



365, 371, 391 PLUMMER STREET, PORT MELBOURNE

LOCATION/ADDRESS: 365, 371, 391 PLUMMER STREET, PORT MELBOURNE
EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, DEVELOPMENT, TRANSPORT AND CITY AMENITY
PREPARED BY: SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

1. PURPOSE

- 1.1 To provide a Council position to the Minister for Planning on an application to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for four (4) multi-storey towers at 365, 371 and 391 Plummer Street, Port Melbourne.

2. EXECUTIVE SUMMARY

WARD: Gateway (Wirraway Precinct)

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

APPLICATION NO: **DELWP Ref:** PA17/00209 and PSA C182port
CoPP Ref: 15/2017/MIN/A

APPLICANT: Hudson Yards Pty Ltd C/- Urbis Pty Ltd

EXISTING USE: Industry and Warehouse

ABUTTING USES: Industry, Warehouse and Offices

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

OVERLAYS: Design and Development Overlay (DDO33)
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 Twenty (2) business days = 07-09-2020



- 2.1 This report is to consider an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme to demolish the existing buildings on the land and construct a mixed use development comprising four (4) towers of 13, 25, 26 and 29 levels including 4, 6 and 8-storey podiums under a master planning process.
- 2.2 The application supersedes an application for a planning permit lodged with the Department of Environment, Land, Water and Planning (DELWP) on 28 February 2017 for three towers of 12, 18 and 18 levels including 2, 4 and 6-storey podiums, 2,313m² of commercial floor area and 1,188 dwellings.
- 2.3 Council considered the 2017 application at its Ordinary meeting of 13 December 2017 and resolved to advise the Minister it did not support the proposal because of concerns regarding poor daylight access and outlook and amenity for dwellings, a lack of affordable housing, 3-bedroom dwellings and commercial floor area, parking provision and design, loading and waste collection, bicycle parking and design, and sustainability.
- 2.4 On 21 February 2018, the Minister called in the application (and 20 other applications in CoPP).
- 2.5 During 2018 and 2019 there were ongoing discussions with the Department, Fishermans Bend Task Force and Council officers regards new designs for the site.
- 2.6 On 30 August 2019, the applicant applied to the Minister to prepare a Planning Scheme Amendment (PSA) and have the proposal assessed by the Fishermans Bend Standing Advisory Committee as necessary.
- 2.7 On 15 June 2020, revised plans and reports were lodged with the Minister in response to concerns raised by the Department, Fishermans Bend Task Force and Council officers.
- 2.8 The Department formally notified Council of the request for site-specific planning controls on 10 August 2020. Council has 20 business days from the date of receiving notification to provide a written response.
- 2.9 The PSA application proposes to demolish the existing buildings on the land and construct a mixed-use development comprising four (4) towers of 13, 25, 26 and 29 levels including 4, 6 and 8-storey podiums, 10,168m² of commercial floor area and 810 dwellings under a master planning process in four stages over ten years.
- 2.10 The proposal includes a new 22.0m wide road along the northern rear boundary off Salmon Street, a new park on the southern side of the new road, a new mid-block lane between Plummer Street and the new road at the rear, and a further new lane along the west side boundary of the site, generally in accordance with the Fishermans Bend Framework and the Planning Scheme Zone and Design and Development Overlay provisions.
- 2.11 The subject site is located in the Core area of the Wirraway precinct of the Fishermans Bend Urban Renewal Area (FBURA) and has a:



- Preferred building height area of 43m (12-storeys) at the front of the site facing Plummer Street and 81m (24-storeys) at the rear of the site pursuant to DDO33 and the Fishermans Bend Framework October 2018; and
 - Building Typology Precinct Area W2 (Hybrid - predominantly mid-rise) (i.e. 7 to 15 storeys) of the Design and Development Overlay (DDO33) which has a preferred precinct character of:
‘Mid-rise buildings with taller elements and block developments (including perimeter developments) located to ensure high levels of sunlight access to the south side of Plummer Street’
- 2.12 The proposal would not achieve the preferred precinct character of hybrid - predominantly mid-rise (i.e. 7 to 15 levels) buildings, because the majority of the buildings would be high-rise rather than mid-rise.
- 2.13 Street wall (podium) heights would comply except for two sections of 6-storey wall. These walls need to be reduced to not more than 4-storeys to comply
- 2.14 Street wall setbacks would comply except facing Plummer Street to accommodate a road widening requirement. Officers support a variation.
- 2.15 Setbacks above the street wall would mostly meet or exceed the preferred setbacks. Variations are supported for minor differences of 1.0m and 1.9m, but not for more substantial differences because it is considered the site is not constrained from achieving or near achieving compliance.
- 2.16 All four towers would exceed the preferred maximum building heights. A variation is supported for Stage 2 because the building falls within the mid-rise height range and adopts the preferred hybrid typology and the variance is only one (1) level. It is considered the Stage 1, 3 and 4 tower heights should be reduced to not more than 24 storeys and be varied in height.
- 2.17 The proposals were internally referred, and officers raised concerns regarding traffic and parking, strategic planning, urban design, landscape design, wind impacts, waste management and sustainability including water sensitive urban design and recommended changes to address their concerns.
- 2.18 Council’s Landscape Architect, Traffic Engineer, Sustainable Design Officer and Waste Officer all noted the plans etc. lacked sufficient detail to make a full assessment.
- 2.19 The application offer of Affordable Housing totalling 6% of all dwellings is supported. This support is subject to the transfer and lease discounts being increased to a minimum of 35% of market values, the lease duration increased to at least 30 years (and preferably perpetuity), the dwellings being a mix of one, two and three bedrooms and located in all stages of the proposal.
- 2.20 If the proposal was to be supported, Officers recommend that any Incorporated Document include conditions to address Council concerns including to reduce building height, amend setbacks to meet or exceed minimums, increase the employment floor area, increase the transfer and lease discounts and lease periods for the affordable housing, and update plans and/or reports for car and bicycle parking, sustainable and



water sensitive urban design, Clause 58 apartment design compliance, landscaping, noise attenuation and wind impacts.

2.21 A number of other detail design, operational and amenity concerns with the proposal could be addressed by conditions.

2.22 It is recommended that the Planning Committee resolve to advise the Minister C/- the Department of Environment, Land, Water and Planning that:

- The Council supports the application subject to amended plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.
- In the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.

3. RECOMMENDATION

3.1 RECOMMENDATION – PART A

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

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

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

3.2 RECOMMENDATION – PART B

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

4. RELEVANT BACKGROUND

4.1 There are no previous relevant planning permit applications or approvals recorded for the site.

4.2 The existing warehouse and industrial buildings predate Council's planning records. Several permits have been issued for minor alterations and additions, use of land including for car sales, a café, etc. and for the display of signs.

4.3 On 28 February 2017 an application for a planning permit was lodged with the Minister c/- the Department of Environment, Land, Water and Planning (DELWP) for a mixed



use development comprising three towers of 12, 18 and 18 levels including 2, 4 and 6-storey podiums, 2,313m² of commercial floor area including a supermarket, food and drinks premises, day spa, offices, a childcare centre, and a gymnasium, 1,188 dwellings, associated car motorbike and bicycle parking including car parking in excess of rates specified in the Parking Overlay, and alteration to access in a Road Zone Category 1.

- 4.4 On 23 October 2017, an application for review was lodged at the Tribunal for the Minister's failure to decide the application in the statutory time frame.
- 4.5 Council considered the application at its Ordinary meeting of 13 December 2017 and resolved to advise the Minister it did not support the proposal because of concerns regarding poor daylight access and outlook and amenity for dwellings, a lack of affordable housing, 3-bedroom dwellings and commercial floor area, parking provision and design, loading and waste collection, bicycle parking and design, and sustainability.
- 4.6 On 21 February 2018, the Minister called in the application (and 20 other applications in the City of Port Phillip).
- 4.7 During 2018 and 2019 there were ongoing discussions with the Department, Fishermans Bend Task Force and Council officers regards new designs for the site.
- 4.8 On 30 August 2019, the applicant applied to the Minister to prepare a Planning Scheme Amendment (PSA) and have the proposal assessed by the Advisory Committee.
- 4.9 On 15 June 2020 revised plans and reports were lodged with the Minister in response to concerns raised by the Department, Fishermans Bend Task Force and Council officers.
- 4.10 This report relates to the June 2020 amended PSA plans and reports.

5. PROPOSAL

- 5.1 It is proposed to develop the land over 10 years pursuant to a master planning process comprising:
 - 5.1.1 Initial approval in principle for the land uses and built form including:
 - The location, area and design of roads and open space areas.
 - Built form and massing including:
 - Height and location of podiums and towers.
 - Activated street frontages.
 - 5.1.2 Development in four stages.
 - 5.1.3 Detail design plans for each stage to be prepared and approved in accordance with the permit.
 - 5.1.4 The Incorporated Document to set out the conditions for the development and use including standards for matters such as wind impacts, loading, landscaping, street construction etc.



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

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

- Demolish the existing buildings on the land.
- Construct 1 x 13, 1 x 25, 1 x 26 and 1 x 29 level (inc. podiums of 4, 6 and 8 levels) mixed use commercial and residential buildings and associated car and bicycle parking and construct and/or carry out works.
- Construct a new 22.0m (w) east-west road along the northern rear boundary of the land off Salmon Street, a new 6.0m wide north-south lane between Plummer Street and the new road and a new park along the south side of the new road.
- Use land for Accommodation (Dwellings), Indoor recreation facility (commercial swimming pool), Office and Retail premises including Restaurant and Shop in the CCZ1.

5.4 Details of the proposal are set out in Table 1 below:

Table 1: Application Summary

MEASURE:	TOTALS:
Application / Planning Scheme Amendment (PSA) No.	Application No. CoPP Ref: 5/2017/MIN/A DELWP Ref: PSA No. C182port
Plans assessed	Project No. 15134, Drawing Nos. A0000 (Rev A) to A0953 (Rev A) dated 05-06-2020, prepared by Ellenberg Fraser Architecture.
Site area / Title particulars	19,410m ² (1.94ha). Rectangular, Max. 161.07m/160.92m (w) x 120.54m (d). Easement E-1 (3.02m) (Drainage) across rear. #365 Plummer St: Vol 10968, Fol 163: Lot 1, PS 542653D. 60.37m/60.26m (w) x 120.54m (d) = approx. 7,271m ² . Easement E-1: (3.02m) (Drainage) in favor of City of Port Phillip across rear. Restrictive Covenant (AE567830L 25-08-2006) S173 Agreement with City of Port Phillip to build over drainage easement subject to conditions. #371 Plummer St: Vol 10968, Fol 164: Lot 2, PS 542653D. 60.27m (w) x 120.54m (d) = approx. 7,264m ² . Easement E-1 (3.02m) (Drainage) in favor of City of Port Phillip across rear. Caveat: Lease L-1 (4.6m (w) x 8.0m (d) = 36.8m ² at SE front cnr to Citipower (Substation). Restrictive Covenant (AE567830L 25-08-2006) S173 Agreement with City of Port Phillip to build over drainage easement subject to conditions. #391 Plummer St: Vol 09040, Fol 185: Land in Plan of Consolidation 102846. 40.43m (w) x 120.54m (d) = approx. 4,848m ² . E-1 (3.02m) (Drainage) in favor of City of Port Phillip across rear.



<p>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></p>	<p>Wirraway Core area ratio – 1.9:1 x 19,410m² (1.94ha) = 36,879m²</p>
<p>Non-residential floor area</p>	<p>Application plans and Development Summary lists non-residential floor area as follows: 10,168m² in the podium as follows: Stage 1: 2,945m² (454m² Restaurant/Café, 456m² Retail, 2,035m² Office). Stage 2: 2,451m² (1,233m² Restaurant/Café, 242m² Retail, 976m² Office). Stage 3: 2,695m² (1,008m² Restaurant/Café, 570m² Retail, 1,117m² Office). Stage 4: 2,077m² (0m² Restaurant/Café, 907m² Retail, 1,170m² Office). Total: 10,168m² (2,695m² Restaurant/Café, 2,175m² Retail, 5,298m² Office). Note: Applicant letter 15-06-2020 proposes non-residential floor area be increased as follows: 22,470m² in the podium as follows: • Stage 1: 6,617m²; Stage 2: 4,095m²; Stage 3: 5,989m²; Stage 4: 5,769m²</p>
<p>CCZ1 Dwelling Density Clause 22.15-3 <i>Dwelling density (dw/ha) means the number of dwellings on the site divided by the <u>total site areas (hectares) including any proposed road, laneway and public open space.</u></i></p>	<p>Wirraway - Core area @ 184 dw/ha x 1.94ha = 356 (356.96) dwellings Note #1: Dwelling density does not apply under Terms of Reference.</p>
<p>No. dwellings (inc. 48 x Affordable Housing) Clause 22.15-4.2 <i>Wirraway: Proposals of more than 100 dwellings should provide 30% 3BR dwellings</i></p>	<p>810 (82 / 10.1% x 1BR; 57 / 56.4% x 2BR (inc. 19 / 2.3% terrace houses; 212 / 26.2% x 3BR (inc. 12 / 1.5% terrace houses; 59 / 7.3% x 4BR) Total 3 and 4BR = 271 / 33.5% Stage 1 / T1: 230 (18 / 7.8% x 1BR, 138 / 60% x 2BR, 53 / 23% x 3BR, 21 / 9.1% x 4BR) dwellings Stage 2 / T2: 93 (12 / 12.9% x 1BR; 41 / 44.1% x 2B inc. 3 terrace houses; 30 / 32.3% x 3BR inc. 12 terraces houses, 10 / 10.8% x 4BR) dwellings Stages 3 / T3: 240 (16 / 6.7% x 1BR; 128 / 53.4% x 2B inc. 16 terrace houses; 94 / 39.2% x 3BR, 2/ 0.8% x 4BR) dwellings Stages 4 / T4: 247 (36 / 14.6% x 1BR; 150 / 60.7% x 2B; 35 / 14.2% x 3BR, 26 / 10.5% x 4BR) dwellings</p>
<p>Affordable housing Clause 22.15-4.3 <i>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ</i></p>	<p>Not less than six (6)% of all dwellings in the form of one or two bedroom dwellings: <ul style="list-style-type: none"> • <u>transferred to a registered housing agency (or other housing provider or trust) at a discount of 70% of market value, or</u> • <u>placed in management of a registered housing agency (or other housing provider or trust) for not less than 20 years for leasing as Affordable Housing at 80% of market rent; or</u> </p>



<p><i>(excluding any Social housing uplift dwellings) as Affordable housing</i></p>	<ul style="list-style-type: none"> • <u>In lieu payment of no less than the total cumulative value of all dwellings required in options above.</u> <p>Note #1: 6% of 356 dwelling density = 21 (21.36) dwellings.</p> <p>Note #1: 6% of 810 total dwellings = 48 (48.6) dwellings.</p>
<p>Social housing Clause 4.2 of Schedule 1 to the CCZ. <i>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of dwellings allowable under the specified Dwelling density</i></p>	<p>Not specified</p> <p>Note #1: Social housing does not apply under Terms of Reference.</p> <p>Note #2: If applicable, 810 dwellings - 356 dwellings = 454 dwellings @ 1 per 8 = 56 (56.75) social housing dwellings would be required for uplift.</p>
<p>Basement</p>	<p>N/A</p>
<p>Street wall (podium) height</p>	<p>Plummer St:</p> <p>T1: 4 and 8 levels: Min. 15.4m (18.62m AHD) to podium roof top, 17.2m (20.42m AHD) to top of parapet / balustrade; Max. 28.08m (32.02m AHD) to podium roof top, 29.88m (33.82m AHD) to top of parapet / balustrade.</p> <p>T2: 4, 6 and 8 levels: Min. 15.4m (18.62m AHD) to podium roof top, 17.2m (20.42m AHD) to top of parapet / balustrade; Max. 28.08m (32.02m AHD) to podium roof top, 29.88m (33.82m AHD) to top of parapet / balustrade.</p> <p>T3: 4 and 8 levels: Min. 15.4m (18.62m AHD) to podium roof top, 17.2m (20.42m AHD) to top of parapet / balustrade; Max. 28.08m (32.02m AHD) to podium roof top, 29.88m (33.82m AHD) to top of parapet / balustrade.</p> <p>Salmon St:</p> <p>T1: 6 and 8 levels: Min. 22.4m (25.62m AHD) to podium roof top, 24.2m (27.42m AHD) to top of parapet / balustrade; Max. 28.08m (32.02m AHD) to podium roof top, 29.88m (33.82m AHD) to top of parapet / balustrade.</p> <p>Rear (North):</p> <p>T1, T3 & T4: 6 levels: Max. 22.4m (25.62m AHD) to podium roof top, 24.2m (27.42m AHD) to top of parapet / balustrade;</p> <p>Note: Natural ground level (NGL) = 43.31m AHD to centre of Plummer Street frontage and 3.11m AHD to centre of Salmon Street frontage.</p>
<p>Maximum height (Tower)</p>	<p>T1: 12, 15 and 25 levels: Min. 41.6m (44.82m AHD) to roof top level, 42.7m (45.92m AHD) to top of balustrade; Mid. 51.2m (54.42m AHD) to roof top level, 52.3m (55.52.7m AHD) to top of balustrade; Max. 83.20m (86.42m AHD) to roof top level, 84.3m (87.52m AHD) to top of balustrade, + roof plant (approx.. 3.0m)</p> <p>T2: 13 levels: Max. 44.80m (48.02m AHD) to roof top level, 47.94m (50.41m AHD) to top of parapet / balustrade, + roof plant (approx. 3.0m)</p> <p>T3: 25, then stepped to 29 levels: Min. 83.20m (86.42m AHD) to roof top level, 85.0m (88.22m AHD) to top of parapet / balustrade; Max. 96.0m (99.22m AHD) to roof top level, 97.8m (100.12m AHD) to top of parapet / balustrade; 99.20m (102.42m AHD) to top of lift overrun and roof plant.</p> <p>T4: 11, then stepped to 20 levels, 23, 25 and 26 levels: Min. 38.40m (41.62m AHD) to roof top level, 39.5m (42.72m AHD) to top of balustrade; Max. 86.40m (89.62m AHD) to roof top level, 88.30m (91.42m) to top of parapet / balustrade, + roof plant (approx. 4.0m).</p> <p>Note: Natural ground level (NGL) = 43.31m AHD to centre of Plummer Street frontage and 3.11m AHD to centre of Salmon Street frontage.</p>



<p>Street wall (podium) Setbacks</p>	<p>North (rear): Min. 22.0m (0.0m from new 22.0m road), South (front - Plummer St): Min. 6.0m (0.0m from 6.0m road widening) East (side - Salmon St): Min. 10.0m West (side): Min. 6.595m @ ground level (car/truck access - min. 4.0m underside clearance); 3.0m (50% of 6.0m lane) @ levels 1 and above.</p>
<p>Tower Setbacks</p>	<p>Varies: Podiums and Towers 1 and 3 stepped back from Plummer St. North (rear): Min./Max. 10.0m South (front) (Plummer St): <u>Stage 1:</u> Front tower: Min. 15.0m, Max. 21.3m (inc. 6.0m road widening); Rear tower: Min 53.6m (inc. 6.0m road widening). <u>Stage 2:</u> Front tower: Min. 11.5m (inc. 6.0m road widening); Rear tower: Min approx. 56.0m (inc. 6.0m road widening). <u>Stage 3:</u> Front tower: Min. 13.1m (inc. 6.0m road widening); Rear tower: Min approx. 58.2m (inc. 6.0m road widening). East (side) (Salmon St): Min. 5.5m, Max. 16.4m (front tower), Min. / Max. 10.0m (rear tower) West (side): Min. 5.0m (front tower), 10.0m (rear tower) (inc. 50% of 6.0m lane)</p>
<p>Building (podium) separation below the max. street wall</p>	<p>T1 to T2: N/A – Shared podium T2 to T3: N/A – Shared podium T3 to T4: Min. 10.0m (new laneway) T2 to T4: Min. 10.0m (new laneway)</p>
<p>Building (tower) separation above the max. street wall</p>	<p>T1 to T2: Min. 10.0m T1 to T3: Min. 20.0m T2 to T3: Min. 20.0m T2 to T4: Min. 21.16m T3 to T4: Min. 20.0m</p>
<p>Loading bay</p>	<p>Stage 1: Nil. Stage 2: Nil Stage 3: 1 @ ground level: Not dimensioned Stage 4: 1 @ ground level: Not dimensioned</p>
<p>Car parking</p>	<p>708 spaces (+26 car share spaces) Stage 1: 121 spaces (59 dwellings, 16 Restaurant/Café, 5 Retail, 20 Office, 21 car share), EV charging: Nil Stage 2: 162 spaces (106 dwellings, 43 Restaurant/Café, 3 Retail, 10 Office, 0 car share), EV charging: Nil Stage 3: 286 spaces (234 dwellings, 35 Restaurant/Café, 6 Retail, 11 Office, 0 car share), EV charging: Nil Stage 4: 165 spaces (144 dwellings, 0 Restaurant/Café, 9 Retail, 12 Office, 5 car share), EV charging: Nil Totals: 708 spaces (540 dwellings; 94 Restaurant/Café [3.48: 100m²], 21 Retail [1.0:100m²]; 53 Office [1:100m²]) Car share: 26 spaces EV charging: Nil / Not shown</p>



Motorcycle parking <i>1: 50 dwellings req.</i>	38 spaces (1:21 dwellings) (Stage 1: 8 spaces, Stage 2 & 3: Nil spaces, Stage 4: 30 spaces)
Bicycle parking	1,338 spaces Stage 1: 326 spaces Stage 2: 138 spaces Stage 3: 321 spaces Stage 4: 533 spaces Total: 1,338 spaces (810 resident [1.0: dwelling], 81 resident-visitor, 437 employee, 10 non-resident-visitor), end of trip facilities.
Open space	Not specified on Development Summary
Stores* <i>* Excludes storage in Apartments per BADS.</i>	Not specified on Development Summary
Communal facilities	Plans do not show full details of communal facilities or area of communal open space areas. Details shown are: Stage 1: Level 06 podium rooftop communal open space – area not specified (shared with Stages 2 and 3), Level 12 communal terrace - area not specified. Stage 2: Level 06 podium rooftop communal open space – area not specified (shared with Stages 1 and 3). Stage 3: Level 06 podium rooftop communal open space – area not specified (shared with Stages 1 and 2), Tower roof top communal space: 517m ² . Stage 4: Level 06 podium rooftop communal open space – area not specified. Total: Development Summary states 4,873m ² open space.
Community (public) facilities	Plans do not show full details of communal facilities or area of communal open space areas. Details shown are: <ul style="list-style-type: none"> • New 83.28m (w) approx. x 13.0m (d) (approx. 1,082m²) park on south side of new road off Salmon St. • New 10.0m (w) north-south through block internal lane between Plummer Street and new road. • A commercial 25.0m indoor swimming pool at ground floor level in Stages 2 and 3. Total: Development Summary states 7,004m ² open space.
New Roads / Laneways	North (rear): New 22.0m (w) east-west road along north (rear) boundary. Stage 2 & 3: New 10.0m (w) north-south lane from Plummer Street to new road. West (side): New 6.595m (w) north-south lane along west (side) boundary (with building overhanging this by 3.595m, so only 3.0m open to sky – applicant proposing 50% / 3.0m of new lane be provided by abutting site to west side.
Vehicle access	Stage 1, 2 & 3: Off new 22m (w) east-west road off Salmon Street. Stage 4: Off 6.595m (w) north-south lane along west side boundary, off new east-west road off Salmon Street
Dwelling access	Stage 1: Two (2) lobbies off Salmon Street and internally from car park. Stage 2: One (1) lobby off Plummer Street and internally from car park. Stage 3: One (1) lobby facing new park and road to north and internally from car park.



	Stage 4: Two (2) lobbies off new 10.0m (w) north-south lane between Plummer Street and new east-west road and internally from car park.
Retail/commercial access	Directly from Plummer Street, Salmon Street, new road and lanes and lobbies and car park as above.
Staging	<p>Stage 1: 391 Plummer St (Cnr. Salmon St) podium, Tower 1, pt new 20.0m (w) road at rear.</p> <p>Stage 2: 371 & pt 361 Plummer St podium & Tower 2 facing Plummer St, pt new 10.0m (w) north-south lane between Plummer St and new road, and park at rear.</p> <p>Stage 3: 371 & pt 361 Podium & Tower 3, and completion of new 10.0m (w) north-south lane between Plummer St and new road, and park at rear.</p> <p>Stage 4: 361 Plummer St podium, Tower 4, west side lane and completion of new 20.0m (w) road at rear.</p>
Gross floor area (GFA) / Plot ratio	<p>Gross Floor Area (GFA): 137,021m²</p> <p>Site area = 19,410m² (1.94ha).</p> <p>Plot Ratio: 7.05:1</p>

- 5.5 The Stage 1, 3 and 4 buildings are proposed to be high-rise podium and tower buildings and Stage 2 comprises a mid-rise hybrid form.

The Stage 1, 2 and 3 building are all rectangular, albeit with some variations in massing and stepping of higher levels.

The Stage 4 building is also rectangular, but with curved corners, and a multi-tiered stepped form for the lower section of tower facing Plummer Street.

Stages 1, 2 and 3 share a podium. Stage 4 has a separate podium and is separated from the other stages by a new 10.0m wide north-south lane, and is setback from the west side boundary by a new 3.0m wide north-south lane.

All buildings are setback 6.0m from Plummer Street to provide for a future road widening and 20.0m from the northern (rear) boundary to provide for a new 20.0m wide east-west road off Salmon Street.

- 5.6 The application documentation does not specify external materials and finishes. This could be provided for by conditions.

6. SUBJECT SITE AND SURROUNDS

- 6.1 Existing conditions are as follows:

Description of Site and Surrounds	
Site description and area	<p>The subject site is located on the north-west corner of Plummer Street and Salmon Street in the Wirraway precinct of the Fishermans Bend Urban Renewal Area.</p> <p>The site comprises three adjacent lots, Nos. 365 and 371 facing Plummer Street and No. 391 facing Plummer and Salmon Street.</p>



	<p>The site is rectangular and has a frontage width of approximately 161.07m to Plummer Street, a maximum depth of 120.54m to Salmon Street, for an overall area of 19,410m² (1.94ha.) approx.</p> <p>There is a 3.02m (w) drainage easement across the rear of the site in favor of the City of Port Phillip, and a Lease for a Citipower substation on No. 371 Plummer Street.</p> <p>Nos. 365 and 371 are encumbered with a Restrictive Covenant and a S173 Agreement with Council to build over Council’s drainage easement subject to conditions.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show the natural ground level (NGL) varies by 0.11m across the Plummer Street frontage and is 3.31m AHD to the centre of the Plummer Street frontage, and varies by 0.21m the length of the Salmon Street frontage and is 3.11m AHD to the centre of the Salmon Street frontage.</p>
<p>Existing building & site conditions</p>	<p>Each lot is developed with an expansive circa post WWII single storey warehouse building constructed to one or more boundaries. The remainder of the sites are predominantly hard-standing paved accessways and car parking areas. There is negligible landscaping on any of the lots.</p> <p>Nos. 365 and 371 Plummer Street each have one (1) double width vehicle crossing off Plummer Street. No. 391 Plummer Street has five (5) vehicle crossings off Salmon Street.</p> <p>Plummer Street is a Road Zone Category 1.</p>
<p>Surrounds / neighbourhood character</p>	<p>Land surrounding the subject site is developed as follows:</p> <ul style="list-style-type: none"> • North (rear): Circa 1990s onwards one and two storey warehouse and industrial buildings within the Rocklea Gardens Industrial Estate, and the West Gate Freeway and municipal boundary with the City of Melbourne and Fishermans Bend Industrial Precinct (in the City of Melbourne) beyond. <p>A high voltage powerline and associated tower passes through the adjacent Rocklea Gardens Estate.</p> <ul style="list-style-type: none"> • South (Plummer Street): Plummer Street and the site of the former Rootes / Chrysler car factory, now mostly demolished pending redevelopment for four level townhouses, and Tarver Street, older style one and two storey commercial and industrial buildings, Williamstown Road and the Garden City and Fishermans Bend Estate houses beyond. • East (side) Salmon Street): Salmon Street and older style one and two storey commercial and industrial buildings along the north side of Salmon Street and part of the south side, and the J L Murphy Reserve further along on the south side of Salmon Street though to Graham Street and Williamstown Road. A new secondary school is under construction on the south-west corner of Plummer Street and Graham Street. • West (side): Predominantly single-storey industrial and warehouse buildings along both sides of Plummer Street with the exception of ‘The Timberyard’ Place of Assembly and Function Centre on the north side, and recently constructed 3-storey townhouses and 12 and 15-storey mixed-use development at the corner of Plummer Street, Prohasky Street and Tarver Street. Beyond Prohasky Street is a shipping container depot and further industrial buildings, the Melbourne Grammar playing fields and the West Gate Freeway.



<p>Fishermans Bend Framework October 2018</p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p>For the subject site:</p> <ul style="list-style-type: none"> • New 22.0m (w) east-west road along the northern (rear) boundary, off Salmon Street. • Two (2) new 6.0m (w) north-south lanes to centre and west side (location indicative) between Plummer Street and the new road (with west side lane nominally 50% on adjacent land). • New rectangular public open space park on the south side of the new road to centre of site. • 6.0m road widening along the north side of Plummer Street. • No vehicle crossovers off Plummer Street or Salmon Street. • Primary (80% permeability) active frontage along Plummer Street. • Secondary Type 1 (60% permeability) active frontage along Salmon Street and mid-block new north-south lane. • Secondary Type 2 (20% permeability) active frontage along south side of new road and facing new park. <p>For the surrounding area:</p> <ul style="list-style-type: none"> • 6.0m road widening along the north side of Plummer Street (time frame not specified). • New 12.0m (w) linear park along the west side of Salmon Street between Plummer Street and Tarver Street (time frame not specified). • New local parks at the north-east and south-east corners of Plummer Street and Salmon Street (time frame not specified). • J L Murphy Reserve upgrades (Medium term (i.e. 2020 - 2025) project) • Fishermans Bend education and community hub (New Secondary School) at south-west corner of Plummer and Graham Street (Medium term (i.e. 2020 - 2025) project) (Under construction). • Proposed tram alignment along Plummer Street (Medium term (i.e. 2020 - 2025) project). • Potential Metro 2 rail corridor beneath Plummer Street including a possible future metro station at corner of Plummer and Salmon Street (Long term (i.e. 2025+) project). • Salmon Street bridge widening / upgrade (Long term (i.e. 2025+) project). • Wirraway Health and wellbeing, Arts and culture, Education and community and Sports and recreation hubs (Long term (i.e. 2025+) project). • Prohasky North and Prohasky South open space (Long term (i.e. 2025+) project).
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6.2 Council records show major planning permit applications lodged, approved or completed for the nearby area of the Sandridge precinct of the FBURA since 2013 as follows (**Permits in bold**):

North

- **17 Rocklea Drive:** Construct a 10 and 13-storey mixed-use building.



- **101 Salmon Street: Construct a 12-level mixed-use building comprising retail and dwellings. Amended plans being assessed. This development has not started.**
- **112 Salmon Street:** Construct a 12, 15 and 18 level mixed-use development. Considered by Council 02 August 2017. Called-in by the Minister 19-12-2017. On-hold.

South

- **19 Salmon Street (Cnr. Plummer Street): Construct 135 x 3-4 level townhouses. Site works for this development have started.**
- **Lot 9A, 339 Williamstown Road: 10-level building comprising offices and seven dwellings;**
- **Lots 10, 11, 12, 339 Williamstown Road: 12-level building comprising commercial tenancies and 50 dwellings.**
- **343 Williamstown Road: 4 level building comprising 16 dwellings. Construction started.**
- **18-22 Salmon St (SE cnr. Plummer Street):** Construct a mixed-use multi-storey building comprising three towers with retail, commercial and dwellings. Amended plans under assessment.

East

West

- **320 Plummer Street (Cnr. Prohasky and Tarver Streets): 3, 13 and 15 level mixed-use building comprising retail and 428 dwellings. This building has been constructed.**
- **187-201 Williamstown Road (Cnr. Todd Road): Construct 122 x 3-storey townhouses. This development has not started.**

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 including removal of two (2) existing vehicle crossings on Plummer Street and five (5) existing vehicle crossings on Salmon Street, and construction of the proposed new road off Salmon Street. A planning permit is required under this clause.
Clause 37.04: Capital City Zone (CCZ1)	Use for a Dwelling requires a permit because the land is in the Wirraway Core area. Use for a Retail premises (other than Hotel, Shop and Tavern) (including Restaurant) requires a permit because the land is in the Wirraway Core area and the gross floor area exceeds 1,000m ² .



	<p>Use for Informal outdoor recreation (inc. park), Minor sports and recreation facility (inc. Indoor recreation facility inc. commercial swimming pool), Office and Shop (other than an Adult sex product shop, Department store, Supermarket and Restricted retail premises) do not require a permit.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> • An application lodged before the approval of Amendment VC136 (02-Feb-2017). • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136. <p>The application for a Planning Scheme Amendment was lodged on 30 October 2019 and so must meet Clause 58.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law. <p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Montague Precinct (DDO33)</p>	<p>The land is in Precinct Area W2 of DDO33 which encourages a hybrid (predominantly mid-rise) building typology and a maximum building height of 43m (12-storeys) at the front of the site and 81m (24-storeys) at the rear of the site.</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 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 33 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p>



	<ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is not required under this clause.</p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for Dwelling, Retail premises (including Café, Restaurant, and Shop) and Office.</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The number of car parking spaces proposed to be provided for the Café and Restaurant uses exceeds exceed the Parking Overlay rates.</p> <p>A planning permit is required under this clause (if the number of spaces is not reduced)</p>
<p>Clause 45.11: Infrastructure Contribution Overlay (IC01)</p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> • A non-government school; • Housing provided by or on behalf of the Department of Health and Human Services; • Any other land or development of land specified in a Schedule to the ICO. <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. • Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81. • 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>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</p> <p>A planning permit is not required under this clause.</p>



Clause 52.34: Bicycle Facilities	<p>A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>A planning permit is not required under this clause.</p>
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8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

8.2 Local Planning Policy Framework (LPPF)

8.3 Other relevant provisions

8.4 Relevant Planning Scheme Amendment/s

9. REFERRALS

9.1 External Referrals

The Minister for Planning C/- the Department is responsible for external referrals, including to Council. The Minister has provided Council the opportunity to comment on the proposal.

9.2 Internal Referrals

The application was internally referred for comment.

Internal referral responses in full are at Appendix 1 to this report.

A summary of responses is as follows:

Traffic	<p>Car parking layout and accessway</p> <ul style="list-style-type: none"> • Need updated plans including parking space / access aisle dimensions, ramp grades and lengths, clearance between walls/columns to adequately review the car park layout. • Proposed access via the (western) laneway is a significant distance from the proposed connector road. If the access was located closer to the connector it would allow for most of the proposed laneway to be used for open space. • The traffic report has not assessed the likely queuing that will be generated from installing boom gates at the entrance to the off-street carparks. Can the applicant provide a queuing assessment to determine the likely 98th percentile queue length? Noting that all queuing must be contained wholly within the site. • The traffic report notes that aisle extensions been provided at end of blind aisles to facilitate access to parking spaces, in accordance with the planning scheme. If this cannot be achieved, please provide swept path assessment showing access can be achieved. • The traffic report indicates that critical spaces have been checked for accessibility using a B85 design vehicle. Can the applicant please provide evidence of this
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	<p>assessment in the form of a swept path analysis (Noting critical spaces include end spaces, spaces adjacent columns/walls, DDA spaces etc)</p> <ul style="list-style-type: none"> • Can the swept path assessment also include two-way traffic flow for all access ramps located within the off-street car park (B85 and B99 vehicle simultaneously using the ramps with suitable clearance). • The traffic report has indicated that parking spaces will be allocated between residential and non-residential uses. Can the plans please be updated to reflect the proposed car parking provisions (label non-residential and residential spaces). • Please ensure a minimum height clearance is provided above ramps to align with the directions of the Strategic Framework Plan. • All redundant crossovers must be reinstated to Council satisfaction. • All proposed crossovers must be installed to Council satisfaction. • Update traffic report of number of car parking allocation to each site premises and number of motorcycle parking. <p>Traffic Generation</p> <ul style="list-style-type: none"> • Update traffic generation assessment to reflect the revised number of car parking spaces proposed. Note cumulative trip generation for other developments has not been considered. <p>Pedestrian Sightlines</p> <ul style="list-style-type: none"> • Pedestrian sight triangle needs to be shown on the plans. <p>Provisions for Loading & Waste Collection</p> <ul style="list-style-type: none"> • Update swept path assessment to show largest service vehicle to be used on the site. • Traffic report does not advise how residents can load and unload during moving in/out. • Update plans to show access between loading areas and BOH and Waste stores . • All loading (commercial and residential) must be contained wholly within the site. <p>Provisions for Bike Parking</p> <ul style="list-style-type: none"> • Update traffic report to reflect bicycle parking and facilities changes (showers. change rooms). • Some visitor/customer bicycle spaces should be located in publicly accessible areas.
<p>Urban Design</p>	<p>Envelope & Laneway Noncompliance</p> <p>.... the lack of appropriate podium and tower setbacks to the laneway on western boundary is an unacceptable outcome for a key public laneway connection. As currently shown, the ‘public laneway connection’ is a low and enclosed private space with poor daylight and pedestrian amenity, like an internal driveway in a basement car park. In addition, the noncompliant setbacks will detrimentally affect the reasonable development potential of the neighbouring site.</p> <p>.....</p> <p>A0202 Podium Levels 2 to 3 Plans</p> <p><i>Corridors:</i> the extremely long internalised ‘race track’ corridors serving large numbers of apartments have very poor amenity and do not appear able to satisfy the BADS Building Entry and Circulation objectives and standards. To be improved, the corridors would benefit from</p>



	<p>being articulated into smaller sections (each corridor serving less numbers of units) and having increased amenity such as access to windows.</p> <p><i>Apartments:</i> The very high percentage of single aspect apartments in the podium are unlikely to achieve BADS Residential Amenity objectives and standards. For example, less than 40% of dwellings would achieve natural ventilation requirements. As with the corridor amenity problems noted above, these problems could be improved with greater articulation breaks between apartments in the podium levels. Similarly, introducing maisonette apartments would improve natural daylight and ventilation, while also improving circulation issues.</p> <p>Non-compliant Envelopes</p> <p>... I have marked-up the sections B-B and C-C as these particularly highlight problems with laneways and western boundary setback (Refer to Appendix for mark-up)</p> <p>Public Laneways</p> <ul style="list-style-type: none"> • The Urban Context Report Masterplan Strategy 2.1 clearly shows both laneways as “Public Access” and both having <u>pedestrian access</u>. Yet, the western laneway is not shown as having any safe pedestrian access in any of the masterplan, architectural or landscape documentation. This must be amended. • Sections show “blade” projections into the laneways (approximately 1.2m wide) but these are not shown in plan or elevations. The blade projections should be removed because the full width of both laneways should be unobstructed by projections for their full length • The plans and sections faintly show “a canopy” spanning the central laneway at the second storey level, but this is not shown in architectural elevations or other masterplan drawings and no details are provided. A canopy is not supported as this publicly accessible space should be landscaped and open to the sky. For example, the Urban Context Report Masterplan Strategy 2.1 the laneway is shown as a publicly accessible ‘green laneway’. • If wind mitigation is required for the laneway spaces (presumably this is the purpose of the canopy and blades projections) then they should be achieved in a way that do not enclose the laneway. <p>Recommended Masterplan Amendment</p> <p>The non-compliance plan demonstrates that the western section of the site (Stage 4 and adjoining sections of Stages 2 and 3) is overdeveloped, which is particularly detrimental to the amenity of the two public laneways. Given the proposal is to develop a large vacant site, it is quite wrong to conclude that these non-compliances are somehow ‘necessary’ to achieve a ‘viable’ development outcome. Instead, adjustments to the overall site planning can easily be made to achieve a compliant Stage 4 envelope, such as moving the pedestrian laneway to the east to create a larger Stage 4 parcel.</p>
<p>City Strategy</p>	<p>From a strategic planning perspective, I generally support the proposal subject to plan amendments and other conditions.</p> <p>This outcome is particularly relevant for sites located in within the Wirraway Core Area (such as the subject site) where a “<i>The heart of Wirraway is the intersection of Plummer Street and Salmon Street which is the focus of activity with an active and engaging pedestrian experience along Plummer Street Boulevard</i>” (Clause 21.06-8).</p> <p>Recommend conditions be included in the Incorporated Document for:</p> <ol style="list-style-type: none"> 1. Setbacks above the street wall increased to comply with the minimum distances outlined in Clauses 2.8, 2.9 and 2.10 of DDO33. 2. The street wall along the western boundary (new laneway) reduced to 4 storeys, as required in Clause 2.7 of DDO33. 3. A façade strategy and detailed plan elevations that reflect the design outcomes represented in the ‘Podium Architecture’ and ‘Tower Architecture’ sections in the Urban Context Report and demonstrate design excellence as required by planning policy.



	<ol style="list-style-type: none"> 4. Provide an amended wind assessment that demonstrates that the development will result in local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing. 5. Provision of access to ground level restaurants / cafes and lobby area that do not rely on access through the new public open space. 6. The northern end of the new laneway is not considered part of the new park (shown as red dashed outline in diagram below – extract from Section 5.1 of the Urban Context Report). In this regard the park area needs to be increased to at least the 1,211sqm outlined in the Fishermans Bend Public Space Strategy (ID: W09), which could necessitate increasing the depth of the park to 14.5m (from the current 13m depth). <div data-bbox="459 696 1460 1220" data-label="Image"> </div> <ol style="list-style-type: none"> 7. Provision of active frontages to all streets, the new laneway and the new park. 8. Provision of flexibility of retail and commercial tenancies that allows for future adaptation for other 'employment-generating' uses needed to serve the Fishermans Bend community, such as health facilities and services. 9. Developer to contribute (works or money) to streetscape improvements of frontage streets (Plummer and Salmon Streets), as well as construction of new road, laneway and park. Standards to be in accordance with Council's standards (once they're finalised). The park is to be developed and embellished to a neighbourhood park standard in accordance with Council's Draft Public Space Strategy. 10. Ensure equitable access to people with limited mobility. 11. Ensure access to bicycle parking and end-of-trip facilities does not unduly conflict with vehicle access and other service activities. 12. Affordable housing provided as part of the development. 13. Ensure communal open spaces include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users (as required by Clause 22.15-4.2). 14. Ensure residents in Stage 4 have equitable access to the communal open space on the podium roof of the other building.
<p>Landscape Architect</p>	<p><u>General comments:</u></p> <ul style="list-style-type: none"> • lack of details in these plans (need) further information on building entrances, proposed materials, plant schedules for all levels, legend, materials on the ground floor landscape plan on the western edge, existing trees, dimensions <p>Ground Level</p>



	<ul style="list-style-type: none"> • Landscape plans differ from the architecture plans. Please include in the landscape plans the building entrances and ground floor uses for information. • The planning report notes that “extensive communal open space” will be provided. However this is not reflected in the drawings. <p>Recommend that all paving surrounding the development is bluestone as recommended by CoPP documentation:</p> <p>Design of laneway and proposed new park should respond to the context of the surrounding building uses. Further comments will be provided once more context is included on the drawings.</p> <p><u>Level 6 podium</u></p> <ul style="list-style-type: none"> • People on the podiums should be able to overlook the ground floor uses. Current proposals show a wide area of buffer planting (green colour) which would prevent this • Synthetic turf is not supported due to it’s contribution to the urban heat island effect. If green space is being proposed please employ real plants • Please provide more information on these drawings. Lack of detail makes it difficult to understand. Please include building uses • There are four proposed lawn areas being proposed on the level six podium. Communal open space should provide opportunities for recreational activities not just passive ones. • It’s unclear whether residents of tower 4 will be able to access any outdoor spaces on level 6 podium level. At the moment no amenities are provided – communal open space should support recreation, not just passive recreation. <p><u>Rooftop communal open space</u></p> <ul style="list-style-type: none"> • Details for rooftop communal open space is missing for Tower 2, 3 and 4. Is tower 1 a private bar? Are there level changes?
<p>Sustainable Design</p>	<ul style="list-style-type: none"> - Prior to approval the application must demonstrate how it will meet the rainwater tank requirement of the mandatory conditions on Schedule 1 to the Capital City Zone (0.5m3 per 10m2 of all suitable roof areas including podiums). At application stage, demonstrate the catchment area, corresponding tank size and show space allocation for that tank on the plans. - Prior to approval demonstrate that the apartment typologies will achieve sufficient natural daylight to habitable rooms (DF 1.0% for living areas and DF0.5% for bedrooms). - Demonstrate how external shading to glazing is incorporated into the façade strategy. • Previous ESD referral advice still stands and we want this to be addressed in an updated version of the SMP, with corresponding details shown on plans. I’ve copied that advice below for ease of reference. • The significant items to be addressed prior to approval are: <ul style="list-style-type: none"> ○ External shading to north, east and west facing glazing to reduce heat loads to those aspects. – This was noted in previous referral advice. ○ Natural daylight. I note that this was raised in the previous ESD advice. The applicant must demonstrate sufficient natural daylight prior to approval. Note previous advice below in regards to Green Star credit 12.1 for daylight. ○ Integrated Water Management: The SMP provides specific catchment areas and corresponding treatment types. Are these catchments applicable to the revised plans? This needs to be confirmed as it has a knock-on effect on the tank size. Also, STORM reports are not accepted for FBURA. The WSUD response must include MUSIC modelling. Since rain water tanks are a fundamental mandatory aspect of the ESD response, this needs to be addressed prior to approval. – This was noted in previous referral advice. ○ Urban Heat Island response: Demonstrate on plans how the site will achieve the required reduction in UHI under clause 22.15, noting the corresponding Green Star credit 25.0 Heat Island Effect Reduction. – This was noted in previous referral advice.



	<ul style="list-style-type: none"> ○ Sustainable Transport: Repeating the previous referral advice that a Green Travel Plan is an application requirement for this proposal, pursuant to Clause 22.13 Environmentally Sustainable Development. It's noted that the SMP targets the corresponding Green Star credit 17A Sustainable Transport. The contents of the Green Travel Plan will have implications for space allocation for fuel efficient vehicles on the drawings. <ul style="list-style-type: none"> - In addition to the above, space allocation for 40kW solar PV must be demonstrated on the plans. - An updated SMP must also address the previous referral advice in relation to energy performance and thermal comfort.
Waste	<ul style="list-style-type: none"> • A waste compaction unit is strongly recommended for a development of this size which may address some issues (i.e. reduction in frequency of collection and saves bin space) • Highly recommend space for organic/food bins for future council services. • All bins need to be clearly drawn on the plan showing the number and type bins (Yellow for comingled and Green for Waste bins) at each bin locations. • Commercial and Residential bins must be separated. • Bin room on the plan (end of pg.7 close to Salmon Street)) does not have door. • There are four bin rooms drawn on the plan near the warehouse side (pg.7) but no bins are drawn – must show the number of bins and types of bins (yellow – comingled and Green – Waste) • Information will be required on how all residential tenants will access the hard waste areas. • Information required regarding the arrangements of residential bin collections to the loading bay. • It is not really clear how the bins from the other 4 bin rooms will be taken to the loading bays. There is no clear or easy path for the movement of bins.

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. Monday 07 September 2020).

11. OFFICER'S ASSESSMENT

Fishermans Bend Standing Advisory Committee Terms of Reference

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

11.1 Responding to Local Policy

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>22.15-4.1 Providing for employment floor area Development in a Core area <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>Not achieved - Variation or condition required: Recommended: 36,879m² (Wirraway Core area ratio = 1.9:1 x 19,410m² (1.94ha) Proposed: 10,168m² (2,695m² Restaurant/Café, 2,175m² Retail, 5,298m² Office).</p>



	<p>The proposal falls short of the recommended employment floor area. A letter from the applicant dated 15-06-2020 proposed that the non-residential floor area could be increased to 22,470m².</p> <p>This would still fall short of the recommended floor area. Noting the subject sites location in the Core area, on a key intersection and adjacent to proposed future public transport, it is considered the amount of non-residential floor area should achieve the recommended ratio. This should be incorporated in any approval.</p>
<p>22.15-4.2 Community and diversity. Proposals of > 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p>Achieved: Recommended: 20% of 810 dwellings = 271 x 3BR Proposed: 33.5% / 271 x 3 and 4BR dwellings.</p>
<p>22.15-4.3 Providing for Affordable housing Affordable housing Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the policy objectives can be met by a lesser provision; or • It can be demonstrated meeting the objective would render the proposal economically unviable 	<p>Achieved in part - Condition required Proposed: at least 6% of all 810 dwellings = 48 in the form of one or two bedroom dwellings:</p> <ul style="list-style-type: none"> • <u>transferred to a registered housing agency (or other housing provider or trust) at 70% of market value, or</u> • <u>placed in management of a registered housing agency (or other housing provider or trust) for not less than 20 years for leasing as Affordable Housing at 80% of market rent; or</u> • <u>In lieu payment of no less than the total cumulative value of all dwellings required in options above.</u> <p>The transfer of dwellings at 70% of market value (i.e. a discount of 30%) is considered inadequate. Transfer should be a minimum discount of 35% to market value (and ideally at cost).</p> <p>The leasing of dwellings at 80% of market rent (i.e. a discount of 20%) is considered inadequate to provide affordability. Dwellings should be leased at a minimum discount of 35% of market value.</p> <p>The lease duration is considered inadequate. Ideally, affordable housing should be provided in perpetuity, and if not for at least 30 years.</p> <p>The affordable housing should be a mix of one <u>and</u> two <u>and</u> three-bedroom dwellings (see below) and located in all stages of the development.</p> <p>These matters could be provided for by conditions.</p> <p><i>Note #1: 6% of 356 dwelling density = 21 (21.36) dwellings.</i> <i>Note #1: 6% of 810 total dwellings = 48 (48.6) dwellings.</i></p>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3 bedrooms that reflects the overall dwelling composition of the building, internally match other dwellings, and be externally indistinguishable from other dwellings.</p>	<p>Not achieved: The proposed provision of one <u>or</u> two-bedroom dwellings is imprecise and inconsistent with Policy. A mix of the 48 affordable housing dwellings that reflected the overall composition of the building would comprise approximately 10% (i.e. at least 5) x 1BR, 56 % (i.e. at</p>



	<p>least 27) x 2BR and 26% (i.e. at least 12) x 3BR dwellings.</p> <p>This could be provided for by a condition of any Incorporated Document for the Amendment.</p>
<p>Social housing <u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Not applicable: Pursuant to FBSAC Terms of Reference, Social Housing provisions do not formally apply.</p>
<p>22.15-4.4 Design Excellence <u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Not achieved:</p> <p>Recommended: Precinct character area W2 encourages a hybrid (predominantly mid-rise 7 to 15 levels) building typology, with preferred maximum building heights of 43m (12-storeys) facing Plummer Street and 81m (24-storeys) at the rear of the site.</p> <p>Proposed: Stage 1, 3 and 4 all propose high-rise podium-tower building forms that would exceed the preferred mid-rise scale and the preferred maximum building heights for the front and rear of the site.</p> <p>The height of all three stages should be reduced to not more than the preferred 12 and 24-storey heights for the land, unless a clear community benefit is provided in return for the increased height, such as gifting of affordable housing.</p> <p>The 13-level height of Stage 2 would exceed the preferred maximum building height facing Plummer Street by one level but would fall within the mid-rise 7 to 15 storeys range and would utilise the preferred hybrid building typology, including apartments and terrace type housing. The one additional level is supported because the variation would be minor.</p> <p>The application does not detail materials and finishes for the buildings.</p> <p>These matters could be provided for by conditions should the proposal be supported.</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:</p> <p>The SMP notes <i>‘The retail space on the ground floor will meet or exceed the NCC / BCA energy efficiency requirements by 20% for building envelop and glazing, with minimum efficiencies to be required for lighting, ventilation, air-conditioning and domestic hot water systems through a Tenant Fitout Guide.’</i> and <i>‘The development proposes to demonstrate that its predicted peak electricity demand will be at least 20% below that of a Reference Building.’</i></p> <p>These measures fall short of the recommended 20% improvement for all the buildings and for all energy efficiency standards.</p>



<ul style="list-style-type: none"> Residential development <u>should</u> achieve an average 7-star NatHERS rating for each building. 	<p>Achieved:</p> <p>The SMP states <i>'The development is targeting an 8-Star average NatHERS rating, thereby exceeding the minimum 7-Star average NatHERS rating required under Clause 22.15-4.5.'</i></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:</p> <p>Solar PV panels totalling 40kW are proposed on the tower roofs.</p> <p>Council's Sustainable Design officer requested evidence on plan drawings to confirm the rooftops could accommodate the panels needed to meet this requirement.</p>
<p><u>Urban heat island:</u> Assess against:</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>Achieved in part:</p> <p>The SMP states <i>'The development will demonstrate that at least 75% of the total project site area will contribute to reducing the impact of heat island effect through a combination of landscaping, roof mounted solar PV and roof colour.'</i></p> <p>The SMP and plans do not detail if and how this would be achieved. Evidence needs to be provided on plan drawings and an updated SMP to confirm the proposal would meet this requirement. Synthetic turf proposed at Podium rooftop level is not supported because it would contribute to the urban heat island effect.</p>
<ul style="list-style-type: none"> Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance. 	<p>Not achieved:</p> <p>The SMP does not include details 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>Achieved:</p> <p>The plans do not propose appreciable raising of internal floor levels above street level for flood mitigation. Ground floor levels would generally exceed Melbourne Water's recommended 3.0m AHD level.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> Design elements and materials <u>should</u> be resilient inc. water proof doors and windows, elevated power outlets and the like. 	<p>Achieved:</p> <p>Ground floor levels would generally exceed Melbourne Water's recommended 3.0m AHD level and would not require 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>Achieved:</p> <p>The plans do not propose appreciable raising of internal floor levels above street level for flood mitigation.</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: The plan and elevation drawings do not show details of this. These matters could be provided for by conditions, should the proposal be supported.</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: 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 <u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p>Achieved in part: The design includes a landscaped public park, new road and lanes and landscaped communal podium and tower rooftop open space areas. and private podium rooftops. The landscape plans are general and lack detail of much of the site. The landscape plan needs to be updated to respond to the June 2020 amended plans (and any further changes that may be required by conditions of any approval), including detail landscape plans for each stage.</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: As noted above, the landscape plans are general and lack detail of much of the site. The landscape plan needs to be updated to respond to the June 2020 amended plans (and any further changes that may be required by conditions of any approval), including detail landscape plans for each stage.</p>
<ul style="list-style-type: none"> Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. 	<p>Achieved in part: The landscape plan does not propose innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. Council’s Sustainable Design officer requested additional information regarding the WSUD response.</p>
<ul style="list-style-type: none"> Incorporate opportunities for community gardens. 	<p>Not achieved: 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: 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>Not achieved: The landscape plans are general and lack details.</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: The landscape plans are general and lack details.</p>



<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not applicable: The Framework plan does not designate a vegetation link for the site or surrounds.</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>Not achieved: The Architectural and landscape plans are general and lack details deep soil zones or planters for trees.</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>Not achieved: The landscape plans are general and lack details. 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 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>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>Achieved in part – Conditions required: Requirement: The land is in the Core area and has a frontage width of 161.07m to Plummer Street and 120.54m to Salmon Street, and so should provide two new streets or laneways or pedestrian connections off Plummer Street and one road or lane etc. off Salmon Street.</p> <p>Proposed: The proposed 22.0m (w) east-west road off Salmon Street is consistent with the Framework Plan, CCZ1 and DDO33 and would be satisfactory subject to final design plans to Council’s standards. The proposed 10.0m (w) north-south lane off Plummer Street would be generally in accordance with the Framework and Planning Scheme (albeit further west than indicatively located) and would also be satisfactory subject to provision for 24 hr general public pedestrian and bicycle access. A vehicle crossing off Plummer Street and vehicle access along this lane are not supported. The proposed 6.595m (w) lane along the west side boundary is inconsistent with the Framework and Planning Scheme which indicatively show two mid-block rather than end-block lanes. Notwithstanding this, the new lane location can be supported subject to:</p> <ul style="list-style-type: none"> • No vehicle crossing to the lane from Plummer Street. All access to and from the lane must be via the new east-west road along the northern (rear) of the subject site. • The 3.595m (w) overhang of the Stage 4 podium above the lane deleted or setback so at least 6.0m (w) of the lane is clear to the sky (other than an architecturally integrated canopy for weather protection, with an underside clearance of not less than 4.5m).



	These matters could be provided for by conditions.
Sites >3000m2 <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.	Achieved in part – Conditions required: Refer to assessment above.
New streets, laneways and pedestrian connections <u>should</u> : <ul style="list-style-type: none"> • Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1. 	Achieved in part – Conditions required: Refer to assessment above.
<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. 	Achieved: The new road and lanes would provide access to proposed public transport along Plummer Street and existing and proposed public open space.
New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.	Not achieved – Condition required: The plans do not detail the final design of the new road and lanes.
New streets and lanes <u>should</u> be designed to: <ul style="list-style-type: none"> • 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 – Condition required: As above, the plans do not detail the final design of the new road and lanes. The plans do show the proposed new 22.0m (w) road to the rear and 10.0m wide lane off Plummer Street would: <ul style="list-style-type: none"> • Enable views through the street block; • Have active frontages in a core area; • Be open to the sky; and • Allow for canopy tree planting. <p>The proposed 6.595m (w) lane along the west side boundary is not designated to have active frontages. This lane would enable views through the street block but would not be open to the sky or allow for canopy planting. As discussed above, the overhang of the Stage 4 podium above the lane should be deleted or setback so at least 6.0m (w) of the lane is clear to the sky.</p> <p>These matters could be provided for by conditions.</p>
22.15-4.9 Sustainable transport Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.	Achieved, subject to condition: The proposal sets all buildings back 6.0m from Plummer Street to allow for a future road widening, in part to accommodate future light rail. The subject site abuts a possible alignment of Metro 2. Any approval should include the mandatory CCZ1 condition for <i>footings and foundations near the proposed future Metro alignment</i> . Subject to the above, the proposal 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: Plummer Street and Salmon Street are both designated 'Strategic cycling corridors' in the Framework The proposal would remove two (2) existing vehicle crossings off Plummer Street and five (5) crossings off Salmon



	Street and replace with a single new road access off Salmon Street, which would appreciably reduce pedestrian/bicycle/vehicle conflict points.
Design internal connections to give priority to pedestrians and bicycles.	Not achieved – Condition required: The plans do not show the final design of the new roads and lanes. All new roads and lanes must be to Council's design and engineering standards, which includes priority to pedestrians and cyclists. These matters could be provided for by conditions.
Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.	Achieved: Bicycle parking and bicycle facilities are proposed at ground floor level which would provide convenient access. Plans for each stage need to show details of bicycle parking facilities, inc. change rooms, showers and lockers, 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: The proposal seeks to provide more than the preferred maximum number of car spaces for the Café / Restaurant uses. The number of spaces should be reduced to not exceed the Parking Overlay rates. This could be provided for by a condition.
Encourage developments to provide for future conversion of car parking to alternative uses.	Achieved: The podium car park floor-to-floor levels of 4.0m (ground) and 3.8m above would comply with the adaptability provisions of the Planning Scheme.
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.	Achieved: The proposed dwelling, Retail premises (inc. Café and Restaurant) and Office uses would not prejudice the urban renewal of Fishermans Bend.
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.	Achieved in part: All dwellings should incorporate a high degree of noise attenuation in their design.

11.2 Clause 37.04: Capital City Zone (CCZ1)

11.2.1 Use of Land

Use for a **Dwelling** requires a permit because the land is in the Wirraway Core area.

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

Use for **Informal outdoor recreation** (inc. park), **Minor sports and recreation facility** (inc. **Indoor recreation facility** inc. commercial swimming pool), **Office** and **Shop** (other than an Adult sex product



shop, Department store, Supermarket and Restricted retail premises) do not require a permit.

All the proposed uses are considered satisfactory for the site, subject to:

- Conditions for management of amenity impacts such as noise emissions and / or protection from nearby sources of noise etc. such as by the buildings including noise attenuation measures in their construction.
- Conditions to increase the non-residential floor area to meet the recommended ratio in Clause 22.15-4.1 of the Planning Scheme (with a commensurate reduction in the number of dwellings).

11.2.2 Dwelling Density

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

11.2.3 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 3: Wirraway Urban Structure seeks the land to have an active frontage with 80% permeability facing Plummer Street, 60% facing Salmon Street and the central new north-south lane off Plummer Street, and 20% facing the new east-west road off Salmon Street and the new public open space on the south side of the new east-west road, a new east-west road along the north side of the land (off Salmon Street), two new 6.0m (w) north-south lanes through the site (locations indicative), a 6.0m road widening setback along the Plummer Street frontage of the site, a new new rectangular public open space park on the south side of the new road to centre of site, and no vehicle crossings to the site off Bertie Street.

Surrounding the subject site, the Urban Structure includes:

- 6.0m road widening along the north side of Plummer Street.
- New 12.0m (w) linear park along the west side of Salmon Street between Plummer Street and Tarver Street.
- New local parks at the north-east and south-east corners of Plummer Street and Salmon Street.

Map 4: Amenity buffers. The land is not in an amenity buffer.

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

Map 6: Transport Infrastructure shows the site abuts the proposed tram alignment along Plummer Street and the possible Metro 2 rail alignment and station beneath Plummer Street, east of Salmon Street, and is proximate the proposed Salmon Street bridge upgrade



Subject to any approval including the mandatory CCZ1 condition for *footings and foundations near the proposed future Metro alignment* the proposal would not adversely impact on these proposed future transport infrastructure projects and would benefit significantly if the projects proceeded.

11.2.4 **Bicycle, Motorcycle and Car Share Parking**

(**Note:** See also assessment at 11.4 of this report).

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

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

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

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 810 dwellings = 810 spaces	810 spaces	1 per 50 dwellings x 810 dwellings = 16 spaces	T1: 8 spaces + T4: 30 spaces = 38 spaces	2 spaces + 1 per 25 car spaces x 540 residential car parking spaces = 23 spaces	T1: 21 spaces + T4: 5 spaces = 26 spaces
	1 visitor space per 10 dwellings x 810 = 81 spaces	81 spaces	None specified	N/A	None specified	N/A
Subtotal:	891 spaces	891 spaces	16 spaces	38 spaces	23 spaces	26
Development with > 10,000m ² non-residential floor space	1 per 50m ² of net non-residential floor space x 10,168m ² = 203 spaces <i>Note: Possible increase to 22,470m² = 449 spaces</i>	437 spaces	1 per 100 car parking spaces x 168 non-res car parking spaces = 1 space	See above	1 per 60 car parking spaces x 168 non-res car spaces = 2 spaces	See above
	1 visitor space per 1000m ² of net non-residential floor space x 10,168m ² = 10 spaces <i>Note: Possible increase to 22,470m² = 22 spaces</i>	10 spaces	None specified	N/A	None specified	N/A



Subtotal:	213 (or 471) spaces	447 spaces	1 space	See above	2 spaces	See above
Total:	1,104 (or 1,362) spaces	1,338 spaces	17 spaces	38 spaces	25 spaces	26 spaces

Bicycle parking

The development would provide the required number of resident and resident-visitor bicycle parking spaces, and more than the required number of non-residential and non-residential-visitor bicycle parking for the non-residential floor area proposed in the June 2020 plans, but 24 fewer non-residential and non-residential-visitor spaces than required for the increased commercial floor area referred to in the applicants 15-06-2020 letter.

The required number of spaces should be provided for all dwellings and all the non-residential floor area.

This could be provided for by a condition.

The plans show bicycle end-of-trip change rooms and showers.

Motorcycle parking

The development would provide more than the required number of motorcycle spaces for the dwellings and non-residential floor area. The number of motorcycle spaces would be satisfactory.

Car share spaces

Twenty-five car share spaces are required, and 26 car share spaces are proposed. This number is satisfactory. The spaces should be shown on the plans. This could be provided for by a condition.

11.2.5 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;
- Footings and foundations near the proposed future Metro alignment;
- Roads and laneways

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

11.3 Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend – Wirraway Precinct

11.3.1 Building Typologies

The land is in:

- A preferred building height area of 43m (12-storeys) at the front of the site facing Plummer Street and 81m (24-storeys) at the rear of the site



pursuant to DDO33 and the Fishermans Bend Framework October 2018; and

- Building Typology Precinct Area W2 (Hybrid - predominantly mid-rise) (i.e. 7 to 15 storeys) of the Design and Development Overlay (DDO33) which has a preferred precinct character of:

'Mid-rise buildings with taller elements and block developments (including perimeter developments) located to ensure high levels of sunlight access to the south side of Plummer Street, that:

- *Are built to the boundary at the street.*
- *Retain and adaptively reuse heritage and character buildings.*
- *Deliver a lower varied street wall and mid-rise building heights along Plummer Street to create a fine-grain character and maximise the amount of sunlight penetrating between tower elements to reach the southern side of the street.*
- *Provide private and communal open space within developments with good access to sunlight.*
- *Create a network of new lanes and plazas in the Core area.*
- *Are lower scale than the Sandridge Core.*
- *Activate Plummer Street by new north–south connections that connect to Plummer Street through a diversity of fine-grain street frontages.*

Assessment

The proposal does not achieve the preferred precinct character of hybrid - predominantly mid-rise (i.e. 7 to 15 levels) buildings, with preferred maximum building heights of 43m (12-storeys) facing Plummer Street and 81m (24-storeys) at the rear of the site.

Stages 1, 3 and 4 all propose high-rise podium-tower building forms that would exceed the preferred mid-rise scale and the preferred maximum building heights for the front and rear of the site.

The height of all three stages should be reduced to not more than the preferred 12 and 24-storey heights for the land, unless a clear community benefit is provided in return for the increased height, such as gifting of affordable housing, or a redesign to increase the depth and area of the new park.

The 13-level height of Stage 2 would exceed the preferred maximum building height facing Plummer Street by one level but would fall within the mid-rise 7 to 15 storeys range and would utilise the preferred hybrid building typology, stepping back at Levels 12 and 13 and including apartments and terrace type housing. The one additional level is supported because the variation would be minor.

The application does not detail materials and finishes for the buildings.

These matters could be provided for by conditions.



11.3.2 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 between the hours of 11.00am and 2.00pm on 22 September over:

- The existing residential zoned land south of Williamstown Road;
- The existing or new public open spaces shown in **Map 4** of the schedule to DDO32 as follows:
 - The new rectangular public open space park on the south side of the new road to centre of site;
 - The new 12.0m (w) linear park along the west side of Salmon Street between Plummer Street and Tarver Street; and
 - The new local park south-east corner of Plummer Street and Salmon Street.

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

11.3.3 Building Height

Street Wall Height

A summary of the street wall height controls and the proposal is as follows:

Location	Preferred street wall (i.e. podium) height	Maximum street wall (i.e. podium) height	Assessment
Plummer Street	Tooth and gap approach i.e. Four (4) storeys for at least 20% of the frontage, and not more than the maximum building height for the remainder of the street wall.	Tooth and gap approach	Achieved: Proposed is a mix of 4, 6 and 8-storeys.
Salmon Street	At least 4 storeys	6 storeys* <i>*Note: On a corner, the taller max. street applies to the frontage with the lower max. street wall for a distance of 60.0m.</i>	Achieved: Proposed is 6-storeys and 8-storeys on the corner to match the taller street wall on Plumer Street.
New Road to rear	Not specified	6 storeys	Achieved: Proposed is 6-storeys.
Ten (10.0) metre wide internal lane	Not specified	6 storeys* <i>*Refer note above</i>	Achieved: Proposed is 6-storeys.
Six (6.0) metre wide internal lane	Not specified	4 storeys* <i>*Refer note above</i>	Achieved in part: Proposed is 6-storeys and 8-storeys on the corner to match the taller street wall on Plumer Street.



Existing or proposed public open space	Not specified	4 storeys	Not achieved: Proposed is 6-storeys.
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Assessment

The proposed street wall heights comply except for:

- the 6-storey walls of the Stage 1, 3 and 4 podiums facing the new public open space park on the south side of the new 22.0m (w) lane along the rear of the site.
- the 6-storey wall of the Stage 4 podium facing the new 6.0m (w) lane along the western side boundary.

These walls need to be reduced to not more than 4-storeys to comply.

This could be provided for by a condition.

Tower Height

The preferred precinct character and building typologies for the land is Hybrid (predominantly mid-rise) (i.e. 7 to 15 levels).

The relevant heights specified in Map 2 of Schedule 1 to the CCZ are preferred maximums of 43m (12-storeys) facing Plummer Street and 81m (24-storeys) at the rear of the site.

Assessment

The proposal does not achieve the preferred precinct character of hybrid - predominantly mid-rise (i.e. 7 to 15 levels) buildings, with preferred maximum building heights of 43m (12-storeys) facing Plummer Street and 81m (24-storeys) at the rear of the site.

Refer to assessment at 11.3.1 above.

11.3.4 **Street wall setbacks**

Street walls should be built to the boundary.

The Stage 1, 2 and 4 podiums are proposed to be setback 6.0m from Plummer Street. All other street walls are proposed to be built to the boundary.

Assessment

The 6.0m street wall setback from Plummer Street is supported because it is to accommodate a 6.0m (w) road widening along the north side of Plummer Street required by the planning scheme and the Framework Plan.

11.3.5 **Setbacks Above the Street Wall**

A summary of the setbacks above the street wall controls and the proposal is as follows:



Location	Preferred setback	Minimum setback	Proposed Setbacks / Compliance
<p>Building height is > than 8-storeys and equal to or less than 20-storeys</p>	<p>10 metres</p>	<p>5 metres</p>	<p>Stage 1: <u>12-storey facing Plummer St:</u> 15m (inc. 6.0m road widening). Complies with minimum. <u>15-storey facing Plummer St:</u> Setback = 21.3m (inc. 6.0m road widening). Complies with preferred. <u>12-storey facing Salmon St:</u> Setback = 5.5m. Complies with minimum. <u>15-storey facing Salmon St:</u> Setback = 16.4m. Complies with preferred. <u>15-storey facing new road:</u> Setback = 10.0m. Complies with preferred.</p> <p>Stage 2: <u>11-storey facing Plummer St:</u> Setback = 11.5m (inc. 6.0m road widening). Complies with minimum. <u>13-storey facing Plummer St:</u> Setback = 21.5m (inc. 6.0m road widening). Complies with preferred. <u>11-storey facing new lane:</u> Setback = 0.0m. Does not comply. <u>13-storey facing new lane:</u> Setback = 0.0m. Does not comply.</p> <p>Stage 3: N/A</p> <p>Stage 4: <u>9 to 20-storey facing Plummer St:</u> Setback = Min. 13.1m (inc. 6.0m road widening). Complies with minimum. <u>9 to 20-storey facing new 10m lane:</u> Setback = 10.9m. Complies with preferred. <u>9 to 20-storey facing 6.0m lane:</u> Setback = 2.0m. Does not comply.</p>
<p>Building height is > 20-storeys</p>	<p>10 metres</p>	<p>10 metres</p>	<p>Stage 1: <u>23-storey facing Plummer St:</u> Setback = 53.6m (inc. 6.0m road widening). Complies with preferred. <u>25-storey facing Plummer St:</u> Setback = 58.6m (inc. 6.0m road widening). Complies with preferred. <u>23-storey facing Salmon St and new Road:</u> Setback = 10.0m. Complies with preferred. <u>25-storey facing Salmon St and new Road:</u> Setback = 13.0m. Complies with preferred.</p> <p>Stage 2: N/A</p> <p>Stage 3: <u>29-storey facing new park and road:</u> Setback = 10.0m. Complies with preferred.</p> <p>Stage 4:</p>



			<p><u>26-storey facing Plummer St</u>: Setback = Min. 58.2m (inc. 6.0m road widening). Complies with preferred.</p> <p><u>26-storey facing new 10m lane</u>: Setback = 8.0m. (approx.). Does not comply.</p> <p><u>26-storey facing 6.0m lane</u>: Setback = 7.0m. Does not comply.</p> <p><u>26-storey facing new road</u>: Setback = 10.0m. Complies with preferred.</p>
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Assessment

Building setbacks above the street wall predominantly meet or exceed the preferred distances.

Non-compliance - Preferred setback

Four do not meet the preferred setback but meet or exceed the minimum setback as follows:

Stage 1:

12-storey facing Plummer St: 15m (inc. 6.0m road widening), or 9.0m.

12-storey facing Salmon St: Setback = 5.5m.

Stage 2:

11-storey facing Plummer St: Setback = 11.5m (inc. 6.0m road widening) or 5.5m.

Stage 4:

9 to 20-storey facing Plummer St: Setback = Min. 13.1m (inc. 6.0m road widening) or 8.1m.

Three of these would meet or exceed the preferred setback if the 6.0m road widening setback was discounted and the setback was instead measured from the Title boundary, but this would be inconsistent with the intent of the Planning Scheme control.

A variation is supported for the (Stage 1) 12-storey building facing Plummer Street and the (Stage 4) 9 to 20-storey because the 1.0m and 1.9m deviations from the preferred setback would be minor.

The 5.5m setbacks from Plummer and Salmon Street are not supported because the site is not constrained in any way from achieving or near achieving the preferred setback.

Non-compliance – Minimum Setback

Five do not meet the minimum setback as follows:

Stage 2:

11-storey facing new lane: Setback = 0.0m

13-storey facing new lane: Setback = 0.0m.

Stage 4:

9 to 20-storey facing 6.0m lane: Setback = 2.0m.



26-storey facing new 10m lane: Setback = 8.0m. (approx.).

26-storey facing 6.0m lane: Setback = 7.0m.

The building design needs to be revised to comply with the specified setbacks; any variations from the preferred setback need urban design justification.

11.3.6 **Side and Rear Setbacks**

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

For buildings above the maximum street wall height, where the building height is 20-storeys or less the preferred side and rear setback is 10.0m and the minimum is 5.0m.

For buildings above the maximum street wall height, where the building height is more than 20-storeys the preferred and minimum side and rear setback is 10.0m.

Assessment

The side and rear setback provisions do not apply to the proposal because all buildings face a road or a lane. Refer to assessment at 11.3.5 above.

11.3.7 **Building Separation**

Podium

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

Tower

For buildings of 20-storeys or less the preferred building separation above the maximum street wall height is 20.0m and the minimum is 10.0m.

For buildings of more than 20-storeys the preferred and minimum building separation above the maximum street wall height is 20.0m.

Assessment

All the towers meet or slightly exceed the required separation distances.

11.3.8 **Wind Effects on the Public Realm**

A Pedestrian Wind Environment Study including wind tunnel assessment was prepared for the 2019 application for a planning scheme amendment.

The study has not been updated to test the June 2020 plans.



A condition of any approval should require an amended wind report including wind tunnel testing of the amended plans.

The 2019 wind study concluded:

- Some areas will be suitable for their intended uses and others will experience strong winds which will exceed the relevant criteria for comfort and/or safety. These conditions could be ameliorated by Suggested treatments are described as follows:
 - Evergreen densely foliating tree planting at both ends of the laneway, along the pedestrian footpath along Salmon Street, and a row of trees along the northern and western edge of the lawn area.
 - A façade chamfer cut-out at Ground Level, at the south-eastern corner of the development and north-eastern corner of the build-form to the west of the laneway.
 - Sculptures outside of the laneway on the northern end, to the west of the lawn area.

Assessment

Council's City Strategy officer requested an amended wind assessment be provided that demonstrates local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for:

- a) Sitting – the new park in the northern portion of the site, the future park on the southeast corner of Plummer and Salmon Streets, proposed outdoor seating in the new laneway (refer to the landscape plan) and proposed areas for outdoor seating elsewhere in publicly accessible areas;
- b) Standing – both footpaths of Plummer and Salmon Streets, the balance of the new laneway and outside other retail / commercial tenancies and pedestrian entry areas; and
- c) Walking – remaining publicly accessible areas.

It was recommended that wind management treatments:

- be located within the development site;
- not rely on tree plantings along the pedestrian footpath along Salmon Street and row of trees along the northern and western edge of the new public open space park
- not impact on accessibility or views through the new laneway. eg: The evergreen densely foliating tree planting at both ends of the laneway recommended by the current wind assessment are not supported.

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

11.3.9 Active Street Frontages



Plummer Street is designated a Primary (80% permeability) active frontage, Salmon Street and the central new north-south lane off Plummer Street are designated Secondary (60% permeability) active frontages and the new east-west road off Salmon Street and the new public open space on the south side of the new east-west road are designated Secondary Type 2 (20% permeability) active frontages, which seek at least 80%, 60% and 20% clear glazing respectively along their ground level frontages to a height of 2.5m, excluding any solid plinth or base.

The plan drawings show retail uses facing the streets and lanes which would provide the required activation. The elevation drawings lack details confirming glazing design and height.

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.

11.3.10 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: 4.0m Podium levels 1 to 6 floor-to-floor height: 3.8m Podium levels 7 and 8 floor to floor height: 3.2m
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, 4, 5 and 6. Podium levels 1 (ground) floor-to-floor height: 4.0m Podium levels 2 to 6 floor-to-floor height: 3.8m 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	Not achieved The plans do not detail how one and two-bedroom dwelling could be combined into three 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 building design provides for adaptability in the future.

The lack of details regarding the ability of one and two-bedroom dwellings to be combined to create larger dwellings is not considered critical given that the proposed dwelling mix includes 33.5% 3 and 4-bedroom dwellings, which exceeds the recommended 30% for buildings in the Wirraway precinct.



11.3.11 Building Finishes

The plans and reports do not show details of building façade materials and finishes.

Assessment

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.

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

(Note: See also assessment at 12.2.4 of this report).

11.4.1 Car Parking

The applicable car parking rates for the proposal are the rates in the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme.

11.4.2 Design standards for car parking

As per the internal referral comments set out at Section 9.2 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

- The plans need to show parking space / access aisle dimensions, ramp grades and lengths, clearance between walls/columns to adequately review the car park layout.
- The plans need to show details of access arrangements / restrictions (eg: swipe card access, boom gates or similar) at the entrance to the off-street carparks and details of likely queuing that will be generated including a queuing assessment to determine the likely 98th percentile queue length? All queuing must be contained wholly within the site and must not obstruct pedestrians at access points.

Car park design

- The plans need to show aisle extensions (inc. dimensions) at the end of blind aisles to facilitate access to parking spaces or swept path assessments showing access can be achieved.
- Need swept path analysis to confirm:
 - Accessibility to critical spaces (e.g. end spaces, spaces adjacent to columns/walls, DDA spaces etc.) using a B85 design vehicle.
 - Two-way traffic flow for all access ramps located within the off-street car park (B85 and B99 vehicle simultaneously using the ramps with suitable clearance).
- The plans need to show the proposed car parking provisions including labelling residential and non-residential spaces.
- Plans need to clearly show pedestrian sight splays.



Ramps

- The drawings need to show the minimum height clearances above all ramps comply with standards.

Loading and Waste area

- The plans need to show details of all loading areas.
- The plans need to show details of access to and from loading areas from the residential lobbies and lifts for furniture moving etc.
- The plans need to show detail of access between loading areas and commercial back-of-house and waste collection/storage areas.
- All loading must be accommodated on-site.

Bicycle Facilities

- The traffic report needs to be updated to reflect the bicycle parking and facilities changes (showers and change rooms) for the amended plans.
- A minimum of 20% of all bicycle spaces need to be at ground level to meet Australian Standards.
- Recommend each stage include adequate ground level bicycle parking including horizontal spaces.
- The plans indicate all visitor bicycle parking will be provided within the secure car parking area. It is recommended s
- Some visitor/customer bicycle spaces should be in publicly accessible areas rather than the secure car parking area.
- The vehicle access to Stage 4 via the laneway is a significant distance from the new east-west connector road. If the Stage 4 access was located closer to the connector road it would allow for most of the proposed laneway to be used for open space.

Assessment

Officers concur with the above and note in addition:

- Plans for each stage need to clearly show bike rack spacing and aisle width, and which racks/areas are visitor/resident/staff spaces.
- A loading bay and adjoining or nearby waste stores need to be provided in Stages 1 and 2.
- The plans and Traffic Report do not detail provision for electric vehicle charging. At least 50% of all car spaces should have access to an charging point, 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).
- Provision should also be made for electric bicycle charging.



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

Detailed and fully dimensioned car park plans need to be provided for each stage.

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

Other Matters

11.5 Clause 58 – Better Apartments Design Standards

An assessment of the apartment designs against the Standards is at Appendix 2. Non-compliance matters could be provided for by conditions of any Incorporated Document that may be approved for the proposal.

Residential Amenity (Noise Impacts)

The site is not in an amenity buffer zone but abuts a main road (Plummer Street) and is proximate to the Westgate Freeway (min. 230m), existing industrial uses and licenced premises including an outdoor Place of Assembly and Venue for up to 1,500 people trading up to 11.00pm for five days of the week and 1.00am the following day on Friday and Saturday at 351 Plummer Street, one property (approx. 60.0m) to the west.

An Acoustic Assessment for the proposal recommended dwellings facing the Freeway incorporate noise attenuation in accordance with Standard D16 of the Better Apartments Design Standards (BADs) (*and Planning Practice Note #83 'Assessing external noise impacts for apartments'*), but other dwellings meet less stringent requirements of AS/NZS 2107:2016.

The report also recommended fixed domestic plant meet the noise emission limits of the Environment Protection Authority (EPA) *Noise Control Guidelines (Publication 1254, October 2008)*.

Assessment

Whilst the venue to the west operates pursuant to detailed amenity and management conditions and has not generated noise complaints in several years of operation, the proposed building has a duty as the 'agent of change' to protect itself from noise from the venue.

Further, it is considered that all dwellings in the building should receive the same level of amenity protection from the freeway.

Accordingly, it is recommended that all stages be designed to achieve noise levels of:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.



Building Plant will need to comply with SEPP-N1, and music noise from any premises will need to comply with SEPP-N2.

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

11.6 Transport Matters

Bicycle, Motorcycle and Car share parking is assessed at Clause 11.2-4 of this report.

11.6.1 Bicycle facilities

Bicycle facilities requirements are set out at Clause 52.34-5 (Shower and change room requirements) and Clauses 52.34-6 and 52.34-7 (Design of bicycle spaces and Bicycle signage requirements).

A total of 437 employee bicycle parking spaces are required @ the rate of 1 employee/resident shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter = 44 showers with separate or communal change rooms required.

The plans show 48 showers with change facilities which meets the requirement.

The plans however lack detail of the bicycle facilities. Plans for each stage need to show details of bicycle parking and bicycle facilities.

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

11.6.2 Access from a Road Zone Category 1

Approval (including from VicRoads) is required for alteration of access to a Road Zone Category 1 (i.e. Plummer Street) including removal of redundant existing vehicle crossings.

The removal of the two existing vehicle crossings from Plummer Street (and the removal of five (5) existing crossing from Salmon Street) is supported.

The application plans are ambiguous regards whether alternative vehicle access is sought for the two new north-south lanes off Plummer Street.

Offices do not support the construction of access from Plummer Street to either of these lanes. In particular, all vehicle access along the 6.5m (w) lane along the west side boundary should be via the new east-west road along the north (rear) of the subject site.

11.6.3 Pedestrian connectivity

The new east-west road along the rear of the site and the two new north-south lanes from Plummer Street to the new road would provide mid-block pedestrian and bicycle access, which would enhance connectivity in the neighbourhood.



The lanes should remain in private ownership, but need to be:

- Constructed to Council's design and technical standards including sawn bluestone paving, lighting, street furniture, services and landscaping including water sensitive urban design;
- Accessible to the general public at all times (by means of a S173 Agreement on Title);
- Open to the sky except for minor canopies for weather protection; and
- Maintained by the owners.

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

11.7 Waste Management

A Waste Management Plan (WMP) was submitted with the application. The plan proposes:

- Collection of residential and commercial waste and recyclables by a contractor.
- Waste shall be stored within the development (hidden from external view).
- Users shall sort their waste and dispose via chutes and/or directly into bins.
- The contractor will be responsible for moving bins from stores to the loading bays.
- Garbage and recycling collection shall be carried-out by rear-lift vehicles (nom. 8.8m long, needing a 3.4m height clearance, and 24 tonnes gross vehicle mass).

Council's Waste Officer raised concerns with the lack of detail on the plans and noted:

- A waste compaction unit is strongly recommended for a development of this size which may address some of the issues (i.e. reduction in frequency of collection and saves bin space)
- Highly recommend space for organic/food bins for future council services.
- All bins need to be clearly drawn on the plan showing the number and type bins (Yellow for comingled and Green for Waste bins) at each bin locations.
- Commercial and Residential bins must be separated.
- Bin room on the plan (end of pg.7 close to Salmon Street)) does not have door.
- There are four bin rooms drawn on the plan near the warehouse side (pg.7) but no bins are drawn – must show the number of bins and types of bins (yellow – comingled and Green –Waste)
- Information will be required on how all residential tenants will access the hard waste areas.
- Information required regarding the arrangements of residential bin collections to the loading bay.



- It is not really clear how the bins from the other 4 bin rooms will be taken to the loading bays. There is no clear or easy path for the movement of bins.
- Plan shows three circles on each floor, which seems like a waste and recycling chute outlet but not sure why three outlets – please provide information on this.

Assessment

The WMP is general in nature and the plans lack details of waste management arrangements.

In particular:

- The plans do not show a loading bay for Stage 1 or 2.
- Bin rooms not convenient to the Stage 3 and 4 loading bays.
- The plans do not detail access from commercial back-of-house areas to the bin stores and/or loading bays.
- The plans do not clearly identify commercial and residential bin stores, or areas for recycling waste, green waste, e-waste, food waste, hard rubbish or charity bins.

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.

11.8 Loading

The plans do not show loading bays for Stages 1 and 2, and only notional location details for Stages 3 and 4.

The plans do not detail access from the residential lobbies and retail and commercial tenancies and back of house to the loading bays for deliveries / furniture moving and waste disposal etc.

Plans for each stage should show the location and dimensions of at least 7.6m length, 3.6m width and 3.0m or greater height to accommodate the operation of the nominated Waste collection vehicles and swept path diagram confirmation of truck accessibility.

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

11.9 Stores

The development summary does not detail stores for dwellings. At least one store should be provided for each dwelling.

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

11.10 Public Open Space



The application proposes new open space including:

- A new 22m wide road along the northern rear of the land.
- A new park of approx. 1,686m² approximately mid-way along the south side of the new road, generally in accordance with the Framework Plan and Planning Scheme Wirraway Urban Structure map.
- Two new lanes from Plummer Street to the new road.
- A setback of 6.0m from Plummer Street; and
- Upgrades to the Plummer and Salmon Street streetscapes in accordance with Council guidelines.

It is noted the 6.0m setback from Plummer Street is required for a future road widening, so any landscaping of this area would be temporary.

The architectural and landscape plans are both general in nature and lack details of landscape design and streetscape works.

Plans for each stage need to show details of landscaping and streetscape works for the road, lanes and open space areas.

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

11.11 Sustainable design

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

Council's Sustainable Design officer recommended the SMP be updated including:

- Need to demonstrate how the proposal would achieve a 5 Star Design & As Built Green Star rating
- How the proposal will meet the rainwater tank requirements for Fishermans Bend (0.5m³ per 10m² of all suitable roof areas including podiums).
- Demonstrating apartment will achieve sufficient natural daylight to habitable rooms (DF 1.0% for living areas and DF0.5% for bedrooms).
- External shading to north, east and west facing glazing to reduce heat loads to those aspects.
- Demonstrate how external shading is incorporated into the façade strategy.
- Integrated Water Management a WSUD response including MUSIC modelling.
- Urban Heat Island response.
- Sustainable Transport, including a Green Travel Plan.
- Need to demonstrate space allocation for the proposed 40kW solar PV on the plans.
- Updated provisions for energy performance and thermal comfort.

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



11.12 Community facilities

The application submits that community facilities and benefit would be provided by:

- A new public open space park on the south side of the new road at the rear with an area of approximately 1,686m².
- A 10.0m (w) new lane and a 6.5m (w) new lane along the west side of the site from Plummer Street to the new road which would provide pedestrian connectivity.
- Forty-eight (48) Affordable Housing dwellings;
- Provision of more than 30% of all dwellings as 3 and 4-bedroom dwellings.

Assessment

The proposed community facilities would be generally consistent with the Wirraway Urban Structure in the Framework Plan and Planning Scheme and would be satisfactory.

11.13 Affordable and Social Housing

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

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

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

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

11.13.2 The application proposes to:

- Provide not less than six (6)% of all dwellings (i.e. 48 dwellings) in the form of one or two bedroom dwellings:
 - transferred to a registered housing agency (or other housing provider or trust) at 70% of market value, or



- placed in management of a registered housing agency (or other housing provider or trust) for not less than 20 years for leasing as Affordable Housing at 80% of market rent; or
- In lieu payment of no less than the total cumulative value of all dwellings required in options above.

Assessment

Discount

The transfer of dwellings to a housing agency at 70% of market value (i.e. a discount of 30%) is considered inadequate. Transfer should be a minimum discount of 35% to market value (and ideally at cost).

The leasing of dwellings at 80% of market rent (i.e. a discount of 20%) is considered inadequate to provide affordability. Dwellings should be leased at a minimum discount of 35% of market value.

Lease duration

The lease duration is considered inadequate.

Ideally, affordable housing should be provided in perpetuity, and if not for at least 30 years.

Dwelling mix

The proposed provision of one **or** two-bedroom dwellings is imprecise and inconsistent with Policy. The affordable housing should be a mix of one **and** two **and** three-bedroom dwellings that reflects the overall dwelling composition of the building, and internally match other dwellings, and be externally indistinguishable from other dwellings.

A mix of the 48 affordable housing dwellings that reflected the overall composition of the building would comprise approximately 10% (i.e. at least 5) x 1BR, 56 % (i.e. at least 27) x 2BR and 26% (i.e. at least 12) x 3BR dwellings.

The dwellings should be dispersed throughout each stage of the development.

These matters could be provided for by conditions of any Incorporated Document for the Amendment.

Social Housing

11.13.3 Social housing is not proposed.

11.14 Environmental Audit

An environmental audit has not been undertaken for the land.

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

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



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

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

11.15 Infrastructure Contribution Overlay (ICO1)

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

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

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

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

11.16 Aboriginal Cultural Heritage

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

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

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

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

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

12. COVENANTS

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



- A 3.02m (w) drainage easement in favor of Council across the rear of all three lots.
- A Restrictive covenant on Nos. 365 and 371 Plummer Street for a S173 Agreement with Council to build over the drainage easement subject to conditions.
- A Caveat for a Lease on the Plummer Street frontage of No. 371 Plummer Street to Citipower (for a Substation).

12.2 The new buildings would not encroach on the easement or contravene the Covenant. The easement would run beneath the new road. Detailed construction plans for the new road would need to make provision for the existing Council drain at the rear of the lots.

12.3 Resolution of the lease (and the location of a new sub-station as required) is a civil matter which requires direct negotiation with the parties.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

14.1 Provide comments to the Department as recommended.

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

14.3 Refuse to provide comments.

15. CONCLUSION

15.1 The proposal would not achieve the preferred precinct character of hybrid - predominantly mid-rise (i.e. 7 to 15 levels) buildings, because the majority of the buildings would be high-rise rather than mid-rise.

15.2 Street wall (podium) heights would comply except for two sections of 6-storey wall. These walls need to be reduced to not more than 4-storeys to comply

15.3 Street wall setbacks would comply except facing Plummer Street to accommodate a road widening requirement. Officers support a variation.

15.4 Setbacks above the street wall would mostly meet or exceed the preferred setbacks. Variations are supported for minor differences of 1.0m and 1.9m, but not for more substantial differences because it is considered the site is not constrained from achieving or near achieving compliance.

15.5 All four towers would exceed the preferred maximum building heights. A variation is supported for Stage 2 because the building falls within the mid-rise height



- range and adopts the preferred hybrid typology and the variance is only one (1) level. It is considered the Stage 1, 3 and 4 tower heights should be reduced to not more than 24 storeys and be varied in height.
- 15.6 The proposals were internally referred, and officers raised concerns regarding traffic and parking, strategic planning, urban design, landscape design, wind impacts, waste management and sustainability including water sensitive urban design and recommended changes to address their concerns.
- 15.7 Council's Landscape Architect, Traffic Engineer, Sustainable Design Officer and Waste Officer all noted the plans etc. lacked sufficient detail to make a full assessment.
- 15.8 The application offer of Affordable Housing totalling 6% of all dwellings is supported subject to the transfer and lease discounts being increased to a minimum of 35% of market values, the lease duration increased to at least 30 years and preferably perpetuity, and the dwellings being a mix of one, two and three bedrooms, and located in all stages of the proposal.
- 15.9 If the proposal was to be supported, officers recommend that any Incorporated Document include conditions to address Council concerns including to reduce building height, amend setbacks to meet or exceed minimums, increase the employment floor area, increase the transfer and lease discounts and lease periods for the affordable housing, and update plans and/or reports for car and bicycle parking, sustainable and water sensitive urban design, Clause 58 apartment design compliance, landscaping, noise attenuation and wind impacts.
- 15.10 A number of other detail design, operational and amenity concerns with the proposal could be addressed by conditions.
- 15.11 It is recommended that the Statutory Planning Committee resolve to advise the Minister C/- the Department of Environment, Land, Water and Planning that:
- The Council supports the application subject to amended plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.
 - In the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.

TRIM FILE NO:

PF19/45572

ATTACHMENTS

- 1. Location, Demolition and Staging Plan**
- 2. Plan Drawings**
- 3. Elevation Drawings**
- 4. Section Drawings**
- 5. Shadow Study**
- 6. Staging Diagrams**
- 7. Renders**
- 8. Urban Context Report (Edit)**



9. Appendix 1 - Internal referral responses

10. Appendix 2 - Clause 58 Assessment