it easier to review the WMP and how many bins need to be allocated for each tower's waste collection room
- Where are the organic bins being stored? They are not drawn into the plans in the event that there is a collection option for these 240L bins.
- Charity bins are required in each waste collection rooms.

Subdivision Officer

- The front area appears to be a proposal for their Public Open Space Contribution. The entire lot is an electricity easement for what appears to be a high voltage line, and is of little practical value, and probably limited monetary value. We should get specialty advice about parks under such wires and if it is something Council realistically wants to take on.
- In regard to the road up the middle, it is really only servicing the development, so is probably best retained as common property, possibly with an easement in favour of Council if there is any benefit to Council.
- In regard to the road on the northern boundary, this appears to have been designed as an access road, level 1, but with the footpath only on one side. However, it is recommended that a total 11m width is provided to allow the creation of a 22m wide road when the land to the north is developed. The northern road should be constructed to Council's standards and transferred to Council at subdivision.

Community Health & Service Planning

- The proposed development includes a child care centre. More information is needed with regards to:
 - The need for a child centre in the Wirraway Precinct / likely social impact of centre on community infrastructure and services in the adjoining area.
 - Potential service provider for the child care centre



- Delivery timing (when will the child care centre open, how many places will it have?)
- Design specifications (e.g. is there adequate car parking space, does it include regulated internal/ external floor area? Are there any access issues particularly in terms of child safe standards within mixed use development?)
- Query if the proposed “community facilities” would be sufficient and what investigations the applicants have undertaken in determining community facility needs?
- Query inclusion of affordable housing?
- The buffer zone from the Transmission lines does not seem adequate and will impact on development potential.

Open Space and Recreation

- Do not support this application because the site is identified as future public open space in the *Fishermans Bend Framework*.
Refute Urban Context Report assertion that site’s proximity to J.L Murphy Reserve negates the need for the land to be designated future public open space.
- The open space proposed along the Woolboard Road side of the subject site is not consistent with the *Fishermans Bend Framework*.
- Plans of the open space proposed along the Woolboard Road side of the subject site lack details of the proposed outdoor sporting and recreation facilities. Outdoor recreation courts must be oriented in a north-south direction.
- The Shadow Analysis on pages 26 and 27 of the Town Planning Report demonstrates the proposed open space would be overshadowed between 9am and 3pm on 22 September. This is inconsistent with Council’s Planning Scheme.
Public open space should receive at least 5 hours direct sunlight between 9am and 3pm on 22 September.
- Above-ground high voltage transmission lines traverse the proposed public open space on the subject site. Worksafe Victoria specifies a ‘No Go Zone’ for electrical towers within 8 metres of each side of the tower. The applicant does not appear to have provided any information as to whether there are any buffers for providing public open space under these lines.
- The application lacks arborist advice / justification to support the proposed removal of 38 trees from the land.

Housing Officer

- The site is an appropriate location for, and should incorporate affordable housing because it is within walking distance to:
 - The proposed Plummer St activity centre in the Framework Plan
 - The planned Plummer St light rail line
 - The J.L Murphy Reserve
 - Community hub / facilities proposed in the Plummer St Activity Centre.The site also has generally good access to the Melbourne CBD.
- The development should incorporate at least 6% affordable housing dwellings (6% of 633 = 37.98 rounded down to nearest whole number)



- Affordable housing should target:
 - Older persons, in particular older single women (one bed units)
 - Low income families, including larger families (2, 3, 4 bed units)
 - Singles at greatest risk of homelessness (1 bed units)
 - Low income wage earners / key workers (1-2 bed units).
- Of the potential 37 affordable housing units, approximately 5 should have 3 bedrooms to target larger families.
- Permit conditions such as for the approval for 134 - 142 Ferrars St, South Melbourne should apply, in particular:
 - The dwellings must be tenure blind.
 - Title to the dwellings to be transferred to a Housing Trust approved by the Responsible Authority and the City of Port Phillip.
 - Dwellings must be managed as social housing in perpetuity in accordance with the Trust Deed by a registered Housing Association or Housing Provider approved by the Responsible Authority and the City of Port Phillip.
 - The dwellings be set aside for occupation by low income residents to the satisfaction of the Responsible Authority and the City of Port Phillip.
 - One bicycle space must be allocated to each affordable housing dwelling.

7.4 External referrals

Council is not required to externally refer Department applications.

Referral is required to the relevant electricity transmission authority (Clause 66.02-4), City of Port Phillip (Clauses 44.05-5 and 66.03) and Public Transport Victoria (Clauses 52.36-1 and 66.03).

8. OFFICERS ASSESSMENT

8.1 Strategic Context

Fishermans Bend Strategic Framework Plan (September 2016)

8.1.1 The *Fishermans Bend Strategic Framework Plan* (September 2016) (FBSFP) proposes:

- The subject site as (indicative) *Proposed Neighbourhood Open Space*, i.e. *open space comprising local parks catering for a broad range of users within 400m safe walking distance of at least 95% of all dwellings and community uses, including playgrounds, plazas, and open areas for informal activity, and with various surfaces, depending on use.*
- Salmon Street continues to be a key link between the Wirraway and Industrial precincts of the Fishermans Bend Urban Renewal Area.
- Woolboard Road be extended as a 30m wide green / recreational link incorporating a linear park, car and bicycle lanes and public transport to the east to connect with Graham and Bertie Streets and beyond, and to the south-west to connect with Plummer Street and Smith Street (and Westgate Park as a recreation link).



- A new 22m wide road be constructed between Thackray Road and Salmon Street along the northern side of the adjacent lot at 128 Salmon Street, approximately 50.0m to the north.

The proposal would not meet the first dot point, would have neutral impact on the second and third dot points, and would compromise the achievement of the fourth dot point.

Fishermans Bend Vision September 2016

8.1.2 The Fishermans Bend vision for the Wirraway precinct is:

- A family friendly inner city neighbourhood close to the bay and Westgate Park including:
 - Small parks, plaza and playgrounds throughout the neighbourhood linked by leafy streets lined with different types of shops, businesses and homes;
 - A choice of diverse housing including small to medium scale apartment buildings;
 - Residential developments incorporating intimate scaled green spaces where people can meet, gather and relax;
 - Contemporary architecture which sensitively references the area’s cultural and industrial heritage; and
 - Higher densities around the intersection of Plummer and Salmon Street.

The proposal would meet the third dot point for housing diversity only.

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

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

| Policy Measure | Officer Assessment |
|---|---|
| <p>Dwelling Diversity and Affordable Housing Encourage development on sites greater than 3,000m², 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"> ○ Publicly accessible spaces that accommodate local passive recreation that are consistent with the Open Space Key Element of the Strategic Framework Plan; ○ Diversity of land uses, including non-residential floor space (see ‘Employment’); ○ Diversity of dwelling types and sizes, including an affordable housing component; and ○ Diversity of built form typologies, including low and medium rise buildings. | <p>Achieved in part - The site has an area of 17,552m² and is proposing 633 dwellings, in two podiums and six towers. The application documents includes a plan of the whole site showing provision for:</p> <ul style="list-style-type: none"> ○ A publicly accessible space for local passive recreation consistent in part with the Open Space Key Element of the Strategic Framework Plan; ○ A mix of SoHo, one, two and three bedroom dwellings. <p>The plan does not show provision for:</p> <ul style="list-style-type: none"> ○ Diversity of land uses: >98% of the floor area is residential; < 2% of the floor area is non-residential. ○ An affordable housing component. ○ Diversity of built form typologies: Only a podium and tower typology is proposed. No low-rise buildings are proposed. |
| <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>Not achieved - Proposal provides 29% of dwellings as 3-bedroom units. A variation is supported because the shortfall is minor.</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. | Not achieved - No affordable housing proposed. |
| Employment Encourage all development to provide opportunities for street level home occupation and non-residential use. | Achieved in part - Street level SoHo offices and dwellings proposed facing part of Salmon Street and Woolboard Road only. |
| 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. | Not applicable - Site is not in the Montague Precinct. Note: Proposed 1,119m ² non-residential floor space = 1.28% of total habitable gross floor area. |
| Encourage all development on sites along Normanby Road, Williamstown Road, Fennell Street, Plummer Street, Buckhurst Street, Ingles Street, Montague Street and Salmon Street should provide non-residential uses along at least 60% of the ground level street frontage. | Not achieved - Three SoHo offices facing Salmon Street = 18.9% of ground level frontage. A variation is supported because the Salmon Street frontage faces a service road and the abutments of the Salmon Street bridge over the freeway and is not well suited to commercial use. |

8.2 Heritage, including demolition

- 8.2.1 The subject site is graded Significant in the Port Phillip Heritage Review and has an individual Heritage Citation (#2122) and is included in a site specific Heritage Overlay (HO246).
- 8.2.2 The citation for the land refers specifically to the administrative office building constructed circa 1996 towards the corner of Salmon Street and Woolboard Road, and does not cite the five industrial warehouse buildings on the remainder of the land.
- 8.2.3 The citation notes:

Significance

The Gunnersens Companies complex was built to the design of architects Pels, Innes, Neilson and Kosloff Pty. Ltd. in 1995-96. It is historically important (Criterion A) for its capacity to demonstrate the resurgence of Port Melbourne as a preferred industrial location for major manufacturing companies in recent times and in contrast with the movement of industry away from Melbourne's inner suburbs. It is aesthetically important (Criterion E) to the extent that its contemporary architectural treatment contrasts with the traditional industrial streetscapes north of Williamstown Road. In these respects the Gunnersens Companies' complex is highly symbolic of Port Melbourne's continuing role as a centre of industry of metropolitan importance.

Description

An imposing administrative office building with associated industrial buildings occupying an open landscaped site and distinguished by the curvilinear treatment of the masses making up the offices, the lower foyer having a continuous glazed and curved façade surrounded by light green "Hardiflex" cladding with an open planned interior. A higher but similar element is set back from the foyer and clad in dark green "Hardiflex". It is also curved, the west end being terminated by a curved stair well. The success of the



design hinges on the juxtaposition of gently curved masses expressed by solid and transparent elements.

Condition: Sound.

Integrity: High

8.2.4 It is proposed to demolish all of the buildings on the land.

8.2.5 No objection is raised to the demolition of four of the warehouse buildings on the land (It is noted that a number of other warehouse buildings to the east side of the land were demolished circa 2012).

However concerns are raised about the demolition of the largest of the existing warehouses near the north-west rear of the site. This building features steel frame Belfast truss construction and is of historic, engineering, aesthetic, and architectural interest. The building was constructed on, or relocated to the site between 1960 and 1963. It is possibly a former aircraft hanger associated with the nearby former Government Aircraft Factory and Fishermans Bend airfield. The building is in sound condition.

Further investigation and appraisal of the heritage value of this building by a suitably qualified person should be undertaken before a final decision is made regarding its demolition.

8.2.6 The demolition of the graded administrative office building is not justified. The building is in sound condition and can easily be adapted from its current office use to other commercial or mixed commercial and residential use, and new extensions or stand-alone buildings can be added to the side and rear along Salmon Street and Woolboard Road.

8.2.7 Whilst the building is contemporary and only 21 years old, age is not the sole or necessarily the primary determinant of heritage significance, and the building has been independently assessed by Council heritage consultants as warranting heritage protection for its combination of architectural, historical and social significance, and this assessment has been reviewed, accepted and affirmed by an independent panel and ultimately State Government Planners and the Minister for Planning.

8.2.8 Retention and re-use of the graded building would assist compliance with policy for the site and surrounds which encourages a mix of low and medium rise buildings and diversity in built-form typologies.

Retention and re-use of the Belfast truss building would further assist achievement of heritage policy.

8.2.9 It is noted the office building and the Belfast-truss building are suitable for adaptive reuse for community rooms / café, undercover sports courts etc. as part of any development of the land for community open space.



8.3 Building Height, Setbacks and Tower Separation

Heights:

Podium

- 8.3.1 Schedule 30 to the DDO limits podium street wall height to 20.0m or 5 storeys, whichever is the lesser.
- 8.3.2 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.
- 8.3.3 The proposed three-storey / 11.0m height of both podiums would not exceed the permissible maximum height of the DDO, but would be inconsistent with the design guidance standards for a podium to generally be no lower than four storeys and not be uniform in height across the site.
- 8.3.4 The three storey height would also be inconsistent with the objective for street wall heights of adjoining (and adjacent and opposite) properties.
- 8.3.5 Increasing the height of part of the podium(s) to four and/or five levels would provide a visually more interesting building more in keeping with the objectives of the Strategic Framework Plan for the site and surrounds. This could be provided for by a condition of any approval that may issue for the proposal.

Tower

- 8.3.6 Schedule 30 to the DDO limits tower height on the land 18 storeys.
- 3.3.7 The twelve, fifteen and eighteen storey height of the towers would comply with the height limit.

Setbacks:

Podium

- 8.3.8 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. For example, Schedule 10 to the DDO in the Melbourne Planning Scheme defines street wall as '*... any part of the building constructed within 0.3 metres of a lot boundary fronting the street*'.
- 8.3.9 Podium setbacks are proposed to be:
- **North (rear):** Min. 8.5m, max 9.5m from rear boundary (Min 0.5m from new road, max. 1.5m from new road).
 - **South (Woolboard Road):** Min. 19.0m, max. 20.0m.
 - **East (Thackray Street):** Min. 1.0m, max. 2.0m.
 - **West (Salmon Street):** Min. 1.0m, max. 2.0m.
- 8.3.10 The north (rear) setback and associated new east-west road are not supported because they would undermine the proposed street network of the Strategic Framework Plan which proposes a new east-west road further to the north. The podium should be constructed to the north (rear) boundary, and the new



road constructed further to the north in accordance with the Framework Plan.

If a new road is supported along the northern boundary, it should have a minimum reserve width of 11.0m (with a commensurate increase in setback of the podium), and the adjacent property to the north should be required to also provide an 11.0m wide road reserve to create a new 22.0m wide road in accordance with the Strategic Framework Plan.

- 8.3.11 The south setbacks of 19.0m and 20.0m from Woolboard Road are not supported because they would provide insufficient building/dwelling clearance from the electricity transmission lines. The podium should be setback a minimum of 25.0m from the centre line of the transmission lines, which equates to a setback requirement of approximately 25.5m from the Woolboard Road title boundary.
- 8.3.12 The east setbacks of 1.0m and 2.0m from Thackray Road are not supported as they would be inconsistent with the emerging character of building to street frontages within the FBURA, and are considered unnecessary, given the existing approx. 10.0m wide lawn and tree verge of Thackray Road.
- 8.3.13 The west setbacks of 1.0m and 2.0m from Salmon Street would also be inconsistent with the emerging character of building to street frontages within the FBURA, but a variation is supported because it would provide opportunity for landscaping that could assist in softening the presence of the building along this busy road. An increased building setback could be supported along this frontage for the same reason.

Tower

- 8.3.14 Schedule 30 to the DDO requires towers above the street wall to be setback a minimum of 10.0m from the street and side and rear boundaries.
- 8.3.15 Towers setbacks are proposed to be:
- **North (rear):** Min. 13.74m (Towers A and D), max. 17.35m (Towers C and D) from rear boundary. (Min 4.2m - max 7.85m from podium street wall facing new road).
 - **South (Woolboard Road):** Min. 20.36m (Towers B, C, E and F) from the street (0.0m from podium wall).
 - **East (Thackray Road):** Min. 10.0m, max. 13.15m from the street (Min. 8.0m from podium wall facing Thackray Road).
 - **West (Salmon Street):** Min. 10.0m from the street (Min. 8.0m from podium wall facing Salmon Street).
- 8.3.16 The tower setbacks would meet or exceed the minimum 10.0m setback required from Woolboard Road, Salmon Street, Thackray Road and the existing rear boundary, but would not comply with the minimum setback required from the new rear or central streets.
- 8.3.17 The setbacks of the towers from the new streets must be measured from the edge of the new street reserves (noting the new north street reserve should be widened from 9.5m to 11.0m).



- 8.3.18 The setback of the towers from Woolboard Road presents a technical conundrum. On face value, the tower setbacks of 20.36m exceed the minimum setback of 10.0m from the street. On the other hand, the massing of the towers on the same plane as the podium is contrary to the DDO implied requirement for towers to be setback above the street wall, and the built form outcome requirement that towers be subordinate to maintaining the dominant street wall scale.
- 8.3.19 The proposed setbacks would not achieve acceptable urban design outcomes consistent with DDO objectives and the design guidance of the Framework Plan because:
- The towers facing Woolboard Road would be on the same plane as the podium wall, and so would lack definition;
 - The 4.2m and 7.85m tower setbacks facing the new northern street would present unreasonable mass and bulk to the new street;
 - The towers facing Salmon Street and Thackray Road would be setback only 8.0m from the podium wall, and so would present more mass and bulk relative to the street wall than envisaged by the DDO.

Tower Separation:

- 8.3.20 DDO 30 specifies a mandatory tower separation distance of 20.0m.

All the towers would achieve this, except for between the east rear of Tower A and the west side of Tower C, which would have a separation of 19.65m.

This separation distance must be increased to 20.0m. This could be provided for by a condition of any approval that may issue.

8.4 Dwelling Layout, Amenity and Diversity.

- 8.4.1 The scheme would provide a range of one, two and three bedroom dwellings, including 4 one bedroom SoHo dwellings, and would provide dwelling diversity, including accommodation suitable for families.

- 8.4.2 Dwelling floor areas and open space areas would range as follows:

- 52m² + 8m² balcony to 62m² + 8m² balcony for a 1BR dwelling;
- 70m² + 8.2m² balcony to 78m² + 8m² balcony for a 2BR dwelling;
- 80m² + 12m² balcony to 85m² + 15.3m² balcony for a 3BR dwelling;
- 100m² + 13m² balcony for a 3BR (triangular) end point dwelling.

These gross areas are considered satisfactory.

- 8.4.3 Clause 58 Apartment Standards applies to the application.

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

The plans show that typical floor plans for the different dwelling types and sizes would meet the minimum dimensions for living rooms, but some of the two and three bedroom dwelling types would not achieve the minimum bedroom dimensions. A condition of any approval should require all bedrooms to meet the minimum dimensions.



- 8.4.4 Officer assessment is that the proposal generally meets the Standards of Clause 58, but would not comply fully with regard to Standard D25 for minimum room depth to ceiling height ratios and Standard D26 for daylight to windows.
- 8.4.5 Conditions of any approval should require amendments to the drawings to meet these standards.
- 8.4.6 The subject site is proximate to the Freeway and existing industries. Any approval should include a condition for all dwellings to incorporate noise attenuation methods in their construction to ensure reasonable internal amenity day and night.

8.5 Transport and parking

8.5.1 Street Network

- 8.5.1.1 Two new streets are proposed as follows.
 - A new 9.0m wide street to be named Woolboard Lane running east-west between Salmon Street and Thackray Road, along the northern side boundary of the site, approximately 80.0m north of Woolboard Road. The street features a 500mm verge along its northern side, a 6.0m wide two-way carriage way, a 1.5m wide footpath along its south side, and a 500mm to 1.5m landscaped area abutting the proposed buildings (with part of the new buildings projecting up to 1.0m into the landscaped area at points.)

This street would provide vehicle access to the car parks in both podiums.
 - A new 12.87m wide street to be named Gunnensen Lane running from south (Woolboard Road) to north the proposed Woolboard Lane approximately 87m from Salmon Street and Thackray Road. The street features a 4.0m wide one-way carriageway and 4.435m verges incorporating landscaping and footpaths and bicycle parking along both sides.

This street would provide a mid-block vehicle and pedestrian link inbetween the east and west podiums.
- 8.5.1.2 The consultant traffic engineer report accompanying the application refers to 10 new car parking spaces being provided along Woolboard Lane and four new car parking spaces being provided along Gunnensen Lane. The plans do not show these spaces and the proposed carriageway or road reserve widths are inadequate to accommodate car parking spaces.
- 8.5.1.3 Key Element 1: Street network, of the FBSFP recommends a new 22m wide street be constructed approximately 40m to the north of the subject site, in alignment with the northern intersection of Rocklea Drive and Salmon Street. Where a new 22.0m road is provided along a property boundary, each property would typically provide half (11.0m) of the road width.
 - Objective 2.1 of the FBSFP Design Guidance recommendations include:
 - Streets and laneways be provide not more than 100m apart, and not more than 50m apart in the vicinity of public transport stops, activity centres and 'high streets'.
 - New streets and lanes be fronted with active uses.



8.5.1.4 The position and width of the proposed Woolboard Lane would be inconsistent with the FBSFP. Variations are not supported because:

- The road position would reduce the potential size of the proposed community park on the land; and
- The 9.0m width would only realise an overall road width of 18.0m when replicated on the adjacent property.

Any new road approved on this alignment would need to be:

- 11.0m wide;
- Designed in accordance with the FBSFP indicative street sections, or other design standard approved by Council;
- Constructed to Council's engineering standards at full cost to the developer;
- Vested to Council as a road.

8.5.1.5 The location and road reserve width of the north-south road would be satisfactory, but the carriageway width should be increased to at least 5.5m to allow two-way traffic.

This road should remain in private ownership, but should be encumbered with a carriageway easement allowing general public access at all times.

8.5.1.6 The podiums facing Woolboard Lane lack active frontages at all levels. The podiums facing Gunnensen Lane, Salmon Street and Thackray Road feature mesh screened car parks at Levels 1, 2 and 3. These frontages should be revised to feature residential and/or commercial uses, including sleeving of the car parks at Levels 1, 2 and 3 facing all streets.

8.6.2 Parking Overlay

Car parking requirements for the uses are set out in the Parking Overlay and associated Schedule 1 at Clause 45.09 of the Planning Scheme for the dwellings, home offices and retail premises, and Clause 52.06 for the Child care centre use. Clause 45.09 specifies maximum car parking rates rather than minimum rates.



| REQUIREMENT: | COMPLIANCE: |
|---|--|
| Car parking provision | |
| <p><u>Dwelling:</u> Maximum 1 space per dwelling x 636 dwellings = 636 spaces. (Clause 45.09 - Parking Overlay)</p> | <p>Complies - condition recommended: A total of 603 spaces comprising 591 at-grade car spaces at ground (Level 00) and Levels 1 and 2 of both podiums. This equates to 0.93 spaces/dwelling and significantly exceeds the FBSFP target rate of 0.5 spaces per dwelling. The application documents do not detail the allocation of car parking to the dwellings to confirm than not more than one space would be allocated to any dwelling without a permit. This could be provided for by a condition of any approval that may issue for the proposal.</p> <p>Public transport proximate to the site comprises the #235, 238 and 606 buses along Salmon Street, the 237 along Lorimer Street, the 232 along Williamstown Road, the 234 along the freeway (stops at the freeway services), and the 250, 252, 253 along Howe Parade and the Boulevard., although overall service frequency of these services is limited, particularly in the evening and on weekend.</p> <p>No immediate augmentation of these or other public transport services has been confirmed, although the FBSFP proposes a bus route along an extension of Woolboard Road and a light rail line approx. 300m to the south along Plummer and Fennell Street to the City (via a final route to be determined).</p> <p>The present day limits of public transport to the site and surrounds is not justification for providing suburban levels of car parking today. Having regard to the long-term inner city character and transport ambitions of the FBURA, the number of car spaces should be significantly reduced to, or close to the FBSFP target rate of 0.5 spaces per dwelling.</p> <p>It is noted that new dwellings would not be eligible for resident or visitor parking permits to park in permit zone on-street spaces on Council roads.</p> |
| <p><u>Office:</u> Maximum 1 space per 100m² of gross floor area x 144m² = 1 space (Clause 45.09 - Parking Overlay)</p> | <p>Complies: No car spaces are proposed exclusively for the office components of the 4 x SoHo dwelling/offices.</p> |
| <p><u>Retail premises:</u> Maximum 1 space per 100m² of gross floor area x 270m² = 2 spaces. (Clause 45.09 - Parking Overlay)</p> | <p>Does not comply: Four spaces are proposed to be provided for the retail premises, based on a proposed retail floor area of 400m². The plans show only 270m² of retail premises, so the parking allocation would exceed the recommended maximum. The number of parking spaces should be reduced and/or the level of retail floor area increased.</p> |



| | |
|---|--|
| <p><u>Child care centre:</u> 0.22 spaces per child x 72 children = 15 (15.84) spaces (Clause 52.06 - Car parking)</p> | <p>Complies in part - condition required: Eight spaces are proposed in the east podium for staff for the 72-place child care centre. These spaces are not shown on the plans. This equates to 0:11 spaces / childcare place which is half the minimum required provision.</p> <p>The applicants also propose to remove three existing parallel on-street car parking spaces in Thackray Road and replace them with 10 x 90° right angle spaces indented into the nature strip (a net increase of 7 spaces). These spaces would be adjacent to the lobby entry to the childcare centre.</p> <p>These 10 spaces are not supported because:</p> <ul style="list-style-type: none"> • They are proposed on Council land; • Their configuration would be contrary to the proposed street profiles and parking arrangements for the FBURA; and • They would not provide all-weather protection for drop-off / collection compared to additional spaces inside the building. <p>At least seven further car spaces should be provided in the ground floor car park of the east podium for drop-off and pick-up for the child-care centre. These spaces should be wider than standard to allow for full opening of doors and prams etc. A condition of any approval should also require all child-care centre car parking spaces to be designated on the plans.</p> |
|---|--|

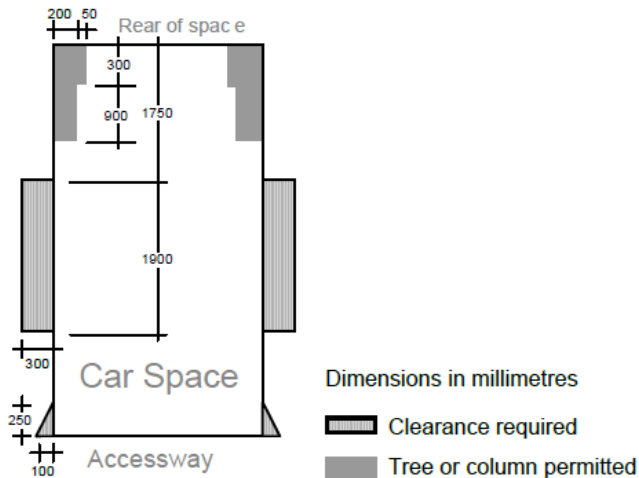
8.6.3 Design Standards for Car Parking

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

| | |
|--|---|
| Design Standard 1: Accessways: | |
| Minimum of 3m wide | Achieved |
| Internal radius of at least 4m at changes of direction or intersection or be >4.2m wide | Achieved - intersections would be > 4.2m wide. |
| Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. | Not achieved |
| Provide Min. 2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8m. | Achieved |
| If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction. | Achieved |
| Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone. | Achieved |
| Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent landscaped areas provided the landscaping is less than 900mm in height. | Achieved |
| If access to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway. | Not applicable |
| Design Standard 2: Car parking Spaces | |

| Table 2: Minimum dimensions of car parks and accessways | | | | Achieved in part - condition required – Aisles appear satisfactory, but not all car space dimensions are shown on the plans. |
|---|------------------|----------------|-----------------|--|
| Angle of car parking spaces to access way | Access way width | Car park width | Car park length | |
| Parallel | 3.6 m | 2.3 m | 6.7 m | |
| 45° | 3.5 m | 2.6 m | 4.9 m | |
| 60° | 4.9 m | 2.6 m | 4.9 m | |
| 90° | 6.4 m | 2.6 m | 4.9 m | |
| | 5.8 m | 2.8 m | 4.9 m | |
| | 5.2 m | 3.0 m | 4.9 m | |

| | |
|--|----------------|
| Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport. | Not applicable |
|--|----------------|

| | |
|--|--|
| <p>Diagram 1 Clearance to car parking spaces</p>  <p>Dimensions in millimetres</p> <ul style="list-style-type: none"> Clearance required Tree or column permitted | |
|--|--|

| | |
|--|----------|
| <p>Design Standard 3: Gradients</p> <p>Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to access ways serving three dwellings or less.</p> | Achieved |
|--|----------|



| Type of car park | Length of ramp | Maximum grade |
|---|-----------------------|---|
| Public car parks | 20 metres or less | 1:5 (20%) |
| | longer than 20 metres | 1:6 (16.7%) |
| Private or residential car parks | 20 metres or less | 1:4 (25%) |
| | longer than 20 metres | 1:5 (20%) |
| <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8(12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.</p> | | |
| Design Standard 4: Mechanical Parking: | | |
| At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m. | | Not applicable |
| Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation. | | Not applicable |
| Design Standard 5: Urban Design | | |
| Ground level parking, garage doors & access ways should not visually dominate public space. | | Achieved |
| Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks. | | Achieved in part – condition required - Only the Woolboard Road elevation of the podium car parks would be sleeved with dwellings. The other three elevations should be similarly architecturally resolved. |
| Design of car parks should take into account their use as entry points to the site. | | Not achieved |
| Design Standard 6: Safety | | |
| Car parking should be well lit & clearly signed. | | Refer Building Regs |
| The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings. | | Not applicable - Car parks would be internal. |
| Pedestrian access to car parking areas from the street should be convenient. | | Achieved - access would be available through all the lobbies. |
| Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas. | | Not applicable |
| Design Standard 7: Landscaping: | | |
| The layout of parking areas should provide for water sensitive urban design treatment & landscaping. | | Not applicable |
| Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths. | | Not applicable |



| | |
|--|-----------------------|
| Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity. | Not applicable |
|--|-----------------------|

- 8.6.3.2 All car parking spaces are proposed to be independently accessible single at-grade spaces.
- 8.6.3.3 Car space and aisle dimensions where marked meet the requirements of Clause 52.06. However, a number of spaces lack dimensions to confirm their usability. A condition of any approval should require all car spaces to be dimensioned and to achieve compliance with the requirements of Clause 52.06.
- 8.6.3.4 Council’s traffic engineers recommended the two spaces marked ‘small car space’ and spaces A1.132, A1.133, B1.92 and B2.92 be deleted because they would not achieve satisfactory access and/or raise traffic concerns.

They also sought confirmation of minimum clearance of 3.0m above ramps. Drawing TP-A3100 (03) shows a minimum clearance height above ramps of 2.2m.

These matters could be provided for by conditions of any approval that may issue.

8.7 Loading

The Planning Scheme requires one on-site loading bay in each podium for the retail tenancies.

Two loading bays are proposed in each podium for deliveries to the retail premises and waste collection. They would also provide for resident use such as moving house, deliveries, tradespersons etc.

Clause 52.07 of the Planning Scheme specifies minimum loading bay dimensions of 3.6m (w), 7.6m (l) and 4.0m (h).

The loading bay dimensions of 4.0m (w), 8.0m (l) and 3.5m (h) do not meet the minimum height requirement, which would limit usability of the bays to vans and small trucks, and require the use of specialist small waste collection vehicles with a 2.5m operating height.

Swept path diagrams for the loading bays have been provided for a small rigid vehicle (i.e Ford Transit, Hyundai iLoad etc.).

It is considered that the loading bay dimensions would be adequate for the requirements of the buildings.



8.8 Bicycle Facilities

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

| Use, and Bicycle parking rate | No. dwellings / Floor area m ² / No. storeys | No. spaces / facilities required | No. spaces proposed |
|--|---|---|---|
| Dwellings (in developments of four or more storeys) must provide: - One (1) employee/resident bicycle space/5 dwellings; and - One (1) visitor bicycle space/10 dwellings If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower /change room to each shower | 633 (x 12, 15, 18 storeys) | 189 (126 resident, 63 visitor) spaces Nil Nil | 689 (625 internal resident [inc. 219 over-bonnet] & 64 external visitor) spaces Nil Nil |
| Office requires: - 1 employee/resident space per 300m ² of net floor area if floor area > 1000m ² . - 1 visitor/shopper space per 1000m ² of leasable floor area if floor area > 1000m ² . If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower/change room to each shower | 144m ² | Nil Nil Nil Nil | Nil Nil Nil Nil |
| Retail premises requires: - 1 employee/resident space per 300m ² of leasable floor area if the leasable floor area exceeds 1000m ² . - 1 visitor/shopper space per 500m ² of leasable floor area if the leasable floor area exceeds 1000m ² . If > 5 employee spaces required, 1 employee shower for first 5 spaces, + 1/10 spaces thereafter 1 employee change room or combined shower/change room to each shower | 270m ² | Nil Nil Nil Nil | Nil Nil Nil Nil |
| Child care centre: No bicycle parking requirement | 72 children | Nil | Nil |
| Totals | | 189 spaces (126 resident and 63 visitor) | 689 (625 resident + 64 visitor) |

The gross number of bicycle parking spaces proposed would exceed the number of spaces required for the dwellings.

The location of the bicycle parking would be generally satisfactory, although the ground floor level secure stores would benefit from additional access doors direct to the street in addition to their proposed access through the car park.

8.9 Open Space / Landscaping

Community Open Space

8.9.1 The *Fishermans Bend Strategic Framework Plan (September 2016)* proposes the whole of the land as (indicative) *Proposed Neighbourhood Open Space*.

8/9.2 The application proposes a mixed-use multi-tower development on the majority of the land, and the front lot of 2,882m² beneath the electricity transmission lines to be



landscaped including lawn and paved areas, wetland, youth play area including a sandpit play area, skate park, sports courts (softball, basketball, handball etc.), dog park, shrubs and trees.

The land in the easement is not generally allowed to be commercially developed or used.

- 8.9.3 Whilst the provision of landscaping on at least part of the land is welcomed, its location beneath the transmission lines reduces or prohibits its usability for active sports, and reduces its amenity value for passive uses, and imposes on-going liabilities and obligations on the land owner in favour of the electricity supply company. For these reasons, it is considered undesirable for Council to accept this land as satisfying the requirement of Clause 52.01 of the Planning Scheme for 8% of the land being provided to Council as an open space contribution.

Open space for the proposal would be best provided by unencumbered land or payment equivalent to 8% of the land value, which could then be used to purchase or develop land identified in the Fishermans Bend Strategic Framework Plan as open space.

- 8.9.4 The landscape concept extends onto Woodboard Road land not owned by the permit applicant and proposes the removal of street trees. Council has not consented to any landscape works or tree removal in the road reserve; such works should be deleted from any plans.

Dwelling Open Space

- 8.9.5 The ground (Level 00) and podium (Levels 1 and 2) dwellings are proposed to have individual open space courtyards or balconies varying in area from 9.0m² for 1BR dwellings, and 8.0m² to 20.0m² for 2BR dwellings.
- 8.9.6 The tower dwellings at podium rooftop level (Level 3) are proposed to have balcony open space areas of 8.0m² for 1BR dwellings, 8.0m² to 10.0m² for 2BR dwellings, and 12m² to 15.4m² for 3BR dwellings, plus roof top terraces of 22m² to 111m² for most dwellings.
- 8.9.7 The tower dwellings at Level four and above are proposed to have individual open space balconies varying in area from 8.0m² for 1BR dwellings, 8.0m² to 10m² for 2BR dwellings, and 12m² to 15.3m² for 3BR dwellings.

These areas are considered satisfactory.

Communal Open Space/Facilities

- 8.9.8 Communal open space of approximately 2,165m² (Total approx. totalling 4,330m²) is proposed at roof-top level of both podiums, opening off a communal pool, gym, yoga room and residents lounge at the base of Tower C (west podium) and a 98m² communal residential lounge at the base of Tower F (east podium).
- 8.9.9 These areas are considered satisfactory subject to a wind impact assessment confirming they meet an acceptable usability and comfort level and/or amelioration works to achieve an acceptable level.



8.10 Sustainable design

8.10.1 A Sustainable Management Plan (SMP) was provided with the application. The plan stated the development would achieve:

- Compliance with Clause 22.12: Stormwater Management (Water Sensitive Urban Design) and Clause 22.13: Environmentally Sustainable Development of the Port Phillip Planning Scheme Local Planning Policy Framework.

- Compliance with Section J of the National Construction Code (NCC).

- Green Star Design and As Built version 1.1: 4 star Rating Equivalence.

Key elements of the plan to achieve these standards include:

- 41% of dwellings to meet the cross-flow ventilation requirements of Clause 58: Better Apartments.

- An Environmental Management System (EMS) to manage building services.

- Waste and recycling management.

- High performance low-e insulated glazing with minimum 55% visible light transmission.

- Shading of north windows for sun control.

- Motion sensors for lighting of communal areas.

- High rated reverse cycle air conditioners, tap ware, toilets, showers, etc.

- A maximum cooling load of 30MJ/m².yr in accordance with Clause 58: Better Apartments.

- Rainwater collection and storage in two 50kL tanks serving a catchment area of 3,950m² for irrigation and toilet flushing.

- A commitment to installation of third pipe plumbing to connect to the FBURA recycled water supply system.

- Individual water meters.

- Water storage for fire sprinkler testing.

The plan does not provide details of Water Sensitive Design, instead noting that the design of the stormwater system would be developed as the project progresses.

It is considered the SMP is general in nature and lacking in detail. Conditions of any approval should require the submission of an amended SMP and a Water Sensitive Urban Design Response detailing how the sustainable design and storm water policy and standards would be met, and that the stated measures be incorporated in the building prior to occupation.

8.11 Waste Management

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

8.11.2 Residential and commercial waste and recyclables are proposed to be collected from on-site internal loading bays by a private contractor using nominal 6.4m long rear lift vehicles requiring 2.5m clearance during collections.



- 8.11.3 Council's Waste Management Section reviewed the drawings and the WMP and raised concerns as follows:
- The waste bin rooms appear undersized to accommodate the proposed 2 x 1100L bins.
 - The waste estimates in Table 1 need to show which tower waste room(s) would be used by the ground and podium level dwellings and each commercial tenant.
 - Commercial waste bins should be kept separate from residential waste bins.
 - The plans do not detail where organic bins would be stored or how they would be collected.
 - The WMP does not provide waste estimates or a designates waste room(s) for the ground level community open space, playground, sport courts etc. and the podium level communal amenities (outdoor open space, pool, gym, resident lounges etc.).
 - The waste rooms do not include charity bins.

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

8.12 Community Facilities

Community facilities or places proposed as part of the development comprise:

- The development of the easement below the electricity transmission lines and part of the adjacent road reserve along Woolboard Road for public open space including lawn and paved areas, wetland, youth play area including a sandpit play area, skate park, sports courts (softball, basketball, handball etc.), dog park, shrubs and trees.
- A 72-place child-care centre at roof top level (base of Tower F) of the east podium.

Whilst the development of part of the site for open space is welcomed:

- It falls short of the Strategic Framework Plans ambitions for the whole of the site to be a community park for the FBURA;
- Its usability and amenity would be materially limited by the electricity transmission lines overhead;
- It would be overshadowed for most of the day throughout the year;
- The park design relies in part on works on adjacent land in Woolboard Road not owned or under the control of the permit applicant (i.e. the park concept as proposed cannot be realised / guaranteed by the permit applicant).
- The applicant has not sought or obtained Council consent to d
- It is noted the land beneath the transmission lines has negligible commercial development or use potential.

If that part of the land owned by the applicant was to be developed generally in accordance with the park concept plan, with an expectation that Council take on maintenance of the park, Council's expectation is that it should then vest in Council.

The Child-care centre use would be satisfactory, and could provide for children residing in the development as well as nearby and afar. As a relatively small stand-alone centre, it would not provide and would not qualify as a substantial community resource for the purposes of a development contribution.



As discussed at 7.5.2, at least seven additional car spaces should be provided in the ground floor car park of the east podium for drop-off and pick-up for the child-care centre. These spaces should be wider than standard to allow for full opening of doors and prams etc. A condition of any approval should also require all child-care centre car parking spaces to be designated on the plans.

8.13 Development Contributions

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

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

8.14 Environmental Audit

An environmental audit has not been undertaken for the land.

A preliminary contaminated site investigation report was provided with the application. The report determined that there was the potential for the site to be contaminated from its industrial use, and soil, ground water and hazardous building material assessments were warranted.

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

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

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

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

8.15 Noise Impacts

The subject site is approximately 110m to the south of the Westgate Freeway and proximate to a number of industrial uses.

It is important for the amenity of all future residents, and the long-term viability of industry in the Employment Precinct to the north, that all of the dwellings incorporate a high standard of noise abatement measures in their construction.

An Acoustic Report was submitted with the application. The report refers to various standards, but does not specify the minimum noise levels the project would achieve.

A condition of any approval that may issue for the proposal should specify the minimum dbA noise levels for the dwellings.

8.16 Wind Impacts

Objective 4.2, Standard 1 of the Design Guidance of the FBSFP (September 2016) requires developments to ensure safe and comfortable wind conditions in streets and other public spaces and sets out maximum wind speeds / duration for sitting, standing and sitting comfort.

Objective 4.2, Standard 2 states wind mitigation should not be by the addition of protective



screens and other incidental add-ons to buildings, or landscaping.

Objective 4.2, Standard 3 requires podium and rooftop communal open spaces must be fit for purpose and designed to mitigate against wind conditions.

An Environmental Wind Assessment report based on wind tunnel testing was submitted with the application. The report concluded:

- Subject to wind mitigation strategies including a cut-out at ground level of the north-west corner of Salmon Street and Woolboard Lane (the proposed new east-west road), the proposal would meet the walking comfort criteria in streets, and some locations would meet the standing comfort criteria.
- Additional (local) screening would improve wind conditions at the south-east corner of the West podium (where outdoor dining is proposed).
- Additional wind-break screens are required at the podium roof top levels to achieve the walking comfort criteria.

Any approval should include a condition requiring amendment of the plans in accordance with the submitted Environmental Wind Assessment report.

8.17 Melbourne Water

Floor levels are expressed to reduced levels and so do not clearly demonstrate compliance with Melbourne Water's recommended flood and sea level rise floor levels which are expressed to Australian Height Datum (AHD).

A condition of any approval should require all floor levels to meet Melbourne Water's floor level requirements and to be expressed to AHD.

8.18 Electricity Transmission Line

Crown Allotment 6E is wholly encumbered by an easement in favour of AusNet Services (as successor to the State Electricity Commission of Victoria cited on the Title) for an overhead 275Kv power line and tower.

AusNet Services Guidelines for use and development beneath and proximate to electricity transmission lines:

- Specify a 50m (i.e. 25m either side of centre line) easement for a 275Kv powerline.
- Notes easements are required for access for maintenance and repair purposes as well as safety control measures, noting transmission lines may move many metres both horizontally and vertically under the effects of wind, temperature and electrical load.
- Allows use in 275Kv transmission line easements for (*officer emphasis added*):
 - Grazing and agriculture.
 - Market gardens, orchards and horticultural nurseries, excluding buildings.
 - Water storage dams, subject to sufficient clearances from lines and towers.
 - Trees and shrubs with a mature growth height not exceeding three metres, and vegetation density generally restricted to scattered trees or limited area clumps and shelter belts to control the total quantity of burnable materials on the easement.
 - A tree clear area of 20.0m radius generally at tower sites for line maintenance.
 - Landscaping and paving, subject to sufficient clearances to lines and towers if changes to the natural surface levels are proposed.



- Non-metallic fences up to 3.0m height (Metallic fences, or fences incorporating metallic materials, must be suitably earthed and sectionalised).
- Sewerage, drainage and water pipes constructed of earthenware or plastic materials, but no closer than 20.0m to towers.
- Parking of sedan and utility types of vehicles. Barriers of an approved design may be required to protect towers from damage by vehicles.
- Ground level sporting activities, such as football, cricket, golf, basketball and netball (exc. Tennis courts), subject to special requirements regarding the design of fences, goals and lights.
- Lighting poles, subject to sufficient clearance to lines and towers. Power supply must be underground and lighting poles must lower to the ground for servicing.
- Playground equipment, subject to a one metre maximum height limit.
- Except with the consent of the electricity transmission line owner and operator, prohibits use in transmission line easements for:
 - Houses, other buildings and structures, including eaves, awnings, canopies, shelters and the like.
 - Erection of scaffolding.
 - Swimming pools, both above and below the ground, including filtration equipment.
 - Storage of materials in industrial type waste bins and skips.
 - Stockpiling of excavated materials.
 - Storage or handling of flammable liquids or gases.
 - Fuelling of and repairs to vehicles, plant and equipment.
 - Use of vehicles and equipment such as cranes, excavators, elevated working platforms and the like exceeding three metres in operating height.
 - Parking of large trucks and caravans (traversing or crossing easements is permitted).
 - Loading, unloading and load adjustment of large trucks.
 - Operation of large water spray irrigators of the gun type.
 - Metal pipes (including reinforced concrete), power cables and other electrically conductive materials within 30.0m of any tower steelwork.
 - Electrical detonation or storage of explosives including fireworks.

Officer assessment is that both podiums, and towers B, C, E and F would be setback only 19.5m from the centre line of the transmission lines/easement, and would thus intrude 5.5m into the easement.

The podiums and towers should be setback further so as to not impinge on the easement, unless consent to a lesser setback is provided by the electricity transmission line owner and operator.

8.19 Vehicle Crossings

There are five existing vehicle crossings to the site (one off Salmon Street, two off Woolboard Road and two off Thackray Road). It is proposed to

- Remove both existing crossings off Woolboard Road and one existing crossing off Thackray Road,
- Modify one existing crossing off Salmon Street and one off Thackray Road,
- Construct one new crossing approximately mid-point along Woolboard Road.

The crossing works would be satisfactory.



9. COVENANTS / EASEMENTS / RESTRICTIONS

A review of the supplied Titles confirmed they are not encumbered by a restrictive covenant or a Section 173 Agreement or a building envelope. Both titles are however encumbered by easements as follows:

- Volume 11850, Folio 219, being Crown Allotment 6D, Section 59, City of Port Melbourne, Parish of Melbourne South, commonly known as TP 849319S is encumbered by an easement as follows:
E1: (two separate parts) in favour of CitiPower.
- Volume 11850 Folio 220, being Crown Allotment 6E, Section 59, City of Port Melbourne, Parish of Melbourne South, commonly known as TP 301139R is wholly encumbered by an easement as follows:
E-1: access in favour of SECV and its agents to carry out works to the overhead transmission of electricity.

The proposal would directly encroach on the easements on Crown Allotment 6D and may impact on the easement on Crown Allotment 6E. The consent of the easement beneficiaries needs to be obtained before any development.

10. OFFICER DIRECT OR INDIRECT INTEREST

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 proposal is inconsistent with the FBSFP identification of the site as Open Space and local policy for employment and affordable housing,
- 12.2 The uniform height of the podiums and lack of vertical breaks or lanes, lack of active street frontages and a preponderance of screened car parks at upper levels would present an unsatisfactory urban design outcome.
- 12.3 The towers would similarly suffer from a lack of variation in height, with both groups of three towers having the same heights and massing, and the towers along the rear street being all 18 storeys. The towers would also not be setback sufficiently from existing and proposed streets.
- 12.4 The development proposes negligible floor area for retail or commercial uses, and no affordable housing, but would provide a satisfactory range of dwelling types and sizes.
- 12.5 Open space areas proposed along the southern perimeter of the land and at podium



roof top level would be overshadowed through most of the day, and would have reduced amenity as a result of being beneath or in close proximity to major electricity transmission lines. The podium roof top open space would also be adversely affected by wind from the towers and would not be well suited to sitting and requires wind-break screens to achieve satisfactory walking comfort.

- 12.6 Officers disagree with the applicant's arguments for demolition of all of the buildings on the land, and believe the existing offices and one of the existing industrial buildings are eminently suitable for retention and adaptive reuse, as part of any mixed use or open space development of the site.
- 12.7 The location and width of the proposed new road to the rear of the site would be inconsistent with the recommendations of the FBSFP and should be deleted.
- 12.8 The subject site is in a far corner of the FBURA, remote from existing services and the proposed future activity centre of the Wirraway Precinct around the junction of Plummer and Salmon Streets. It is considered the site is not well suited to a dense perimeter podium block and tower development over the whole of the land, and would be an overdevelopment having regard to the strategic direction of the FBSFP and the Fishermans Bend Vision September 2016.
- 12.9 It is considered these concerns cannot be ameliorated by conditions to modify the proposal, and the development of the land needs to be fundamentally reconsidered having regard to the Strategic Framework Plan and Fishermans Bend Vision.
- 12.10 It is recommended that Council advise the Minister that it does not support the application as proposed.

13. RECOMMENDATION

That the Council resolve:

- 13.1** That a letter be sent to the Department of Environment, Land, Water and Planning advising the Council:
 - I. Does not support the amended proposal in its current form based on the matters set out in Sections 7, 8 and 11 of report, including in particular:
 - (a) The proposal would be inconsistent with the Fishermans Bend Strategic Framework Plan which designates the land as indicative proposed neighbourhood open space.
 - (b) The proposal would not meet the policy objectives of Clause 22.15 for Employment or provision of affordable housing in the Fishermans Bend Urban Renewal Area
 - (c) The uniform height and setbacks of the podiums and lack of mid-point lanes or other vertical breaks would present unreasonable mass to the streets.
 - (d) The podium façades would lack activation at ground level and would be dominated by car parking at upper levels.
 - (e) The absence of or reduced tower setbacks from the streets would present unreasonable building bulk and mass and would undermine the maintenance of the dominant street wall scale.
 - (f) There would be insufficient variation in the heights of the towers.



- (g) The proposal would unreasonably overshadow the open space at ground level beneath the transmission lines and at podium roof top level.
- (h) The subject sites abuttal to major electricity transmission lines makes it unsuitable for high density residential and commercial development and use.
- (i) The significant heritage graded building and associated buildings proposed to be demolished are not structurally unsound and are suitable for adaptive reuse for low rise low density development including development of open space.
- (j) The proposed northern (rear) road would be inconsistent with the recommended road location and width for the FBURA.
- (k) The proposal would provide excessive car parking for the dwellings and retail premises and insufficient car parking for the child care centre.

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 as necessary if notice of the application is given by the Department.