



**6.2** 18 - 22 SALMON STREET, PORT MELBOURNE

**LOCATION/ADDRESS:** 18 - 22 SALMON STREET, PORT MELBOURNE

**EXECUTIVE MEMBER:** CLAIRE FERRES MILES, GENERAL MANAGER

**PREPARED BY:** ROSANNE MASSEY, SENIOR URBAN PLANNER

**1. PURPOSE**

1.1 To provide a Council position on Ministerial Application PA1700301 at the above mentioned address, noting that the application has been called in by the Planning Minister.

**2. EXECUTIVE SUMMARY**

**WARD:** Gateway

**TRIGGER FOR DETERMINATION BY COUNCIL:** Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area

**APPLICATION NO:** MINRA0009/2017 (Council)  
PA1700301 (DELWP)

**APPLICANT:** Fishermans Bend Management Pty Ltd C/o - SJB Planning

**EXISTING USE:** Warehouse and Office

**ABUTTING USES:** Warehouse and Office

**ZONING:** Capital City Zone Schedule 1  
Abuts Road Zone Category 1 (Plummer Street)

**OVERLAYS:** Design and Development Overlay Schedule 30  
Parking Overlay Schedule 1  
Special Building Overlay Schedule 1  
Development Contribution Overlay Schedule 2

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

2.1 This report assesses the Ministerial Referral for an application for demolition of the existing buildings and works, and construction of three 12 storey mixed use towers, comprising Accommodation (Dwellings), Retail (Shops), Office, Education Centre (Primary School), Place of Assembly (Community Hall and Library), and Supermarket. A permit is required to use the land for all of the uses excluding Retail and Office. The proposal also involves alteration of a Road Zone Category 1 comprising reinstatement of two crossovers, construction of a new crossover to Plummer Street, and increase in intensity and type of use on the site.



- 2.2 The Planning Minister has called in 26 major development applications, including this application. Prior to the Ministerial Call In the permit applicant had lodged a Section 79 appeal against the Ministers failure to make a decision within the statutory timeframe. The hearing was scheduled to take place on 12 June 2018 for 3 days. The application will not be decided on until after the Panel Hearing is completed for Strategic Amendment GC81 which seeks to amend the current controls and Strategic Framework for Fishermans Bend.
- 2.3 The site is located within the Wirraway Precinct of Fishermans Bend. The site is affected by a Design and Development Overlay - Schedule 30 which prescribes a mandatory 18 storey height maximum. The proposed towers would be 12 storeys in height and all setbacks and separations would meet the requirements of the DDO30.
- 2.4 The proposal would provide a mixed-use development within a desirable location, to assist in providing employment options and commercial and community facilities, with a fine grain active frontage to Plummer Street with the current required 6m setback. In addition, the proposal includes dwellings which could achieve appropriate levels of internal amenity subject to conditions, and would not have unreasonable external amenity impacts. However, concerns are raised with a number of elements. In particular the level of compliance with the Draft Framework and Draft Controls, and relating to the following;
- The proposal does not include the intended public open space which is identified as being located at the corner of Plummer Street and Salmon Street within the Draft Framework Plans.
  - The proposal does not include the new 12m wide road which is planned to be located along the southern edge of the subject site connecting Tarver Street to JL Murphy Reserve, and proposes crossovers to both Plummer Street and Salmon Street which are not permitted within the Draft Framework.
  - The proposed FAR (8.25:1) significantly exceeds the draft FAR of 4.1:1, and proposes dwelling density (288 per ha) in excess of the draft dwelling density of 139 per ha.
  - The proposed Library does not align with the Investigation Hub. The site is identified as being within an Investigation Hub for Secondary Education, not Primary, however this is less problematic.
  - No affordable housing is proposed. Whilst the proposal does not trigger the affordable housing requirement under the current controls, there is no threshold within the proposed controls. A development of this scale should provide affordable housing.
- 2.5 In addition, concerns are raised with the design and operation/governance of community facilities (Community Hall and Library), the location of the Primary School and lack of street presence, supermarket size and impact on the level of activation to Salmon Street, level of residential car parking and residential bike



parking, level of bike parking and change facilities/lockers for office uses, waste management, loading and unloading, the sustainable design response including WSUD response and lack of appropriate response to the specific stormwater requirements within the Current Strategic Framework.

- 2.6 The concerns with the proposal outweigh the positive aspects and it is therefore recommended that Council advise the Planning Minister that Council does not support the proposal in its current form. Draft conditions have been included should a permit be issued.

### 3. RECOMMENDATION

- 3.1 That Council advises the Minister (C/-o the Department of Environment, Land, Water and Planning) that:
- 1 Council does not support the application in its current form based on matters set out in Sections 8.4.2, 8.4.3, 9.1, and 11.
  - 2 In the event that the Minister determines to grant a permit for the application, any permit issued should incorporate the draft conditions attached to this report.
  - 3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on any independent advisory committee appointed by the Minister for Planning to consider the called in application, and/or any Victorian Civil Administrative Tribunal (VCAT) application for review for the called in application.

### 4. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
1354/2007	<i>Erection and display of internally illuminated business identification signage</i>	<i>Approved</i>	<i>13/12/2007</i>
43/2008	<i>Construction of four canopies to loading bays of the existing building</i>	<i>Approved</i>	<i>20/02/2008</i>

The following applications have been considered/are being considered for nearby properties:

Application No.	Proposal	Decision	Date of Decision
5/2017/MIN	<i>Demolition of existing buildings and</i>	<i>Called in by the Planning Minister</i>	<i>N/A</i>




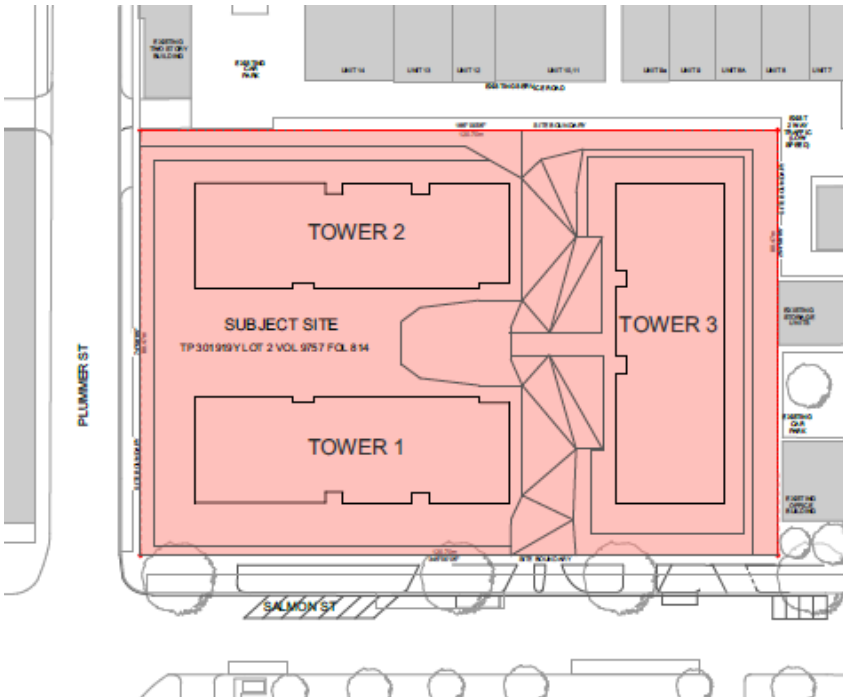
PLANNING COMMITTEE  
26 APRIL 2018

365 – 391 Plummer Street, Port Melbourne	construction of a mixed use development comprising three towers, accommodation (dwellings), office, retail, food and drink premises, supermarket and childcare centre, and parking in excess of the Parking Overlay requirements		
1060/2016 3A/339 Williamstown Road, Port Melbourne	Demolition of existing buildings and works, construction of sixteen townhouses	Undetermined at the time of this report	N/A
2/2017/MIN 19 Salmon Street, Port Melbourne	Part demolish existing buildings and construct 135 four level townhouse dwellings (including 26 with optional ground floor level commercial) and associated car and bicycle parking, construct and carry out works, use land for Accommodation (dwellings) in the CCZ1. Alter access to a road in a Road Zone (RDZ1)	Approved	10/09/2017
2/2014/MIN 320 Plummer Street, Port Melbourne	Demolish existing buildings and construct a mixed use development comprising a 12 and 15 level building with retail and commercial, dwellings and associated car spaces.	Approved	12/08/2015
1/2016/MIN Lots 10/11/12, 339 Williamstown Road	Demolish existing building and construct a 12 storey mixed use development inc.50 dwellings, 272.6m <sup>2</sup> retail/office, 48 car, 37 bicycle parking spaces	Approved	18/05/2017
2/2015/MIN Lot 9A / 339- 441 Williamstown Road	Development of a Multi Storey Mixed use Building and Associated Parking Dispensation 7 (6 x 3BR, 1 x 4BR) dwellings.	Approved	25/10/2015

**5. PROPOSAL**

5.1 The proposal is detailed within the below table:

	<b>Proposal</b>
<b>Site area</b>	9,712m <sup>2</sup>
<b>Type of Development</b>	Mixed use development comprising three towers 
<b>Land Uses</b>	Accommodation (Dwellings), Retail, Office, Education Centre inc. Primary School, Place of Assembly inc. Community Hall and Library, and Supermarket
<b>Demolition</b>	Demolition of all existing buildings and works on site.
<b>No. dwellings</b>	280 dwellings: 71 x 1BR (25.35%), 118 x 2BR (42.14%), 91 x 3BR (32.5%).
<b>Affordable Housing</b>	No affordable housing proposed.

<p><b>Setbacks and tower separation</b></p>	<p>The below image of the site layout plan identifies the configuration of the three towers, noting that Tower 1 and Tower 2 share a podium. All towers would be separated by 20m, and setback 10m to each title boundary.</p> <p>The ground floor level would be setback 6m to Plummer Street with the first floor cantilevered over.</p> 
<p><b>Podium height</b></p>	<p>Podium 1 (Plummer Street): 3 storey's / 19.71m (23.06m AHD) Podium 2 (Salmon Street): 5 storey's / 18.90m (22.25m AHD)</p>
<p><b>Tower height</b></p>	<p><b>Tower 1:</b> 12 storeys/49.42m (52.77 AHD) roof, 55.61 (58.96m AHD) top of roof terrace surround <b>Tower 2:</b> 12 storeys/49.42m (52.77 AHD) roof, 55.61 (58.96m AHD) top of roof terrace surround <b>Tower 3:</b> 12 storeys/43.62m (46.97 AHD) roof, 48.22m (51.57 AHD) top of roof terrace surround</p>
<p><b>Commercial/Community Facilities floor area</b></p>	<ul style="list-style-type: none"> <li>• 7,915m<sup>2</sup> of commercial area (offices)</li> <li>• 6,993m<sup>2</sup> of retail (including two supermarkets and specialty stores). 3,515m<sup>2</sup> supermarket and 1,719m<sup>2</sup> supermarkets fronting Salmon Street (screened to Plummer Street and most of internal pedestrian link by specialty shops)</li> <li>• Primary school (4,303m<sup>2</sup> located over 2 levels/including 1,378m<sup>2</sup> terrace), 250 students and 20 staff</li> <li>• Community hall (1,006m<sup>2</sup>),</li> <li>• Library (131.40m<sup>2</sup>)</li> </ul>





<b>Loading bay</b>	<p><u>Podium 1</u>: 1 @ Level 00 (ground) <u>Podium 2</u>: 1 @ Level 00 (ground)</p> <p><b>Note:</b> Three residential (one per tower) and one commercial bin room proposed at Basement 1, accessed from aisle (No waste loading bays).</p>
<b>Car parking</b>	<p>Basement 1: 196 spaces Basement 2: 230 spaces; Total: 426 spaces</p> <ul style="list-style-type: none"> <li>• 230 resident (0.82/dwelling),</li> <li>• 176 Office/Place of assembly/Retail premises/Supermarket [0.68/100m<sup>2</sup>],</li> <li>• 20 school.</li> </ul> <p>Basement 1 car parking would be allocated to public, community, retail and school uses. Basement 2 car parking would be allocated to dwellings.</p>
<b>Motorcycle parking</b>	6 spaces; 3 within each basement level.
<b>Bicycle parking</b>	<p>328, comprising 170 resident spaces, 26 staff spaces, 38 school spaces, and 100 visitor spaces.</p> <p>Lockers and change rooms provided in Basement level 1.</p>
<b>Open Space</b>	<p>No public open space proposed.</p> <p>Each dwelling would be provided with a balcony ranging from 8m<sup>2</sup> to 18.36m<sup>2</sup> in area.</p>
<b>Communal (public) facilities</b>	<p>Ground level through block pedestrian link between Salmon Street and property to the east (future link to J L Murphy Reserve).</p> <p>Podium 1 Level 02: Communal hall 802m<sup>2</sup>, Library 131m<sup>2</sup></p>
<b>Stores</b>	Located in Basement level 2.
<b>Vehicle access</b>	<p>New vehicle crossover to Plummer Street providing access for delivery/service vehicles.</p> <p>Two new crossovers to Salmon Street, one to provide access for deliver/service vehicles and one to provide access to the basement.</p>
<b>Lobbies</b>	<p>Ground floor lobbies located off pedestrian laneway for apartments.</p> <p>School entry located at the eastern end of the ground floor pedestrian laneway.</p>

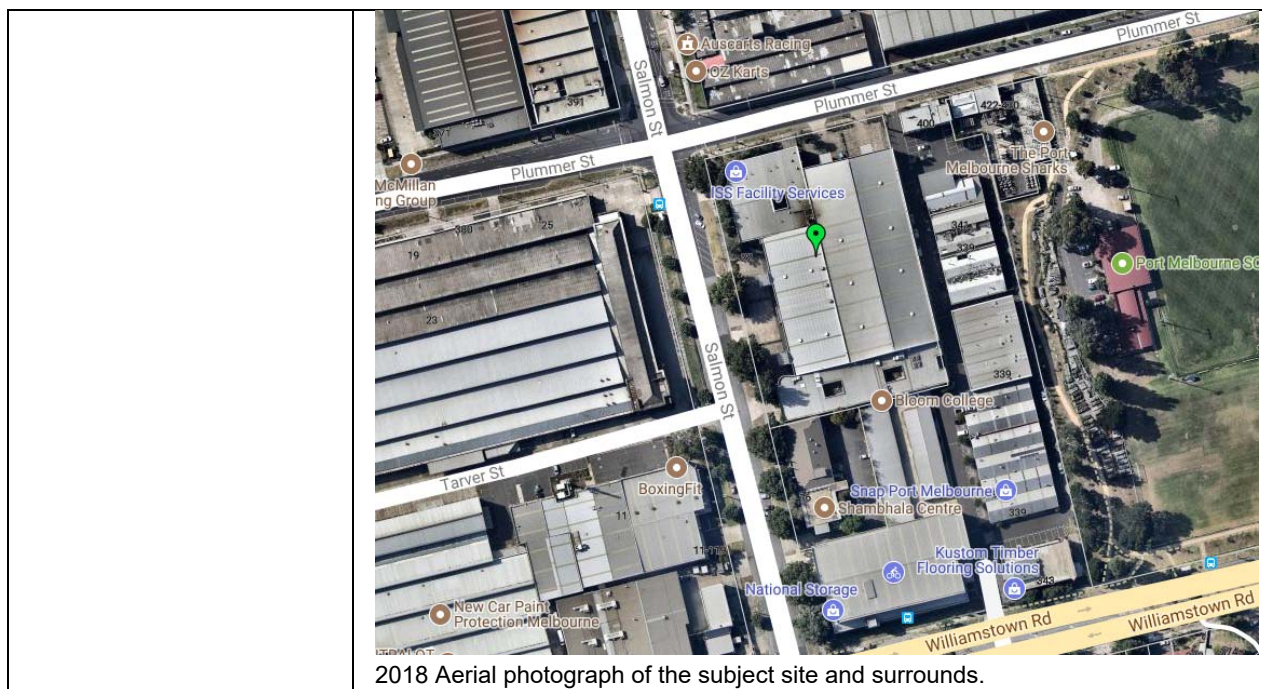


<b>Pedestrian path access</b>	Footpaths along all existing street frontages, and through the block via the proposed laneway
<b>Gross floor area / Floor area ratio</b>	Gross Floor Area (GFA): 80,165m <sup>2</sup> ; Gross Commercial (Office & Retail) Floor area: 14,952m <sup>2</sup> . Site area = 9,712m <sup>2</sup> Floor Area Ratio (FAR): 8.25:1; Commercial FAR: 1.54:1. Note: Oct Draft FBF includes site in Wirraway core precinct, which has a FAR of 4.1:1 (39,819m <sup>2</sup> ) including a minimum commercial FAR of 1.9:1 (18,452m <sup>2</sup> ), and a 24-storey discretionary height control.

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	9,712m <sup>2</sup>
Existing building & site conditions	The site is located on the south-eastern corner of Plummer Street and Salmon Street in Port Melbourne. The site has a frontage to Salmon Street of approximately 120m and a frontage to Plummer Street of approximately 80m. The site contains single and double storey built form comprising warehouse and offices (maximum height 11.9m). At grade car parking is located at the Plummer and Salmon Street frontages, with vehicle access provided via two crossovers to Plummer Street, and five crossovers located to Salmon Street. Landscaped setbacks are provided to Plummer and Salmon Street, and four large street trees are located along Salmon Street.
Surrounds/neighbourhood character	The surrounding land comprises of industrial/warehouses, commercial, office, café, self-storage units, and a indoor go-kart track. JL Murphy Reserve is located approximately 40 to 70m to the east of the subject site. Residential land outside of the Fishermans Bend Urban Renewal Precinct is located approximately 100m to the south of the subject site on the opposite side of Williamstown Road. A number of street trees are located along Salmon Street.





## 7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
<p>Clause 37.04 - Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) and an Education Centre (Primary School) 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 light industrial uses and thus requires a permit under this clause.</p> <p>A supermarket use requires a planning permit if an interface is not provided to the Civic Boulevard, Buckhurst Street or Lorimer Parkway, as defined in the Fishermans Bend Strategic Framework Plan. The supermarket within the podium of tower 1 and tower 2 is separated to Plummer St (the Civic Boulevard) by individual shops. The frontages to the supermarkets are located along Salmon Street and therefore require a Planning Permit.</p> <p>A Place of Assembly use (Community Hall and Library) requires a planning permit.</p> <p>Office, and Retail (Shops) are Section 1 uses and do not require a planning permit.</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 an apartment development must meet the requirements of Clause 58.</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>Pursuant to Clause 6.0 of Schedule 1 to the CCZ1:</p> <p>Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation)</p>



	<p>commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> <li>• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul> <p>A planning permit is required under this clause.</p>
Clause 43.02 - Design and Development Overlay – Schedule 30 (DDO30)	<p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p>
Clause 44.50 Special Building Overlay Schedule 1 (SBO)	<p>Pursuant to Clause 44.05-1 a permit is required to construct a building or to construct or carry out works.</p>
Clause 45.06 - Development Contributions Plan Overlay (DCPO2)	<p>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> <li>• A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning;</li> <li>• An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions.</li> <li>• The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development.</li> <li>• The permit allows for the construction of a building or construction or carrying out works for; <ul style="list-style-type: none"> <li>- Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling.</li> <li>- A single dwelling on a lot</li> <li>- An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres.</li> <li>- A sign.</li> </ul> </li> <li>• The permit only allows the consolidation of land or a boundary realignment.</li> </ul> <p><i>A permit is required under this clause.</i></p>
Clause 45.09 - Parking Overlay (PO1)	<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.</p> <p>The proposed parking provision does not exceed the maximum rates set out in the Table, and therefore no permit is required under this clause</p>
Clause 52.10 Uses with Adverse Amenity Potential	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 52.10 are required to be met.</p> <p>A permit is required under this clause</p>
Clause 52.06 Car Parking	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the PO operates in conjunction with the requirements of Clause 52.06.</p>
Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition	<p>The proposal involves the reinstatement of crossovers to Plummer Street and construction of a new crossover to Plummer Street. Plummer Street is a Road Zone Category 1. The proposal also involves a significant change in the use and intensity of uses on the site.</p>



Overlay for a Category 1 Road.	
Clause 52.34 Bicycle Facilities	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 as bike parking provision proposed exceeds the standards.
Clause 58 Apartment Developments	Pursuant to Clause 58 a development: <ul style="list-style-type: none"> <li>• Must meet all of the objectives of this clause.</li> <li>• Should meet all of the standards of this clause</li> </ul>

## 8. PLANNING SCHEME PROVISIONS

### 8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 11	Settlement, including 11.01 Activity Centres, 11.02 Urban Growth, and 11.04 Metropolitan Melbourne
Clause 15	Built Environment and Heritage including 15.01-1 Urban Design, and 15.02-1 Sustainable development Energy and resource efficiency;
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport
Clause 19	Infrastructure

### 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.03	Ecologically Sustainable Development, including Clause 21.03-1 Environmentally Sustainable Land Use and Development, and Clause 21.03-2 Sustainable Transport
Clause 21.04	Land Use, including Clause 21.04-1 Housing and Accommodation, Clause 21.04-2 Activity Centres, Clause 21.04-3 Office and Mixed Activity Areas
Clause 21.05	Built Form, including Clause 21.05-2 Urban Structure and Character, Clause 21.05-3 Urban Design and the Public Realm, Clause 21.05-4 Physical Infrastructure
Clause 21.06	Neighbourhoods, including Clause 21.06-8 Fishermans Bend Urban Renewal Area
Clause 22.12	Stormwater Management (Water Sensitive Urban Design)
Clause 22.13	Environmentally Sustainable Development

### 8.3 Other relevant provisions

Clause 61.01 Administration and Enforcement of this Scheme

Clause 65 Decision Guidelines

### 8.4 Relevant Planning Scheme Amendment/s

8.4.1 The Planning Scheme controls affecting the site were changed by Amendments GC50 and GC59 on 14 and 29 November 2016 respectively. The Amendments introduced:

- A Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- The Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The requirements of the DDO30 apply on an interim basis until 31 March 2018 unless otherwise extended by the Planning Minister.
- An update to the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016). The Framework is an incorporated document to Port Phillip Planning Scheme.

8.4.2 Draft Controls and Strategic Framework: on 21 October 2017, a draft revised Fishermans Bend Framework was released by the State Government for consultation in October 2017 (Amendment GC81). On 31 October 2017, associated draft Planning Scheme Amendment GC81 setting out revised State and Local policy, zone, overlay and general provisions for Fishermans Bend was released for consultation. The draft Framework Plan proposes (relative to the subject site and surrounds):

- The site is located directly adjacent to the potential metro station, is located within the general investigation area, and contains a tram route on Plummer Street. The 16m required road widening to accommodate the future public transport appears to affect only the northern side of Plummer Street (not the subject site).
- Plummer Street is a proposed cycling corridor.
- No crossovers are permitted to Plummer Street or Salmon Street. The proposal seeks one new crossover to Plummer Street and two new crossovers are proposed to Salmon Street therefore not responding to this requirement of the draft controls.





- A 12m wide new road is proposed along the southern edge of the title boundary which would connect to JL Murphy Reserve. The new road is proposed to include open/urban space running along the south. This is not included within the proposal.
- An area of open space to the Plummer Street/Salmon Street corner. This has not been incorporated into the design.
- The site is located within the Wirraway core precinct with a FAR of 4.1:1, including a minimum commercial FAR of 1.9:1. The proposal has a FAR of 8.25:1 which doubles that suggested for the site. The commercial FAR would be slightly less than that suggested for the site and is therefore less problematic.
- The site is located within a discretionary 24 storey maximum building height. Council's Urban Designer has suggested that the 24 storey height could assist in addressing the homogenous built form proposed.
- A primary active frontage is required to Plummer St and Salmon Street. An active frontage is provided to Plummer Street, and in part to Salmon Street excluding vehicle access and services. Supermarkets can have a low level of activation due to internal layout and signage. This would need to be addressed should the proposal be approved.
- The site is located within an investigation area for the education and community hub, and within the investigation area for the arts and cultural hub. Please refer to internal referral comments (Community Infrastructure and Service Planning) for a discussion regarding the investigation areas.

8.4.3 The Draft Planning Scheme Provisions include Municipal Strategic Statement (MSS) encouragement for:

- Mixed use development with shops and businesses providing active street edges, fine grain built form and laneways and through block links for permeability and connectivity through street blocks, and retention of heritage buildings.
- Local Planning Policy Framework (LPPF) encouragement of a maximum dwelling density in the Wirraway core area of 139 dwellings/hectare. The current application includes a maximum of 280 dwellings and the site is approximately 0.9712 hectares which equals 288 dwellings per hectare.
- 6% affordable housing is encouraged through a range of housing models, typologies and occupancies. Threshold markers for when affordable housing is not included within the draft controls. The proposal does not include any affordable housing options.
- Family friendly housing is encouraged, including mid-rise housing with access to POS, family friendly housing on lower levels with direct access to communal play areas, living room sizes which exceed minimum



requirements, access to outdoor communal green space provided on ground, podium, or roof top levels, Children's communal active indoor play or recreation space as part of indoor communal spaces, sufficient storage areas with easy access to dwellings.

- Communal open space is encouraged within residential developments to create opportunities for social interaction, including community gardening sheds etc.
  - The proposed DDO30 includes the following requirements for the subject site;
    - A street wall height of 6 storeys and 23m to Plummer Street
    - A street wall height of 8 storeys and 30m to Salmon Street
    - The proposal involves a 3 storeys / 19.71m (23.06m AHD) & a 5 storeys / 18.90m (22.25m AHD) podium, which would meet the requirements.
    - Side and rear boundaries can be built on the boundary to a maximum height of 6 storeys (23m) or 8 storeys (30m) subject to the interpretation of the control.
    - The setback to the side and rear boundaries should be 6m , and can be reduced to 3m if the building does not include a habitable room window or balcony (excluding a setback to a street or laneway). The south side setback of Tower 3 is proposed to be setback a minimum of 5.2m which includes balconies and habitable room windows, this would not comply with the requirements.
    - Buildings should be separated by a minimum of 12m if balconies are located at both interfaces, and 6m to 9m if one of the buildings does not include habitable rooms/balconies.
- 8.4.4 The draft conditions attached to this report include requirements associated with the draft Strategic Framework and the draft Controls (Amendment GC81) relevant to the subject site.
- 8.4.5 Submissions regarding the draft Framework and Planning Scheme provisions closed on 15 December 2017. The Framework and Controls are currently being reviewed by an independent Panel. It is estimated the new framework and controls will not be resolved or implemented before circa mid-2018. The Planning Minister has advised that a decision on the subject application will not occur until after the Panel hearing has been completed. It is therefore imperative that current proposals have proper regard to the proposed Framework and Controls.
- 8.4.6 Planning Scheme Amendment VC136 was introduced on 13 April 2017 and implemented Clause 58 (Apartment Developments) which replaced Clause 52.34





(Urban Context Report and Design Response for Residential Development of Five or More Storeys), and the Guidelines for High Density Residential Development. The application was submitted on 14 November 2017 and Clause 58 is applicable to the assessment of the proposal. Please refer to the residential amenity assessment section of this report, and the Clause 58 Assessment which is attached to this report for a full assessment.

- 8.4.7 Strategic Amendment VC142 removes permit requirements for loading and unloading of vehicles by deleting Clause 52.07 – Loading and unloading of vehicles. Updates are made to Clause 65 (decision guidelines) to ensure that loading and unloading facilities, amenity and traffic flow are considered. The amendment has also made multiple minor changes to the Planning Scheme including amended references to a number of uses.

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

#### **Community Infrastructure and Service Planning**

*The applicant has provided insufficient detail regarding the funding, delivery and governance of the proposed infrastructure.*

*We recognise that a flexible approach is needed for the planning and delivery of community infrastructure in Fishermans Bend, and the proposed site is an ideal location for community infrastructure, however, further details relating to the funding, delivery and governance of community infrastructure need to be resolved prior to Council considering the acceptance of proposed community infrastructure within mixed use developments in Fishermans Bend. The Executive Leadership Team have previously directed that until the governance and funding arrangements are resolved, that Council should not accept community infrastructure facilities.*

*Funding, delivery and governance details which need to be resolved include:*

- *Roles and responsibilities for the delivery and operation of community infrastructure and services need to be clearly defined, in particular the role that Council, State Government and not-for-profit organisations will play.*
- *The tenure and ownership of Council operated community facilities within mixed use developments needs to be resolved to ensure Council's long term service delivery needs are met.*
- *Funding and finance assessments for all of the community infrastructure and services identified in the Fishermans Bend Community Infrastructure Plan (CIP) need to be undertaken to ensure that the proposed Hubs are affordable, in terms of capital investment and ongoing operation and maintenance. The initial findings of the Funding and Finance Case Study for the Sandridge Sports and Recreation Hub, has highlighted a number of challenges that need to be considered when delivering infrastructure within mixed use developments.*



- *The preparation of design specifications need to be completed to ensure:*
  - *Adequate floor space has been nominated in the CIP and that the delivery of community infrastructure hubs within mixed use developments is achievable. This will determine the minimum floor area required for each service/ facility and ensure sufficient can be identified to accommodate each of the hubs in the CIP.*
  - *Define the role and characteristics of each Hub, including whether there should be options to develop hubs within one building or across a number of sites.*
  - *Consideration of which services require dedicated space and which services can be shared.*
- *Further consideration also needs to be given as to how the ultimate operation and use of the facility (and proposed hubs in the CIP) will be determined and how clear governance and partnership models will be assigned to each of the hubs.*

*Further to this, based on the facilities proposed, the design of the building, and the unknown governance and funding arrangements, Council officers consider that the proposed community facilities would not be accepted by Council. They do not meet the vision for Wirraway or the vision for each of the hubs included in the CIP, and there are too many unknowns in regards to governance and funding. Further details below:*

- *The current proposal does not meet two key principles / outcomes sought by Council:*
  - *Promoting co-location of related & complimentary community facilities / not splitting hubs. The proposal to combine only parts of the hubs in the CIP is not supported. Without clear guidance for this as an outcome (i.e. through the Design Specifications), this will make the implementation of the CIP extremely difficult to manage, and may compromise the intent of the hubs, which is for a large anchor co-located with supporting facilities.*
  - *That location and design are crucial – including that Community Hubs have a high profile public entry. At least a portion of the hub must be located at ground level.*
- *The preferred model in Fishermans Bend is for a single larger library in the Sandridge Arts and Cultural Hub, rather than the proposal for four smaller collections. The proposal suggests the Sandridge Arts and Cultural Hub be a landmark building that will contain the one large library, as well as an art gallery and youth centre. This will ensure a central civic presence for Sandridge and will meet the needs of the significant worker population. Therefore the proposal to include a small 300sqm library is not supported.*
- *The entire Arts and Cultural Hub cannot be accommodated within the 1,000sqm space as it is too small. Further, the vision for Wirraway is for the Arts and Cultural Hub to be delivered in a landmark civic building, which is not the case with the proposed development.*
- *The entire Health and Wellbeing Hub cannot be accommodated in the 1,000sqm space. Council's submission to the CIP proposed that this hub re-located to Sandridge in order to better service all precincts in CoPP within Fishermans Bend. An alternative to this, as suggested by the Department of Health and Human Services, is to re-locate the Lorimer Health and Wellbeing hub to Montague and retain the Wirraway Health and Wellbeing hub. The*



*delivery of the entire Health and Wellbeing hub in this location may be an option, if the developer would re-design the building and deliver additional floorspace to accommodate the entire hub. Also, the siting directly across from the school may require further consideration. Further consideration needs to be given to determine which services can be provided in the multipurpose spaces. As the CIP proposes a significant number of multipurpose spaces, further work needs to be undertaken to determine how the function of the multipurpose space might differ depending on which hub they are located in. It is not clear from what the multipurpose spaces in this instance might be used for.*

- *In addition to the matters outlined above, the design of the proposed community facility within the mixed use building is not acceptable. Any community facility should have a strong street presence, a separate high profile public ground floor entry to the street and at least part of the facility would must be located at the ground floor.*

*At this stage, it is considered that the most appropriate use of the space would be for a private Long Day Care or consulting rooms, medical practice, or pharmacy delivered by the private sector, to complement the other proposed uses in the building (supermarkets, Catholic School, residential dwellings). Another option would be for the hall and library to be included as part of the school development.*

*As outlined above, incorporating community uses into private developments has the potential to be an innovative delivery model, however a number of details need to be worked through prior to Council accepting community facilities. We would like to continue working in partnership with Taskforce to work through the above issues and ensure the delivery of community infrastructure in Fishermans Bend.*

#### **Urban Design Officer**

In summary the main concerns are;

- The integration of the site with the site to the east and the park, particularly as a school is proposed.
- The proposal to fit two supermarkets and a school into one site seems a stretch, perhaps some of these uses would be better located on other sites at this activity centre. A school might be much better located in a more stand-alone setting, rather than under apartments and above a supermarket.
- The 6m undercroft that they are leaving for the metro box raises significant concerns. This should ideally be a 6m setback of the entire podium (maybe some discretion if the tower set back less than the podium once it's been pushed back so far). Or it should be filled in with shops that can be easily cleared out to make way for station exists if required in future. It is quite unclear if the 6m widening caters to both the new metro and new tram lines. Again, calling the application in should allow it to be better considered.

More detailed comments:

*The intention to create a mixed use development is highly supported, however, there are significant issues that were identified in the Pre-Application stage that*



*have not been successfully addressed. In addition, consideration of the draft Framework raises additional concerns that will have a considerable impact on this proposed development. Comments further to those outlined below are:*

*As per the draft Framework:*

- Provision for the proposed open space and entry/exit into the underground train station is not allowed for and integrated into the scheme.*
- A proposed laneway for public access located at the southern site boundary is not provided. The development application proposes an enclosed vehicular route for truck delivery which does not provide public access as per the draft Framework.*
- The proposed vehicular access for truck deliveries to service both supermarkets along the east and south site boundaries seve the site from the surrounding area and result in poor interfaces.*
- Delivery truck movements to Plummer Street in close proximity to the intersection with Salmon Street detract from the key civic intersection and Plummer Street boulevard.*
- The co-located residential and school lobby entries in the south east corner is not an ideal solution considering the number of people that will be accessing both lift cores at overlapping times.*
- The location of the school entry at the end of the plaza adjacent the truck delivery route is a poor and potentially unsafe outcome. Integration with the surrounding properties is required to ensure a successful through pedestrian route.*
- School drop-off/pick up in the basement is not encouraged as the only viable solution with provision for on street drop-off/pick-up required. The close proximity of the school entry with the truck delivery access requires careful consideration to reduce conflict points.*
- The proposed plaza space appears constrained by the addition of shops within the plaza to provide active frontages. While active frontages are supported, the plaza needs to accommodate the footfall generated by the offices, retail, school, dwellings and multi-purpose space.*
- The core locations and circulation routes appear to be driven by both supermarkets in their current configuration. This is resulting in very long corridors with no access to daylight in all towers.*
- The multi-purpose community hall foyer appears undersized for the number of potential users the hall and library can accommodate. It is also unclear if the multi-purpose community hall and library are provided for the sole use of the school?*
- Located on one of the most prominent corners in the Wirraway neighbourhood city centre, the tower locations and heights could improve how they address the corner site and prominent views along Salmon and Plummer Streets. A variation in height has the potential to open up the corner or present a stronger corner and provide additional diversity to the built form.*
- Opportunities to provide street presence to the proposed civic uses (school and multi-purpose community hall) are not explored. These could provide additional interest to the built form and façade articulation and increase activation at the street interface.*
- The proposed treatment of the footpath to Plummer Street should take into account high levels of footfall at what will be a busy intersection.*





- *The provision of two supermarkets to the street within a single development is not a desirable outcome in terms of creating an active streetscape interface to Salmon Street.*
- *The spatial configuration of the proposed Wirraway Central Primary School and its floor area doesn't seem adequate for the requirements of a Primary School.*
- *The School's proposed location doesn't provide it with a strong street presence or address and has potential wayfinding issues.*
- *As discussed I agree setting the façade line back 6m from Plummer St for the potential Wirraway Station box is not a desirable outcome and increasing the depth of the retail shopfronts to the site boundary would be more desirable.*
- *The proposed heights, floorplates and architectural treatment of the towers - despite differing floor to floor heights - results in a very homogenous outcome (coloured fins aside). Suggest varying the heights further and more variation in façade fenestration.*
- *Further definition to the podium would assist in providing variation to the development. Additionally the materiality of the podium should be given further consideration with the potential to add texture and further visual interest.*
- *Under the draft framework the site is located within a 24-storey (discretionary) height limit zone – this may provide greater flexibility in how the site is developed with regard to heights and the nominated station entry for Wirraway.*
- *Suggest a staging approach needs to be considered and developed to allow for the construction of a station entry should the potential Wirraway Metro Station proceed in the future. Perhaps the Primary School should relocate above the entry and be delivered above the station entry.*

### **Transport Safety Engineer**

#### **PARKING LAYOUT AND ACCESS ARRANGEMENTS**

- *Proposed access to off-street parking/loading facilities is proposed via crossovers to Salmon Street and Plummer Street. This is considered satisfactory. Noting, additional signage indicating 'Exit Only' from Plummer Street is required.*
- *Access ways at the entrance to all parking/loading are considered acceptable.*
- *Off-street car space dimensions of 2.6m x 4.9m, accessed from a 6.4m aisle are considered satisfactory.*
- *I have concerns given the location of the basement level 2 ramp and columns that two-way traffic is possible when entering/exiting the access ramp. **Can the applicant please provide a swept path analysis showing that a B85 and B99 is able to enter/exit ramp simultaneously with suitable clearance.***
- *I have concerns regarding the location of the parking spaces 59-61 on Basement Level 1 how vehicles will conveniently circulate the carpark and provide two-way access along the ramp. **Please remove space 59-61 and redesign similar to spaces 156-157 & 118-119.***
- *Vehicles can satisfactorily enter/exit the site in a forwards direction.*
- *Ramp grades and transition changes are considered acceptable. Access grade of no steeper than 10% within 5 metres of the frontage has been indicated and must be adhered to. **However, no transition grade change has been provided on the Basement level 1 curved ramp. Please updated***



**plans to show a ramp grade change of no steeper than 1:8 for no less than 2m.**

- Application should be referred to VicRoads, noting access is proposed to Plummer Street (VicRoads controlled).
- All redundant crossovers must be reinstated to Council satisfaction.
- All proposed crossovers must be installed to Council satisfaction.
- Applicant shall be responsible for costs incurred by Council to modify any existing on-street parking signage and line-marking.

#### PARKING OVERLAY AND PARKING PROVISIONS

- The FBURA target rate for the provision of residential parking is 0.5 spaces/dwelling and a maximum rate of 1 space/100m<sup>2</sup> for retail/commercial.
- It is proposed to provide 230 resident parking spaces, which equates to a rate of 0.82 spaces/dwelling. This level of parking for residents is considered high and not in line with the FBURA target rate. **It is recommended reducing the level of off-street parking for residents.**
- It is proposed to provide 196 commercial/retail parking spaces, which equates to a rate of 1.11 spaces/100m<sup>2</sup>. This level of parking for commercial/retail is in line with the FBURA target rate and is considered acceptable.
- Plans provided do not show breakdown of parking types, i.e. residents, retail staff/visitors, commercial staff/visitors, school staff/visitors. **Please update plans to include proposed provision of parking.**

#### TRAFFIC GENERATION

- Traffic generation assumptions of 193 inbound and 152 outbound movements during the AM peak and 306 inbound and 354 outbound movements during the PM peak.
- The total traffic generation from the proposal is 345 movements for entry / exit volumes during the AM peak and 660 movements for entry / exit volumes during the PM peak. This is considered satisfactory.
- The traffic report undertook a SIDRA intersection analysis of all nearby critical intersections and concluded that they will operate in a satisfactory manner post development of the site. This is considered acceptable.
- **No cumulative trip generation for other developments has been considered.**

#### PEDESTRIAN SIGHTLINES & ACCESS

- Full pedestrian sight triangles have been provided in accordance with Clause 52.06 at all proposed crossovers, except Plummer Street, this is considered acceptable.
- I have concerns given the location of the proposed crossover to Plummer Street, with potential conflicts between pedestrians and loading vehicles. **It is recommended installing a warning light systems (or similar) to reduce any potential conflicts.**

#### PROVISIONS FOR LOADING & WASTE COLLECTION

- Two loading docks have been proposed, one for each supermarket, on the ground floor of the development. Access has been satisfactorily demonstrated with swept paths for a 14m ALDI Service vehicle within the traffic report.





- The layout of the proposed supermarket loading docks is considered acceptable.
- No loading area has been provided for proposed commercial/residential uses. I have concerns how residents/retail uses are expected to load/unload, especially when moving in/out. **Can the applicant please provide additional information regarding proposed loading activities for the residential/retail component of the proposal. All loading activities MUST be contained completely within the site.**
- I have concerns given the location of the proposed crossover to Plummer Street, with potential conflicts between pedestrians and loading vehicles. **It is recommended installing a warning light systems (or similar) to reduce any potential conflicts.**
- Waste Management plan to be referred to Council's Waste Management department for assessment.

#### PROVISIONS FOR BIKE PARKING

- The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling.
- The traffic report indicates that it is proposed to provide the following bicycle parking spaces:
  - 170 resident bike spaces
  - 158 staff/visitor/pupil bike spaces
- This level of bicycle parking equates to a rate of 0.61 spaces/dwelling. This level of parking for residents is considered low and not in line with the FBURA target rate. **Please increase the level of bicycle parking on-site for residents. Noting, the Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).**
- A significant number of proposed visitor bicycle spaces shown on the plans do not have direct convenient access to the street (Basement Level 2). These spaces would require access from either the elevators, or to circulate the car park down 2 levels, which is not a suitable design outcome and these spaces would not likely be utilized. **It is recommended relocating these spaces to either the basement level 1 or ground level.**

#### Open Space Planning

##### Overshadowing of existing open space

- The planning report states there will be no overshadowing of existing open space. However, pages 58 and 65 of the Design Response demonstrates that part of J.L. Murphy Reserve will be overshadowed at 3pm on 22 September and 22 June. While this is outside of the proposed planning controls, which provide protection during 11am and 2pm on these dates, it is still important to note that this part of J.L. Murphy is where the Dig In Community Garden is located.

##### Proposed open space

- The open space proposed on level one and level two for the primary school will be overshadowed by the floors above. What is intended to be provided in this open space for the primary school students?



- *Page 17 of the Planning Submission states that the open space proposed for the primary school will be linked to community uses within the northern building via a 'sky link'. How will access be controlled during school time to ensure no public access to the primary school? Will the open space for the primary school be open to use by residents in the building outside of school hours?*

#### *Sport and recreation infrastructure*

- *The Department of Education and Training mandates that schools must conduct a minimum of 20 – 30 minutes physical education a day for students in Prep – Year 3, and 3 hours per week for students in Year 4 – 6. What sport and recreation infrastructure does the applicant intend to provide within the proposed development for students attending the primary school?*

#### *Protection of existing street trees*

- *The applicant has proposed to retrain the existing street trees adjacent to the subject site. The applicant must ensure the trees are protected in accordance with section 1 (Tree Protection) of Greening Port Phillip 2010.*

### **Sustainable Design**

*The information submitted for this project is too vague to allow it to be assessed as to whether it meets best practice. While a high Green Star standard of 5 stars is discussed, this is not committed to. The discussion of specific credits for technologies is very general, and the language used is inappropriate to be deemed as a clear commitment which can be assessed. The WSUD report is overly simplistic, and a more complex modelling method is sought for a project of this complexity.*

#### *Particular concerns for the current proposal are:*

- *Lack of detail – including design of facades shading, natural ventilation and PV panels*
- *Community facilities – the hall and the library are shown with no natural light or ventilation – note the suggestion of a light court to be added.*
- *Visitor bike parking – visitor bicycle parking has been placed in Basement 2 level which would seem undesirable for use by guests of residents, and delivery riders – for which ground level parking would be sought.*
- *Car share – I didn't see mention of a traffic management report and don't know if car share and electric vehicles have been catered for*
- *Landscape – we seek vegetation that includes food production and indigenous species, with low water use. The level of greening shown is admirable however it is important the green-walls systems shown are able to survive Melbourne increase heat extremes. I recommend expert advice is sought for referral response on the species and systems proposed. Before the recent hot spell the green walled apartment building in South Melbourne appeared to have green walls that were desiccated: See image: (<http://www.enviroehub.com.au/sites/default/files/South%20Melbourne%20apartment%20building.jpg>).*

Note: Detailed Sustainable Design referral comments are attached to this report.



### **Waste Management**

- *The supermarket proposal of 2 x 240L bins for mixed recycling is still inadequate.*
- *Can the supermarket bins location be roughly outlined? They should be near or in the loading bay but an outline would be useful to check that the large 4,500L bin and cardboard compactor bin will fit.*
- *Hard waste still needs to be drawn in for all bin rooms.*
- *An area with charity bins should be included.*
- *The loading access/pedestrian plaza walkthrough will require some of the further recommendations listed in the paragraph below (from the Traffic Plan p. 28):*  
*“However, in order to manage potential conflicts, additional traffic management items could be included to control vehicle speeds and make the crossing point conspicuous. For example, a contrasting pavement could be used for the surface of the future pedestrian walkway and this area could be built up to encourage pedestrian priority. Additional signage and linemarking could also be provided preventing pedestrians from entering the loading accessway and to warn vehicles of the crossing point.”*
- *I see in the Traffic Plan that the truck will be doing a loop in the upper basement. In the sweep path diagram, can each truck stopping point be outlined during this loop?*
- *The plans sent through do not show the entire upper basement so I cannot check all bin rooms so these comments only apply to what can be checked from the plans.*

### **9.2 External referrals**

The application must be referred to VicRoads, PTV, and Melbourne Water in accordance with Section 55 of *the Planning and Environment Act 1987*. The Responsible Authority (DELWP on behalf of the Planning Minister) must undertake this task.

The application has been reviewed by the Office of the Victorian Government Architect Design Review Panel prior to the application being formally lodged.

## **10. PUBLIC NOTIFICATION/OBJECTIONS**

- 10.1 Notice of the application was not required to be given by the City of Port Phillip as the City of Port Phillip is not the Responsible Authority for the application. Advertising is at the discretion of the Minister.
- 10.2 It is noted that an application to demolish or remove a building or works, construct a building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone, and an application affected by the Design and Development Overlay, and the Special Building Overlay, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act. 8.3



- 10.3 No advertising exemptions exist within the provisions of a Road Zone Category 1 or the provisions of the Parking Overlay Schedule 1 (should the parking rates be exceeded).

## 11. OFFICER'S ASSESSMENT

### Local Policy

#### 11.1 Use

- 11.1.1 Pursuant to the Capital City Zone – Schedule 1 the use of the land for the purpose of accommodation (dwellings) requires a permit as the site does not meet the threshold distances from industrial/warehouse uses listed within Clause 52.10. The residential use would assist in achieving the aim to provide 80,000 high density housing options within the Fisherman's Bend Urban Renewal Area, however the interfaces with industrial/warehouse uses need to be managed. Residential amenity within FBURA is not expected to be the same as within a residential zone. The benefits of living within the area, such as future public transport, future commercial uses and hospitality uses, and proximity to the City would be balanced against typical residential amenity for future residents, much like living within an established activity centre.
- 11.1.2 In accordance with the requirements of the Capital City Zone a sensitive use (accommodation) must not commence prior to an environmental audit. The standard condition is included within the recommended conditions and should be included if a permit is issued.
- 11.1.3 As noted above the dwelling density would be in excess of that proposed within the draft controls. The draft controls prescribe a maximum of 139 dwellings per hectare, the proposal seeks approximately 288 dwellings per hectare which would exceed the requirement by 149 dwellings.
- 11.1.4 In addition to the dwellings proposed, two supermarkets, seven shops (retail), offices, a community hall, a library and a primary school are proposed. A permit is required to use the land for these purposes excluding Retail (Shops) and Office. The proposal also involves alteration of a Road Zone Category 1 comprising reinstatement of two crossovers and construction of a new crossover to Plummer Street.

#### Supermarket

- 11.1.5 Concerns have been raised in relation to the two supermarkets, and it has been suggested by internal departments that the space is not sufficient to accommodate two supermarkets. Furthermore the provision of the supermarkets at the ground level restricts the presentation/entrance of the primary school and community hall/library which would benefit from a prominent ground level frontage. In addition the supermarkets may result in low activation of Salmon Street, which is identified in the draft framework as being a primary active frontage. Supermarkets often include solid signage and internal layouts which do not promote an active frontage. Given the supermarkets would comprise the main

elements of the Salmon Street ground level frontages, specific details of the activation strategy should be provided if a permit is issued.

- 11.1.6 Council's Urban Designers have advised that access for truck deliveries and service to both supermarkets severs the site from the surrounding area and results in a poor interface to the south and the east. This is unfortunate as the proposed framework includes the south of the site to be used as a laneway with adjacent open/urban space. Further comments regarding vehicle access will be provided within section 11.6 of this report.

#### Primary School

- 11.1.7 Within the proposed Framework (Figure 15), the site is located within an investigation area for an education and community hub (Secondary School) with the investigation area for a primary school located to the west of Salmon Street. While the proposed primary school does not align directly with the investigation area, a primary school in principal would provide a critical service to the future Fishermans Bend community. However the primary school proposed does not meet expectations for reasons outlined below.
- 11.1.8 The primary school entrance is located to the rear south-eastern corner of the site, which would require students, parents, carers etc to walk through the central plaza to access the entry. The school entrance would not be visible from the plaza entrance which is not supported as it does not promote adequate wayfinding, or integration with the other proposed uses. In addition, the entrance is located adjacent to the driveway to be utilised for delivery and service trucks which is a poor and potentially unsafe arrangement. Opportunities to provide street presence to the proposed civic uses, including the primary school, have not been explored and incorporated appropriately.
- 11.1.9 The co-location of the residential lobby and primary school entrance could be problematic when considering the number of people accessing the areas and the overlap in peak times when the areas would be utilised.
- 11.1.10 The school drop-off/pick up is located within the basement with a school drop off and receiving point on Salmon Street as detailed on the circulation plans. This is not supported. It is unclear how drop off and pick up would work within the basement. It appears that no car parks are allocated specifically for drop off/pick up within the basement levels. Whilst the car parks would not have to be made available for that purpose for the duration of the whole day, they should be available during key pick up and drop off times with an appropriate allocation. The size of the basement drop off/and receiving point would be inadequate to accommodate students, and could raise safety concerns. The basement drop off and pick up has not been worked through properly.
- 11.1.11 The alternative to the basement drop off and pick up for vehicles is located along Salmon Street. The area provided on Salmon Street appears to be inadequate, and would require children to walk through the plaza unaccompanied to the school entrance which is located next to the vehicle access which will be utilised by delivery/service trucks and vehicles. This would be impractical and potentially unsafe for smaller children.





- 11.1.12 The proposed Primary School does not satisfactorily address concerns regarding street presence, vehicle and pedestrian access/wayfinding, and would not align with the recommended location for a primary school as detailed within the Draft Strategic Framework.

Community Hall & Library

- 11.1.13 A Community Hall is proposed to be located at the second floor within the shared podium of Tower 1 & 2. The Community Hall would be 932.03m<sup>2</sup> including the two amenities rooms. The Library would be located adjacent to the community hall and would have a total area of 131.40m<sup>2</sup>. Council's Community Infrastructure and Service Planning Officer has raised a number of concerns with the proposed civic infrastructure (Community Hall & Library) which are outlined below.
- 11.1.14 The site is located within the Arts and Cultrual hub investigation area, the Education and Community hub (Secondary School) investigation area as detailed within the Draft Framework. The Primary School investigation area is located further to the west of the subject site. The site is located in an ideal position for community infrastructure.
- 11.1.15 The applicant has provided insufficient detail regarding the funding, delivery and governance of the proposed infrastructure. Whilst it is acknowledged that a flexible approach is required the extent of information provided regarding funding, delivery, and governance is not sufficient for support. Details which need to be resolved are listed within the internal referral section of this report (Section 9.1 of this report), and in summary relate to the role of Local Government, State Government and Non-for Profit organisations, tenure and ownership, funding and finance, and design specifications. Council's Community Infrastructure and Services Planner has advised that the community facilities would not be accepted by Council.
- 11.1.16 The proposed civic uses do not include a prominent separate public street entry. This is not supported as it is considered that the community facility must have a strong street presence. In addition, at a minimum a portion of the facility must be located at the ground floor.
- 11.1.17 Council's preference is for one large library (plus art gallery and youth centre) to be provided within Sandridge Precinct within the Arts and Cultural Hub rather than a number of smaller library's. The provision of smaller libraries throughout other Arts and Cultural Hubs has the potential to detract from the preference for the Sandridge Library to form a landmark building which creates a central civic presence. Furthermore, the provision of the civic facilities has not been combined with a landmark civic building which does not align with the vision for the Wirraway Arts and Cultural Hub.
- 11.1.18 Council's Community Infrastructure and Services Planner has suggested that the Community Hall and Library spaces may be more appropriate for uses such as a private Long Day Care or consulting rooms, medical practice, pharmacy or similar use to support the other proposed uses within the development.





- 11.1.19 Council's Urban Design Team have noted that the foyer to the Multipurpose community hall may be undersized for the number of potential uses. Further details regarding the capacity of the foyer should be provided by the applicant.
- 11.1.20 Council's Sustainable Design Officer has raised concerns with the lack of natural ventilation or daylight provided to the community hall. The provision of a lightcourt could potentially assist in addressing the issue.

## **11.2 Design and Development Overlay – Schedule 30 (Current)**

- 11.2.1 The DDO30 requirements apply to this site. The Planning Minister recently extended these controls for DDO30 until 31 March 2019.

### Building Height

- 11.2.2 The site is located within area A4 of the DDO30 which prescribes a mandatory maximum height of 18 storeys with the exception of architectural features, landscaping, or building services.
- 11.2.3 The heights of each tower would fall below the maximum height requirement with the following heights proposed;
- Tower 1: 12 storeys/49.42m (52.77 AHD) roof, 55.61 (58.96m AHD) top of roof terrace surround).
  - Tower 2: 12 storeys/49.42m (52.77 AHD) roof, 55.61 (58.96m AHD) top of roof terrace surround).
  - Tower 3: 12 storeys/43.62m (46.97 AHD) roof, 48.22m (51.57 AHD) top of roof terrace surround

### Street Wall

- 11.2.4 The maximum street wall height must not exceed 20 metres or 5 storeys whichever is the lesser. The proposal would meet the street wall height requirements with a street wall height (podium) to Plummer Street of 3 storeys and 19.71m, and a street wall height (podium) to Salmon Street of 5 storeys and 18.90m.
- 11.2.5 The ground floor Plummer Street level is setback 6m, to accommodate future public transport infrastructure as required by the current Strategic Framework Plan, the upper podium levels cantilever over the 6m setback. The Plummer Street podium is considered the street wall regardless of the setback section for the purposes of the DDO30.

### Tower Street Setback/Setbacks to Rear and Side Boundaries

- 11.2.6 Tower elements must be setback a minimum of 10 metres to the street and side and rear boundaries, excluding a laneway where the measurement can be taken from the centre point of the laneway. The proposal achieves this requirement with tower elements setback 10m to all streets and side and rear boundaries.

### Tower Separation



- 11.2.7 All three towers would be separated by 20m to meet the requirements of the DDO30.

General

- 11.2.8 The proposal has incorporated the minimum setbacks and tower separation requirements. This combined with the proposed heights results in three buildings which look homogenous.

**11.3 Residential Diversity/Employment**

- 11.3.1 Current Clause 22.15-3 (Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area) of the Port Phillip Planning Scheme provides policy direction for dwelling diversity, affordable housing, and employment.
- 11.3.2 Sites which are greater than 3,000m<sup>2</sup> with more than 300 dwellings and more than 1 building are encouraged to prepare a master plan. The subject site is in excess of 3,000m<sup>2</sup> and includes more than one building however proposes less than 300 dwellings and therefore a master plan is not required.
- 11.3.3 All new developments which include accommodation and are over 12 storeys in height are encouraged to provide at least 30% dwellings as 3 bedroom units. Whilst the proposed development does not exceed 12 storeys it would include 32.5% three bedroom dwellings which would assist in providing dwelling diversity within the Fisherman's Bend Precinct.
- 11.3.4 Developments which proposed accommodation uses and are over 12 storeys in height are encouraged to allocate at least 6% of dwellings as affordable housing. The proposal does not exceed 12 storeys and is therefore not required to provide any affordable housing, however a condition is include within the set of draft conditions due to the draft controls.
- 11.3.5 All developments are encouraged to provide opportunities for street level home occupation and non-residential use. The proposal responds adequately by providing shops along Plummer Street, and a Supermarket along Salmon Street. Sixty percent of the Plummer Street and Salmon Street frontages are required to be non-residential. The proposal exceeds this requirement by providing only non-residential uses along these streets.

**11.4 Residential Amenity**

- 11.4.1 A full assessment against Clause 58 (Apartment Developments) has been conducted and is attached to this report. The proposal has a reasonable level of compliance with the requirements, and where variations are proposed they could be addressed through conditions or are considered acceptable. Please refer to the Clause 58 Assessment attached to this report for the full assessment.



### **11.5 Current Fishermans Bend Strategic Framework Plan**

- 11.5.1 An assessment against the relevant objectives and standards of the current Design Guidelines within the Fishermans Bend Strategic Framework Plan has been conducted and is attached to this report.
- 11.5.2 If a permit is issued areas of non-compliance should be addressed through conditions as discussed within the attached assessment. The areas of concern note within the attached assessment relate to the following;
- Universal access.
  - Pedestrian plaza and wayfinding.
  - The proposal has not incorporated the proposed laneway along the south of the subject site, which would connect to JL Murphy Reserve.
  - Visual segmentation and articulation of the Salmon Street ground level frontage.
  - Similar building volumes and architectural style resulting in a homogenous appearance.
  - Canopy required to Salmon Street.1
  - Wind amelioration.
  - Lack of car share.
  - Residential bike parking and office bike parking would be inadequate.
  - Change and locker facilities for office component are not shown.
  - Ground level FFL required to be detailed for all rooms/uses (minimum 3.0m AHD).
  - The requirements of Objective 7.2 and 7.3 relating to reduction of potable water consumption, precinct wide recycled water supply, and stormwater collection and reuse.

### **11.6 Traffic and Parking**

- 11.6.1 The site is affected by the Parking Overlay – Schedule 1 which operates in conjunction with Clause 52.06 (Car Parking) of the Planning Scheme, and sets out maximum rates for car parking. The below table identifies the rates prescribed within the Parking Overlay. In addition, the FBSFP sets out a reduced rate of 0.5 spaces per dwelling for the residential component of the proposal due to the location adjacent to the future high frequency public transport infrastructure.



Use	Rate	Measure
Dwelling	1	To each dwelling
Industry	1	To each 150 sq m of gross floor area
Office	1	To each 100 sq m of gross floor area
Place of assembly	1	To each 100 sq m of gross floor area
Restricted retail premises	1	To each 100 sq m of gross floor area
Retail premises	1	To each 100 sq m of gross floor area
Supermarket	2	To each 100 sq m of gross floor area

- 11.6.2 The proposed 230 resident car parking spaces equates to a rate of 0.82 spaces/dwelling. This level of parking for residents is not in line with the FBURA target rate, and whilst it complies with the Parking Overlay requirements, it is considered too high and is not supported.
- 11.6.3 The 196 proposed commercial/retail car parking spaces equates to a rate of 1.11 spaces/100m<sup>2</sup>. This level of parking for commercial/retail is in line with the FBURA target rate and is considered acceptable.
- 11.6.4 Concerns are raised with the drop off and pick up arrangements for the Primary School. On street pick up and drop off appears to be insufficient and may not be appropriate/safe when considering the location of the school entry. Basement Level 1 would also be used for pick up and drop off, however allocation of spaces for that purpose have not been provided and further details are required. Furthermore the drop off and pick up zone within the basement level is not satisfactory.
- 11.6.5 The plans provided do not show the breakdown of parking types, this should be provided if a permit is issued.
- 11.6.6 Council's Traffic Engineer has provided a comprehensive assessment of the proposal which is located at Section 7 of this report. The main concerns and items which require clarification/submission of further information are listed below;
- Additional signage required for Plummer Street vehicle access (exit only).
  - Concerns raised with location of basement level 2 ramp and columns. Swept path analysis should be provided (showing B85 and B99 is able to enter/exit ramp simultaneously with suitable clearance).
  - Car parking spaces 59-61 on the basement level should be deleted and redesigned similar to spaces 156-157 & 118-119.
  - No transition grade change has been provided on the Basement level 1 curved ramp. A ramp grade change of no steeper than 1:8 for no less than 2m should be achieved.



- Concerns are raised with the location of the proposed crossover to Plummer Street, with potential conflicts between pedestrians and loading vehicles. It is recommended installing a warning light systems (or similar) to reduce any potential conflicts.
- No loading area has been provided for proposed residential/retail uses. Concerns are raised with how residents/retail uses are expected to load/unload, especially when moving in/out. Additional information regarding loading activities for residential/retail components should be provided and all loading activities must be contained within the development.

11.6.7 Please refer to section 8.4.2 of this report for an assessment of the Draft Framework in relation to the access arrangements.

### **11.7 Bicycle Parking**

11.7.1 The proposal would provide a total of 328 bicycle spaces including 170 resident spaces and 158 staff/visitor/pupil bike spaces.

11.7.2 The statutory bicycle parking requirements pursuant to Clause 52.34 are listed on page 25 of the submitted Traffic Engineering Assessment and is provided below. The total requirement is 171 bicycle spaces including 56 resident, 42 staff spaces, 59 visitor spaces, and 14 pupil spaces. The proposal involves a total of 328 bicycle spaces which would exceed the requirements.



**Table 12: Statutory Bicycle Parking Requirements**

Use	Units	Statutory Requirement	No. Of Spaces Required
Dwellings	280 dwellings	1 space per 5 dwellings for residents	56 spaces
		1 space per 10 dwellings for visitors	28 spaces
Retail	644 m <sup>2</sup>	1 space per 300 square metres for staff	2 staff spaces
		1 space per 500 square metres for customers	1 visitor spaces
Supermarket	6,349 m <sup>2</sup>	1 space to each 600 square metres of area for staff	11 staff spaces
		1 space to each 500 square metres of area for visitors	13 visitor spaces
School	20 staff 250 students	1 space to each 20 employees	1 staff spaces
		1 place to each 5 pupils over year 4 <sup>2</sup>	14 pupil spaces
Place of Assembly	1,006 m <sup>2</sup>	1 space to each 1,500 square metres of area for staff	1 staff space
		2 plus 1 space to each 1,500 square metres of area for visitors	3 visitor spaces
Library	307 m <sup>2</sup>	1 space to each 500 square metres of net floor area for staff	1 staff space
		4 spaces plus 2 spaces to each 200 square metre of net floor area	6 visitor spaces
Office	7,915 m <sup>2</sup>	1 space per 300 square metres for staff if floor area exceeds 1,000 square metres	26 staff spaces
		1 space per 1,000 square metres for visitors if floor area exceeds 1,000 square metres	8 visitor spaces
<b>Total</b>			56 resident spaces 42 staff spaces 59 visitor spaces 14 pupil spaces

11.7.3 The FBURA target rate for the provision of residential bicycle parking is 1 space/dwelling, and 1 space per 50m<sup>2</sup> of net Office Floor Area The traffic report indicates that it is proposed to provide the following bicycle parking spaces:

- 170 resident bike spaces (0.61 spaces/dwelling)
- 26 staff spaces (1 space per 158.3m<sup>2</sup>)

11.7.4 The level of resident and office bike parking is less than the target rate listed within the Fisherman's Bend Urban Renewal Area which is one space per dwelling, and one space per 50m<sup>2</sup> respectively. The requirements of the FBSF should be achieved. This could be addressed through conditions if a permit is issued.

11.7.5 Concerns are raised with the location of visitor bike spaces within Basement Level 2. It is recommended that these spaces be relocated to Basement 1 or ideally ground level.

11.7.6 It is unclear where the associated change/shower/locker facilities are located for the commercial components of the proposal. At a minimum change/shower/locker facilities should be provided in line with the FBSFP for the Office (one shower per 10 bicycles and one locker per bicycle respectively).



### **11.8 Waste/Loading**

- 11.8.1 The proposal must accommodate all waste collection/servicing on site in accordance with the FBSFP. Whilst the proposal would provide for all on site waste collection, loading areas have not been provided for the residential or retail components which is not supported. Loading areas should be provided for residential and retail uses, this could be addressed through a condition if a permit is issued.
- 11.8.2 Council's Waste Officer has advised that the submitted Waste Management Plan is not suitable for endorsement as detailed within Section 7 of this report. Please refer to Section 7 of this report for specific reasons why the Waste Management response is inadequate.

### **11.9 Sustainable Design and Water Sensitive Urban Design**

- 11.9.1 Refer to Council's Sustainable Design referral comments within the internal referrals section of this report and the attachment for full details. Recommended conditions include requirements in relation to Sustainable Design and WSUD/stormwater management in line with Council's Sustainable Design Officer, and the current Fishermans Bend Strategic Framework Design Guidelines.

### **11.10 Development Contributions**

- 11.10.1 The proposal will require standard development contributions conditions in accordance with the Development Contributions Overlay (Schedule 2) which affects the subject site

## **12. COVENANTS**

- 12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Crown Allotment 2 Section 67D City of Port Melbourne Parish of Melbourne South. A Caveat (AN759340G) is registered on the title, however this does not have an impact on the Planning Application.

## **13. OFFICER DIRECT OR INDIRECT INTEREST**

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

## **14. OPTIONS**

- 14.1 Support recommendation as detailed within Section 3.1 of this report.
- 14.2 Support recommendation with changed or additional draft conditions.
- 14.3 Oppose recommendation on key issues



**15. CONCLUSION**

- 15.1 The proposal has been considered in light of the full suite of Current Controls and Planning Framework, and the Draft Framework and Draft Controls.
- 15.2 Positive aspects of the proposal include that it involves a genuine mixed-use development in a desirable location, with dwellings of adequate amenity (subject to conditions), with a good percentage of 3BR dwellings, fine grain active uses to Plummer Street with 6m setback required under the current Strategic Framework, and would provide good passive surveillance of Plummer Street and Salmon Street.
- 15.3 Alternatively, the proposal would not respond adequately to the current Strategic Framework by not including the suggested laneway to the south of the subject site, providing residential car parking in excess of the requirements, providing inadequate bike parking, and an inadequate Sustainable Design/WSUD/Stormwater response amongst others. The proposal would also not respond adequately to the Draft Framework and Controls including the lack of public open space, lack of new road to the south, FAR and dwelling density in excess of the planned rates, amongst others. Concerns have been raised with the Community Facilities, Primary School, and Supermarket. Furthermore, the proposal has not been submitted with an adequate Waste Management Plan and does not include adequate Loading/Unloading.
- 15.4 In light of the above it is recommended that Council does not support the proposal in its current form

**TRIM FILE NO:**

**PF17/324406**

**ATTACHMENTS**

- 1. Landscape Plans**
- 2. Development Plans**
- 3. Current FBSFP Assessment**
- 4. Clause 58 Assessment**
- 5. Sustainable Design Referral Response**