



2-28 MONTAGUE STREET, 80 MUNRO STREET, JOHNSON STREET, SOUTH MELBOURNE

LOCATION/ADDRESS: 2-28 MONTAGUE STREET, 80 MUNRO STREET, JOHNSON STREET, SOUTH MELBOURNE

EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT

PREPARED BY: SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

1. PURPOSE

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 2-28 Montague Street and 80 Munro Street, South Melbourne.

2. EXECUTIVE SUMMARY

WARD: Gateway

TRIGGER FOR DETERMINATION BY COMMITTEE: Accommodation (Dwelling) in the Fishermans Bend Urban Renewal Area

APPLICATION NO: **DELWP Ref:** PA17/00291 and PSA C176 port
CoPP Ref: 6/2017/MIN/A and PSA C176 port

APPLICANT: Gurner 2-28 Montague Street Pty Ltd

EXISTING USE: One and two storey Motor vehicle sales and service (Mazda), and one storey Storage facility

ABUTTING USES: Montague St, Johnson Street and Munro Street (island site) with predominantly single-storey commercial and warehouse buildings, a substation, and vacant land opposite and beyond.

ZONING: Capital City Zone (CCZ1)
Abuts Road Zone Category 1 (RDZ1) (Montague Street)

OVERLAYS: Design and Development Overlay (DDO30)
Environmental Audit Overlay (EAO)
Parking Overlay (PO1)



	Infrastructure Contributions Plan Overlay (ICO1)
ABORIGINAL CULTURAL HERITAGE	The land is in an 'area of Cultural Heritage Sensitivity' under the Aboriginal Heritage Regulations 2018
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	27 February 2020

Strategic Planning Matters

- 2.1** In February 2016, the Minister for Planning (the Minister) announced a review of the Strategy and Planning Controls for the Fishermans Bend Urban Renewal Area (FBURA)
- 2.2** On 19 December 2017, and then on 21 February 2018, the Minister called in all 26 live Ministerial planning permit applications in the FBURA on the grounds that:
- The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance.
 - The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan having regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved
- 2.3** Twenty-one of the called in applications are in the City of Port Phillip and five are in the City of Melbourne.
- 2.4** In October 2018, the Minister:
- Released a revised Fishermans Bend Framework;
 - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA; and
 - Appointed the Fishermans Bend Standing Advisory Committee (the Advisory Committee) to advise on site specific planning controls to facilitate proposals within Fishermans Bend, prior to the introduction of an Infrastructure Contributions Plan for the called in applications and new proposals.
- 2.5** In particular, Amendment GC81 deleted the Development Contributions Plan Overlay (DCPO) and introduced a new Infrastructure Contributions Overlay and Schedule (ICO1) which forbade (with a few minor exceptions) the grant of a permit to construct a building until an infrastructure contributions plan had been incorporated into the scheme. At the time of writing, the infrastructure contributions plan has not been finalised or incorporated into the scheme.
- 2.6** The Minister, through the Department of Environment, Land, Water and Planning (DELWP) (the Department) invited the proponents of the called in applications to revise their designs having regard to the amended Planning Scheme controls and new Strategy



- 2.7** Revised proposals were required to be submitted as an application for the Minister to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) (i.e. an Amendment for which exhibition and notice is not undertaken) of the *Planning and Environment Act* (the Act).
- 2.8** The Terms of Reference for the Advisory Committee sets out the process for consideration of Planning Scheme Amendment (PSA) applications including:
- The Department must prepare a brief to the Minister requesting the application be referred to the SAC.
 - If the Minister decides to refer a PSA to the Advisory Committee, formal notice must be given to the City of Port Phillip or Melbourne (as applicable), relevant persons including land owners and occupiers, and referral authorities such as Melbourne Water.
 - Parties have 20 business days to provide a written response to the Department, after which submissions are forwarded to the Advisory Committee.
 - The Advisory Committee must commence a public hearing no later than two months after receipt of a Ministerial referral.
 - Council would typically be allocated one day to present to the Advisory Committee but may be allowed additional time if calling evidence.
 - The Advisory Committee must submit its report to the Minister no later than 40 business days from the completion of the hearing.
- 2.9** The Minister must then determine whether to approve the proposal and PSA.
- 2.10** Any approved PSA would then be listed in the Schedule to Clause 72.04 of the Planning Scheme, in the same manner as for example:
- Amendment C9 for the St Kilda Station Redevelopment, July 1999;
 - Amendment C110 for the Stokehouse, 30 Jacka Boulevard, St Kilda, July 2014; and
 - Amendment Port C149 for the Victorian Pride Centre Incorporated Document 2018.
- 2.11** Developments could then proceed in accordance with plans and conditions referenced in the Incorporated Document.
- 2.12** Once the infrastructure contributions plan is finalised and incorporated into the scheme, applications for planning permits in the FBURA could revert to the standard procedure.

Application Matters

- 2.13** This report is to consider an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme to demolish the



existing buildings on the land and construct three (3) multi-storey mixed-use towers above two (2) podiums under a master planning process.

- 2.14** The application is an amendment to an application originally lodged with the Department on 12 October 2017.
- 2.15** The original application proposed 1 x 37 level and 2 x 40-level (which was the maximum height allowed in 2017) towers including 5 level podiums.
- 2.16** Council and the Department requested further information.
- 2.17** On 21 February 2018, before the further information was provided, the Minister called in the application (and 20 other applications in CoPP).
- 2.18** The permit applicant elected to revise the proposal.
- 2.19** On 09 July 2019, the permit applicant applied to the Minister to prepare a PSA and have the proposal assessed by the Advisory Committee.
- 2.20** Pursuant to Item 29 of the Fishermans Bend Standing Advisory Committee Terms of Reference, the Department has notified Council of the request for site-specific planning controls.
- 2.21** The PSA application proposes to demolish the existing buildings and construct three mixed-use towers under a master planning process, comprising 1 x 26 level, 1 x 28 level and 1 x 34 level towers including two (2) x five (5) level podiums.
- 2.22** The podiums are proposed to be separated by a 'town square' facing Johnson Street leading into a through block link between Johnson Street and Munro Street.
- 2.23** It is proposed to use the land for Accommodation (Dwellings) including Affordable and Social housing, Serviced Apartments, a Residential Hotel, Retail premises including Café, Convenience store and Motor vehicle sales and service and Shop, and a Childcare centre.
- 2.24** The application seeks approval to develop in three stages over nine years, using a master planning process, where the broad parameters of the proposal and design and management conditions are set out at the time of initial approval, and detail design is resolved pursuant to the conditions and the submission of plans and reports for each stage.
- 2.25** The subject site located in the core area of the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.26** More particularly, the site is in:
- Building Typology Precinct Area M1 (Hybrid (predominantly mid-rise) of Design and Development Overlay (DDO30) which has a preferred precinct character of:



'Mid (i.e. 7 to 15 storeys) to high-rise (i.e. 16 storeys and taller) developments. On larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets'.

- A preferred maximum building height area of 81m (24 storeys) pursuant to DDO30 and the Fishermans Bend Framework October 2018.
- 2.27** The proposed street wall (podiums) would comply with setback requirements except facing Johnson Street to (partly) meet a recommended offset from an existing underground sewer and would not exceed the maximum allowed height.
- 2.28** The three towers would meet setback requirements from all streets and meet or exceed the preferred building separation distances within the site but would all exceed the maximum heights for the precinct character area and the discretionary maximum height.
- 2.29** The proposals were internally referred and officers raised concerns including regarding inconsistency with the preferred scale, typology and architectural form for the land and surrounds, the uniform five level height of the podiums, a lack of differentiation in podium and tower facades, the location, detailing and landscape design of the open space and pedestrian lane(s) including the need to align with other existing and proposed roads and lanes, lack of communal open space for Tower 1, parking and traffic matters including the need for more details including dimensions on plans, cross-section of all ramps, swept path diagrams and car park ventilation, the number of vehicle crossings, over supply of dwelling parking and undersupply of car share spaces and electric vehicle charging spaces, car park floor-to-floor heights insufficient for building adaptability, and cumulative traffic generation, the dispersed bicycle parking arrangements and lack of end of trip facilities, insufficient plans and report details of waste management arrangements, a need for plan and written confirmation of sustainable design and water sensitive urban design, a bias towards two bedroom dwellings, wind impacts within and adjoining the land, protection of existing street trees, and a number of minor matters.
- 2.30** Council's Strategic Planners, Urban Designers, and Landscape Designer expressly did not support the proposal. Council's Waste Management officer advised there was insufficient information to form a response.
- 2.31** Officers recommended changes to address their concerns including varying the podium heights and façade changes to break up building mass, reducing tower heights and changing tower forms and widths to create slender buildings with fast moving shadows and satisfactory sitting, standing and walking wind comfort levels, clarifying and confirming ESD, WSUSD, Waste Management, Parking and Traffic design, and provision of canopy trees, and removing impediments to pedestrian sight lines and preferred direction of travel, ground floor level activation.
- 2.32** In particular, the varying, including increasing the height of the podiums and the reduction in tower heights is recommended to better meet the preferred character



for the land and better transition in height from approved (albeit not yet constructed) buildings nearby and lower proposed buildings opposite.

- 2.33** The application offer of Affordable Housing and Social Housing totalling 6% of all dwellings is considered a satisfactory response to the Fishermans Bend Local Policy, and generally to the exercise of discretion for a taller and more intense building, subject to the Affordable Housing dwellings being located in all three stages of the proposal rather than just Stage 3 and clarification of the duration number of years the dwellings would be provided, and changes to the overall proposal to address officer precinct character, site layout, building design and management and operational concerns as noted above.
- 2.34** Officers have concerns the plans and reports accompanying the application do not sufficiently or satisfactorily describe the Master Planning minimum and maximum parameters for the proposal or show a sufficient level of plan and elevation drawings detail and/or specialist consultant report detail to allow full and proper assessment of the proposal.
- 2.35** If the proposal was to be supported, officers recommend that any Incorporated Document for a Master Plan include clear minimum and maximum parameters for site coverage, permeability, building height, employment floor area, dwelling numbers and mix, Affordable and Social Housing, car, motor bike and bicycle parking, sustainable and water sensitive urban design, wind impacts, shadow impacts and so on, and well as setting out clear processes for assessing and approving plans for each stage and amendments to the design.
- 2.36** A number of other design, operational and amenity concerns with the proposal could be addressed by conditions.
- 2.37** It is recommended that the Statutory Planning Committee resolve to advise the Fishermans Bend Standing Advisory Committee C/- the Department of Environment, Land, Water and Planning that the Council does not support the application in its current form based on the matters set out in Sections 9 and 12 of this report.



3. RECOMMENDATION

3.1 RECOMMENDATION – PART A

3.1.1 That the Planning Committee advises the Fishermans Bend Standing Advisory Committee c/ the Department of Environment, Land, Water and Planning that Council:

3.1.1-1 Does not support the application in its current form based on the matters set out in Sections 9 and 12 of this report.

3.2 RECOMMENDATION – PART B

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

4. RELEVANT BACKGROUND

4.1 There are five (5) previous relevant permit applications recorded for the site as follows:

Application No.	Proposal	Decision
1104/1993	Subdivision	Vacated 31-05-1993
301/2007	Use of the land for motor vehicle sales and repairs, sale and storage of parts, alterations and improvements to the existing building, business identification signage and street landscaping works	Permit 26-07-2007
301/2007/A	Amend permit conditions	Permit 14-12-2007
810/2014	Construction and display of an electronic promotional sign	Permit 07-11-2014
6/2017/MIN (Lodged 11-10-2017)	Demolish the existing buildings, construct a building, construct and carry out works, and use land for Accommodation (dwellings) in the CCZ1 (three (3) multi-storey mixed-use towers under a master planning permit process).	Called in by Minister 21-02-2018

4.2 The application for the current proposal was first lodged with the Department on 12 October 2017 and received by Council 27 October 2017 and sought 1 x 37 level and 2 x 40-level (i.e. the maximum height allowed in 2017) towers including 5 level podiums.

4.3 Council and the Department requested further information.



- 4.4 On 21 February 2018, before the further information was provided, the Minister called in the application (and 20 other applications in CoPP).
- 4.5 The permit applicant elected to revise the proposal.
- 4.6 On 09 July 2019, the permit applicant applied to the Minister to prepare a PSA and have the proposal assessed by the Advisory Committee.
- 4.7 The PSA application also proposes to demolish the existing buildings and construct three mixed-use towers under a master planning process, comprising 1 x 26 level, 1 x 28 level and 1 x 34 level towers including two (2) x five (5) level podiums.
- 4.8 This report relates to the amended PSA plans and reports.

5. PROPOSAL

- 5.1 It is proposed to develop the land over approximately 10 years pursuant to a master planning process comprising:
 - 5.1.1 Initial approval in principle for the land to 'lock in' the key ingredients of the eventual urban built form outcomes on the site including:
 - Definition of the various development parcels in the site for future subdivision.
 - The location, area and design of open space area(s).
 - Built form and massing outcomes including:
 - Height and location of podiums and towers informed by investigation and testing of amenity and outlook, solar access and wind mitigation techniques
 - Creation of efficient internalised servicing arrangements providing direct access to all development parcels and feature basement loading
 - Activated street frontages where appropriate.
 - Performance standards and benchmarks for detailed design of individual developments on the site, including for urban design, wind and ESD.
 - High quality residential amenity and outlook.
 - Analysis of traffic generation impacts and car parking provision requirements.
 - Conditions to cater for matters such as contributions to the public realm.
 - 5.1.2 Future detailed design submissions to be prepared in accordance with the permit for each stage of development.
- 5.2 The plans and documentation submitted with the application thus do not fully describe and detail what is proposed.



It is intended that beyond broad parameters of building height and setbacks, land use, dwelling numbers / density and the number of car and bicycle parking spaces, the final design of each stage /tower would be resolved by submission of further plans and reports over the life of the project.

These broad parameters would be duly set out in any Incorporated Document (including conditions) for the requested planning scheme amendment.

The Minister, through the Department would be the responsible authority for approving plans for each stage. Council would typically be responsible or would share responsibility for approving aspects of the proposal such as traffic and parking, sustainable design, landscaping etc.

5.3 The plans and documents submitted with the application to date propose to:

- Demolish the existing buildings on the land.
- Construct 1 x 26, 1 x 28 and 1 x 34 storey towers (inc. 2 x 5 storey podiums and two basement levels) mixed use commercial and residential buildings and associated car and bicycle parking and construct and/or carry out works.
- Use land for Accommodation (Dwellings and Residential hotel including Serviced apartments), Childcare centre, and Retail premises including Restaurant, Shop and Convenience shop in the CCZ1.
- Provide more than the maximum parking provision specified for a Dwelling and Retail premises.
- Vary, reduce or waive the bicycle facilities requirements of Clause 52.34-3 and 52.34-4.
- Create or alter access to a road in a Road Zone, Category 1.

5.4 The towers would have maximum heights as follows:

- **Tower 1:** 34 levels / 119.05m (121.45m AHD) to roof top level, 125.25m (127.65m AHD) to top of roof plant
- **Tower 2:** 28 levels / 104.85m (107.25m AHD) to roof top level, 111.05m. approx. (113.45m AHD) to top of roof plant)
- **Tower 3:** 26 levels / 93.45m (95.85m AHD) to roof top level, 100.01m (102.05m AHD) to top of roof plant)

5.5 A through block pedestrian lane is proposed between Johnson Street and Munro Street between Tower 1 and 2, and Tower 3, and a secondary pedestrian corridor is proposed off this lane to Montague Street.

5.6 It is proposed to develop the towers in three stages in number order 1, 2 and 3. The application is seeking:

- Three (3) years from the date of gazettal of the amendment to start;
- Five (5) years from the date of gazettal to complete Stage 1;
- Seven (7) years from the date of gazettal to complete Stage 2; and
- Nine (9) years from the date of gazettal to complete Stage 3.

5.7 More particularly, the proposal comprises:



5.7.1 Tower 1 – Cnr. Johnson and Montague Streets

Basement 2 (lowest)

Car parking, an area noted Refuse, and lifts and stairs to levels above.

Basement 1 (upper)

Car and bicycle parking, childcare drop-off and building services and lifts and stairs to levels above and below.

Level 0 (Ground floor level)

Four retail tenancies including a Convenience shop (574m²) facing Montague and Johnson Street and the internal corridor and lane, Serviced apartment entries off Montague and Johnson Streets, Residential lobby and childcare lobby off the internal lane, and building services facing Montague and Johnson Streets (inc. a substation and gas meters etc.), bicycle parking and an internal 'Refuse Zone'.

Levels 1, 2, 3, 4 (Podium)

Car and bicycle parking served by serviced apartments facing Montague and Johnson Streets and the internal lane.

Level 5 (Podium roof top)

Childcare centre including outdoor areas.

Levels 6 - 24 - 34 (Tower)

Dwellings.

Level 25 (Tower)

Resident lounge, dining room / kitchen, cinema, inc. bar, karaoke room inc. bar, yoga room, gym, pool inc. Jacuzzi, steam and sauna.

Levels 26-34 (Tower)

Dwellings

Roof top

Lift overrun and rebated screened roof plant area and solar panels.

5.7.2 Tower 2 – Cnr. Montague and Munro Streets

Basement 1

Car and bicycle parking, childcare drop-off and building services and lifts and lobby to levels above and below.

Basement

Car and bicycle parking, bicycle end of trip facilities, Car service workshop for car sales use above, building services and lifts and stairs to levels above.

Level 0 (Ground floor level)

Three (3) retail tenancies facing Montague and Munro Streets and the internal corridor and through-block link (including car sales dealership), separate Serviced apartment and Hotel lobbies off Munro Street, and



shared Serviced apartment and Dwelling lobby of the internal lane and bicycle parking.

Levels 1, 2, 3, 4 (Podium)

Car and bicycle parking sleaved by serviced apartments facing Montague and Munro Streets and the internal lane.

Level 5 (Podium roof top)

Resident lounge / library / bar, cinema, inc. bar, karaoke room inc. bar, yoga room, gym, pool inc. Jacuzzi, steam, sauna and treatment rooms and bar

Levels 6 - 18 (Tower)

Dwellings.

Level 19

Resident facilities for Hotel (same as for Level 5)

Levels 20- 27

Hotel

Level 28

Restaurant

Roof top

Lift overrun and rebated screened roof plant area and solar panels.

5.7.3 Tower 3 – Cnr. Johnson and Munro Streets

Basement 2 (lowest)

Car parking, an area noted Refuse, storage, building services, rainwater tank (185kL) and lifts and stairs to levels above.

Basement 1 (upper)

Car and bicycle parking, bicycle end of trip facilities, building services childcare drop-off and building services and lifts and stairs to levels above and below.

Level 0 (Ground floor level)

Six (6) retail tenancies facing Munro and Johnson Streets and the internal lane, Serviced apartment entries off Montague and Johnson Streets, Residential lobbies off Munro and Johnson Streets, Dwelling lobby off the internal lane, Social housing lobby off Munro Street, bicycle parking, building services facing Johnson Street and an internal 'Refuse Zone'.

Level 1 (Podium)

Twenty (20) Social housing dwellings facing Munro and Johnson Streets and the internal lane and building services.

Levels 2, 3, 4 (Podium)

Car and bicycle parking sleaved by serviced apartments facing Munro and Johnson Streets and the internal lane, and building services.

Level 5 (Podium roof top)



Resident lounge, dining room, business centre, karaoke room, cinema, gym, yoga room, pool inc. spa, steam, sauna and treatment rooms and bar.

Levels 6 – 26 (Tower)

Dwellings.

Roof top

Lift overrun and rebated screened roof plant area and solar panels.

5.8 A summary of the application is set out in Table 5.1 below:

Table 5.1: Application Summary

Address	Tower 1: Cnr. Montague St and Johnson St, SM	Tower 2: Cnr. Montague St and Munro St, SM	Tower 3: Cnr. Munro St and Johnson St, SM	TOTALS:
Planning Scheme Amendment (PSA) No.	-	-	-	PSA C176 port
Plans assessed	-	-	-	Project No. 317001.00, Drawing Nos. STAG-01 to Shadow -14, dated 13-06-2019, and Development Summary dated 07-06-2018, prepared by Cox Architecture
Site area / Title particulars	-	-	-	9,720m ² (0.97ha.) approx. No easements or other encumbrances
Minimum plot ratio not used for Dwelling (Core areas) Clause 22.15-4.1 <i>Note: Clause 73.01: Plot ratio: The GFA of all buildings on a site divided by the area of the site.</i> <i>(Includes any proposed road, laneway and pos.)</i>	-	-	-	Montague Core area ratio = 1.6:1 x 9,720m ² (0.97ha.) = 15,552m²
Non-residential floor area	3,606m² Childcare centre: 577m ² (Est. 80 children) (podium rooftop)	12,053m² Retail premises: 3,405m ² (4 tenancies inc. Café, Restaurant	3,824m² Retail premises: 1,133m ² (6 tenancies inc. Shop) Serviced	19,483m² Childcare centre: 577m ² (Est. 80 children) Retail premises:



	<p>Retail premises: 665m² (4 tenancies inc. Convenience shop (136.75m²), Shop)</p> <p>Serviced apartments: 2,364m² (64 x 1BR apts.) (podium)</p>	<p>(Level 28 - 146 seats + 50 seat function room, 832m²), Shop and Motor vehicle sales and service)</p> <p>Residential hotel: 6,248m² (144 x 1BR rooms)</p> <p>Serviced apartments: 2,400m² (56 x 1BR apts.) (podium)</p>	<p>apartments: 2,691m² (60 x 1BR apts.) (podium)</p>	<p>5,203m² (14 tenancies inc. Convenience shop (136.75m²), Café, Restaurant (146 seats + 50 seat function room, 832m²), Shop and Motor vehicle sales and service)</p> <p>Residential hotel: 6,248m² (144 x 1BR rooms)</p> <p>Serviced apartments: 7,455m² (180 x 1BR apts.)</p>
<p>CCZ1 Dwelling Density <i>Clause 22.15-3</i> <i>Dwelling density (dw/ha) means the number of dwellings on the site divided by the total site areas (hectares) including any proposed road, laneway and public open space.</i></p>	-	-	-	<p>Montague Core area @ 450 dw/ha x 0.97ha = 436 dwellings</p>
<p>No. dwellings (inc. 38 x Affordable and Social Housing) <i>25% 3BR required</i></p>	<p>224 (20 / 9% x 1BR, 156 / 70% x 2BR, 48 / 9% x 3BR)</p>	<p>115 (39 / 34% x 1BR, 52 / 45% x 2BR, 24 / 21% x 3BR)</p>	<p>246 (49 / 20% x 1BR, 149 / 61% x 2BR & 48 / 20% x 3BR)</p>	<p>623 (131 / 21% x 1BR, 372 / 60% x 2BR & 120 / 19% x 3BR) (inc. 23 x 1BR and 15 x 2BR Affordable and Social Housing)</p>
<p>Affordable housing <i>Clause 22.15-4.3</i> <i>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</i></p>	-	-	<p>18 (9 x 1BR, 9 x 2BR) Rent to buy (1,390m² NSA) = 4% of 436 dwellings <i>(Note: 6% of 436 dwelling density = 26 (26.1) dwellings).</i></p>	<p>18 (9 x 1BR, 9 x 2BR) Rent to buy (1,390m² NSA) = 4% of 436 dwellings <i>Note: 6% of 436 dwelling density = 26 (26.1) dwellings.</i></p>
<p>Social housing <i>Clause 4.2 of Schedule 1 to the CCZ.</i> <i>...at least 1 Social housing dwelling for every 8 dwellings provided above the no.</i></p>	-	-	<p>20 (14 x 1BR, 6 x 2BR) gifted to Women's Housing Limited (WHL)</p>	<p>20 (14 x 1BR, 6 x 2BR) gifted to Women's Housing Limited (WHL) <i>Note 1: 623 dwellings - 436 dwelling density = 187 dwellings @ 1 per 8 = 23 (23.37) social</i></p>



<i>of dwellings allowable under the specified Dwelling density</i>				<p>housing dwellings required for uplift.</p> <p>Note 2: 20 dwellings = 3 (3.21)% of 623 dwellings</p> <p>Note 3: Total Affordable & Social Housing = 38 dwellings = 6% of 623 dwellings</p>
Basement	Two (2) basements shared by all buildings (Stores, car and bicycle parking, bicycle end-of-trip facilities, Child care drop-off/pick-up, Waste store, building services, tanks)	Two (2) basements shared by all buildings (Stores, car and bicycle parking, bicycle end-of-trip facilities, Car servicing, building services)	Two (2) basements shared by all buildings ((Stores, car and bicycle parking, bicycle end-of-trip facilities, Waste store, services, tanks)	Two (2) basements shared by all buildings (Stores, car and bicycle parking, bicycle end-of-trip facilities, childcare drop-off/pick-up, Child care drop-off/pick-up, Waste store, building services, tanks)
Street wall (podium) height	<p>Five (5) levels: 20m (21.8m AHD) to podium roof level, 21.0m (22.8m AHD) to parapet level.</p> <p>Note: NGL = 1.70m to Montague St, 2.0m AHD to Munro St, 1.60m AHD to Johnson St (all centre)</p>	<p>Five (5) levels: 20m (21.8m AHD) to podium roof level, 21.0m (22.8m AHD) to parapet level.</p> <p>Note: NGL = 1.70m to Montague St, 2.0m AHD to Munro St, 1.60m AHD to Johnson St (all centre)</p>	<p>Five (5) levels: 20m (21.8m AHD) to podium roof level, 21.0m (22.8m AHD) to parapet level.</p> <p>Note: NGL = 1.70m to Montague St, 2.0m AHD to Munro St, 1.60m AHD to Johnson St (all centre)</p>	<p>Five (5) levels: 20m (21.8m AHD) to podium roof level, 21.0m (22.8m AHD) to parapet level.</p> <p>Note: NGL = 1.70m to Montague St, 2.0m AHD to Munro St, 1.60m AHD to Johnson St (all centre)</p>
Maximum height (Tower)	34 levels: 119.05m (121.45m AHD) roof, 125.25m (127.65m AHD) top of roof plant	28 levels: 104.85m (107.25m AHD) roof, 111.05m approx. (113.45m AHD) top of roof plant)	26 levels: 93.45m (95.85m AHD) roof, 100.01m (102.05m AHD) top of roof plant)	-
Street wall (podium) Setbacks	<p>Johnson St: Min. 3.5m (ground), 2.0m above</p> <p>Montague St: Min. 0.00m</p>	<p>Montague St: Min. 0.00m</p> <p>Munro St: Min. 0.0m.</p>	<p>Johnson St: Min. 3.9m (ground), 2.0m above.</p> <p>Munro St: Min. 0.0m.</p>	-
Tower Setbacks	<p>Johnson St: Min. 10.0m;</p> <p>Montague St: Min. 10.00m</p>	<p>Montague St: Min. 10.00m</p> <p>Munro St: Min. 10.0m.</p>	<p>Johnson St: Min. 10.0m;</p> <p>Munro St: Min. 10.0m.</p>	-
Building (podium) separation below the max. street wall	<p>T1 to T2: N/A (Shared podium)</p> <p>T1 to T3: Min. 24.18m</p>	<p>T2 to T1: N/A (Shared podium)</p> <p>T2 to T3: Min. 9.7m</p>	<p>T3 to T1: Min. 24.18m</p> <p>T3 to T2: Min. 9.7m</p>	-



Building (tower) separation above the max. street wall	T1 to T2: Min. 20.0m T1 to T3: Min. 32.72m	T2 to T1: Min. 20.0m T2 to T3: Min. 20.0m	T2 to T1: Min. 32.72m T3 to T2: Min. 20.0m	-
Loading bay	Not shown. Refuse zone at ground level.	Not shown.	Not shown. Refuse zone at ground level.	Not shown. Two (2) x refuse zone at ground level.
Car parking	236 (230 resident [1.05/dwelling], 19 Serviced apartments, 4 Affordable/Social housing, 17 Childcare). Note: Total of 276 spaces inc. 40 space temporary car park on site of T3 during construction. Application documentation does not specify final allocation. Car share: Not shown EV charging: 13 spaces	261 (69 resident [0.6/dwelling], 60 serviced apartments, 2 Affordable/Social housing, 8 Restaurant, 25 Retail inc. Car sales [1:100m ²]) Car share: Not shown EV charging: 8 spaces	178 (147 resident [0.59 /dwelling], 18 serviced apartments, 13 Affordable/Social housing, 11 Retail [1:100m ²]) Car share: Not shown EV charging: 24 spaces	675 (446 resident [0.71/dwelling], 229 non residential [97 Serviced apartments, 19 Affordable / Social housing, 17 Childcare, 50 Retail inc. Car sales @ 1:100m ²]) Car share: Not shown EV charging: 45 spaces
Motorcycle parking 1: 50 dwellings req.	5 spaces (1:44 dwellings)	2 spaces (1:57 dwelling)	5 spaces (1:49 dwellings)	12 spaces (1:48.dwellings)
Bicycle parking	304 (261 resident [1.16: dwelling], 30 visitor, 13 employee / customer), end-of-trip facilities	370 (330 resident [2.86: dwelling], 15 visitor, 25 employee / customer), end-of-trip facilities	320 (237 resident [0.96: dwelling], 78 visitor, 5 employee / customer), end-of-trip facilities	994 (828 resident [1.32: dwelling], 123 visitor, 43 employee / customer), end-of-trip facilities
Open space	Winter garden / rebated balcony: Min: 8.0m ² Max: 16.0m ²	Winter garden / rebated balcony: Min: 8.0m ² Max: 14.0m ²	Winter garden / rebated balcony: Min: 8.0m ² Max: 16.0m ²	-
Stores* <i>*Note: Excludes storage in Apartments per BADS.</i>	184 (24 x 4m ³ , 160 x 5m ³) (0.82/dwelling)	87 (41 x 4m ³ , 46 x 5m ³) (0.75/dwelling)	116 (52 x 4m ³ , 64 x 5m ³) (0.47/dwelling)	387 (117 x 4m ³ , 270x 5m ³) (0.62/dwelling)
Communal facilities	Level 25: Resident lounge, dining	Level 05 (podium rooftop): Resident	Level 05 (podium rooftop): Resident	-



	room / kitchen, cinema, inc. bar, karaoke room inc. bar, yoga room, gym, pool inc. Jacuzzi, steam and sauna rooms and bar	lounge / library / bar, cinema, inc. bar, karaoke room inc. bar, yoga room, gym, pool inc. Jacuzzi, steam, sauna and treatment rooms and bar Note: Level 05 resident facilities repeated at Level 19 for Hotel	lounge, dining room, business centre, karaoke room, cinema, gym, yoga room, pool inc. spa, steam, sauna and treatment rooms and bar	
Community (public) facilities	Refer Totals column	Refer Totals column	Refer Totals column	'Town square' and through block pedestrian street (1,761m ²) Child care centre
New Roads / Laneways	Refer Totals column	Refer Totals column	Refer Totals column	Min. 9.7m (w) through block pedestrian street between Johnson and Munro Streets and 6.0m (w) corridor to Montague Street
Vehicle access	Johnson Street: 1 x new 5.8m (w) crossing to basement and podium parking and 1 x new 3.7m (w) crossing to ground level Refuse zone off Johnson Street. Note 1: Basement parking inc. access from Johnson St and Munro St shared by 3 towers Note 2: Podium parking shared by T1 and T2. Note: Seven (7) existing crossings removed	Johnson Street and Munro Street: Share new 5.8m (w) crossings to basement and podium parking off Johnson St with T1 and T3. No details of refuse or loading bay access. Note 1: Basement parking inc. access from Johnson St and Munro St shared by 3 towers Note 2: Podium parking shared by T1 and T2	Munro Street: 1 x new 5.8m (w) crossing to basement parking and 1 x new 5.8m (w) crossing to ground level BOH/Refuse zone and podium parking. Note 1: Basement parking inc. access from Johnson St and Munro St shared by 3 towers Note 2: Podium parking for T3 independent of T1 and T2 Note 3: two (2) existing crossings removed	-
Dwelling access	Lobby access off 'Town square' / through block pedestrian link and car park levels	Lobby access off 'Town square' / through block pedestrian link and car park levels	Lobby access off 'Town square' / through block pedestrian link and car park levels Social housing	-



			access off Munro St	
Retail/commercial access	Retail access off Montague St, Johnson St and 'Town square' / through block pedestrian link. Childcare access off 'Town square' / through block pedestrian link and car park levels. Serviced apts. access off Johnson and Montague St.	Retail access off Montague St, Munro St and 'Town square' / through block pedestrian link. Hotel access off Munro St. Serviced apts. access off Johnson and Munro St.	Retail access off Johnson St, Munro St and 'Town square' / through block pedestrian link. Serviced apts. access off Johnson St and Munro St.	-
Staging* *Indicative: Application states staging may change in response to market demands	Stage 1: Part basement, Town square, retail, residential lobby, part podium and T1 Residential	Stage 2: Part basement, Through block link (Johnson St to Munro St), Retail, showroom, Hotel lobby, part podium and T2 Residential + Hotel	Stage 3: Part basement, Retail, Office lobby, activated podium and T3 Residential + Rent-to-buy	-
Gross floor area (GFA) / Plot ratio	Gross Floor Area (GFA): T1: 40,549m ²	Gross Floor Area (GFA): T2: 34,903m ²	Gross Floor Area (GFA): T3: 46,629m ²	Gross Floor Area (GFA): 122,081m ² Site area = 9,720m ² (0.97ha.) approx. Plot Ratio: 12.55:1

- 5.9** All four proposals are for a mid-rise podium with a generally triangular (T1 and T3) or rectangular (albeit with some flowing curved rebates on T1 and T2, and sharp breaks on T3) shaped tower above. Towers 1 and 2 share a podium and Tower 3 has its own podium.
- 5.10** The Architectural Drawings submitted with the application lack detailed elevations of the buildings; the only external representations of the buildings provided are two x part elevation drawings and renders in the Drawings package and the Urban Context Report. These suggest predominantly glazed curtain walls and some use of cascading plants from balconies, particularly in the podiums, an architectural treatment to the top of T1 only, and roof top building plant setback from the façade edges on all three towers.
- 5.11** The renders show there is little perceived difference between the heights of T1 (34 levels) and T2 (28 levels), and T2 and T3 (26 levels).
- 5.12** Only very limited details of materials and finishes have been provided. The two elevation drawings of part of the Tower 1, 2 and 3 podiums show external materials of dark grey brick, blue tiles, grey metal gladding, black



window frames, clear glazing, and timber battens. These drawings also show use of clear glazing and black metal screens to the lower reaches of the towers.

- 5.13** The Architectural Drawing package refers to white concrete, white powder coated steel, silver tinted low-e glazing, timber screenings and linings, stone tile cladding and black oxide steel, however the absence of elevation drawings means there is no confirmation of where these materials might be applied.

Renders submitted with the application provide only a general representation of the buildings and do not assist with confirmation of finishes.

- 5.14** Overall, the Architectural Drawings, Urban Context Report and supporting documentation lack detail and in places consistency to the extent that a full and proper and confident assessment of all elements of the proposal is not possible at this time.
- 5.15** Any Incorporated Document that may be approved for the proposal must include conditions for detailed elevation drawings including detailed façade strategy elevations for the podium levels and a coloured schedule of all external building materials and finishes for each stage.

6. SUBJECT SITE AND SURROUNDS

6.1 Existing conditions are as follows:

Site description and area	<p>The subject site is an irregular, albeit generally triangular island site bounded by Montague Street, Munro Street and Johnson Street, South Melbourne.</p> <p>The land has a frontage width of 107.85m to Montague Street, 150.72m to Munro Street, and 178.03m to Johnson Street for an overall area of 9,720m² (0.97ha.) approx.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show only minor differences of 0.3 to 0.4m in the natural ground level (NGL) of the centre of the three site frontages as follows: Montague St, 1.70m AHD, Munro St, 2.0m AHD, and Johnson St, 1.6m AHD.</p>
Existing building & site conditions	<p>The land is developed with a contemporary one and two storey showroom building used for Motor vehicle sales and service (Mazda), and a interwar period single-storey red brick warehouse building used in part also for motor vehicle sales and service, and for storage, and associated at-grade outdoor parking.</p> <p>The Johnson Street frontage includes seven (7) vehicle crossings into the land/buildings and the Munro Street frontage includes three (3) crossings.</p> <p>There is no vehicular access to the site or to Johnson Street from Montague Street.</p> <p>Montague Street is a Road Zone Category 1 which carries very high levels of car and truck traffic, including to and from the nearby elevated West Gate Freeway approx 100m to the north.</p> <p>The intersections of Munro and Montague Street and Normanby Road and Montague Street are signalised.</p>
Surrounds / neighbourhood character	<p>Surrounding land in all directions is mostly developed for one or two-storey commercial / industrial buildings, used for offices, car sales and repairs, light industry, warehousing and the like.</p> <p>Exceptions to this are:</p>



	<ul style="list-style-type: none"> • 199-201 Normanby Rd where the previous buildings have been demolished and construction of a 40-level podium and tower has commenced; • A four-storey warehouse (with two-storeys of apartments on the roof) at 223-229 Normanby Road (south-east corner of Montague Street); and • A five-storey former wool store at 179-185 Normanby Road to the north-east of the subject sites. <p>The two later buildings are heritage graded.</p> <p>More particularly, land immediately surrounding the subject site is developed as follows:</p> <ul style="list-style-type: none"> • North-east (across Montague St): Vacant land, the elevated Westgate Freeway, and Melbourne Exhibition Centre and South Wharf beyond. • South-east (across Munro St): Single-storey commercial and warehouse buildings, and Normanby Road, the City to Port Melbourne light rail line and predominantly low rise industrial buildings beyond. • West (across Johnson St): An electrical substation, vacant land, warehouse and commercial industrial buildings. <p>The high frequency Route 109 City to Port Melbourne light rail line runs along an embankment on the southeast side of Woodgate Street. There is an elevated platform stop immediately to the southeast of the Montague Street bridge.</p> <p>Limited bus services run along Normanby Road.</p> <p>A bike path runs parallel to the Route 109 light rail line connecting Port Melbourne with the CBD.</p> <p>Vehicle access to the Westgate Freeway is approximately 100m from the site via Montague Street.</p> <p>The South Melbourne Activity Centre including South Melbourne Market is located approximately 900m to the southeast of the site, providing a wide range of employment, shopping opportunities and community services.</p> <p>The South Wharf retail and hospitality precinct is approximately 450m to the north east.</p>
<p>Fishermans Bend Framework October 2018</p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p>For the subject site:</p> <ul style="list-style-type: none"> • New linear public open space along the Johnson Street frontage of the land merging into a small park to the immediate north of the site. • A 6.0m (w) new laneway between Johnson Street and Munro Street) (indicative location). <p>For the surrounding area:</p> <ul style="list-style-type: none"> • Closing Johnson Street between Normanby Road and Munro Street to create new public open space (Medium term (i.e. 2020-2025) project). • A new east-west road off the opposite side of Johnson Street (to be provided in part by permit approval for 60-82 Johnson Street opposite). • Two (2) new 6.0m (w) lanes between Munro Street and Normanby Road. • New Montague North Public Open Space (opposite, across Montague Street) (Long term (i.e. 2025+) project). • Upgrading the Montague Street light rail stop (Long term (i.e. 2025+) project).

6.2 Council records show 41 major planning permit applications have been lodged for the Montague precinct and the nearby area of the abutting Sandridge precinct of the FBURA since 2013.



- 6.3 Permits have been issued for 22 of these applications, 4 have been completed, and 10 are under construction. One application was refused, and the remaining 19 are pending a decision.
- 6.4 Sixteen of the pending applications have requested the Minister prepare a 20(4) Planning Scheme Amendment to consider revised proposals having regard to the Planning controls introduced by Amendment GC81.
- 6.5 Applications, permits, commencements and completions abutting or near the subject site are as follows (**Permits in bold**):

To North-west and West (Sandridge Precinct)

- **220 Ingles Street, Port Melbourne: Permit for 287 3 and 54 level Townhouses. Completed**
- **14 Woodruff Street, Port Melbourne: Permit for 3, 4 and 5 level alterations and additions for retail, offices and apartments. Under construction.**

Opposite (across Johnson Street) (West)

- **60-82 Johnson Street, South Melbourne: Permit for 4 x 22, 28, 43, and 46-level mixed-use towers (1,129 (168 x 1BR, 878 x 2BR, 83 x 3BR) dwellings). Started (demolition and site works).**

Opposite (across Munro Street) (South-East)

- Normanby Road (Cnr Johnson and Munro Streets), South Melbourne (Site 00): Application for Planning Scheme Amendment C177 port for a 40-level tower (proposed height subject to review).
- 264-270 Normanby Road, South Melbourne (Site 01): Application for Planning Scheme Amendment C165 port for a 20 level (previously 40-level) tower.
- 256-258 & 260-262 Normanby Road, South Melbourne (Site 02): Application for Planning Scheme Amendment C166 port for a 20 level (previously 40, then 39 level) tower.
- 248-250 & 252-254 Normanby Road South Melbourne (Site 03): Application for Planning Scheme Amendment C164 port for a 20 level (previously 40, then 39 level) tower.
- 240-246 Normanby Road (Cnr. Montague Street), South Melbourne (Site 04): Called-in application for a planning permit for a 40-level tower.

To South-East (across Normanby Road)

- **253-257 Normanby Road (Cnr Boundary and Woodgate Streets), South Melbourne: Permit for 2 x 28 and 40 level towers. Development started (demolition).**
- **245-251 Normanby Road, South Melbourne: Permit for 1 x 40-level tower. Not started.**

To North-east (Normanby Road, across Montague Street)



West side

- **228-238 Normanby Road (Cnr. Montague Street), Southbank: Permit for 2 x 39 and 49 level mixed use towers. Not started. Permit lapsed.**
- **202-214 Normanby Road, Southbank: Permit for a 40-level tower. Construction started.**

East side

- 207-211 & 215-217 Normanby Road, Southbank (Site 05): Called-in application for a 40-level levels mixed use tower.
- 199-201 Normanby Road, Southbank: Permit for 1 x 40-level mixed use tower. Construction started.
- 187-197 Normanby Road, Southbank: Application for a Planning Scheme Amendment C178 port for 1 x 40 level mixed use tower.
- 179-185 Normanby Road, Southbank (Laconia): Called-in application for 1 x 26-level mixed use tower.

To south-east of light rail line embankment

- **15-87 Gladstone Street, South Melbourne: Permit for 3 x 27, 30 and 30-level mixed use towers. Started (demolition and site works for Tower 1).**
- **89-103 Gladstone Street (Cnr Montague St), South Melbourne: Permit for 1 x 30-level mixed use tower. Completed.**
- **6-78 Buckhurst Street, South Melbourne: Permit for four x 27, 29, 30 and 30-level mixed use towers and 4 level childcare centre. Started (demolition) (for Childcare centre).**
- 91-95 Montague Street: Application for a Planning Scheme Amendment C184 port for a 25-level retail and office tower.

7. PERMIT TRIGGERS

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

Planning Scheme Provision	Why is a planning permit required?
Clause 36.04: Road Zone Category 1	Pursuant to Section 2 of Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. This may include a substantial increase in traffic to or from a Road Zone. A planning permit is required under this clause.
Clause 37.04: Capital City Zone (CCZ1)	Pursuant to Clauses 37.04-1 and 37.04-2 of the CCZ1 and the Table of uses at Clause 1 of the Schedule to the CCZ1, a planning permit is not required to use land for a Shop. 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



	<p>use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes:</p> <ul style="list-style-type: none"> • Accommodation, Child care centre and Residential hotel (inc. Serviced apartments) if it does not meet the following conditions: <ul style="list-style-type: none"> ○ Must not be within an Amenity buffer shown on Map 4. ○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. ○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. • Dwelling if it does not meet the following conditions: <ul style="list-style-type: none"> ○ Must be in a Non-core area. ○ Must not be within an Amenity buffer shown on Map 4. ○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. ○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. • Retail premises (other than Hotel, Shop and Tavern (i.e. Bar)) if it does not meet the following conditions: <ul style="list-style-type: none"> ○ Must be in a Non-core area. ○ Must not exceed 1000m² gross leasable floor area. ○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. ○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p>The land is in in a Core Area, the Amenity Buffer for Council’s Resource Recovery Centre in White Street and is within 450m of the South Melbourne to Brooklyn pipeline. A permit is required to use the land for Child care centre, Dwelling, Residential hotel (inc. Serviced apartments) and premises (other than Hotel, Shop and Tavern under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> • An application lodged before the approval of Amendment VC136 (02-Feb-2017). • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136. <p>The application was first lodged on 12 October 2017 and so must meet Clause 58.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.
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	<p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend - Montague Precinct (DDO30)</p>	<p>The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 81 metres (24-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 / 32/ 33 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An application to construct a building or construct or carry out works in DDO 30 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is not required under this clause.</p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for Dwelling, Retail premises (including Café, Convenience shop, Motor vehicle sales and servicing, Restaurant, and Shop).</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The application proposes to provide car parking for dwellings in excess of the Parking Overlay rates.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 45.11: Infrastructure Contribution Overlay (IC01)</p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> • A non-government school;



	<ul style="list-style-type: none"> • Housing provided by or on behalf of the Department of Health and Human Services; • Any other land or development of land specified in a Schedule to the ICO. <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. • Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81. • Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose <p>A planning permit cannot be granted for the proposal.</p> <p>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</p>
<p>Clause 52.06: Car Parking</p>	<p>Use for Child care centre, Residential hotel and Serviced apartments are not listed in the Parking Overlay and so are subject to car parking rates set out at Clause 52.06 of the Planning Scheme.</p> <p>For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area.</p> <p>A planning permit is required to provide less than the Clause 52.06 parking rates.</p> <p>No parking rate is prescribed for Residential hotel and Serviced apartments.</p> <p>Pursuant to Clause 52.06-6, the number of car parking spaces for these uses must be to the satisfaction of the responsible authority (i.e. the Minister).</p> <p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p> <p>A planning permit is 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.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A planning permit is required under this clause.</p>

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks (PPF)

The application needs to be assessed against the Planning Policy Framework (PPF), including:



- Clause 11: Settlement, including:
 - Clause 11.01-1R1: Settlement - Metropolitan Melbourne
 - Clause 11.02: Managing Growth
- Clause 13: Environmental Risks and Amenity, including:
 - Clause 13.01: Climate Change Impacts
 - Clause 13.03: Floodplains
 - Clause 13.07: Amenity
- Clause 15: Built Environment and Heritage, including:
 - 15.01-1: Built Environment
 - 15.01-1R: Urban design - Metropolitan Melbourne
 - 15.01-2S: Building Design
 - 15.01-4R: Healthy neighbourhoods - Metropolitan Melbourne
 - 15.01-5S: Neighbourhood character
 - 15.02-1: Sustainable development
 - 15.02-2S: Aboriginal cultural heritage
- Clause 16: Housing, including:
 - Clause 16.01: Residential development
 - Clause 16.01-3R: Housing diversity - Metropolitan Melbourne
- Clause 18: Transport, including:
 - Clause 18.02-4S: Car parking
- Clause 19: Infrastructure, including:
 - Clause 19.01: Energy
 - Clause 19.01-1S: Energy supply
 - Clause 19.01-2R: Renewable energy - Metropolitan Melbourne
 - Clause 19.01-3S: Pipeline infrastructure
 - Clause 19.03-1S: Development and infrastructure contributions plans
 - Clause 19.03-4S: Stormwater

8.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses, which are relevant to this application as follows:

- Clause 21: Municipal Strategic Statement
 - Clause 21.01: Vision and Approach
 - Clause 21.02: Municipal Context and Profile
 - Clause 21.03: Ecologically Sustainable Development
 - Clause 21.04: Land Use, including
 - 21.04-1: Housing and Accommodation
 - Clause 21.05: Built Form, including:
 - 21.05-2: Urban Structure and Character
 - Clause 21.06: Neighbourhoods, including



21.06-8: Fishermans Bend Urban Renewal Area

8.3 Local Planning Policy Framework (LPPF)

The application also needs to be assessed against the following Local Planning Policies:

Clause 22.12: Stormwater Management (Water Sensitive Urban Design)

Clause 22.13: Environmentally Sustainable Development

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

8.4 Other relevant provisions

Clause 58: Apartment Developments

Clause 59.05: Buildings and Works in an Overlay

Clause 59.10: Car Parking

Clause 65: Decision Guidelines, including:

Clause 65.01: Approval of an Application or Plan

8.5 Relevant Planning Scheme Amendment/s

Past and present Planning Scheme Amendments relevant to the subject site include:

05 July 2012: Amendment C102:

- Designates the Fishermans Bend Urban Renewal Area (FBURA).
- Rezones the subject site and surrounding land from Industrial 1 Zone and Design and Development Overlay 9 (DDO9) to Capital City Zone (CCZ1), deletes DDO2, 8 and 9, and introduces the Development Contributions Plan Overlay (DCPO2) and the Parking Overlay (PO1). Heritage Overlay carries over.

07 August 2014: Amendment GC7:

- Clause 52.01 (Open Space) changed to require 8% open space contribution in FBURA. FBSFP July 2014 made an Incorporated Document.

17 April 2015: Amendment GC29:

- Changed the CCZ1 to introduce interim mandatory height limits for two years (inc. transition provisions for apps lodged before GC29), expands the FBURA to include the Fishermans Bend Employment Precinct (in the City of Melbourne), and updates the FBSFP July 2014 (amended April 2015) Incorporated Document.

14 November 2016: Amendment GC50:

- Introduced new Local Planning Policy (Clause 22.15) Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses;
- Moved interim height controls from the



CCZ1 to a new Design and Development Overlay (DDO30), which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The height and setback controls apply on an interim basis until 31 March 2019, and updates the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016) and incorporated document provisions.

05 October 2018: Amendment GC81:

- Amends MSS at Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods) to update references to FB and include a refined vision for Montague, Sandridge and Wirraway precincts.
- Introduces new local planning policy at Clause 22.15 (Fishermans Bend) to provide guidance and assist with the exercise of discretion in the assessment of planning permit applications in FB. Includes Fishermans Bend Framework October 2018 as a Reference Document.
- Introduces a new Schedule 1 to Clause 37.04 (CCZ) to ensure land use and development outcomes implement the FB Vision, September 2016 and FB Framework, September 2018.
- Introduces new precinct specific Schedules 30, 32 and 33 to Clause 42.03 (Design and Development Overlay) to align built form controls with preferred character and vision for Montague, Sandridge and Wirraway precincts, respectively.
- Introduces new Schedule 1 to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking.
- Deletes Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay).
- Inserts Clause 45.11 (Infrastructure Contributions Overlay) and Schedule 1 (ICO1) and applies it to land to enable implementation of an Infrastructure Contributions Plan when prepared.
- Applies Environmental Audit Overlay (EAO) to Montague, Sandridge and Wirraway precincts.
- Applies Environmental Significance Overlay - Schedule 1 (ESO1) to Wirraway precinct near Port of Melbourne.
- Amends Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as a recommending referral authority for planning permit applications where the Minister for Planning is the responsible authority and makes minor corrections to existing provisions.
- Amends Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria.



- Amends Schedule to Clause 72.03 to reflect the deletion of Planning Scheme Map 1DCPO and insertion of new Planning Scheme Maps 1EAO, 1ICO, 2ICO and 3ICO.
- Amends Schedule to Clause 72.04 to delete the Fishermans Bend Strategic Framework, July 2016 (amended September 2016).

20 June 2019: Amendment GC118:

Corrects technical, formatting and grammatical errors identified in the Fishermans Bend planning controls.

9. REFERRALS

9.1 External referrals

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

Melbourne Water

9.1.1 The Department referred the original 2017 proposal to Melbourne Water.

9.1.2 Melbourne Water objected to the proposal on the grounds that it:

- Would be inconsistent with State and Local Planning Policy for drainage and floodplain management.
- Would be contrary to Melbourne Water's 'Guidelines for Development in Flood-prone Areas'; and
- Would not comply with Melbourne Water's Asset Protection requirements.

9.1.3 Melbourne Water advised the site would be affected by projected sea level rise and required minimum floor levels of:

- 3.0m AHD for all ground floor lobbies and lifts (with transitional areas allowed to grade up this height); and
- 2.4m AHD for all ground floor retail areas.

9.1.4 They also advised that a Melbourne Water Main Sewer runs along Johnson Street approximately 10m below ground in a 2.8m (w) tunnel, the outside edge of which is approximately 2.0m from the sites boundary.

9.1.5 Melbourne Water required all buildings be setback a minimum 5.0m from the outside edge of the sewer meaning the building/structure including footings, eaves, basement etc. must be setback at least 3.0m from the Johnson Street boundary of the site.

9.1.6 The current 2019 Planning Scheme Amendment application plans:

- Set the basement and podium levels back a minimum of 2.0m from Johnson Street;
- Show some but all of the ground floor level retail areas to have a minimum floor level of 2.4m to AHD.



- Show some but not all of the ground floor level lobbies and lifts to have a minimum floor level of 3.0m to AHD.

9.2 Internal referrals

The application was internally referred for comment.

A summary of responses is as follows:

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Heritage	06-08-2019: No Heritage issues
Waste Management	<p>14-02-2020</p> <p>The response provided is not enough for me to further proceed with the assessment.</p> <p>As mentioned earlier in my comments, I will need to see the bin/refuse rooms with clearly marked bin size, numbers and colours. This will also provide me a clear information about bin locations (i.e. residential and commercial bins need to be separate) which I can't comment without seeing a clear drawing of the bin room with all these details.</p> <p>Also a swept path diagram would be required to further asses ... how collection arrangements and access are organised as specified in WMP (Pg.8).</p> <p>03-02-2020:</p> <p>I have reviewed the plan and have following comments;</p> <ul style="list-style-type: none"> • Please provide number of bedrooms for each serviced apartments and hotel rooms. • Please provide more detail regarding childcare services (e.g. kitchen, capacity to hold number of children etc.) • Would highly recommend a compaction unit for a development of this size to reduce the amount of times a collection vehicle visits the site. • Would recommend a glass crusher for development of this size with number of facilities, it could save valuable storage space and minimise recycling contamination. Crushed glass in a comingled bin can contaminate the whole recycling material. • Bin size and colours including the number of bins should be clearly drawn on the plan. • Recommend allocated space for E-Waste and organic waste collection. • Required separate refuse rooms for residential and commercial tenements.
Traffic Engineers	<p>Firstly, I suggest the Traffic Report is revised to make it more clearer to understand. At the moment, the report combines all the information (such as overall proposal and stages' proposal). I suggest, they separate and provide a breakdown assessment of what the site will provide for all/each towers (i.e. when construction is completed), and then provide a summary/assessment for each "stages" of the development.</p> <p>For clarity (and depending when appropriate) it may also help if the Applicant used the word 'during' rather than 'in' when discussing each stages of the construction.</p> <p><u>Parking Provision and Allocation</u></p>



	<ol style="list-style-type: none"> 1. I suggest Table 6 of the report change to use “tower” rather than “stage” 2. Regarding the Social/Affordable Housing the Applicant should consider using the parking rates (if applicable) that Council had resolved on 26 October 2009. What are your thoughts? 3. Can the Applicant provide more information how 0.3 parking rate for service apartments were derived? 4. The Report indicate during the construction (for Stage 2) there may be opportunity for approximate 57 car park spaces to operate as ‘commercial’ parking. I suggest this needs to be resolved before any permit is issued. Also additional information should be provided (will the commercial carpark be paid, note this will impact traffic generation/impact during this period). 5. The site should be self-sufficient to facilitate parking on-site. <ol style="list-style-type: none"> a. The site should not rely using on-street parking to assist with the drop-off and pick-up for childcare. b. The streetscape may change and parking will be removed. 6. Similar to your table regarding parking, the site has provided more parking spaces (in Tower 1). 7. The report contradict saying there is a lack of public transport (or that there has not been a commitment of PT) therefore they have provided more carpark spaces. However, in section 4.3 it comments there are significant other alternative transport modes for future residents that will continue to encourage and enable sustainable transport choices. 8. Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning team. <p><u>Accessways</u></p> <ol style="list-style-type: none"> 9. It is recommended accessways are consolidated to minimise the number of crossovers. 10. Update plans to clearly show the pedestrian sight splay and pedestrian refuge. 11. No information has been provided how traffic within the internal aisle directly abutting the accessway to the street will be managed. 12. The internal aisle must provide two-way flow (near the accessway) to ensure there are no queuing onto the street. 13. The report and plans are not clear how vehicle access will be provided for each stages of the development/construction. <p><u>Carpark Layout</u></p> <ol style="list-style-type: none"> 14. Although the Report notes the carpark has been designed in accordance with the relevant design guidelines, I suggest the Applicant update plans to clearly show carpark spaces dimensions, clearance from walls/columns/obstruction, aisle width, etc? A general assessment now indicate there are a number of spaces does not satisfy Clause 52.06. 15. Can the Applicant indicate the traffic flow for Childcare use? Drivers who are either dropping of or picking up should not be required to reverse or perform U-turns to exit the basement level. 16. The two basement levels is proposed to be a common basement carpark for the three towers. 17. The report indicate Basement Level 1 will be provide for public, visitor and some staff parking. Level 2 will be for private resident/staff parking. Podium parking
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	<p>will be used for residents. Can the applicant indicate if a swipe card access arrangement (are a similar type) will be provided and also show this on the plan? At these access points, vehicles must not overhang / obstruction the pedestrian.</p> <p>18. Can the Applicant confirm if drawing number MP-07 – Tower 1 ramp is correct?</p> <p>19. Clearly show the dimensions of the disable space and confirm the headroom clearance.</p> <p>20. Update plans to show which spaces are staff/visitor/resident parking.</p> <p>21. I suggest a car parking management is provided and reviewed by Council for each stages and when the site is completed.</p> <p><u>Ramp</u></p> <p>22. Update plans to clearly show ramps’ length, width and RL. I suggest provide they provide a longitude cross section for all ramps.</p> <p>23. The Plans has included indicative cross sections of ramps’ specifications; however, these drawings notes the ramps are for each “stage(s)”. Plans should be updated to note if they are final design.</p> <p><u>Traffic Generation and Impact</u></p> <p>24. The Applicant should provide an empirical assessment/ case study to inform their expected traffic generations/impact for each premises.</p> <p style="padding-left: 20px;">a. The associated traffic impact by the retail premises are not clear. Similar to my comments above I suggest they indicate the overall traffic impact and perhaps provide a breakdown of the impact for each stages of the construction.</p> <p style="padding-left: 20px;">b. Provide more information regarding the traffic generation of the Mazda site (perhaps existing traffic demand).</p> <p style="padding-left: 20px;">c. Indicate how 0.5 traffic generation for Childcare was derived.</p> <p>25. Given no right turn is allowed from Munro Street into Montague Street and the closure of Johnson St between Munro and Normanby Road, traffic will be directed to either Boundary and Ingles Street. This will increase traffic generation on these streets.</p> <p>26. No cumulative traffic generation has been assessed for the immediate and nearby streets.</p> <p><u>Bicycle Facilitates</u></p> <p>27. Update report Table 11 title it also mention Clause 37.4.</p> <p>28. All bike facilities/racks must be contained on-site. We would not support bike racks on Council land.</p> <p>29. It is suggested the bike racks on Ground Level for visitors are installed horizontal.</p> <p>30. Update plans to clearly show bike racks spacing and aisle width, which racks/area are visitors/residents/staffs.</p> <p>31. There are a number of bike areas scattered throughout the carpark levels. These spaces are not conveniently located to access.</p> <p>32. The bike storage area are not located near change rooms.</p> <p><u>Loading and Waste area</u></p> <p>33. The loading area does not provide convenient access to lifts and retail spaces.</p> <p>34. Similar waste collection does not appear to be convenient to access.</p>
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	<p>35. Can the applicant provide more information how future users of this can access the loading / waste area?</p> <p>36. The site should be self-sufficient to be able to manage all loading on-site. The loading area should be accessible to all tenants for the building (such as future residents moving in/out).</p> <p><u>Car Share</u></p> <p>37. I suggest you seek advice from Strategic Transport team regarding the provision of Car Share for this site.</p> <p>38. The amount of Car Share provided seems very low.</p> <p>39. Would you treat each tower separately? Table 2 of Clause 37.04 comments for car share allocation “2 spaces plus 1 per 25 car spaces”.</p> <p>a. The Traffic Report notes the first “2 spaces” is based on the whole site (all three towers).</p> <p><u>Other</u></p> <p>40. Can you confirm what type of “laneway” is proposed through the site? Will this impact the proposal?</p> <p>41. As discussed, 43 electric car charging spaces may be low.</p> <p>42. We suggest a Green Travel Plan is provided for this site.</p>
<p>Strategic Planning / Urban Design</p>	<p>29-08-2019:</p> <p>Urban Context</p> <p>This site is the largest site by some distance (not including the proposed Montague North Park) in Area M1 of DDO30. The preferred precinct character for area M1 is for ‘mid to high-rise developments’ and ‘on larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets’. The preferred height is up to 24 storeys for this site.</p> <p>In DDO30, low-rise is defined as up to 6 storeys, mid-rise 7 to 15 storeys and high rise is 16 storeys and taller. The proposal comprises a podium / tower typology ranging between 26 and 34 levels.</p> <p>From a first principles perspective, it could not be said that the proposal:</p> <ul style="list-style-type: none"> - is not on a ‘larger site’; - comprises any ‘mid-rise’ elements; - comprises any hybrid of perimeter block typologies; or - minimises the perception of visual bulk when viewed from streets. <p>On this basis, the scale, typology and architectural form of the proposal is not supported as currently proposed.</p> <p>Land Use</p> <p>As the largest development site in Area M1 (a ‘core’ area in the planning scheme), it is crucial that the development maximise its ability to create employment opportunities. In this regard, it would be extremely advantageous for the proposal to include some office floor area to compliment the other proposed uses, and to maximise the opportunities to convert floor area to employment generating uses at a later point.</p> <p>In this regard, the proposal to sleeve the podium car parking with serviced apartment is not supported. Small offices are preferred in this location. For the same reason, floor to floor areas for each podium level must be a minimum of 3.8 metres, while the</p>



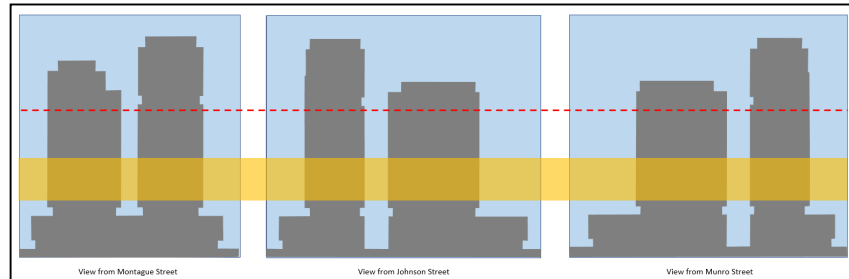
	<p>ground level must be a minimum of 4 metres (this includes all above-ground car parking areas).</p> <p>Dwelling Mix</p> <p>Across the 3 development stages, a total of 623 apartments, including social and affordable housing is proposed. The mix is heavily distributed towards 2-Bedroom, making up 60% of the total number, with the remainder distributed evenly between 1-Bedroom and 2-Bedroom. It is recommended that the number of 3-Bedroom offered in the first instance be increased, with the possibility of adaptation to consolidate 1 and/or 2-Bedroom apartments into larger apartments.</p> <p>The tabled submission identifies that across the 3 development stages, approximately 80% of the proposed apartments are designed to the accessibility requirements. A provision well above the minimum requirement of 50% is highly supported, however we note that though several apartments claim compliance, despite circulatory pathways overlapping with functional areas. Ensure that a minimum 1.2m wide circulatory pathway is provided and does not encroach into the minimum functional dimensions as prescribed by BADS.</p> <p>The segregation of social housing to a single level in one tower, with a separate entrance is not supported. Social housing should be provided on a ‘salt and pepper’ basis, distributed evenly across all phases of the development. The submission should ensure that they are comparable to the standard and sizes of other dwellings, and that area is adequate for an appropriate distribution between 1, 2 and 3-Bedroom offerings. Further detail should be provided.</p> <p>Built Form & Design Detail</p> <p>The proposal is considered a major development on an island site with three distinct interfaces of varying hierarchy, functions and scale. The current response seems to lack a contextual based approach, sitting uncomfortably within the wider context. There is an overtly consistent podium reading with limited architectural detailing, exacerbating the scale of the development. Little differentiation between the varying podium interfaces is offered to address the hierarchy and functions of the future street network. Minor variation in the street wall height and character of the podium is required to enhance the ‘human scale’ of the street edge. New development should support the realisation of the preferred precinct hybridised character to ensure and enhance a diverse and interesting range of built form outcomes.</p> <p>Above the podium, the clustering of high-rise towers with consistent heights and limited architectural differentiation will result in a visually dominating development. The homogenous architectural treatment informed by curved facades exacerbates this reading of bulk, on a site where slender high-rise towers could be comfortably intermixed with lower, mid-rise towers to create faster moving shadows. The design of the tower forms is heavily predicated on ‘view corridors’ from within the site, with little regard for visual impact on the wider public realm. For example, the approach from the west along the new future road and linear park from Sandridge will terminate in a view of towers with little or no separation. The condition will be similar from the south of Munro St where there is a proposed new public open space resulting from the part closure of Johnson St.</p> <p>Pedestrian Comfort</p> <p>Submitted wind assessment for the current design illustrates the potential for severe adverse impacts on the user comfort in and around the development, particularly in the central plaza. The severity of the impact is not made clear within the report. Recommendations are made within this report for the provision of additional screening and reconfiguration of the tower forms to reduce this impact, though</p>
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	<p>Urban Design recommends that there a holistic redesign of the tower forms rather than relying on fixed screening to mitigate impacts. Potential wind impact should be quantified to enable assessment of actual impact on pedestrian comfort at ground level.</p> <p>Public Realm</p> <p>The concept of an activated ground plane to create a link from the proposed linear park to the west and the proposed laneway to the south is supported, however there are some issues with the delivery of this concept. Firstly, the key retail tenancy at the termination of the vista from the linear park is the ‘Mazda Café’. Sleeving this with a more high intensity / destination use, as a possible anchor to the intended central plaza would be a significant improvement. This may provide a clearer definition of the role and function of this plaza space as part of the development and its relationship to the laneway as both attractor and pedestrian connector.</p> <p>Secondly, the east-west connection through the site which connects this ground plane to Montague Street and the adjacent Montague North Park (proposed) would be significantly improved if it were open to the sky. This would also have the effect of breaking up the length of the podium to Montague Street and helping to improve the diversity of the building which reads as one large development rather than a series of buildings at this point.</p> <p>It is unclear how the street edges with considerable ground floor level differences required to meet the flood requirements are negotiated within the design to achieve an appropriate level of active frontages. It is critical that this be well resolved considering the island site nature of the development. The applicant should illustrate how this is achieved within the overall design approach, and addressing the following:</p> <p><i>Stage 1 (Podium 1)</i></p> <ul style="list-style-type: none"> - Substation and services facing Johnson St should be sleeved, away from terminating axis of future street and linear park - Define access from the street to retail tenancies facing Montague St - Lack of DDA access provided to the serviced apartment lobby facing Johnson St - Width of tapering Childcare Lobby to lift to consider pram movement <p><i>Stage 2 (Podium 2)</i></p> <ul style="list-style-type: none"> - A more appropriate use of ground floor tenancy facing the central plaza (in lieu of the Mazda Café) to support and compliment activation of public space - Consider orientating Mazda Showroom towards Munro St and Montague St to anchor the corner - A rearrangement will present an opportunity to further bolster pedestrian activity towards the central plaza through the Hotel Lobby addressing the laneway/central plaza <p><i>Stage 3 (Podium 3)</i></p> <ul style="list-style-type: none"> - Services area and lobby providing access to bike parking should be better sleeved to minimise extent of inactive frontages - How is DDA access provided to the retail tenancies? - How are the threshold spaces between steps and tenancy frontage proposed to be used to offset adverse impacts on active frontages due to flood requirements?
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	<p>- Proposed visitor bike parking should be more appropriately integrated into the design as not to clutter the public realm and impeded access/activation of site edges</p> <p>The separate vehicle access area for servicing trucks and vehicles to the car parks at ground level to Munro St and Johnson St are not supported. These crossovers should be consolidated into one single crossover to each frontage, servicing both cars and trucks.</p> <p>Conclusion</p> <p>From both the Strategic and Urban Design perspective, the proposed development is not supported. A more diverse scheme should be explored that aligns more with the objectives of the DDO30, Urban Design Guidelines for Victoria and the new Fishermans Bend Framework and the Montague North Precinct.</p> <p>03-02-2020</p> <p>I have reviewed the proposal plans and supporting reports and provide the following strategic planning advice.</p> <p><u>Built Form</u></p> <ul style="list-style-type: none"> • The proposal remains in conflict with the scale, typology and architectural form required in the Montague North area under DDO33. This issue was identified in the earlier Strategy and Design Advice dated 28 August 2019. The building typology for this area (Area M1) is 'hybrid (predominantly mid-rise)'. There are no mid-rise elements of 7-15 storeys height (shown as orange shading in the diagram below). All buildings have a podium and tower form, with no 'hybrid' or perimeter block components. DDO30 allows for tower elements on larger sites, however, towers are to be slender <i>“that create fast moving shadows and minimise the perception of visual bulk when viewed from streets”</i>. The proposed building silhouettes in the diagram below demonstrate that the towers are not slender and that the combination of 3 towers will appear bulky and overbearing from adjoining streets. • DDO30 requires building heights to <i>“respond to the preferred precinct character and building typologies”</i> and to <i>“contribute to a varied and architecturally interesting skyline”</i>. As illustrated in the diagram below, all 3 towers significantly exceed the preferred 24 storey maximum building height (red dashed line). In combination with the footprint of the towers, the proposal does not respond to the preferred precinct character. It is acknowledged that there are multiple developments approved in the immediate area that exceed 24 storeys, however the subject proposal needs to 'respond to local policy' and 'meet the requirements of the DDO, the PO and the CCZ' (Terms of Reference, Fishermans Bend Standing Advisory Committee). In the same way, the proposed gifting of 20 social housing units to Women's Housing Limited (WHL), although providing a significant community benefit, does not override the requirement to achieve the built form outcomes for this site. • For the proposal to more closely align with planning requirements, it is recommended that the following changes be made, as a minimum: <ul style="list-style-type: none"> ○ Introduction of some mid-rise elements (i.e. 7-15 storey height). It is noted that DDO30 allows for street walls higher than 4 storeys to provide for greater floor area within the podium and to vary its appearance from the public realm; ○ Reduced building heights to align more closely with preferred 24 storey height; and ○ Reduced footprints on any towers and increases building separation.
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- The concerns raised in the earlier Strategy and Design Advice concerning ‘built form & design detail’ and ‘public realm’ also remain relevant and need to be addressed.
- The proponent has not demonstrated that the proposed built form will result in excessive wind impacts on the public realm or excessive overshadowing of communal open space, as discussed below. Building heights and form may need to be revised to achieve these requirements.
- There should be provision for outdoor dining areas at ground level to help activate the public realm, particularly adjacent to the future linear park and at the street entries to the ‘town square’ and ‘market lane’.
- Greater consideration (with relevant design detail in the proposal architectural and landscape plans) is required of the interface between the ground level tenancies and activities and the public realm, to ensure active frontages are delivered on this island site. Due to Melbourne Water’s minimum ground floor level requirements (3.0m AHD), there will be level differences between 0.4m and 0.8m.
- It appears that the built form is not set back 3m from the Johnson Street frontage, as required by Melbourne Water (letter dated 17 November 2017).

Dwelling Diversity

- The development currently provides 18 affordable housing dwellings, which equates to only 3% of the total private dwellings proposed. A greater number of affordable housing dwellings is required to achieve the 6% minimum required by Clause 22.15, which is to be in addition to any Social housing uplift dwellings.
- The proposed gifting of 20 social housing units to WHL is strongly supported. CCZ1, however, requires evidence that WHL agrees to own the proposed units, including the proposed location and design of the units.
- Confirmation is required whether the social and affordable housing dwellings will benefit from access to the communal open spaces and internal communities facilities.
- A greater proportion of 3-bedroom dwellings should be provided, to achieve the 25% provision sought in Clause 22.15. In addition, proposed family apartments should (as sought in Clause 22.15-4.2):
 - Have living room sizes that exceed minimum requirements;
 - Have storage areas located with easy access; and
 - Some achieve direct visual access to children’s play spaces in communal areas.

Employment Floor Space



	<ul style="list-style-type: none"> • An economic assessment has not been provided that supported the proposed commercial / employment uses, including the hotel, serviced apartments, retail tenancies and convenience store. • The floor to floor height of Levels 1, 2, 3 and 4 (including car parking areas) need to be increased to 3.8m (currently 3.6m) to provide for the future conversion of the podium levels to employment uses, as required by Clause 2.13 of DDO30. <p><u>Communal Open Space</u></p> <ul style="list-style-type: none"> • The Town Planning Report infers that the proposed 'Town Square' forms part of the communal open space provision for the development (Section 8.1). This area (along the with 'Market Lane'), however, is available for use by the general public not just residents and so is considered to be publicly accessible open space. • The development summary in the architectural plans needs to accurately provide areas of the proposed communal outdoor open space and indoor communal areas for each stage (tower). In particular: <ul style="list-style-type: none"> ○ Drawing No. MP-18 shows a terrace on Level 25 of Tower 1 but this area is not specified; ○ The communal area on Level 19 of Tower 2 is for the hotel (Drawing No. TP-08); ○ The restaurant on Level 28 of Tower 2 is shown as 'amenity' on Drawing No. MP-21); and ○ There is no 'amenity' area on Level 26 of Tower 3 (Drawing No. MP-19). • A communal open space area is required for residents of Tower 1, in addition to the internal communal facilities on Level 25. Clause 22.15-4.6 requires the provision of communal open spaces within developments to "<i>supplement the public open space network</i>". Further, "<i>internal and external communal spaces within the same development to connect to one another and be designed as multifunctional, adaptable spaces</i>". The communal open space should be designed to meet the needs of a range of potential users. • Clause 22.15-4.2 requires communal open spaces to include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users. Given the requirement to accommodate households with children, children's play spaces need to be included in the outdoor communal green spaces for each tower. In addition, children's communal active indoor play or recreation spaces should be provided as part of indoor communal spaces – preferably collocated with the outdoor play spaces. • The shadow study included in the architectural plans have not clearly demonstrated that there will be adequate sunlight access to the communal open space areas of the top of the podiums (Level 05) for Towers 2 and 3, as well as the additional communal open space area for Tower 1. DDO30 requires development to, "<i>incorporate communal open space with high levels of sunlight access</i>". The shadow diagrams do not accurately define the communal open space areas (as separate from inaccessible podium landscaped areas). Solar access to communal open space for apartment developments is measured at the winter solstice (21 June) (refer to Clause 58.03-3). <p><u>'Town Square'</u></p> <ul style="list-style-type: none"> • The proposed 'Town Square' needs to be better integrated with the adjoining linear park along Johnson Street, both in form and function (as required by Clause 22.15-4.6). The architectural and landscape plans indicate that a paved area of approximately 10x10m will be available outside the area proposed for landscaping, water feature and access paths. It is unclear whether this area, as well as the indicative seating / daybeds shown on the landscape plans, will be
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	<p>suitable for the different events and experience intended for this space, such as outdoor cinema, outdoor concert space and amphitheatre stage (as outlined in Section 7.1 of the Town Planning Report).</p> <p><u>Amenity Impacts</u></p> <ul style="list-style-type: none"> • It is unclear whether the Noise Impact Assessment and Adverse Amenity Impact Assessment have adequately addressed noise impacts from the Tullamarine Freeway, or potential impacts on the proposed childcare centre in Tower 1. • An amended wind assessment needs to be prepared that fully addresses the requirements of Clause 2.11 of DDO30. A safe and pleasant pedestrian environment needs to be maintained on footpaths and other public spaces for walking, sitting or standing. The wind assessment accompanying the proposal (Pedestrian Wind Environment Study by Windtech Consultants; dated 23 August 2019) adopted walking comfort criteria and not sitting or standing comfort criteria. It is considered that the following comfort criteria should be used, for the assessment area as defined by DDO30: <ul style="list-style-type: none"> ○ Sitting (3m/s) – future public open spaces (Johnson Street linear park and new park on opposite side of Montague Street), the new ‘town square’, outdoor seating areas along ‘Market Lane’ and potential outdoor dining areas (refer to separate comment); ○ Standing (4m/s) – internal laneways and outside lobby areas and retail tenancies; and ○ Walking (5m/s) – remaining publicly accessible areas. <p>Any treatments recommended to improve the wind conditions need to be substantiated. The proposed wind treatments should be incorporated into the proposal architectural and landscape plans as they will form part of the design outcome for the development.</p> <p><u>Vehicle Access</u></p> <ul style="list-style-type: none"> • It is preferable for the Tower 1 vehicle access be relocated from Johnson Street, as this will traverse the future linear park and result in potential user conflicts. • The vehicle access location to the basement Mazda service area needs to be shown on the proposal plans. <p><u>Other</u></p> <ul style="list-style-type: none"> • It is unclear whether there will be adequate deep soil volume for the proposed canopy trees to ensure development to mature sizes and longevity. • It would be beneficial to provide staging plans for the basement levels.
<p>Urban Design (Landscape Plan)</p>	<p>1. <u>Landscape Plan Ground Level:</u></p> <p>a) Prioritise pedestrian connectivity through site from Johnson Street to Munro Street</p> <p>Fishermans Bend Framework Plan shows the creation of a new green link from Sandridge through the proposed development site. Recent work with the Fishermans Bend Taskforce has reviewed this proposed link and recommended that it continue through the development site (80 Montague Street) connecting to Munro Street and south through Montague laneways.</p> <p>Clause 22.15-4.6 notes that the location, design and layout of publicly accessible open space areas at ground level should be integrated with adjoining areas of public open space. Additionally, Clause 22.15-4.8 notes that new streets,</p>



	<p>laneways and pedestrian connections should be aligned with and connected to existing and proposed streets.</p> <p>The current Ground Level Landscape Plan does not place the proposed development in context, preventing a clear understanding of how the plaza and pedestrian paths will connect to neighbouring streets and laneways. However, drawing MP-03 shows that the central plaza is shifted south from the alignment of the proposed future street. City Design recommends that the plaza and pedestrian paths front onto the alignment of the future street, connecting at the appropriate points to create a legible and continuous route through the development.</p> <p>It's recommended that the applicant revises the placement and layout of the plaza and pedestrian paths to create a legible and continuous route through the development from the future street to Munro Street including future pedestrian crossings.</p> <p>b) Prioritise pedestrian connectivity from Johnson Street to Munro Street through the development</p> <p>Clause 22.15-4.8 notes that new streets and laneways should be designed to enables views through the street block, have active frontages in a core area, be open to the sky and allow for canopy tree planting.</p> <p>With regards to the details of the landscape plan, planter islands are placed centrally within the plaza and footpaths. Clear lines of site within the plaza and pedestrian paths as well as to and from the site are obstructed by these planters</p> <p>The detail of the pedestrian plaza and paths should be revised so that landscaping does not obstruct desire lines or legibility.</p> <p>c) Pedestrian access between tower 1 and 2 should be open to the sky</p> <p>Clause 22.15-4.8 notes that new streets and laneways should be open to the sky. DDO30 2.8 requires that built form must allow views to the sky from the street or laneway and DDO30 2.7 notes that the street wall height should be between 4 to 6 stories.</p> <p>However, pedestrian access between tower 1 and 2 is merely a six-metre-wide portal open to only a single storey. Similarly, the laneway between Towers 2 and 3 is entirely protected by a canopy. The applicant should provide laneways that are open to the sky.</p> <p>d) Activate central plaza and pedestrian route through site with retail</p> <p>With reference to Clause 22.15-4.8, mentioned above (b), activating the ground floor is supported, however activation should be prioritised through the central plaza and the central pedestrian route from Johnson Street to Munro Street. Uses which spill out into the footpath or create regular foot traffic are preferred.</p> <p>The Mazda café is in a prominent location within the central plaza. The space could be more effectively used by another tenant that will be active during the hours of darkness as well as daylight to anchor and activate the plaza with a high intensity use. Accommodating Mazda in another arrangement within the development would provide a clearer role and function of the plaza space and laneway as both an attractor and pedestrian connector in the development.</p> <p>e) Planting placed in locations where there is no access to daylight</p> <p>Clause 22.15-4.5 - development and public realm layout and design should integrate best practice water sensitive urban design. Planting beds are positioned in laneways that do not have access to daylight or rainwater as they</p>
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	<p>are entirely undercover. This occurs between Towers 1 and 2 and between Towers 2 and 3. The use of a full canopy over laneways on plantings is not supported. Laneways should have access to the sky allowing plants to have access to natural light and rainwater.</p> <p>f) Proposed canopy impacts existing planting and precludes future planting</p> <p>Clause 21.05-3 point 1.3 encourages the provision of weather protection in retail and commercial areas. The proposed development does provide weather protect through canopies, however the proposed canopy appears to cut off existing trees on Munro Street.</p> <p>Clause 21.05-3 point 3.6 notes that tree planting should be retained and increased. Notes on plan view (SD01) do not indicate the status of existing trees; elevations on SD04 do not show the existing trees. If these trees are to be removed, the applicant should provide mitigation of this loss at street level. If the trees remain, the applicant should address impacts that the proposed building canopy will have on existing trees, as the canopy appears to cut trees off around five metres.</p> <p>Given that Munro street is generally south facing and will be in shadow for much of the day, the proposed canopy width could be reduced to allow the existing trees to remain.</p> <p>g) The status of existing trees on Johnson Street is unclear</p> <p>Similarly, Clause 21.05-3 applies to the status of existing trees on Johnson Street. These trees are not addressed by the plan view (SD01) with notes or with a legend and are not indicated on elevations (SD04). The street trees on Johnson Street should remain in place and be sufficiently protected to prevent damage during construction. These trees will be a critical part of the planned linear park on Johnson Street as indicated in the Fishermans Bend Framework (page 69).</p> <p>h) The development does not address the public realm on Montague Street</p> <p>Clause 22.15-4.7 encourages developments to provide landscaping in all areas of open space. Proposal does not address the surrounding streets or public realm except within their own property line. However, the development does provide large canopies which preclude existing or proposed street trees. For example, Montague Street is proposed to have a large overhanging canopy but will also experience full sun for most of the day as it faces north. Street trees may reduce the impacts that full sun will have on the ground floor uses and soften the impact of Montague Street as an arterial road.</p> <p>i) Use the landscape within the public space to contribute to the local identity or celebrate heritage, culture or Aboriginal cultural heritage</p> <p>Clause 22.15-4.7 landscape areas should contribute to the creation of a sense of place and identity and the preferred character sought for the precinct and interpret and celebrate heritage and culture, including Aboriginal cultural heritage. The landscape plan does not address the local context in any way. The applicant should have consideration to the local context within the design of the public realm.</p> <p>j) Turfstone is not an accessible footpath material</p> <p>Clause 58.03-2 states that a developer should ensure that communal open space be accessible, useable and capable of efficient management. Clause 21.05-4 asks that the planning and maintenance of physical infrastructure is accessible to people of all abilities.</p>
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	<p>The use of Turfstone as a footpath material will exclude a number of groups from accessing a number of areas including women wearing heels, people using mobility devices or those with mobility impairments and people pushing prams. Turfstone is used extensively across the sites including at the bottom of stairs, under bicycle stands, and within a planted plaza space. The developer should select another material that allows for permeability and equal access to all users.</p> <p>k) Ramps to retail units require impaired persons to take circuitous routes While retail spaces may be accessible, they are not inclusive. Anyone using a mobility device, pushing a pram, or with a physical impairment will be required to travel +65 metres on Johnson Street to access a ramp and then turn back to access retail units. Retail on Johnson Street should at a minimum be accessible from the corner of Johnson and Monroe Streets and within the plaza.</p> <p>l) Please provide further information on the external appearance of the car park air ventilation in the plaza and how the impacts will be mitigated</p> <p>2) <u>Landscape Plan – Level 1 (Façade Planters)</u></p> <p>a) Please provide further information on the purpose of the façade planters Do the façade planters mitigate the impacts of wind? What benefit do they have for residents? Are they impacting on access to daylight?</p> <p>3) <u>Landscape Plan – Level 5 (Top of Podium)</u></p> <p>a) Tower 1 does not have access to public open space Clause 58.03-2 Standard D7 requires that developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. Those residing in Tower 1 do not have access to communal open space, other than at ground level in the publicly accessible plaza and footpaths. How will this lack of access be addressed?</p> <p>b) Communal open space should be located on the north side of a building Clause 58.03-3 Standard D8 requires that outdoor open space be located on the north side of the building. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. A significant portion of Tower 3’s outdoor space at podium level will be in shadow for almost all of the day between 9am and 3pm on June 21, with no access to the landscaping on the north side of the building. City Design recommends that the applicant redesigns Tower 3 to provide communal open space located on the north side of the podium. This redesign would also provide passive surveillance of the plaza achieving clause 58.03-2.</p> <p>c) Level 5 landscape plan should reinforce the activation of the central plaza and pedestrian routes by creating an edge condition that allows overlooking of the plaza Clause 58.03-2 Standard D7 states that communal open space should be located to provide passive surveillance opportunities. All Level 5 landscapes propose significant planted buffers preventing pedestrian access to the edge. Level 5 landscape plans should create edge conditions that allow overlooking of the central plaza and pedestrian footpaths to support activation.</p> <p>d) Level 5 landscape plan should support a range of activities</p>
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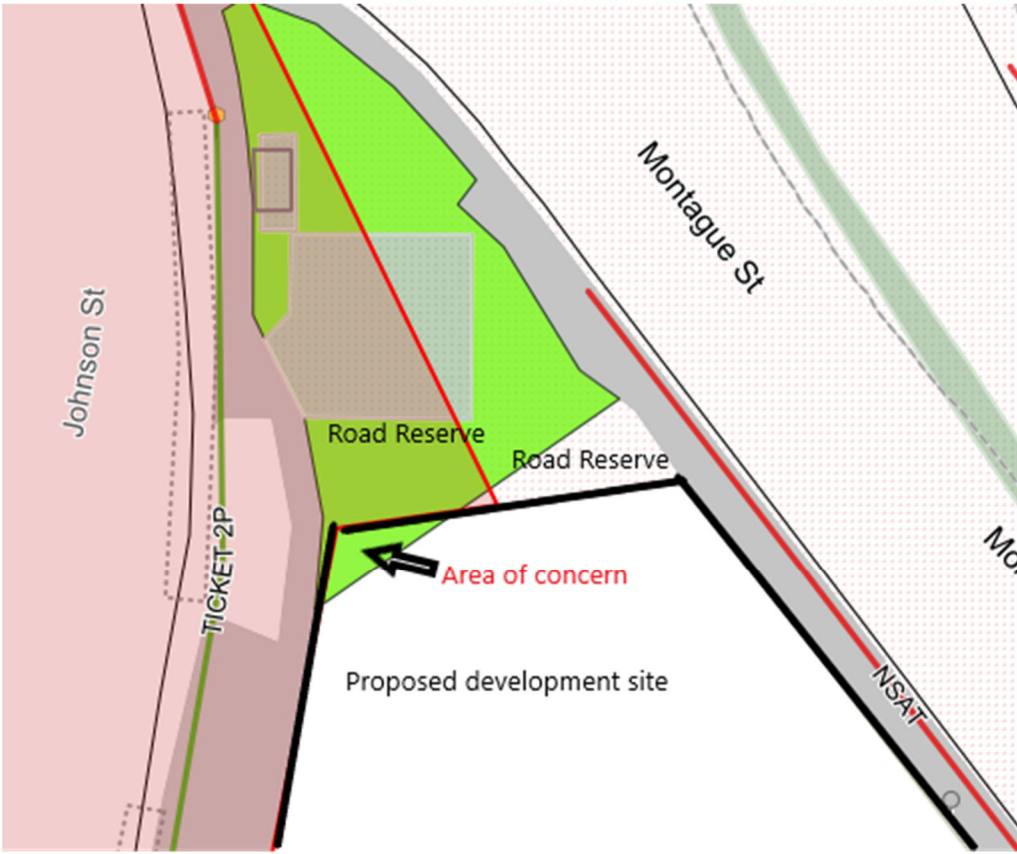
	<p>Clause 22.15-4.2 encourages communal open spaces within residential development to include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users. It appears that the uses provided at Level 5 are all passive uses. The applicant should provide for a range of activities to occur at Level 5, including adding passive surveillance to the laneways and plaza.</p> <p>e) The use of synthetic turf on Level 5 contributes to the urban heat island effect and reduces plant biodiversity</p> <p>Clause 22.15-4.5 – is aimed at reducing the impacts of the urban heat island effect by using vegetation, green roofs, roof materials, and shade structures. The use of synthetic turf on the podium level 5 will reduce permeability and biodiversity.</p> <p>This is echoed by Clause 58.03-5 which encourages developments to promote climate responsive landscape design and water management to support thermal comfort and reduce the urban heat island effect.</p> <p>The applicant is encouraged to review the landscape plans with the above in mind.</p> <p>f) Please provide further information on how Tower 1 level 5 landscape provides for a day-care use</p> <p>The landscape design for Tower 1 level 5 does not appear to address the needs of a day-care facility. Please provide further details on how this design accommodates the planned use.</p> <p>RECOMMENDATION</p> <p>We generally do not support the proposal due to the many issues identified above. In order to gain support from City Design the applicant should revise the proposal so that:</p> <ul style="list-style-type: none"> • Provide further information on location and design of the pedestrian plaza and laneways within the context of the existing and future conditions • Prioritise pedestrian movement to, from and within the site without obstructions • Connect key spaces and laneways to future condition of neighbourhood • Laneways are open to the sky • Activate central plaza with tenants that anchor and attract people during the hours of daylight and darkness • Provide passive surveillance of laneway and central plaza at podium Level 5 landscape • Tower 3’s communal open space provided on north side of the building • Tower 1 residents have access to communal open space other than the public spaces at ground level • All planting has access to natural light and rainwater • Existing trees are protected and maintained on Johnson Street, and on Monroe Street • The proposed canopy allows for existing trees and for the planting of future trees • Communal open space is designed to allow for a range of uses and activities while reducing the urban heat island effect • The public realm design contributes to the local identity or celebrates heritage, culture or Aboriginal cultural heritage • The landscape plans provide equal access to all users
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<p>Sustainable Design</p>	<p>27-08-2019: Please find my response to the referral request for the above project attached. My key concerns are:</p> <ul style="list-style-type: none"> • Very little evidence has been provided within the SMP and on the planning drawings that indicate that the proposed development will achieve the 5 star Green Star target. The SMP has mapped out a reasonable pathway to achieving 5 star Green Star certification, however there is a need to align this pathway to the Fishermans Bend Framework and to provide further evidence that the requirements are being effectively integrated into the design. This will assist with the certification process with the GBCA and will provide Council and DELWP with enough confidence that the commitments will be achieved. The proposed credits that could provide additional information to support successful implementation include the following: <ul style="list-style-type: none"> ○ Commissioning and Tuning – 2.0 Provide Environmental Performance Targets ○ Adaptation and Resilience – 3.0 Provide a Climate Adaptation Plan ○ Commitment to Performance – 5.0 Provide Environmental Building Performance ○ Metering and Monitoring – 6.0 Notate requirements on planning drawings ○ Visual Comfort – 12.0 Provide daylight modelling achieving 2 points under this credit and evidence of fixed shading devices – typical examples for each tower would be suitable ○ Thermal Comfort – 14.0 Provide minimum requirements in the SMP for HVAC System and Building Façade requirements ○ Greenhouse Gas Emissions – 15.0 SMP needs to commit to minimum standards to align with the requirements of the credit. PV Panels need to be shown on the town planning drawings, it is estimated that 434 panels would be needed for the system. ○ Transport – A Green Travel Plan needs to be submitted as a response to LPP ESD 22.13. Planning drawings need to show spaces for 15% for fuel efficient transport. ○ Potable Water – 18.0 Provide evidence of 6 star WELS rated toilets, there are very few available in the market place. Provide evidence of modelling for the performance pathway. ○ Life Cycle Assessment – 19A A preliminary Comparative Life Cycle Assessment report should be provided which at least develops the reference building and demonstrates the areas that the proposed development will exceed in. ○ Ecological Value – 23.0 Provide evidence for Endangered, Threatened or Vulnerable Species and Communities and 23.1 Ecological Value. ○ Heat Island Effect – 25.0 Provide evidence on planning drawings that the current proposal will meet the compliance requirements of this credit. ○ Stormwater – 26.0 Provide evidence that the development can meet these requirements, Pollution Reduction Targets need to meet Column B in Table 26.2 of Green Star D+AB to comply with LPP WSUD 22.12 and the <i>Model for Urban Stormwater Improvement Conceptualisation</i> (MUSIC) needs to be used ○ Please note that tank requirements in Schedule 1 Clause 37.04 Capital City Zone specifies a tank that has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums); The sizes
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	<p>provided in the SMP are well below this level and also have the podium level excluded.</p> <p>29-01-2020: Sustainable Design referral comments were provided on 27 August 2019. Since there have been no changes to the proposed plans or the SMP since that time, those comments still stand.</p> <p>In summary the key issues that need to be addressed prior to approval are:</p> <ul style="list-style-type: none"> - A Green Travel Plan is an application requirement for this proposal, pursuant to the application requirements listed in Table 1 of Clause 22.13. - Insufficient rainwater tank size for flood mitigation function (note the final dot point in the attached (27-08-2019) referral advice). The tank size is determined by the catchment area (roof and podium). The proposed catchment in this case excludes the podium. The majority of the podium should be included in the catchment area and the resulting increase in m² of catchment will in turn dictate a significantly larger rain water tank size (0.5m² per 10m² of catchment). This is the intention of the now mandatory rainwater tank conditions at Clause 4.3 of the CCZ1, which are part of a precinct wide flood management mechanism. Therefore each development site must contribute the required capacity to achieve this outcome. - Demonstrate that sufficient space provision is available for the approx. 440 solar PV panels that would be required to deliver the 130kW system referred to in the SMP. - Demonstrate on the plans how the UHI reduction commitments in the SMP would be achieved (75% of total project site area). - The attached referral comments provide a detailed list of the additional work that needs to be done in order to demonstrate that the proposed 5 star Design & As Built Green Star rating could be delivered in alignment with the aspirations of the Fishermans Bend Framework.
<p>Subdivision Officer</p>	<p>30-01-2020: My only subdivision query would be if consider requesting easements in favour of Council across the main link? It's not on the links in the strategy, so is not a high priority, but would provide a link between the proposed road on the opposite side of Johnson Street and Normanby Road.</p>
<p>Asset Management and Property</p>	<p>29-01-2020: I have identified a discrepancy between their title(s) and the road reserves for Montague and Johnson Streets.</p> <p>It would be good to do an RFI of an overlay of the surveyors site plan on the titles office plans to clarify exactly what land of ours they have, and land of theirs we have, keeping in mind that the declared road zones have vested in the road managing authority. From all their documents it appears that we have adversely possessed some of their land as a park, and they are using some of our land as a car park.</p> <p>I have done a rough one using the measures from Intramaps and the title plan supplied for Crown allotments 108A & B.</p>

	 <p>The map shows a street layout with Johnson St on the left and Montague St on the right. A road reserve is shown between them. A proposed development site is outlined in black, and a specific area within it is marked with a red arrow and labeled 'Area of concern'. Other labels include 'TICKET-2P' and 'NSAT'.</p>
<p>Open Space and Recreation (Arborist)</p>	<p>29-08-2019:</p> <ul style="list-style-type: none"> • Forty-eight (48) Council owned nature strip trees surround the subject site. Further information will be required as a condition of the permit (as per below), discussing the impacts to these trees and how they will be protected. <ul style="list-style-type: none"> ○ To satisfy Council that the street trees will be protected during development. <p><i>Before demolition begins, a tree protection management plan (TPMP), setting out how the street trees will be protected during construction, must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit.</i></p> <p><i>The TPMP should generally follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites'.</i></p> • It is not expected that all of the nature strip trees can be retained and incorporated into the development. Therefore, please include the below as a condition of the permit. <p><i>Any Council owned trees to be removed, must not be removed, lopped or pruned without prior consent from the City of Port Phillip. If removal is approved, the amenity value along with removal and replacement costs must be met by the developer/owner.</i></p> • All trees within the site require removal to facilitate the design. Potentially one tree within the current carpark is considered significant under the local law. No



	<p>landscape plan was viewed, however, provided larger canopy trees are incorporated in any landscape plans to offset the canopy loss of the removed significant tree. Council are likely to grant a permit for the trees removal.</p>
<p>Open Space and Recreation (Open Space Planner)</p>	<p>16-08-2019: This proposed development is a major three-tower structure with multiple functions (residential, hotel, retail etc), and will have an imposing bulk on a high visibility site. Given this, the impacts particularly on adjacent open spaces are acceptable in this high-density precinct. There is good access to public transport, different areas of parkland and retail opportunities.</p> <p>More work may need to be done by CoPP and others to flesh out the fine-grained connections (bike and pedestrian) to the adjacent open spaces, and the bike path to Station Pier. The role of Munro St may also need further work, with the potential for greater pedestrianisation.</p> <p>The Recreation and Open Space Planning Team has no objection to the proposed development. Please contact us if we can be of any further assistance.</p> <p>05-02-2020</p> <p>Although not a land contribution to the formal open space network, privately owned open spaces can and should still make a positive contribution to the open space network in a meaningful way.</p> <p>Open space planning generally supports the proposed landscape plans however would like clarity over the developers intentions for accessibility to the public spaces at ground level. It would be our preference that the publicly accessible space be open 24hrs at the ground level and for this to be guaranteed through an s173 or similar.</p>

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 The Department has given notice of the proposal to the City of Port Phillip, relevant persons including land owners and occupiers, and referral authorities.
- 10.2 The Council had 20 business days from the date of receiving notice to provide a written response (i.e. Tuesday 11 February 2020). Council requested and was granted an extension of time to 27 February 2020 to accommodate the first Planning Committee meeting of the year.

11. FISHERMANS BEND STANDING ADVISORY COMMITTEE

- 11.1 The Minister has appointed the Fishermans Bend Standing Advisory Committee (the Advisory Committee) to advise on site specific planning controls to facilitate proposals to redevelop land within Fishermans Bend prior to the introduction of the Infrastructure Contributions Plan.

Terms of Reference

- 11.2 The Standing Committee’s consideration of applications called in by the Minister before the approval of Amendment GC81 is subject to the proposal:
 - Responding to local policy;
 - Meeting the requirements of the CCZ, the DDO and the PO other than:
 - The dwelling density requirement;



- The requirement to be generally in accordance with the Fishermans Bend Framework (September 2018); and
 - The permit condition requirement to enter a section 173 agreement to provide a new road or laneway; and
 - Making appropriate development contributions.
- 11.3** Proponents will be encouraged, but not required to meet the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018) and provide new roads and laneways.
- 11.4** The Advisory Committee may inform itself in anyway it sees fit.
- 11.5** Paragraph 19 of the Fishermans Bend Standing Advisory Committee Terms of Reference states *'The advisory committee may inform itself in anyway it sees fit.'*
- 11.6** Paragraph 20 of the Standing Committee's Terms of Reference sets out matters it must consider *'In assessing the appropriateness of a site-specific planning control to facilitate a proposal ...'* including:
- The Planning and Environment Act, the Planning Policy Framework, the Local Planning Policy Framework and local planning policies;
 - The content, including the purposes of the planning controls introduced under Amendment GC81;
 - Whether any departure from the Fishermans Bend Framework (September 2018) compromises the objectives of the Framework;
 - The cumulative effect on the preferred character of the relevant precinct or the ability to achieve the objectives of Fishermans Bend arising from any departure from the Fishermans Bend Framework (September 2018); and
 - All relevant submissions and evidence.
- 11.7** Paragraph 21 directs that the Advisory Committee must not consider submissions and evidence in relation to:
- (a) The application or operation of the Infrastructure Contributions Overlay.
 - (b) The quantum of or need for public open space, roads and laneways.

Hearings

- 11.8** The Terms of Reference state the Advisory Committee is expected to carry out public hearings and may conduct a hearing for two or more proposals concurrently.
- A Directions Hearing or full hearing must commence no later than two months after receipt of a referral from the Minister for a proposal.
- 11.9** The Advisory Committee will provide an opportunity for any person who requests to be heard to present to it. The Advisory Committee may limit the time of submitters appearing before it. Suggested time frame limits include:
- The Minister, Local Council, Proponent/Land owner: 1 day each
 - Agency or Statutory Authority: 3 hours



- Community Group: 2 hours
- Individual: 30 minutes

Where a submitter calls evidence, additional time may be allowed.

11.10 The Advisory committee must produce and submit a written report for the Minister for each request, no later than 40 business days from completion of the hearing.

11.11 The Terms of Reference are included as an **Attachment** to this report.

12. OFFICER’S ASSESSMENT

Fishermans Bend Standing Advisory Committee Terms of Reference

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

12.1 Responding to Local Policy

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>22.15-4.1 Providing for employment floor area Development in a Core area <u>should</u> provide a minimum floor area ratio not used for dwelling of: Montague: 1.6:1; Sandridge 3.7:1; Wirraway 1.9:1. Exceptions apply.</p>	<p>Achieved: Recommended: 9,720m² (0.97ha.) site area x 1.6:1 = 15,552m² min. floor area ratio not used for dwelling. Proposed: 19,483m² (Childcare centre: 577m², Retail premises: 5,203m², Residential hotel: 6,248m², Serviced apartments: 7,455m²)</p>
<p>22.15-4.2 Community and diversity. Proposals of > 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p>Not achieved: Recommended: 25% of 623 dwellings =155 x 3BR Proposed: 19% / 120 x 3BR. The applicant’s further information response argued there was not demand for 25% x 3BR dwellings, but included tower floor plans which illustrated how certain one and two BR dwellings could be combined into 3BR if demand increased. It is considered preferable that the plans be amended to show at least 25% x 3BR dwellings.</p>
<p>22.15-4.3 Providing for Affordable housing Affordable housing Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the policy objectives can be met by a lesser provision; or 	<p>Not achieved: Recommended: 6% of 436 dwelling density = 26 (26.1) dwellings. Proposed: 18 Rent to buy = 4% of 436 dwellings</p>



<ul style="list-style-type: none"> It can be demonstrated meeting the objective would render the proposal economically unviable 	
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p>Achieved in part: Proposed: 9 x 1BR, 9 x 2BR. No details of location / configuration of affordable housing in towers</p>
<p>Social housing <u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Not achieved: Requirement: 623 dwellings - 436 dwelling density = 187 dwellings @ 1 per 8 = 23 (23.37) social housing dwellings required for uplift. Proposed: 20 (14 x 1BR, 6 x 2BR) Note: Pursuant to FBSAC Terms of Reference, Social Housing provisions do not formally apply.</p>
<p>22.15-4.4 Design Excellence <u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Not achieved: Recommended: Precinct character area M1 encourages a hybrid (predominantly mid-rise 7-15 level) building typology and maximum 81m (24 storey) building height. Proposed: Three x podium/towers 93.45m (26 storeys), 104.85m (28 storeys) and 34 119.05m (34 storeys).</p>
<p>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community <u>Energy:</u> Assess against:</p> <ul style="list-style-type: none"> <u>Should</u> achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes, lighting and building services. 	<p>Not achieved: The SMP notes 'As a conditional requirement, all areas will reduce energy consumption by 10% relative to the reference building' and 'The Benchmark Building represents a 10% improvement on the Reference Building, a building which achieves minimal compliance with the NCC Section J DTS provisions. Note: SMP commits to targeting certified 5-Star Green Star Design and As-Built v1.2 rating</p>
<ul style="list-style-type: none"> Residential development <u>should</u> achieve an average 7 star NatHERS rating for each building. 	<p>Not achieved: The SMP does not refer to NatHERS ratings other than for Thermal Comfort where it states: 'For residential, this point will be targeted if an average NatHERS rating of 7 stars or greater is achieved.' Note: SMP commits to targeting certified 5-Star Green Star Design and As-Built v1.2 rating</p>
<ul style="list-style-type: none"> Developments <u>should</u> incorporate renewable energy generation, on-site energy storage and opportunities to connect to a future precinct wide or locally distributed low-carbon energy supply. 	<p>Achieved in part: Solar PV panels totalling 130 kWp are proposed on the tower roofs. Council's Sustainable Design officer requested evidence on plan drawings to confirm the rooftops could accommodate the estimated 434 panels needed to meet this requirement.</p>
<p><u>Urban heat island:</u> Assess against:</p>	<p>Not achieved:</p>



<ul style="list-style-type: none"> At least 70% of total site <u>should</u> comprise building or landscape elements that reduce impact of urban heat island effect including: <ul style="list-style-type: none"> - Vegetation, green roofs and water bodies; - Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index. 	<p>The SMP states at least 75% of the total project site area would comprise building or landscaping elements that reduce the impact of heat island effect.</p> <p>Council’s Sustainable Design officer requested evidence on plan drawings to confirm the proposal would meet this requirement.</p>
<ul style="list-style-type: none"> Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance. 	<p>Achieved in part:</p> <p>The SMP states roofing material would be specified as a high solar reflectance index (SRI) material.</p> <p>No details provided of the reflective index of façade materials including non-glazed façade materials exposed to summer sun.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u></p> <p>Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p>Not achieved:</p> <p>The design proposes to raise internal floor levels above street level.</p> <p>Note: the plan and elevation drawings do not consistently show proposed ground floor levels.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> Design elements and materials <u>should be</u> resilient inc. water proof doors and windows, elevated power outlets and the like. 	<p>Not achieved:</p> <p>The plan and elevation drawings and application documentation do not provide details of flood resilient design and materials.</p>
<ul style="list-style-type: none"> Land uses at ground level <u>should</u> be able to easily recover from temporary flooding. 	<p>Achieved:</p> <p>The plan and elevation drawings generally show ground floor levels above the designated flood levels for the site.</p>
<ul style="list-style-type: none"> Any level changes required between street level and internal ground floor <u>should</u> be integrated into the building design to maintain good physical and visual connection between street and interior. 	<p>Not achieved:</p> <p>The plan and elevation drawings show insufficient details of level changes to determine this.</p>
<ul style="list-style-type: none"> Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts. 	<p>Not achieved:</p> <p>The plan and elevation drawings do not show details of this.</p>
<ul style="list-style-type: none"> Developments and public realm layout and design <u>should</u> integrate best practice WSUD. 	<p>Achieved in part:</p> <p>It is proposed to capture stormwater from non-trafficable areas and store it on site for reuse. Council’s Sustainable Design officer requested details to confirm the proposal would collect stormwater from all podium and tower roofs, and tank sizes be increased to meet FBURA requirements.</p>
<p>22.15-4.6 Communal open spaces</p> <p><u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p>Achieved in part:</p> <p>The design includes a landscaped public ‘town square’ and communal and private podium rooftops.</p>
<p>Landscape areas <u>should:</u></p> <ul style="list-style-type: none"> Contribute to creation of sense of place and identity and preferred character for the precinct. 	<p>Achieved in part:</p> <p>The landscaped ‘town square’ and through block pedestrian lane would provide a shared space for the</p>



	development but would not appreciably contribute to any sense of particular place or identity or the preferred character for the precinct, noting the proposed towers would be 11, 13 and 19 levels taller than the preferred 15 storey maximum height for the site.
<ul style="list-style-type: none"> • Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. 	<p>Not achieved:</p> <p>The landscape plan and SMP do not propose innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD for the landscaped areas.</p>
<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. 	<p>Not achieved:</p> <p>No community garden is proposed.</p>
<ul style="list-style-type: none"> • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	<p>Not achieved:</p> <p>The open space does not interpret and celebrate heritage and culture inc. Aboriginal cultural heritage.</p>
<p>Plant selection <u>should</u>:</p> <ul style="list-style-type: none"> • Support complex and biodiverse habitat including native and indigenous flora and fauna. 	<p>Achieved in part:</p> <p>The landscape plan features a small mixture of native and indigenous and exotic plantings.</p>
<ul style="list-style-type: none"> • Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity. 	<p>Not achieved:</p> <p>The plan does not detail exotic climate resilient plants.</p>
<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not achieved:</p> <p>A vegetation link is not proposed.</p>
<p>Buildings <u>should</u>:</p> <ul style="list-style-type: none"> • Include deep soil zones of at least 1.5m or planter pits for canopy trees. 	<p>Achieved in part:</p> <p>Basements beneath the whole of the site preclude deep soil zones of at least 1.5m depth; the landscape plan notes raised planters for trees, but only to 400 mm depth.</p>
<ul style="list-style-type: none"> • Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions. 	<p>Achieved in part:</p> <p>The landscape plan proposes green facades and rooftop landscaping to the podiums.</p> <p>The plans do not detail whether the landscape areas are water efficient, or located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.</p>
<p>22.15-4.8 New streets, laneways and pedestrian connections</p> <p>New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> • Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block. • Non-core areas: not more than 100m apart and orientated in the preferred direction. 	<p>Achieved in part:</p> <p>The land is in the Core area and has a frontage width of 107.85m to Montague Street, 150.72m to Munro Street, and 178.03m to Johnson Street, and so should provide one new street, laneway or pedestrian connection between all three streets.</p> <p>The proposed new pedestrian lane between Johnson and Munro Streets and new pedestrian corridor at ground level between the new lane and Montague Street would comply with the recommended number of</p>



<p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>connections.</p> <p>A variation for the principle pedestrian path to run east-west from Johnson Street to Munro Street rather than north-south to Montague Street is supported because:</p> <ul style="list-style-type: none"> • Montague Street is a main road with narrow footpaths, very high levels of traffic and no opportunity for safe pedestrian crossing other than at the signalised intersection of Munro Street. • A through-block link from Johnson Street to Munro Street would have a better potential to align with other new roads and lanes.
<p>Sites >3000m2 <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p>Achieved in part:</p> <p>A new pedestrian lane is proposed between Johnson and Munro Streets and a new pedestrian corridor is proposed at ground level between the new lane and Montague Street.</p> <p>The path would define and separate the Tower 1 and Tower 2 shared podium and the Tower 3 podium. The corridor would run through the T1 and T2 podium at ground floor level only, and would have 4 levels of podium above it and would not define or separate Towers 1 and 2.</p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p> <ul style="list-style-type: none"> • Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1. 	<p>Not achieved:</p> <p>The 'Town Square' and lane would not align with the future road at the north end of the approved but not yet constructed 4 tower development opposite at 60-82 Johnson Street or the proposed through-block link from Munro Street to Normanby Road between 256-262 (Site 02) and 248-254 (Site 03) Normanby Road.</p> <p>The placement and layout of the plaza and pedestrian paths should be revised to create a legible and continuous route through the development from the future street across Johnson Street to Munro Street, including future pedestrian crossings.</p>
<ul style="list-style-type: none"> • Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space. 	<p>Achieved:</p> <p>The new lane and corridor would provide reasonable access to existing public transport stations and routes, and existing or proposed public open space.</p>
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p>Achieved in part:</p> <p>The new lane and corridor would facilitate pedestrian movement, but the curvature, central raised planters and fittings along the new lane would impede views through the street block, desire lines and user safety.</p> <p>The extensive use of Turfstone paving is not suitable for a broad range of pedestrians.</p> <p>The detail of the pedestrian plaza and paths should be revised so that landscaping does not obstruct desire</p>



	lines or legibility and surface materials are more pedestrian friendly.
New streets and lanes <u>should</u> be designed to: Enable views through the street block; Have active frontages in a core area; Be open to the sky; Allow for canopy tree planting.	Achieved in part: The curvature, central raised planters and fittings along the new lane would impede views through the street block. The ground floor level of the podiums would be reasonably activated facing the lane and partly activated facing the corridor to Montague Street. The level of activation at the junction of these two paths would benefit from being strengthened beyond the proposed Mazda café. The majority of the lane and the entire corridor would not be open to the sky. Part of the 'Town square' open space facing Johnson Street and the lane abutting Munro Street would allow for canopy tree planting.
22.15-4.9 Sustainable transport Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.	Achieved: The development would not compromise the delivery of future PT inc, new tram, train and bus routes.
Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.	Achieved: The site does not abut a pedestrian, PT or bicycle priority route. The proposal would reduce the number of vehicle crossings on Johnson Street from seven to two and on Munro Street from three to two, which would appreciably reduce pedestrian/vehicle conflict points.
Design internal connections to give priority to pedestrians and bicycles.	Achieved in part: The internal connections give priority to pedestrians. The plans do not show any particular provision for bicycles.
Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.	Achieved in part: Access to the Basement 1, Ground floor level and Level 1 bicycle parking would be reasonable. Access to the Level 2, 3 and 4 bicycle parking would not be convenient. The plans do not show details of bicycle parking facilities, including change rooms, showers and lockers, or the design and dimensions of bike parking spaces and associated areas / enclosures.
Encourage developments to provide less than preferred max. no. car spaces.	Not achieved: Proposal seeks to provide more than the preferred maximum number of car spaces for the dwellings.
Encourage developments to provide for future conversion of car parking to alternative uses.	Not achieved: Podium car park floor-to-floor levels need to be increased from 3.6m to minimum 3.8m.



<p>22.15-4.10 Land use transition Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p>Achieved: The proposed uses (including the retention of the existing Car sales and service use) would not prejudice the urban renewal of Fishermans Bend.</p>
<p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p>Achieved: The application documentation included both an Amenity Buffer Report and a Noise Impact Assessment.</p>

12.2 Clause 37.04: Capital City Zone (CCZ1)

12.2.1 Use of Land

Use for **Dwelling, Child care centre, Residential hotel** (including Serviced apartments), requires a permit because the land is in the Montague Core area and within 450m of the South Melbourne to Brooklyn gas pipeline and falls within the amenity buffer for Council’s Resource Recovery Centre.

Use for a **Retail premises (other than Hotel, Shop and Tavern)** (including **Restaurant**) requires a permit because the land is in the gas pipeline buffer and the gross floor area exceeds 1000m².

Use for a **Shop**, including a **Convenience shop** does not require a permit.

The continuation of the **Car sales** (including servicing) use falls within the ambit of the definition of **Retail premises** but would not require a permit provided the use did not stop for more than two years during the redevelopment.

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

12.2.2 Dwelling Density

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

12.2.3 Buildings and Works Requirements

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

Map 1: Urban Structure seeks proposals to have an active frontage with 20% permeability facing Montague Street, a 6.0m (w) lane between Johnson Street and the corner of Montague and Munro Streets (Location



indicative) and for the easterly side of Johnson Street to incorporate a new linear public open space area opposite the full length of the land.

To the south, it is proposed to close Johnson Street between Munro Street and Normanby Road to create a new park.

Map 4: Amenity buffers includes part of the land in the 250m buffer of Council’s Resource Transfer Station. It is considered any impact from the transfer station could be ameliorated by a condition for the building to include noise attenuation measures in its construction.

Map 5: Pipeline buffers includes the land in the 450m buffer of the South Melbourne to Brooklyn gas pipeline. As above, the proposed developments would be satisfactory subject to conditions for any protection measures required by the gas pipeline operators,

Map 6: Transport Infrastructure shows the site is proximate to the Route 109 tram corridor, and would not adversely impact on any proposed future transport infrastructure.

12.2.4 Bicycle, Motorcycle and Car Share Parking

(Note: See also assessment at 12.4 of this report).

Clause 4.2 of Schedule 1 to the Capital City Zone requires bicycle, motorcycle and car share parking spaces (unless the responsible authority is satisfied a lesser number is sufficient).

A summary of the requirements and provision (based on the Development Schedule) is set out below (Note: The bicycle parking allocation in the Traffic Engineering Assessment differs from that in the Development Schedule):

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

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 623 dwellings = 623 spaces	828	1 per 50 dwellings x 623 dwellings = 12 spaces	12 spaces	2 spaces + 1 per 25 car spaces x 446 residential car parking spaces = 19 spaces	3 (Stage 1) Stages 2 and 3 not specified
	1 visitor space per 10 dwellings x 623 = 62 spaces	123* (*shared with non-res floor space -see below)	None specified	N/A	None specified	N/A
Sub total:	685 spaces	951 spaces*	12 spaces	12 spaces	19 spaces	3
Development with > 10,000m2	1 per 50m2 of net non-residential	43	1 per 100 car parking spaces x 229	Nil	1 per 60 car parking spaces x 229	Not specified



non-residential floor space	floor space x 19,483m ² = 389 spaces		non-res car parking spaces = 2 spaces		non-res car spaces = 3 spaces	
	1 visitor space per 1000m ² of net non-residential floor space x 19,483m ² = 19 spaces	123* (*shared with dwellings - see above)	None specified	N/A	None specified	N/A
Sub total:	408 spaces	43 spaces*	2 spaces	Nil	3 spaces	Not specified
Total:	1,103 spaces	994 spaces	14 spaces	12 spaces	22 spaces	3 (Stage 1)

Bicycle parking

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

The number of dwelling spaces could be reduced to the 1 per dwelling requirement and the number of spaces for the non-residential floor area increased.

Motorcycle parking

The development would provide the required number of motorcycle spaces for the dwellings, but not the two spaces required for the non-residential floor area. These additional spaces should be provided. The Traffic report notes there is space for additional motorcycle parking and additional spaces could be required by condition.

Car share spaces

The plans do not specify car share spaces.

The Traffic Engineering Assessment (TEA) for the proposal calculated 28 car share spaces would be required. Officer assessment is 22 car share spaces would be required, comprising:

- 10 for the Tower 1 dwellings;
- 2 for the Tower 2 dwellings;
- 7 for the Tower 3 dwellings; and
- 3 for the non-residential floor area.

The TEA states

'The requirement for 28 (sic) on-site car share spaces is expected to be a significant oversupply, particularly when considering the future development of land surrounding the site.

It is unlikely that there will be the demands for a commercial car share operator (or multiple) to operate this many car share spaces, particularly during Stage 1. Furthermore, given the proposed



allocations of parking, it is unlikely that there would be a demand from residents and tenants of the site for this many spaces.

At this stage, the applicant intends to provide 3 car share spaces as part of the Stage 1 development and will provide car share spaces for the latter stages of the development if there is demand.

As per previous recommendations, the requirement for a Car Parking Management Plan for each stage could include a need to demonstrate the likely demands for car share at each stage, and allocations that appropriately reflect these demands. Similarly, the Car Parking Management Plan can address the requirements for motorcycle parking at each stage.'

Officers would support an initial reduction in the number of car share spaces on the basis of demand monitoring and review and conditions requiring the number of spaces to be increased if there is demonstrated demand.

However, officers disagree that a lesser number of car share spaces can be justified on the basis of oversupply of spaces for the dwellings. The number of individual car parking spaces for the dwellings should not exceed the maximum rates of the Parking Overlay.

Any additional parking demand should instead be met from car share spaces.

12.2.5 Conditions on Permits

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

- Green star rating;
- Third pipe and rain tank; and
- Development near gas transmission pipelines

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

12.3 Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend – Montague Precinct

12.3.1 Building Typologies

The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 81 metres (24-storeys).

The preferred precinct character is mid (i.e. 7 to 15 storeys) to high-rise (i.e. 16 storeys or higher) developments, including on larger sites, a hybrid of perimeter blocks with some slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.



Assessment

The proposal does not achieve the preferred precinct character of predominantly mid-rise buildings with the opportunity for some towers.

All buildings are proposed to be high-rise podium and tower form buildings, eleven, thirteen and nineteen storeys taller than mid-rise, and two, four and 10 storeys taller than the preferred maximum height for the land.

Council's Urban Designers commented that the scale, typology and architectural form was not supported because it lacked any 'mid-rise' elements, or hybrid of perimeter block typologies, and did not minimise the perception of visual bulk when viewed from the street.

The Urban Designers also commented that the design lacks a contextual response to the distinct varied hierarchies, functions and scale of the sites three street frontages, and instead presented an overly consistent podium reading with limited architectural detailing, which exacerbates the scale of the development.

They recommended variations in the street wall height and podium character to improve the human scale of the street edge and create variety in the facades.

They also raised concerns regarding the clustering of towers on the site, the similarity in tower height and form, the visual impact of the towers on the wider public realm, and the bulk of the towers not achieving the slender objective of the precinct.

12.3.2 Overshadowing

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

- The existing residential zoned land south of City Road and east of Montague Street between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces shown in **Map 4** of this schedule between the hours of 11.00am and 2.00pm on 22 September.

The proposal would not overshadow the specified existing residential zoned land between 11.00am and 2.00pm on 22 September.

The land opposite to the north-east across Montague Street is designated as new public open space on Map 4 to the schedule.

The location and orientation of the subject site and the proposed park are such that the proposal would not overshadow the proposed park between 11.00am and 2.00pm on 22 September.

12.3.3 Building Height

Street Wall Height



The preferred street wall (i.e. podium) height for the land is **at least four storeys** (except where a lower height is necessary to respond to an adjoining heritage place, and the maximum street wall height is **six storeys**).

A uniform five storey street wall is proposed to all three frontages.

Assessment

The street wall should be varied in height and broken up vertically such as by use of different materials and finishes, fenestration etc. to create distinct buildings, responsive to the different characters of the sites three street frontages.

Tower Height

The 26, 28 and 34 storey tower heights considerably exceed the preferred mid-rise 7-15 storey height for the land, and all exceed the 24-storey discretionary maximum height.

Assessment

Council's Urban Designers recommended:

- Introduction of some mid-rise (7-15) storey elements;
- Tower heights be reduced to align more closely with the preferred 24-storey maximum; and
- Tower footprints be reduced, with a commensurate increase in tower separation.

Officers concur, and notwithstanding the reductions in tower height from the 40, 40 and 37 levels of the original 2017 planning permit application to the current proposed 34, 28 and 26 levels, question whether retention of the podium and three tower concept of the original 2017 proposal in modified form is a sufficient and satisfactory response to the preferred precinct character and Clause 20 of the Standing Advisory Committee Terms of Reference which requires consideration of matters including:

- (b) The content, including the purposes of the planning controls introduced under Amendment GC81.
- (c) The compliance of the proposal with the requirements of the permanent planning controls set out in paragraphs 15-15 ... of (the) Terms of Reference, as applicable;
- (d) Whether any departure from the Fishermans Bend Framework ... compromises the objectives of the ... Framework ...; and
- (e) The cumulative effect on the preferred character of the relevant precinct or the ability to achieve the objectives of Fishermans Bend arising from any departures from the ... Framework, and contributes to the objectives of the ... Framework ...

It is acknowledged that buildings of similar or taller height than proposed for the site have been approved (but not constructed) opposite across



Johnson Street (22, 28, 43 and 46 storeys) or applied for opposite across Munro Street for five sites proposing 40, 20, 20, 20 and 40 storeys and permits have been granted along Normanby Road for four sites comprising twin towers of 28 and 40 storeys and one tower of 40 storeys west of Montague Street and two single towers of 40 storeys east of Montague Street, both of which have commenced construction. A further permit was granted for twin towers of 39 and 49 storeys east of Montague Street, but this has now expired. There are several other tower proposals along Normanby Road at varying stages of the application process.

Notwithstanding these approvals and the two commencements to date to the east, buildings taller than the proposed 26, 28 and 34 levels on the subject site are the exception in the area, and the proposed 3 x 20 level towers to the east across Munro Street would be notably lower.

It is also acknowledged that the proposal includes an offer of Affordable Housing plus an offer of 20 Social Housing dwellings in return for 187 additional dwellings, which, based on the typical 1 and 2BR floor plan yields of 10 dwelling per floor in T1, 11 dwellings per floor in T2 and 15 dwellings per floor in T3 = 36 dwellings per floor or just over five (5.19) additional levels for each of the three towers.

Five additional levels above the maximum 15 storeys for mid-rise character would result in a 20-storey tower. Alternatively, five additional levels above the 24-storey discretionary preferred maximum building height for the site would be 29 storeys.

It is considered that maximum tower heights of this order would achieve a reasonable transition in height from existing taller approvals along Johnson Street and Normanby Road and the 20-storey discretionary preferred maximum building height that now applies along Normanby Road and the east side of Munro Street.

It is further considered that if a three-tower proposal was to be approved, at least one of the towers should be a maximum of 15 levels consistent with the preferred mid-rise scale for the land.

In summary:

- The street wall (podium) height should be varied in the range of 4 to 6 levels;
- If a three-tower proposal is approved, at least one tower should be a maximum of 15 levels consistent with the preferred mid-rise scale for the land; and
- The other two towers should be a maximum of 20 and 29 levels.

12.3.4 Street wall setbacks

Street walls should be built to the boundary.



The Montague and Munro Street podium street walls meet this standard being built to the boundary at all level, except for openings for the pedestrian lane and corridor, entry lobbies and driveways, and rebates to break up the building mass (and allow opportunity for some landscaping).

The Johnson Street podium street wall is setback 2.0m from the boundary, also with openings for the pedestrian lane (and Town Square), entry lobbies and driveways, and rebates to break up the building mass.

A variation to the build to the boundary objective is supported along Johnson Street in deference to Melbourne Water's request that the building be setback from the main sewer that runs beneath the street. It is noted Melbourne Water requested a 3.0m setback from the Johnson Street boundary. It is a matter for Melbourne Water if they are prepared to accept 2.0m. Officers have no objection or preference for a 2.0m or 3.0m setback in the circumstances.

12.3.5 (Tower) Setbacks Above the Street Wall / Side and Rear Setbacks

The preferred and minimum setback of towers above the street wall and from side and rear boundaries is 10.0m. All the towers meet the required setbacks.

12.3.6 Building Separation

Podium

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

The minimum 24.18m between Podiums 1 and 3 (including the Town Square) would comfortably exceed the preferred distance separation, whilst the minimum 9.7m distance between Podiums 2 and 3 would fall roughly midway between the preferred and minimum separation distances.

Tower

The preferred and minimum building separation above the street wall is 10.0m.

All the towers meet, or in the case of T1 to T3, exceed the required setbacks.

Assessment

It is considered the height of the podiums and the towers abutting or facing the internal open space and lane and other towers within the site would militate against a feeling of spaciousness between buildings. Along the pedestrian street, a sense of enclosure would be aggravated by the canopy extending for most of the lanes length between podiums 2 and 3.



12.3.7 Wind Effects on the Public Realm

A Pedestrian Wind Environment Study including wind tunnel assessment was prepared for the 2017 plans. That report concluded that wind amelioration treatments were required to achieve satisfactory wind conditions within and around the development including:

- Evergreen tree planting and landscaping at ground floor and podium roof top levels.
- Additional or new awnings, or porous or impermeable screens, including
 - Full height baffle screening at the walkway between T1 and T2.
 - Extended awnings to the north-east.
 - 1.8 to 2.0m (h) porous screens at the north and east corners of T3.
 - 1.8 to 2.5m (h) impermeable screen around the entire perimeter of the Level 5 podiums.
- High-level terraces converted to winter gardens.
- Deletion of tower roof top open space areas.

The current 2019 Planning Scheme Amendment proposal has not been wind tunnel tested. Instead, a desk top analysis has been carried out including extrapolation from the wind tunnel testing for the earlier taller towers, and added as an addendum to the earlier Pedestrian Wind Environment Study. The addendum notes that:

‘Further wind tunnel testing will be undertaken to verify the wind conditions during the design development phase which will incorporate the final design scheme and treatment recommendations, and may lead to other alternative acceptable design outcomes which may also ensure the wind conditions in these areas are acceptable for their intended uses.’

The current 2019 plans incorporate some of the recommended wind control measures including:

- Tree planting and landscaping at ground floor and podium roof top levels.
- Tower private open space terraces converted to winter gardens.
- Deletion of tower roof top open space areas – the roof tops now feature building plant and Solar PV arrays.

Council’s Urban Designers raised concerns that:

- The wind assessment illustrated the potential for severe adverse impacts on user comfort in and around the development, particularly in the central plaza, but did not clarify the anticipated impact.
- There is a need to quantify potential wind impacts to enable assessment of actual impact on pedestrian comfort at ground level.



- Wind mitigation should be by a holistic redesign of the tower forms and landscape plans rather than adding fixed screening to the existing design.
- An amended wind assessment needs to be prepared that fully addresses the requirements of Clause 2.11 of DDO30.
- A safe and pleasant pedestrian environment needs to be maintained on footpaths and other public spaces for walking, sitting or standing.
- The submitted 2019 wind assessment adopted walking comfort criteria and not sitting or standing comfort criteria specified in DDO30.

They recommended that wind comfort criteria per DDO30 should be used as follows:

- Sitting (3m/s) – future public open spaces (Johnson Street linear park and new park on opposite side of Montague Street), the new ‘town square’, outdoor seating areas along ‘Market Lane’ and potential outdoor dining areas;
- Standing (4m/s) – internal laneways and outside lobby areas and retail tenancies; and
- Walking (5m/s) – remaining publicly accessible areas.

Officers have concerns regarding the extent of awnings and screening proposed to ameliorate wind impacts, including:

- The width of the awning over the Montague Street footpath limiting or preventing canopy street tree height and/or planting opportunities.
- The width of the awning over the Munro Street footpath impacting on existing street trees.
- The extent of awnings over the town square and internal land will minimise open to the sky outdoor open space and limit or preclude canopy trees.

Further, officers are concerned the application does not include elevation drawings that illustrate the design / appearance of the recommended screens and awnings.

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

- Further wind reports, including wind tunnel testing to be prepared for each Stage to confirm that the proposal would satisfy the relevant sitting, standing and walking wind criteria of DDO30 abutting each site and for pedestrian areas within the site and at podium rooftop level.
- The depth of any awning over any adjacent footpath must not impact on any existing street tree or proposed street tree plantings.
- Each Stage of the proposal to incorporate all the recommendations of the revised wind reports.



12.3.8 Active Street Frontages

Montague Street is designated a Secondary Type 2 (20% permeability) active frontage which seeks at least 20% clear glazing along the ground level frontage to a height of 2.5m, excluding any solid plinth or base. Johnson Street and Munro Street are not designated active streets.

The plan drawings and renders are suggestive of the building frontages having glazing in excess of 2.5m height but are not detailed enough or accompanied by elevation drawings to confirm this.

Any Incorporated Document that may be approved for the proposal must include conditions for detailed plan and elevation drawings including detailed façade strategy elevations for the podium levels for each stage.

12.3.9 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
Lower levels up to the height of the street wall	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	Achieved in part: Ground level floor-to-floor height: 5.0m Podium levels 1 to 4 floor-to-floor height: 3.6m
Car parking areas	<ul style="list-style-type: none"> In areas not in a basement: Level floors. A floor-to-floor height at least 3.8m. Mechanical parking systems to reduce the area required for car parking	Achieved in part: Level floors at podium levels 1, 2, 3 and 4. Podium levels 1 to 4 floor-to-floor height: 3.6m No mechanical parking system proposed
Dwelling layout	The ability for one and two-bedroom dwellings to be combined or adapted into three or more-bedroom dwellings	Achieved Apartment adaptation plans show some one and two-bedroom dwelling could be combined into 3 or more-bedroom dwellings
Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	Achieved The principle load bearing elements would be the building floors and beams and the perimeter columns, allowing internal spaces back to the service cores to be altered and adapted.

Assessment

The adaptability of the buildings is compromised by the 3.6m floor-to-floor heights within the podiums. These should be increased to a minimum of 3.8m

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

12.3.10 Building Finishes

Building façade materials and finishes are described and assessed in part at Paragraphs 5.9 to 5.15 of this report.

Assessment

Street Wall (Podium)



The Architectural Drawings submitted with the application lack detailed elevations of the buildings.

Council's Urban Designers raised concerns including:

- The podium facades were too consistent and lacked architectural detailing and differentiation to address the hierarchy and functions of the future street network.
- The drawings did not explain how the site and building design would manage the height differences between existing street/footpath levels and required finished floor levels for flood protection, noting it is critical that this be well resolved considering the island site nature of the development.
- The separate vehicle access area for servicing trucks and vehicles to the car parks at ground level to Munro St and Johnson St are not supported should be consolidated into one single crossover to each frontage, servicing both cars and trucks.
- Proposed canopies over footpaths should not impact on existing or future street trees.

They recommended changes including:

Stage 1 (Podium 1)

- Substation and services facing Johnson St should be sleeved, away from terminating axis of future street and linear park
- Define access from the street to retail tenancies facing Montague St
- Provide DDA access to the serviced apartment lobby facing Johnson St
- Width of tapering Childcare Lobby to lift to consider pram movement

Stage 2 (Podium 2)

- A more appropriate (i.e. active) use of the ground floor tenancy facing the central plaza (in lieu of the Mazda Café) to support and compliment activation of the public space
- Consider orientating the Mazda Showroom towards both Munro St and Montague St to anchor the corner

Stage 3 (Podium 3)

- Services area and lobby providing access to bike parking should be better sleeved to minimise extent of inactive frontages
- Confirm DDA access to the retail tenancies
- Detail how threshold spaces between steps and tenancy frontages would be used to offset adverse impacts on active frontages from flood requirements
- Integrate visitor bike parking into the design so as to not clutter the public realm and impeded access/activation of site edges



Towers

Council’s Urban Designers raised concerns with the limited architectural differentiation of the towers.

The three towers should employ different fenestration methods, patterns and materials to achieve individual façades.

Any Incorporated Document that may be approved for the proposal must include conditions for detailed elevation drawings including detailed façade strategy elevations for the podium levels and a coloured schedule of all external building materials and finishes for each stage.

12.4 Clause 45.09: Parking Overlay and Clause 52.06: Car Parking

(Note: See also assessment at 12.2.3 of this report).

12.4.1 Car Parking

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum parking rates for **Dwelling, Retail premises (including Café, Convenience shop, Motor vehicle sales and servicing, Restaurant, and Shop)**. A permit is required to provide parking in excess of the Parking Overlay rates.

Use for **Child care centre, Residential hotel and Serviced apartments** are not listed in the Parking Overlay and so are subject to car parking rates set out at Clause 52.06 of the Planning Scheme. A permit is required to provide less than the Clause 52.06 parking rates. No parking rate is prescribed for **Residential hotel and Serviced apartments**. Pursuant to Clause 52.06-6, the number of car parking spaces for these uses must be to the satisfaction of the responsible authority (i.e. the Minister).

For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area.

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

Table 12.4.1-1: Car parking rates and provision

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
Dwelling: Max 0.5 spaces per 1 or 2 BR dwelling, Max. 1 space per 3 BR dwelling (Clause 45.09)	
Tower 1: 224 dwellings	
20 x 1BR x 0.5 = 10 spaces	16 spaces = 0.8 spaces/dwelling. Does not comply
156 x 2BR x 0.5 = 78 spaces	156 spaces = 1 space/dwelling. Does not comply
48 x 3BR x 1 = 48 spaces	58 spaces = 1.2 spaces/dwelling. Does not comply



Total: 136 spaces	Total: 230 spaces - does not comply
Tower 2: 115 dwellings	
39 x 1BR x 0.5 = 19 (19.5) spaces	19 spaces = 0.5 space/dwelling - complies
52 x 2BR x 0.5 = 26 spaces	26 spaces = 0.5 space/dwelling - complies
24 x 3BR x 1 = 24 spaces	24 spaces = 1 space/dwelling - complies
Total: 69 spaces	Total: 69 spaces - complies
Tower 3: 246 dwellings	
49 x 1BR x 0.5 = 24 (24.5) spaces	24 spaces = 0.8 spaces/dwelling - complies
149 x 2BR x 0.5 = 75 (75.5) spaces	75 spaces = 1 space/dwelling - complies
48 x 3BR x 1 = 48 spaces	48 spaces = 1.2 spaces/dwelling - complies
Total: 147 spaces	Total: 147 spaces - complies
TOTAL: 623 dwellings / 371 spaces	TOTAL: 623 dwellings / 446 spaces Does not comply: The gross number of spaces proposed exceeds the maximum number of spaces specified
Retail premises: Max. 1 space / 100m ² gross floor area (Clause 45.09)	
5,203m ² x 1/100 = 52 (52.03)	50 spaces = 1/96m² gross floor area. Complies: The gross number of staff spaces proposed would not exceed the maximum number of spaces specified
Child care centre: 0.22 spaces / child (Clause 52.06)	
80 children x 0.22 spaces / child = 17 (17.6) spaces	Total: 17 spaces. Complies
Residential hotel (inc. Serviced apartments): No rate specified. Number of spaces must be to the satisfaction of the RA (i.e. the Minister) (Clause 52.06-6)	
Residential hotel: 144 rooms Serviced apartments: 180 apartments Total: 324 rooms/apartments	Total: 97 spaces (proposed 0.3 spaces: hotel room / serviced apartment) Complies: The gross number of hotel room / serviced apartment spaces proposed is considered satisfactory

The gross number of resident spaces proposed for Tower 1 would exceed the Planning Scheme maximums.

Assessment

The application submits additional car parking is needed for Tower 1 for the apartments to be viable in present market conditions.



The subject site is close to light rail and bus routes and is walkable to daily needs shopping in South Melbourne and speciality shopping at South Wharf.

The site is also in an area that experiences very high traffic volumes, where it is desirable that new developments minimise additional traffic generation.

Officers believe the sites location makes it unsuitable for an oversupply of on-site car parking and the number of individual car parking spaces for the dwellings should not exceed the maximum rates of the Parking Overlay.

Any additional car parking demand should instead be met by the provision of car share spaces within the building(s).

12.4.2 Design standards for car parking

As per the internal referral comments set out at Section 7.2 of this report, Council's Traffic Engineers raised concerns regarding the car park design and the level of detail in the drawings noting:

Access ways

- Access ways should be consolidated to minimise the number of crossovers.
- Plans should clearly show pedestrian sight splays and pedestrian refuges.
- The proposal does not explain how traffic within the internal aisle directly abutting the access way to the street will be managed.
- The internal aisle must provide two-way flow (near the access way) to ensure there are no queuing onto the street.
- The report and plans are not clear how vehicle access will be provided for each stages of the development/construction.

Car park Layout

- Plans need to clearly show car spaces dimensions, clearance from walls/columns/obstruction, aisle width, etc. to confirm compliance.
- Need details of the traffic flow for the Childcare use.
- Plans need to show details of access arrangements / restrictions (eg: swipe card access or similar) for the two basement levels if they are going to be used for a mix of public and private parking. Vehicles must not overhang / obstruct pedestrians at these access points.
- Question if drawing number MP-07 – Tower 1 ramp is correct?
- Plans need to show dimensions of disabled person space(s) and confirm headroom clearance.
- Plans should show staff/visitor/resident parking.
- Recommend a car parking management plan be provided and reviewed by Council for each stage and when the site is completed.



Ramps

- Plans need to show ramp lengths, widths and RLs. Recommend drawings include a longitude cross section for each ramp.

Bicycle Facilities

- All bike facilities/racks must be contained on-site, not on Council land.
- Ground Level visitor bike racks should be horizontal.
- Plans need to clearly show bike rack spacing and aisle width, and which racks/areas are visitor/resident/staff spaces.
- A number of bike areas scattered throughout the car park levels are not conveniently accessible.
- Bike storage areas are not located near change rooms.

Loading and Waste area

- The loading area does not provide convenient access to lifts and retail spaces.
- The waste collection areas do not appear to be convenient to access.
- Need more information how users can access the loading / waste area. All loading should be accommodated on-site. The loading area should be accessible to all tenants (including residents moving in/out).

Car Share

- The amount of Car Share provided seems very low.

Other

- The number of electric car charging spaces may be low.
- A Green Travel Plan should be provided.

In addition to the above, officers note the plans show no detail of vehicle access to the ground floor level Car sales showroom or the basement car service facility.

It is considered the number of electric car charging points should be significantly increased to at least 50% of all car spaces, having regard to the approximately 10 year construction time for the proposal, the economic life of the building, and existing and pending legislation for car manufactures to end new internal combustion engine (ICE) vehicle sales from 2025 (Norway), 2030 (Sweden, Denmark, Ireland, Israel, Netherlands and Slovenia), 2032 (Scotland), 2035 (England, Wales and Northern Ireland), 2040 (France and Sri Lanka), and China (tba).

Overall, the car park design is incomplete and cannot be properly assessed.

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

Other Matters

12.5 Fishermans Bend Framework October 2018



The Advisory Committee Terms of Reference note proponents will be encouraged, but not required to meet the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018) and provide new roads and laneways.

The proposed new pedestrian lane between Johnson Street and Munro Street uses a different alignment than the indicative location shown on Map 1 for the Montague Urban Structure.

It is considered the alignment of the lane as proposed should be altered to better align with the confirmed locations of the new road at the north of 60-82 Johnson Street and the new lane between Sites 02 and 03 on Normanby Road.

12.6 Clause 58 – Better Apartments Design Standards

12.6.1 The proposed dwellings do not fully comply with the Standards, including Preferred urban context (Std D1), Dwelling diversity (Std D3), Integration with the street (Std D5), confirmation of Energy efficiency (Std D6), Communal open space (Std D7), Solar access to communal outdoor open space (Std D8), Landscaping (Std D10), confirmation of Integrated water and Stormwater management (Std D13) and Waste and recycling (Std D23).

Assessment

12.6.2 Communal Open Space

Councils Urban Designers raised concerns that:

- Tower 1 would not provide communal open space other than at ground level in the publicly accessible plaza and footpaths.
- A significant portion of Tower 3's outdoor space at podium level would be in shadow for almost all of the day between 9am and 3pm on June 21, with no access to the landscaping on the north side of the building.

They recommended the Tower 3 communal open space be re-located to the north side of the podium. This would also provide passive surveillance of the plaza.

12.6.3 Residential Amenity (Noise Impacts)

The subject site abuts a main road (Montague Street) and is proximate to Normanby Road (70m) and the elevated Westgate Freeway (100m),



which are also main roads and the Route 109 City to Port Melbourne light rail line south-east of Normanby Road.

The site is also within the amenity buffer zone of Council's White Street Resource Recovery Centre.

A Noise Impact Assessment for the proposal noted the façade design of the building is yet to be finalised and would need to include acoustic measures which may include (any or all of) double glazing, heavy glazing system framing, fixed framing, reduced glazed areas by introducing wall or spandrel panels, winter gardens, or other measures.

The Assessment noted:

- The relevant noise limits for bedrooms and living rooms is Better Apartments Design Standards (BADS) / PPN83 / Clause 58 (for the residential (living rooms / bedrooms) component of the building) and AS/NZS 2107:2016 as a minimum standard in other areas; and
- Building Plant will need to comply with SEPP-N1, and music noise from any premises will need to comply with SEPP-N2.

The Assessment concluded that the site is a sufficient distance from Council's Resource Recovery Centre to not require additional acoustic treatment in relation to that site but would need to meet the noise standards noted above to acceptably manage other noise impacts.

These levels are considered satisfactory and should be mandated by conditions of any Incorporated Document that may be approved for the proposal.

It is noted that the Sustainable Management Plan at p13 proposes lesser noise standards stating '*Internal noise levels will not be more than 5dB(A) > above the "satisfactory" sound levels provided in Table 1 of AS/NZS 2107:2000*'. This should be corrected to be consistent with the standards set out in the Noise Impact Assessment.

The apartment designs should be revised to comply with the Standards.

12.7 Transport Matters

12.7.1 Motorcycle Parking

Motorcycle parking is assessed at Clause 12.2.4 of this report.

12.7.2 Bicycle facilities

Clause 52.34 of the Planning Scheme sets out different bicycle parking requirements to those specified at Clause 4.2 of Schedule 1 to the Capital City Zone.

Neither Clause 4.2 of the Schedule to the Capital City Zone or Clause 52.34 provides guidance as to whether either clause supersedes the other or the clauses should be read in conjunction with one another.



For this assessment, officers have elected to:

- Use the bicycle parking rates specified at Clause 4.2 of the Schedule to the Capital City Zone because they are the most recent addition to the planning scheme and because they relate specifically to the Fishermans Bend Urban Renewal Area.
- Use the shower and change room requirements at Clause 52.34-5 and the Design of bicycle spaces and Bicycle signage requirements at Clauses 52.34-6 and 52.34-7 because Clause 4.2 of the Schedule to the Capital City Zone does not set out alternative requirements for these matters.

An assessment of the bicycle facilities for the proposal is as follows:

Bicycle facility	Use listed in Table 1:	Requirement	Proposed
Showers: Any use listed in Table 1: If 5 or more employee bicycle spaces are required, 1 employee/resident shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	Dwelling:	No rate specified	N/A
	Retail premises: 5,203m ² (14 tenancies inc. Convenience shop (136.75m ²), Café, Restaurant (146 seats + 50 seat function room, 832m ²), Shop and Motor vehicle sales and service)	1 per 50m ² of net non-residential floor space x 5,203m ² = 104 showers	No details on plans.
	Residential building other than specified in Table 1: Residential hotel: 144 rooms, Serviced apartments: 180 rooms	1 to each 10 lodging rooms x 222 rooms = 22 showers	No details on plans.
Sub total		126 showers	No details on plans.
Change rooms: Any use listed in Table 1: 1 employee/resident change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	As above	1 per shower or direct access to a communal change room	No details on plans.

The plans do not show details of bicycle facilities required by Clause 52.34-5.



The plans also not show details, including dimensions, of the design of bicycle spaces or distinguish between resident, visitor and staff bicycle parking.

The bicycle parking spaces at Basement 1, Ground floor level and First floor level would have reasonable accessibility and convenience, with the exception of the Tower 1 Ground floor level parking which is remote from the dwelling lobby. The 80 ground floor level spaces along Johnson Street would be within the Title boundary and satisfactory.

The bicycle parking spaces at Levels 2, 3 and 4 of the podiums would rely primarily on elevators for access and would not be generally convenient.

A redesign to provide more or all bicycle parking at Basement 1, ground and first floor level would improve bicycle-parking usability.

The above matters need to be provided for by conditions of any Incorporated Document that may be approved for the proposal.

12.7.3 Access from a Road Zone Category 1

The application seeks approval for alteration of access to a Road Zone Category 1 (i.e. Montague Street). It is noted there is no existing vehicle crossing to Montague Street and the plans do not show a new crossing to Montague Street.

12.7.4 Cumulative traffic impacts

Council's traffic engineers raised a concern the traffic report did not sufficiently consider the cumulative traffic impact of the proposals and other approvals and potential approvals along nearby streets.

Typical traffic generation rates for residential use are generally assumed as 2 to 4 daily trips per dwelling (i.e. 1 to 2 return trips per day) or 0.2 to 0.4 trips per hours during peak AM / PM periods (approximately as 10% of daily trips).

If similar daily and peak hour trip generation rates are adopted per car space (note different unit measure), the 446 residential spaces in the would generate approximately 892 to 1784 trips per day or 89 to 178 trips during the peak hour.

This compares to the consultant's empirical rate of 0.3 trips per car space during the peak hour which would result in a lower trip generation of 133 peak hour trips.

The consultant report further assumed no increase in traffic from the car sales/service premises based on it being a continuation of an existing use, and peak generation of 0.5 per space for the retail (inc. restaurant) and child care uses and 0.17 (afternoon) to 0.3 (morning) for the hotel use, for commercial peak movements of 137 (morning) and 116 (afternoon), and overall peaks including residential of 268 (morning and 247 (afternoon).



Council's higher residential peaks plus the consultants' commercial generation would total 315 (morning) and 294 (afternoon).

Officers have repeatedly raised concerns regarding cumulative traffic impacts in Fishermans Bend and in particular in the Montague and Normanby Road precinct and note a need for:

- Consideration of the broader Montague Precinct and FBURA when assessing traffic impacts on the road network.
- Modelling or detailed assessment for arterial / local intersections including the Montague St / Woodgate St intersection.
- SIDRA (i.e. intersection) modelling to consider future traffic growth, noting that key intersections are already operating at or close to capacity.
- Consider cumulative impacts of currently approved and other potential future developments to provide a better understanding of existing and forecast traffic conditions which would better inform VicRoads and Council on necessary changes to the road network / intersection operating conditions as the area is gradually redeveloped.
- SIDRA modelling of intersection performance to consider a wide route / network assessment using alternative traffic micro-simulation packages (e.g. VISSIM).
- Up-to-date trip generation case study data including afternoon / evening statistics.
- A comparison of parking provision rates of each development i.e. ratio of car spaces to no. dwellings.

In addition, officers note:

- The existing street network is already heavily congested during the morning and evening peaks, particularly along Montague Street leading to and from the West Gate Freeway;
- During peak hours, traffic to and from the Westgate Freeway can congest Munro Street and Montague Street making vehicle access difficult / impractical.
- The proposal, and other permit applications and approved permits for sites along Normanby Road and nearby will generate additional traffic movements onto the existing road network
- It is unclear if the existing public transport network has sufficient capacity to accommodate the additional demand generated by these developments.
- The lack of a cumulative traffic assessment addressing the above matters is a concern with the current applications.

Pursuant to Paragraph 19 of its Terms of Reference, the Advisory Committee is encouraged to inform itself further on these matters.



12.7.5 Pedestrian connectivity

A through block pedestrian lane is proposed between Johnson Street and Munro Street and a pedestrian corridor is proposed between the land and Montague Street at ground level.

Whilst these links are supported in principle, Council's Urban Designers raised concerns as follows:

- The placement and layout of the plaza and pedestrian paths should be revised to better align with existing and proposed new roads and lanes opposite to create a legible and continuous route through the development from Johnson Street to Munro Street including future pedestrian crossings.
- The placement and design of landscaping and street furniture within the pedestrian areas should not obstruct pedestrian line of sight and desire lines.
- The pedestrian access between T1 and T2 should be clear to the sky to allow views and canopy trees.
- The level of activation along the lane(s) should be increased.
- The landscape areas do not respond to local heritage.
- The Turfstone footpath material is unsuitable.
- Accessible ramps take circuitous routes.

Subject to revisions to address these matters, the links would provide mid-block pedestrian and bicycle access, which would enhance connectivity in the neighbourhood.

The links would not constitute public open space and would not vest in Council. The links should remain in private ownership, but need to be:

- Constructed to Council's design and technical standards including being surfaced in a suitable material such as sawn bluestone;
- Accessible to the general public at all times; and
- Maintained by the owners.

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

12.8 Waste Management

The Waste Management Plan (WMP) proposes:

- Collection of residential and commercial general waste and recyclables three times weekly, and hard/electronic/liquid and other wastes (polystyrene, batteries, paint, chemicals and detox items, etc) at call. Green waste collection frequency not specified.
- Waste shall be stored within the development (hidden from external view).



- Users shall sort their waste and dispose garbage and recyclables via the chutes and/or directly into collection bins (Hotel and Serviced Apartment staff shall transfer waste).
- The owners Corporation to be responsible for transferring waste bins from basement bin stores to the ground floor loading bays.
- Waste (other than green waste) to be collected by a private contractor at the onsite Loading Bays using rear lift vehicles (nom. 6.4m (l), 2.1m (h) and 6.4 tonnes gross weight), which require max. 2.5m height clearance in operation. Green waste to be collected by landscape contractor.

The WMP refers to:

- Three Garbage Chutes and three Recycling Chutes (in pairs at each tower), each with upper level intakes and Bin Store discharge. Optional bin-index systems could be considered for each chute.
- Bin Stores and Loading Bays at Ground Floor (Tower 1 and 2).
- Three Bin Stores at Basement 2 (one per tower).
- Collection bins (kept within the Bin Stores).
- Food and beverage tenants to arrange storage of used cooking oil and its collection by a recycler. The operator shall organise Grease Interceptor Trap servicing (if any).
- For vehicle services, the manager shall arrange for the appropriate disposal of tyres, motor parts, waste oil/coolant, etc.

The WMP and the Architectural Drawings are inconsistent. Officers note:

- The towers show only one pair of chutes each.
- **Tower 1:** The waste chutes terminate at Basement 2 next to an appurtenant Refuse area, but which is remote from the single elevator to the ground level Refuse Zone / loading bay.

The ground floor plan does not show any back of house details or path to the Refuse Zone for the retail tenancies.

- **Tower 2:** The waste chutes terminate at Basement 1 (there is no Basement 2 for T2/Stage2), but there is no appurtenant Waste Room at any level of the building and no obvious path for transfer of waste to the T1 and T2 Basement 2 Refuse areas.

Transfer of waste from the termination of the chutes to the Basement 2 Refuse areas, and then on collection days to the ground level loading bays would be convoluted.

There is no waste store / disposal for the (Mazda) car service use at Basement 1 (and no access depicted for any vehicle to/from Mazda at any level) or details of how waste for the Ground Floor Level and Basement 1 Mazda car sales and service and the Level 28 Restaurant) is to be managed?

The ground floor plan does not show any back of house details or path to a Refuse Zone for the retail tenancies.



- **Tower 3:** Drawings show a single chute terminating at Basement 2, but no appurtenant waste store. The Refuse area at Basement 2 is remote from and has no discernible access from the waste chute.

Access between the Basement 2 refuse area and the Ground floor level Refuse Zone appears to be only possible by a single elevator and then crossing the basement car park entry/exit ramp at the top of a blind corner.

The ground floor plan does not show any back of house details or path to a Refuse Zone for the retail tenancies.

Council's Waste Management officer advised the application did not provide sufficient details to allow assessment. They advised they needed additional information including:

- Plans to show bin/refuse rooms with clearly marked bin size, numbers and colours.
- Plans to show clear information about bin locations (i.e. residential and commercial bins need to be separate);
- A swept path diagram to further assess how collection arrangements and access are organised as specified in WMP (Pg.8).

From the plans and report provided, they recommended:

- Mandatory separate refuse rooms for residential and commercial tenements.
- A compaction unit for a development of this size to reduce the number of collection vehicle visits required.
- A glass crusher for a development of this size with a number of food and drink premises, noting it could save valuable storage space and minimise crushed glass in a comingled bin contaminate all the recycling material.
- Allocated space for E-Waste and organic waste collection.

In summary, the Architectural Drawings and Waste Management Plan need substantial revision and further information to be: consistent and to demonstrate waste management arrangements would be workable. The arrangements as proposed are not supported.

Any Incorporated Document for the Amendment should include a condition requiring detailed plans and an updated Waste Management Report to be prepared and approved by Council for each stage.

12.9 Loading

The plans do not show details of loading bays. Towers 1 and 3 show Refuse Zones at ground floor level, which suggest but do not show the location or dimensions or heights of any loading bay.

All loading bays should have minimum dimensions of 7.6 m length, 3.6 m width and at least 3.0m height to accommodate the operation of the proposed Waste collection vehicles.

Officer assessment is that accessibility to and from the refuse zones / loading areas would be marginal to poor, because they would be remote from waste



stores and elevator cores and back-of-house for the retail and commercial tenancies, and the Tower 3 design would not demonstrate sufficient area for a truck or large van to turn on site.

Vehicles using the loading bays should be able to enter and exit in a forward direction. This should be confirmed by swept path diagrams.

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

12.10 Stores

Less than one store per dwelling (excluding storage provided pursuant to Clause 58 – Better Apartment Design Standards) is proposed as follows:

Measure	Stage 1	Stage 2	Stage 3	TOTAL
Stores* <i>*Note: Excludes storage in Apartments per BADS.</i>	184 (24 x 4m ³ , 160 x 5m ³) (0.82/dwelling)	87 (41 x 4m ³ , 46 x 5m ³) (0.75/dwelling)	116 (52 x 4m ³ , 64 x 5m ³) (0.47/dwelling)	387 (117 x 4m ³ , 270x 5m ³) (0.62/dwelling)

At least one store should be provided for each dwelling.

Stores are proposed to comprise 4m³ or 5m³ storage cage, whereas 6m³ is recommended.

Given theft problems with wire cages, all stores should feature solid walls /doors / floors / roofs for security.

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

12.11 Public Open Space

A ‘Town square’ is proposed approximately mid-way along the Johnson Street frontage of the site leading into a min. 9.7m (w) through block pedestrian lane between Johnson Street and Munro Street and a 6.0m (w) corridor to Montague Street. The open space and lane have an area of 1,761m². The Town Square is proposed to be publicly accessible at all times.

The applicants envisage the town square being used for passive informal and spontaneous enjoyment as well as structured events such as an outdoor cinema, outdoor concert space and amphitheatre stage.

The ground floor level retail uses of the three towers and the childcare and dwelling lobby of Tower 1, the dwelling and serviced apartment lobby of Tower 2 and the dwelling lobby of Tower 3 would face and open off the square and lane and corridor

Assessment

Council’s Landscape and Urban Design officer raised concerns with the location, detailing and landscape design of the open space and pedestrian lane(s) including the need to align with other existing and proposed roads and lanes. These concerns are set out in at Section 9.2 of this report.



Changes to address these matters should be provided for by conditions of any Incorporated Document that may be approved for the proposal.

12.12 Sustainable design

A Sustainability Management Plan (SMP) was submitted with the application.

Council's Sustainable Design officer raised concerns that the SMP and planning drawings contained little evidence of how the proposal would achieve the applicable 5 star Green Star target.

They recommended the SMP and plans be revised to demonstrate how the proposals sustainable design measures would align with the Fishermans Bend Framework, and provide further evidence how the requirements would be effectively integrated into the design.

To assist, they set out a detailed list of the additional work needed to demonstrate that the proposed 5 star Design & As Built Green Star rating could be delivered in alignment with the aspirations of the Framework.

They advised the key issues that need to be addressed prior to approval are:

- A Green Travel Plan **is an application requirement** for this proposal, pursuant to the application requirements listed in Table 1 of Clause 22.13.
- The need to include the majority of the podium in the rainwater catchment area and increase the rainwater tank size to achieve 0.5m² per 10m² of catchment for flood mitigation.
- Demonstrate that sufficient space provision is available for the approx. 440 solar PV panels that would be required to deliver the 130kW system referred to in the SMP.
- Demonstrate on the plans how the UHI reduction commitments in the SMP would be achieved (75% of total project site area).

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

12.13 Community facilities

The application proposes:

- Publicly accessible open space at ground level comprising a 'town square' and pedestrian street with a total area of 1,761m².
- An (80 place) child-care centre in the Tower 1 podium, including podium rooftop outdoor play areas.
- Eighteen (18) Affordable Housing dwellings;
- Twenty (20) Social Housing dwellings.

The generality of these facilities is welcomed and supported, however officers raised queries regarding the design of the town square and pedestrian street, drop-off and pick-up arrangements and parking for the child care centre, and the



method of delivery (including duration) and location of Affordable Housing dwellings in all stages of the development rather than all in the final Stage 3.

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

12.14 Affordable and Social Housing

12.14.1 Clause 22.15-4.3 of the Fishermans Bend Urban Renewal Policy states:

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

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

Whilst not a requirement for the application pursuant to the FBSAC Terms of Reference, Clause 4.2 of Schedule 1 to the CCZ states:

The use of land for a dwelling must not exceed the specified Dwelling density (for the CCZ) unless ...the landowner provide(s) at least one Social housing dwelling for every eight dwellings provided above the no. of dwellings allowable under the specified Dwelling density

Affordable Housing

12.14.2 The application proposes to:

- Provide 18 (9 x 1BR, 9 x 2BR) affordable housing dwelling in Stage 3.

This equates to 4% of the dwellings allowed under the dwelling density requirements of the CCZ (and 3% of all dwellings proposed) as so falls short of the recommended number of dwellings.

Six per cent would equate to an additional eight dwellings for a total of 26 dwellings.

The application documentation states the Affordable housing dwellings:

- Would be provided for the economic life of the development.
- Would be for rent for at least 70% less than their market value rent;
- Would be only occupied by key worker tenants who meet the income tests for very low, low and moderate incomes as defined under section 3AB of Planning and Environment Act 1987.
- Must be made available for rent within six months of the completion of the development or as otherwise agreed by Council.



- Must meet the minimum living area, bedroom, bathroom and room depth areas and dimensions contained at relevant standards of clause 58 of the Port Phillip Planning Scheme.
- Must be connected to reticulated services and provision made for digital communication services (e.g. internet connections) in a manner commensurate with the remainder of dwellings within the development.
- Be subject to a mechanism (approved by Council in conjunction with DEWLP) for requiring owners of affordable housing dwellings to maintain documentation demonstrating the basis for calculating market rents (including independent valuations of market rent), the amount of rent charged to tenants, the assessment of tenants and their income showing that they meet relevant tests to be eligible to rent the affordable housing dwelling and how rent increases are to be calculated and applied.
- Provide that all owners corporation fees are either not charged to tenants of the affordable housing dwellings or included in the rent charged to tenants (i.e. owners corporation fee are not passed on to tenants as a cost outside of the rent paid for the dwelling).

The application does not detail where in Stage 3 the dwellings would be located i.e. podium, tower, clustered or dispersed?

Assessment

Whilst the Affordable Housing offer falls short of the 6% recommended by the Policy, it is considered a good outcome in combination with the applicant's additional offer of Social Housing.

Officers recommend:

- The offer of 18 (equating to 4% of the dwellings allowed under the dwelling density requirements of the CCZ and 3% of all dwellings proposed) be accepted;
- The term 'economic life of the development' needs to be defined in number or years, and if not, the housing be provided for at least 30 years by means of a legal agreement.
- The dwellings be provided in a manner that makes them affordable to persons in the very low, low and moderate income bands as defined by the Planning and Environment Act.
- The dwellings be dispersed throughout the podium and tower, not just of Stage 3, but also in Stages 1 and 2.

Social Housing

12.14.3 The application proposes to:

- Gift twenty (20) (14 x 1BR, 6 x 2BR) Social housing dwelling to Women's Housing Limited (WHL)



As above, this housing would provide accommodation for women and children seeking assistance due to family violence.

In combination with the proposed 18 Affordable Housing dwellings, the 20 Social Housing dwellings would total 38 Affordable and Social Housing dwelling which would equal 6% of all the 623 dwellings proposed.

The 20 dwellings are proposed to be located at Level 1 of the Stage 3 podium and to have dedicated ground floor lobby access off Munro and Johnson Streets, and additional access from the serviced apartment lobby off Munro Street and the tower residential lobby off the new internal lane, and from the basement and podium car parks.

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

Officers recommend the offer of 20 gifted dwellings be accepted;

Council's Housing officer raised no objection to these 20 dwellings being located on the same floor in Stage 3 and having their own dedicated lobby, rather than being dispersed throughout the building.

The Housing officer did however raise concerns regarding all the Affordable Housing and Social Housing dwelling being provided in the final stage of the development and supported the Affordable Housing dwellings being provided in Stages 1, 2 and 3.

12.15 Environmental Audit

An environmental audit has not been undertaken for the land.

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

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

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

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

12.16 Infrastructure Contribution Overlay (ICO1)

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



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

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

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

10.9 Aboriginal Cultural Heritage

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

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

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

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

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

13. COVENANTS

- 13.1** A review of the Titles for the sites confirms they are not encumbered by a restrictive covenant or Section 173 Agreement or building envelope or easement.

14. OFFICER DIRECT OR INDIRECT INTEREST

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

15. OPTIONS

- 15.1** Provide comments to the Advisory Committee c/- the Department as recommended.
- 15.2** Provide changed or additional comments to the Advisory Committee c/- the Department to those recommended.
- 15.3** Refuse to provide comments.



16. CONCLUSION

- 16.1** The proposed street wall (podiums) would comply with setback requirements except facing Johnson Street to (partly) meet a recommended offset from an existing underground sewer and would not exceed the maximum allowed height.
- 16.2** The three towers would meet setback requirements from all streets and meet or exceed the preferred building separation distances within the site but would all exceed the maximum heights for the precinct character area and the discretionary maximum height.
- 16.3** The proposals were internally referred and officers raised concerns including regarding inconsistency with the preferred scale, typology and architectural form for the land and surrounds, the uniform five level height of the podiums, a lack of differentiation in podium and tower facades, the location, detailing and landscape design of the open space and pedestrian lane(s) including the need to align with other existing and proposed roads and lanes, lack of communal open space for Tower 1, parking and traffic matters including the need for more details including dimensions on plans, cross-section of all ramps, swept path diagrams and car park ventilation, the number of vehicle crossings, over supply of dwelling parking and undersupply of car share spaces and electric vehicle charging spaces, car park floor-to-floor heights insufficient for building adaptability, and cumulative traffic generation, the dispersed bicycle parking arrangements and lack of end of trip facilities, insufficient plans and report details of waste management arrangements, a need for plan and written confirmation of sustainable design and water sensitive urban design, a bias towards two bedroom dwellings, wind impacts within and adjoining the land, protection of existing street trees, and a number of minor matters.
- 16.4** Council's Strategic Planners, Urban Designers, and Landscape Designer expressly did not support the proposal. Council's Waste Management officer advised there was insufficient information to form a response.
- 16.5** Officers recommended changes to address their concerns including varying the podium heights and façade changes to break up building mass, reducing tower heights and changing tower forms and widths to create slender buildings with fast moving shadows and satisfactory sitting, standing and walking wind comfort levels, clarifying and confirming ESD, WSUSD, Waste Management, Parking and Traffic design, and provision of canopy trees, and removing impediments to pedestrian sight lines and preferred direction of travel, ground floor level activation.
- 16.6** In particular, the varying, including increasing the height of the podiums and the reduction in tower heights is recommended to better meet the preferred character for the land and better transition in height from approved (albeit not yet constructed) buildings nearby and lower proposed buildings opposite.
- 16.7** The application offer of Affordable Housing and Social Housing totalling 6% of all dwellings is considered a satisfactory response to the Fishermans Bend Local Policy, and generally to the exercise of discretion for a taller and more intense



building, subject to the Affordable Housing dwellings being located in all three stages of the proposal rather than just Stage 3 and clarification of the number of years the dwellings would be provided, and changes to the overall proposal to address officer precinct character, site layout, building design and management and operational concerns as noted above.

- 16.8** Officers have concerns the plans and reports accompanying the application do not sufficiently or satisfactorily describe the Master Planning minimum and maximum parameters for the proposal or show a sufficient level of plan and elevation drawings detail and/or specialist consultant report detail to allow full and proper assessment of the proposal.
- 16.9** If the proposal was to be supported, officers recommend that any Incorporated Document for a Master Plan include clear minimum and maximum parameters for site coverage, permeability, building height, employment floor area, dwelling numbers and mix, Affordable and Social Housing, car, motor bike and bicycle parking, sustainable and water sensitive urban design, wind impacts, shadow impacts and so on, and well as setting out clear processes for assessing and approving plans for each stage and amendments to the design.
- 16.10** A number of other design, operational and amenity concerns with the proposal could be addressed by conditions.
- 16.11** It is recommended that the Statutory Planning Committee resolve to advise the Fishermans Bend Standing Advisory Committee C/- the Department of Environment, Land, Water and Planning that the Council does not support the application in its current form based on the matters set out in Sections 9 and 12 of this report.

TRIM FILE NO:

PF19/21862

ATTACHMENTS

- 1. Site Survey and Location Plan**
- 2. Ariel Location View**
- 3. Architectural Plan Drawings**
- 4. Basement and Podium Floor plans**
- 5. Typical Tower Floor Plan**
- 6. Detail Typical Floorplan Drawings**
- 7. Elevation Drawings**
- 8. Shadow Plans (22 September)**
- 9. Staging Plan**
- 10. RENDERS**
- 11. RENDER + Cross Section - Proposed Land Uses**
- 12. RENDER - Street level view (East from Freeway)**
- 13. RENDER - Town Square + Open Space Plan**
- 14. FBSAC Terms of Reference Oct 2018**