



3/2019/MIN - 2-14 THISTLETHWAITE STREET SOUTH
MELBOURNE VIC 3205

LOCATION/ADDRESS: 2-14 THISTLETHWAITE STREET SOUTH MELBOURNE VIC 3205
EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT
PREPARED BY: PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER

1. PURPOSE

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on a request for the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 2-14 Thistlethwaite Street, South Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Development exceeding four storeys
APPLICATION NO:	DELWP Reference: C175port CoPP Reference: 3/2019/MIN
APPLICANT:	Urbis Pty Ltd
EXISTING USE:	Commercial building
ABUTTING USES:	Commercial, warehouse uses and construction site associated with 134-142 Ferrars Street
ZONING:	Capital City Zone, Schedule 1
OVERLAYS:	Design and Development Overlay, Schedule 30 Parking Overlay, Schedule 1 Special Building Overlay, Schedule 2 Infrastructure Contributions Overlay, Schedule 1
AREA OF CULTURAL SENSITIVITY	Yes
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Twenty (20) business days = Mon 03 August 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 (PSA) for use and development at 2-14 Thistlethwaite Street, South Melbourne.
- 2.2 The application seeks consent to demolish the existing buildings to facilitate the construction of an office and retail building at a height of 16-storeys comprising a 12-storey tower atop a four storey podium.
- 2.3 The development generally includes:
- 6,079.8 square metres of office space;
 - 281.3 square metres of retail space;
 - 553.3 square metres of communal terrace spaces;
 - 31 car stacker spaces; and
 - 32 bicycle spaces.
- A copy of the proposed architectural plans is included at **Attachment 1** and associated photomontages are included at **Attachment 2**.
- 2.4 If this application were made subject to the requirements of the Port Phillip Planning Scheme, the following planning permit triggers would apply:
- Buildings and works (inc. demolition) in the Capital City Zone, Schedule 1.
 - Use of land for retail within 450m of the South Melbourne to Brooklyn and Dandenong to West Melbourne Pipelines in the Capital City Zone, Schedule 1.
 - Buildings and works in the Design and Development Overlay, Schedule 30.
 - Building and works in a Special Building Overlay, Schedule 2.
- 2.5 Several pre-application meetings throughout 2019 and 2020 were held with government stakeholders including, the Department of Environment, Land, Water and Planning (DELWP), the City of Port Phillip, the Fishermans Bend Taskforce and Melbourne Water.
- 2.6 The proposal considered in this report generally responds to feedback and concerns raised by Council officers.

Application/Proposal Matters

- 2.7 On 28 June 2019, the proponent applied to the Minister to prepare a PSA and have the proposal assessed by an Advisory Committee.
- 2.8 The Minister is yet to decide whether the proposed amendment is to be referred to the Fishermans Bend Standing Advisory Committee ('the Committee') for independent advice. Notwithstanding this, the Department has advised The City of Port Phillip Council of the draft amendment and seeks Council's views in relation to the proposal pursuant to Section 20(5) of the Act which will assist with identifying key issues for consideration and whether a referral to the Committee is warranted.



- 2.9 Pursuant to Item 28 of the Fishermans Bend Standing Advisory Committee Terms of Reference, the Department notified Council of the request for site-specific planning controls on 6 July 2020.
- 2.10 In this correspondence DELWP also advised that should Council wish to comment on this proposal, to provide a written response to the Department of Environment, Land, Water and Planning (DELWP) within 20 business days from the date of receiving their letter (i.e. by Monday 03 August 2020).
- 2.11 The site is located within Precinct Area M5 of Design and Development Overlay, Schedule 30 (DDO30) which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) with some high-rise forms (i.e. 16 storeys or higher) on larger sites where well-spaced, slender towers can be demonstrated to provide sunlight access to streets with a particular focus on Buckhurst Street, incorporating a tooth and gap typology. The site has a preferred maximum building height of 43 metres (12-storeys).
- 2.12 At 16 storeys the development would exceed the maximum height but is generally considered to meet the preferred precinct character with compliant street wall heights, setbacks from the street and side boundaries to provide suitable separation between existing and emerging developments with sensitive interfaces to the site.
- 2.13 The proposal was internally referred, and officers raised concerns primarily related to the lack of detail, inconsistency between plans and reports and lack of resolution between different disciplines that have contributed to the design response.
- 2.14 More specifically, Council's Urban Designers raised concerns in respect of the proposed height of the tower, ground floor layout including the management of services within the streetscape, the location of the lift and stair core deep within the building, the wind assessment and suggested mitigation measures and proposed landscaping to the terraced area to the top of the podium and north-east façade.
- 2.15 Traffic concerns included the lack of swept path diagrams to confirm car park access, passing area compliance and entry/exit sight lines, traffic impacts to Buckhurst Lane and surrounding road network.
- 2.16 The Sustainable Design officers noted the proposed green wall to the north-east facade and landscaping to the terraced area of the level 4 podium aligns with the Fishermans Bend Framework objectives of responding to urban heat island effect and creating comfortable microclimates but due to lack of detail in the supporting documentation it is currently unclear if this can be realised.
- 2.17 Another unresolved issue is the unknown flood mitigation measures and the resultant impacts to the activation of Thistlethwaite Street, internal layouts, DDA compliant access arrangements and vehicular access and protection of mechanical car stackers.
- 2.18 In the absence of the applicant's design response to this matter, Council anticipates that there may be substantial changes to the layout of the ground floor and podium levels.



- 2.19 All other aspects of the proposal waste management are acceptable subject to minor changes. A number of these design and operational concerns could be addressed by recommendations.
- 2.20 Overall the provision of a retail and commercial development within the Core area of the Montague Precinct is considered to make a positive contribution to the realisation of the Fishermans Bend Urban Renewal vision. In principle support for the development is considered appropriate, subject to the receipt of detailed documentation to assist with the assessment and the resolution of concerns outlined within this report.
- 2.21 It is recommended that the Planning Committee resolve that a letter be sent to the DELWP advising that the Council supports the application subject to amendments responding to the matters set out in Sections 9 and 11 of this report.

3. RECOMMENDATION

3.1 Recommendation A

That the Planning Committee advises the Department of Environment, Land, Water and Planning that Council:

- 3.1.1 Supports the application in its current form based on the matters set out in Sections 9 and 11 of this report.

3.2 Recommendation B

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

Planning History

- 4.1 There is no relevant history or background for this application.

Background / Strategic Planning Matters

- 4.2 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 4.3 The Minister for Planning is the Responsible Authority for the application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for development with a building height of 4 storeys or greater.
- 4.4 A history of Strategic Planning matters is detailed at **Attachment 3**.

5. PROPOSAL

- 5.1 It is proposed to:



- Demolish the existing building on the lot.
- Construction of an office and retail comprising 16-storeys tower (4-storey podium and a 12-storey tower above).

5.2 The building comprises:

- **Ground:** two retail tenancies (GFA: 281.3 square metres), double storey primary pedestrian entry / lobby accessed from Thistlethwaite Street, a secondary pedestrian access is provided from an unnamed laneway accessed via Tates Place. Vehicular access is provided from Buckhurst Laneway. 31 car parking spaces are to be provided in car stackers with bicycle storage to accommodate 32 bikes, circulation areas and services.
- **Levels 1-3:** four offices (GFA: 2346.5 square metres), circulation areas and services.
- **Level 4:** the podium level includes an office or café area for building workers (GFA: 310.4 square metres), outdoor terrace (GFA 553.3 square metres), circulation areas and services.
- **Levels 5-13:** open plan office (GFA 310.4 square metres) with circulation areas and services.
- **Levels 14 and 15:** open plan office (GFA 310.4 square metres) with circulation areas and services.
- **Roof:** plant and service area.

5.3 The façades have been designed to create a 'base-middle-top' expression that are articulated between a change in form and materiality, more specifically:

- The podium will be constructed to all title boundaries and will have an overall height of 4 storeys / 15.5 metres. The primary entry from Thistlethwaite Street is recessed from the building line and includes a double storey void framed in white render. This contrasts with the blackstone face brickwork used for the remainder of the podium levels. A green roof with some landscaping is featured at first floor level within the framed entry.
- The ground floor retail tenancies and booster cupboard are to be constructed to the title boundary with white aluminium and glazing framing these against the brickwork. Level 1 includes floor to ceiling glazing with brick columns between. Levels 2 and 3 adopt a higher solid to void ratio with double height glazing and the exposed floor slab to Level 3 visible to the streetscape.
- The top of the podium will be framed by a glass balustrade to both streetscapes with a mixture of patterned concrete and brick walls to the side façades. Planter boxes will define the perimeter of the podium with 2 and 3 metre high permeable screens for wind dispersal present to the corner of the tower and centrally to the side facades.
- The tower element will have an overall height of 16 storeys / 53.8m (excluding plant) and will be setback 5 metres from all boundaries. Levels 4 to 14 will be finished with the same face brickwork as the podium. The façades presenting to



the streetscape will have a vertical emphasis with the exposed slabs offering horizontal elements at levels 5, 7, 10 and 11. A green wall will be provided from the fourth floor to 14th floor on the north-eastern facade.

- The ‘top’ of the tower at levels 15, 16 and the plant area is finished with an aluminium curtain wall and tinted glazing.

5.4 A summary of the proposed development is outlined in the below table:

Address	2-14 Thistlethwaite Street, South Melbourne
Planning Scheme Amendment (PSA) No.	PSA C175 port
Plans assessed	Drawings prepared by Ammache Architects, Drawing No: A01-A15 all dated 30/03/2020 and received by Council 03/04/2020 and Landscape plans prepared by John Patrick Landscape Architect Pty Ltd, Job No: 19-306, Dwg No: TP01- Rev B, dated 18/03/2020 and received by Council 03/04/2020 and Dwg No: TP02- Rev C, dated 04/01/2020 and received by Council 03/04/2020.
Site area / Title particulars	<p>Area: 924m² (0.092 ha.) approximately</p> <p>Site boundary to:</p> <ul style="list-style-type: none"> • Thistlethwaite Street: 20.31 m • Buckhurst Lane 20.32m • 132-142 Ferrars Street: 44.91m • 16-20 Thistlethwaite Street: 26.31m • 1 Tates Place: 18.62m • Unnamed access way: 3.6m <p>A party wall easement (width 0.36m) is located along the comment boundary with 16-20 Thistlethwaite Street and 1 Tates Place.</p>
Minimum plot ratio for non-res floor area Clause 22.15-4	<p>Montague Core area ratio = 1.6:1 x 924m² = 1478m²</p> <p>Proposed:</p> <p>281.3 (Retail) + 6079.8 (Commercial) = 6361.1m²</p> <p>6361.1m² / 924m² = 6.88</p> <p>Proposed plot ratio: 6.88:1</p>
Non-residential floor area	<p>Development Summary:</p> <p>Commercial: 6,079.8m² (24 tenancies)</p> <p>Retail: 281.3m² (2 tenancies)</p>
Street wall (podium) height and Maximum Height (Tower)	<p>Podium</p> <p>Preferred: at least 4-storeys in heights, except where a lower height is necessary to respond to an adjoining heritage place (On a street >9 m and ≤22 m wide, Thistlethwaite Street is approximately 20m wide)</p> <p>Mandatory maximum: 6 storeys</p> <p>On sites with a frontage of less than 50 metres: At least 40 per cent of the frontage must have a street wall of 4 storeys or less. The remaining street wall may be up to the maximum building height</p> <p>Proposed: 4 storeys</p>



	<p>Tower: Building Typology: M5 - Hybrid (predominantly mid-rise being 7-15 storeys) Preferred: 12 storeys (43m) Proposed: 16 storeys / 53.8m (excluding plant) and 56.4m (including plant)</p>
Street wall (podium) Setbacks	<p>Policy: where building height is >8 storeys and ≤ 20 storeys the following applies:</p> <ul style="list-style-type: none"> • Preferred setback: 10m • Minimum setback: 5m <p>Proposed: Thistlethwaite Street: 5m Buckhurst Lane: 8.25m (5m from title boundary) As Buckhurst Lane is less than 9m wide (approximately 6.5m), the setback must be measured from the centerline of the street. A negative value setback = 0m setback.</p>
Tower Setbacks	<p>Policy: Up to and including 6 storeys (if not on boundary)</p> <ul style="list-style-type: none"> • Preferred: 9m • Mandatory Minimum: 6m <p>7 Storeys and above</p> <ul style="list-style-type: none"> • Preferred: 10m • Mandatory Minimum: 5m <p>Proposed: 5m from all title boundaries</p>
Communal Open Space	A communal roof terrace at level 4 podium would be accessible via the lift and staircase.
Loading bay	None detailed on plans. Potential for loading to occur within car parking area.
Car parking	<p>Policy:</p> <ul style="list-style-type: none"> • Not more than 2.8 retail spaces • Not more than 60 commercial spaces <p>Proposed: 31 car parking spaces</p>
New Roads / Laneways	None.
Vehicle access	Car parking access from Buckhurst Lane via a new vehicle crossing.
Pedestrian access	Main lobby and retail tenancies are to be accessed from Thistlethwaite Street with a secondary access from the unnamed road to Tates Place.

6. SUBJECT SITE AND SURROUNDS

- 6.1 The subject site comprises one lot and is known as 2-14 Thistlethwaite Street, South Melbourne. The subject site is located within the Fishermans Bend Montague Precinct and is located on the north-west side of Thistlethwaite Street.
- 6.2 The subject site is generally rectangular in shape a total area of approximately 924 square metres. The site has a primary frontage to Thistlethwaite Street of



approximately 20 metres and a secondary frontage to Buckhurst Lane the same length. The site depth is approximately 45 metres.

6.3 The subject site is relatively flat and is currently occupied by a single storey commercial building and crossover to Buckhurst Lane. Some vegetation is located within the north-east corner of the site.

6.4 The site shares the following interfaces:

Boundary	Notable features:
North-west	<ul style="list-style-type: none"> • The north-western boundary is bound by Buckhurst Lane. Adjoining Buckhurst Lane to the north-west is the rear of the properties fronting Buckhurst Street, with the land used for office, warehouse and retail purposes. • Council recently considered an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme (PSA) for use and development at 11-14 Buckhurst Street, to the north-west of Buckhurst Lane. Council’s Consideration of this matter can be viewed at: http://www.portphillip.vic.gov.au/Buckhurst%20Street%20Report.pdf and meeting minutes at: http://www.portphillip.vic.gov.au/Planning%20Minutes%2024%20June.pdf • The South Melbourne – Brooklyn gas pipeline is located within the Buckhurst Street road reserve. • Buckhurst Lane connects Ferrars Street to George Street and provides access to several lots interfacing with the lane. The lane is a two-way carriageway approximately 6.5m wide. There are low narrow footpaths on either side of the lane. • Existing built form to the north-west comprises single to three-storeys buildings. The preferred future-built form for land north-west of the site is 43m (12 storeys) and 68m (20 storeys).
North-east	<ul style="list-style-type: none"> • Land to the north-east comprises land currently undergoing construction for an 18-storey mixed use building. The built form approved includes a four-storey podium to Thistlethwaite Street and three storey podium to Buckhurst Lane with a tower containing dwellings above. The tower will be setback 10 metres from the title boundary with the subject site. • Ferrars Street lies immediately to the north of the aforementioned property with South Melbourne Primary School located beyond and an application at 163-169 Ferrars Street to demolish existing buildings and construct an 18-level building comprising retail premises and 98 dwellings. This application is currently pending and will progress upon receipt of the applicant’s response to Planning Scheme Amendment GC81.



	<p>Further north-east is the route 96 tramline.</p> <ul style="list-style-type: none"> • The preferred future-built form for land north-east of the site is 43m (12 storeys) and 30m (8 storeys).
South-east	<ul style="list-style-type: none"> • The south-eastern boundary abuts the footpath and nature strip to Thistlethwaite Street. The nature strip features two trees proposed to be retained. • Adjoining Thistlethwaite Street to the south-east is land used office and wholesaler purposes. • Existing built form to the south-east comprises one and two storeys with newer developments emerging within the streetscape including a five-storey mixed use building (retail and commercial) currently in the final stages of construction at 144-148 Ferrars Street, an eight-storey mixed use development at 15-35 Thistlethwaite Street and a 4, 6 and 8 storey development at 51-59 Thistlethwaite Street and 476-486 City Road. The development transitions in height from a five-storey podium and eight-storey tower presented to Thistlethwaite Street. • The preferred future-built form for land south-east of the site is a discretionary 30m (8 storeys) and a mandatory 23m (6 storeys). • Thistlethwaite Street connects Ferrars Street to the north-east to Boundary Road in the south-west and generally runs parallel to City Road and Buckhurst Street.
South-west	<ul style="list-style-type: none"> • Land to the south-west comprises three abuttals being: <ul style="list-style-type: none"> – A two-storey warehouse / office development at 16-20 Thistlethwaite Street which is a neighbourhood character site. – An accessway approximately 3.6m wide running north-east off Tates Place; and – A single storey warehouse / office building. • South-east of Tates Place land is used for office, retail and storage purposes. • Existing built form to the south-west comprises two to three storeys. • The preferred future-built form for land south-west of the site is 43m (12 storeys) up to 22-28 Thistlethwaite Street before transitioning down to 30m (8 storeys) to the north of a new public open space designated for the south-west corner of George / Thistlethwaite Street.

6.5 The site is located in Area M5 of the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA). The area comprises predominantly low scale factory/warehouse buildings which are occupied by light industrial, warehousing, office and motor vehicle retailing type land uses. However, the character of this area is changing as the realisation of high density, mixed use, commercial, office and



residential uses start to emerge within the area as a result of urban renewal within this area.

- 6.6 Many sites within the immediate area have been demolished pending commencement of construction for high-density mixed-use development. These sites are interspersed with existing one to two storey light industrial built forms.
- 6.7 The site and the immediate surrounding area are well serviced by both public transport and the road network, including bus services, tram routes (within 200m-300m) and a bicycle path connecting Port Melbourne with the CBD.
- 6.8 Thistlethwaite Street is a local road connecting Boundary Street to the southwest with Ferrars Street to the northeast and allows traffic in both directions. Vehicle access to the Westgate Freeway is approximately 800m from the sites via Montague Street.
- 6.9 The South Melbourne Activity Centre is located approximately 700m to the southwest of the site, providing a wide range of employment, shopping opportunities and community services.
- 6.10 There are several approved medium to high rise development within proximity of the site, along with various sites currently under planning consideration, which represent an emerging built form character within this part of the Fishermans Bend Urban Renewal Area. The below table summarises the most relevant applications and permits:

Address	Reference	Description	Status
134-142 Ferrars Street	DELWP Ref: 201300088 CoPP Ref: 3/2013/MIN	Demolish the existing building, construct an 18-storey mixed use building.	Permit issued at the direction of VCAT on 10/04/2017. Development has commenced. Council considered an amendment to the planning permit to vary the Affordable Housing condition on 24 June 2020.
144-148 Ferrars Street	CoPP Ref: 951/2017	Demolish existing building and construct a five-storey building (retail and commercial).	Development in final stages of construction completion.
163-169 Ferrars Street	DELWP Ref: 2015/35690 CoPP Ref: 1/2015/MIN	Demolish existing buildings and construction of an 18-storey mixed use building.	This application is currently pending and will progress upon receipt of a response to Planning Scheme Amendment GC81.
15-35 Thistlethwaite Street	CoPP Ref: P0277/2015/A	Demolish existing building and construct an eight-storey mixed use building.	Permit issued at the direction of VCAT on 14/12/2015. Development has commenced.



<p>51-59 Thistlethwaite Street and 476-486 City Road</p>	<p>CoPP Ref: P0039/2015</p>	<p>Demolish existing buildings, construct a mixed use 4, 6 and 8 level development and alteration of an access to a Road Zone Category 1 (remove crossing on City Rd).</p>	<p>Council permit issued on 19/02/2016. Development has commenced.</p>
<p>11-41 Buckhurst Street</p>	<p>DELWP Ref: Planning Scheme Amendment C190port. CoPP Ref: 1/2020/MIN</p>	<p>Demolish the existing buildings on all lots, construct and carry out works for a mixed-use building comprising two towers of 12 and 20-storeys in the Capital City Zone and Design and Development Overlay.</p>	<p>Referred to the Minister for a 20(4) planning scheme amendment. Council considered its advice to the Minister at the 24 June 2020 Planning Committee Meeting.</p>
<p>6-78 Buckhurst Street</p>	<p>DELWP Ref: 2013005499-1 CoPP Ref: 10/2013/MIN</p>	<p>Demolition of the existing buildings and construction of a four (4) staged multi-storey mixed-use buildings comprising towers of 27, 29, 30 and 30 levels storeys comprising a mix of uses including a childcare centre.</p>	<p>Permit issued 01/02/2014 Amended permit granted via VCAT process. EOT granted Permit Expiry: 1 September 2020 (Commencement). 1 September 2027 (Completion). An appeal pursuant to Section 80 was set aside by VCAT who directed it is fair and reasonable to require the applicant to bear the full cost of the protective concrete slabbing works over the gas pipeline required by condition 52 (Little Lane Early Learning Hawthorn Pty Ltd v Minister for Planning [2020] VCAT 103). Development commenced.</p>
<p>15-87 Gladstone Street (formerly known as the MAB site [now BPM Corp])</p>	<p>DELWP Ref: 2013005951-1 CoPP Ref: 11/2013/MIN</p>	<p>Demolition of existing car park and structures; use of the land for the purpose of dwellings; staged construction of three residential towers (28-level tower with a six-level podium, and two 26 level towers including a six level podiums) and associated</p>	<p>Permit issued 01/09/2014. Development commenced.</p>



		works including public realm.	
89-103 Gladstone Street (Gravity Tower)	DELWP Ref: 2013002601 CoPP Ref:	Demolition of the existing building and use and development of the land of a 30-storey building comprising dwellings and ground floor retail (other than Adult Sex Bookshop, Hotel and Tavern) and a waiver of the loading and unloading requirements of clause 52.07 of the port Phillip Planning Scheme	Permit issued 1/09/2014. Construction completed in July 2017.
91-95 Montague Street	DELWP Ref: PSA C184 port Council Ref: 14/2015/MIN/A	Demolish the existing buildings and construct a 25 level (inc. 5-storey podium) Retail premises and Office building and associated bicycle parking and construct and/or carry out works in the Capital City Zone (CCZ1) and Design and Development Overlay (DDO30) and Special Building Overlay (SBO2).	Currently at assessment.

7. PERMIT TRIGGERS

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

Planning Scheme Provision	Why is a planning permit required?
Clause 37.04: Capital City Zone (CCZ1)	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone.</p> <p>The proposed use of the land for retail does not require a planning permit for the use if the following conditions are met:</p> <ul style="list-style-type: none"> • Must not exceed 1000 square metres gross leasable floor area and be located in a Core area. • Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. • Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p><i>The proposed retail floor area is located within a Core Area and 281.3 square metres gross floor area. As previously noted, the site is located within 450m of</i></p>



	<p><i>the South Melbourne to Brooklyn pipeline and 450m of the Dandenong to West Melbourne pipeline and thus requires a permit under this clause.</i></p> <p><i>The use of the land for an Office does not require a planning permit.</i></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><i>All buildings and structures on this site are proposed to be demolished and as such requires a planning permit.</i></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><i>A planning permit is required to construct a building under this clause.</i></p> <p>An application for the use of land for retail and to demolish or remove a building, construct a building and 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>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend -Montague Precinct (DDO30)</p>	<p>The land is in Precinct Area M5 of DDO30 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 43 metres (12-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p><i>The proposal requires a planning permit pursuant to this clause.</i></p> <p>An application to construct a building or construct or carry out works in DDO30 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>



<p>Clause 44.05: Special Building Overlay - Schedule 2 (SBO2)</p>	<p>Pursuant to Clause 44.05-2 a permit is required to construct a building or construct or carry out works. <i>The proposal requires a planning permit pursuant to this clause.</i> <i>Note: Only the title boundary to Buckhurst Lane is affected by SBO2.</i></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><i>Retail and office are not defined as sensitive uses. The General Practice Note for Potentially Contaminated Land dated June 2005 provides guidance for the required level of assessment.</i></p> <p><i>A planning permit is not required under this clause but the aforementioned requirements must be satisfied before the commencement of development.</i></p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay. <i>The proposed number of car parking spaces does not exceed the rates and as such a permit is not required under this clause.</i></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><i>A planning permit cannot be granted for the proposal.</i></p> <p><i>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</i></p>
<p>Clause 52.06: Car Parking</p>	<p>Pursuant to Clause 52.06-5A, where a use is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, car parking must be provided to the satisfaction of the responsible authority.</p> <p><i>The proposed uses are subject to the maximum car parking rates in the Parking Overlay.</i></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>Clause 52.34: Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p><i>A permit is not required under this clause as the development provides for the required facilities.</i></p>

8. PLANNING SCHEME PROVISIONS

8.1 Relevant Planning Scheme provisions and relevant planning scheme amendments are included at **Attachment 3**.

9. REFERRALS

External referrals

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

Internal referrals

9.2 The applications were internally referred for comment.

Internal referral responses in full are an **Attachment 4** to this report.

A summary of responses is outlined below:

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Urban Design	<ul style="list-style-type: none"> - It is unclear how the raised planter beds will integrate with a glazed balustrade. - The revised design improves articulation between the mid and crown of the tower



	<ul style="list-style-type: none"> - An approach to the management of the façade and green wall should be provided to understand the viability of the green wall. - A lightwell should be incorporated into the design of the podium to enable daylight access to the rear of the deep commercial floorplates - It is critical that Melbourne Water’s floor level requirements for flooding are incorporated holistically into the design. - The booster cupboards and mailroom should be better sleeved to improve the main entrance presentation to the street. Cladding the booster cupboards in bright white cladding makes it a dominant rather than recessive feature. - Large expanses of paved space are proposed to the outdoor landscaped area to the roof the podium, with landscaped elements contained to the edges of the building. - there is no consistency between what is proposed in the landscape plan and the large tree planting proposed in the elevation drawings
<p>Fishermans Bend Strategy / Strategic Planning</p>	<ul style="list-style-type: none"> - It is recommended that the building height be reduced to 12 storeys. A height up to 15 storeys, however, may be acceptable if it can be demonstrated that the height (in combination with the proposed setbacks above the podium): <ul style="list-style-type: none"> ▪ Helps deliver comfortable wind conditions in the public realm (refer to Item 3); ▪ Minimises visual bulk of upper floors when viewed from Thistlethwaite Street and Buckhurst Lane; and ▪ Allows for adequate views to the sky from Buckhurst Lane. - The concept of a green wall on the northeast elevation is supported, as it will help manage the heat island effect, improve the amenity of the site and the appearance of the built form to the surrounding area. As previously identified in urban design referrals, the proponent has not provided the approach to the establishment and management of the façade and green wall to understand its viability. There is concern with the extent of hard surfaces on the podium roof. It is considered that this outcome will limit the reduction of the impact of the heat island effect, as required by Clause 22.15-4.5.
<p>Recreation and Open Space Planning</p>	<p><u>Level 1</u></p> <ul style="list-style-type: none"> a) Planting on level 1 provides a poor amenity value to street <p><u>Podium Level 4</u></p> <ul style="list-style-type: none"> b) Wind impacts suggest the scale and design of the building is not appropriate c) Physical barriers to mitigate wind impacts do not contribute to the open space at podium level d) Level 4 landscape plan should reinforce activation of the street below by creating an edge condition that allows overlooking of the street e) The area of substantial planting on the podium is obscured and access is restricted



	<p>f) Renderings and landscape plans convey contradictory messages</p> <p>g) No information provided on green wall</p> <p>h) Unclear how tree planting on the podium will be achieved</p> <ul style="list-style-type: none"> - Two Council owned nature strip trees are proposed to be retained. Further information will be required as a condition of the permit (as per below), discussing the impacts to these trees and how they will be protected. - No trees within the subject site are considered significant under the local law. Therefore, Council would not generally object to their removal. - I have concerns about the proposed tree planting on level 5 and how they are going to be stabilised against the effects of high wind loading while the tree is establishing. Cable guys or similar attached to the base structure should be considered.
<p>Environmental Sustainable Design</p>	<p>Application material lacks details to support but subject to addressing concerns / omissions the development could be supported.</p> <ul style="list-style-type: none"> - A five star Green Star Design & As Built rating is targeted which is consistent with the mandatory Green Star condition under schedule 1 of the Capital City Zone. However, this project should seek a certified rating, as per the mandatory condition requirement in CCZ1, rather than just benchmarking against the Design & As Built rating tool, noting that the project will be required to be registered with the GBCA prior to commencement of works as per the condition wording. - The proposed 30,000 litre rainwater tank is not sufficiently large to meet the mandatory condition requirement for rain water tank sizing under the CCZ1 of 0.5m³ per 10m² of roof catchment including podiums. - The Green Star Design & As Built Scorecard targets 60 points, which will just make it to a five star rating, provided all those credits are actually implemented. The SMP should demonstrate how the development will achieve the rating with a 10% buffer above the minimum 60 + 6 = 66 points Five Star Australian Excellence. General alignment to the Fishermans Bend Framework should also be followed as outlined in the Arup Report Fisherman’s Bend Review of Sustainability Standards refer Appendix A for 5 star Pathway for 66 points.
<p>Traffic Engineers</p>	<p>Application material lacks details to support but subject to addressing concerns / omissions the development could be supported.</p> <p><u>Traffic Generation and Impact</u></p> <ul style="list-style-type: none"> – Update the TIA to also include an assessment of the expected daily, AM and PM (arrivals and departures) vehicle movements? – It is noted the TIA indicate during AM peak hour there is an expected 20 inbound vehicle movements. – There has not been a cumulative traffic generation/impact assessment for other developments been undertaken.



	<ul style="list-style-type: none"> – I have concerns the assessment has not considered the expected traffic volumes by other sites that will have access via Buckhurst Lane. – Given the expected traffic volume increase it is recommended Buckhurst Lane’s carriageway to widen. <ul style="list-style-type: none"> ▪ that for staff that travel to work using sustainable modes of transport. (Public transport, walking and cycling), eg; Walk to Work Day, Ride to Work Day, impromptu events etc. ▪ Install more bike racks on site given the parking waiver. ▪ Subsidised costs or free Myki for staffs/visitors.
Waste Management	<ul style="list-style-type: none"> – We would recommend a dual chute system to improve the separation of recycling. No information has been provided how recycling will take place on floors. – Recommend space for and compost bin for future council services. – Recommend space for Hard waste, charity bin and E-waste. – Require more details about the type of arrangements on ventilation, washing and Vermin-prevention of the waste storage area. – Require swept path diagram for waste vehicles.

10. PUBLIC NOTIFICATION/OBJECTIONS/CONSULTATION

- 10.1 The Department is seeking the views of the City of Port Phillip with respect to the proposal under S20(5) of the Planning & Environment Act 1987.
- 10.2 The Council has 20 business days from the date of receiving notice to provide a written response. Council is currently within the 20-day timeframe.

11. OFFICER’S ASSESSMENT

11.1 Fishermans Bend Standing Advisory Committee Terms of Reference

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

11.1.1 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</p>	<p>Achieved: Recommended: 924m² (0.092 ha) site area x 1.6:1 = 1478m² min. floor area ratio not used for dwellings. Proposed: 281.3 (Retail) + 6079.8 (Commercial) = 6361.1 m²</p>
<p>22.15-4.4 Design Excellence <u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Achieved in part: Recommended: Precinct character area M5 encourages a hybrid (predominantly mid-rise 7-15 level) building typology and maximum 43m (12 storey) building height.</p>



	<p>Proposed: 16 storeys / 53.8m (excluding plant) and 56.4m (including plant).</p> <p>The detailed detail will be discussed in greater detail below.</p>
<p>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community</p> <p><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 makes a commitment to the items listed in the ESD Schedule of commitments with the scorecard to be finalised prior to construction. The implementation schedule in the report does not reflect the green star credit requirements however. It is also unclear if the development will even achieve the 60 points claimed. Council’s ESD officer has requested specific information to demonstrate how this requirement can be met.</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>Not achieved:</p> <p>The application must demonstrate how the project will achieve a 20% increase on minimum NCC energy efficiency standards, as required in the Fishermans Bend Urban Renewal Area Policy at Clause 22.15-4.5.</p> <p>The SMP provided does not address such requirements. As with other elements if this application, the supporting documentation lacks detail. Notwithstanding this, the project has the potential to meet these requirements and these can be included as recommendation of any Incorporated Document.</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 green wall and landscaping to the top of the podium has the potential to satisfy this requirement but the plans and documentation are lacking in detail to confirm if these requirements can be met.</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 north-east and north-west facing glazing will be highly exposed to excessive solar heat gain, which will result in low occupant comfort and high reliance on mechanical heating and cooling. The façade design should be amended to include external shading to glazing within the architectural language of the building. Reliance on “performance glazing” alone to deal with heat loads is not supported.</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 in part:</p> <p>It is a requirement that Melbourne Water’s Planning for Sea Level Rise Guidelines (February 2017) and Melbourne Water’s Guidelines for Development in Flood-prone Areas (October 2008) be applied to the Fishermans Bend Urban Renewal Area.</p>



	<p>Melbourne Water recommends adopting a long-term planning approach by planning for sea level rise of not less than 0.8m by 2100. On this basis, it is recommended that floor levels be raised above the predicted 1% AEP flood level in 2100, which is 2.4m AHD.</p> <p>In areas prone to tidal inundation, building floor levels should be at least 600 millimetres above the relevant predicted future 1% AEP flood level, which in this case is 2.4m AHD. That is, minimum floor levels should be 3.0m AHD.</p> <p>The application material appears to provide for finished floor levels to 2.25m AHD to the lobby and retail areas and 1.65m AHD to the car parking area. These levels are substantially below the minimum requirements set by Melbourne Water. The supporting planning report with this application notes, <i>“It is considered that these uses would be able to easily recover from the impacts of temporary flooding should this occur. If required, essential services can be located at a level to address potential flooding events.”</i></p> <p>There is no objection to this approach in principle subject to any amendments not compromising the activation to the streetscapes, particularly to Thistlethwaite Street.</p> <p>The applicant has not provided details on flood mitigation measures to the car parking area which includes pits associated with car stackers.</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 in part:</p> <p>The plan and elevation drawings and application documentation do not provide details of flood resilient design and materials but it is considered this can easily be addressed as a requirement of any Incorporated Document.</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 in part:</p> <p>The plan and elevation drawings have not considered Melbourne Water’s Guidelines but it is considered this can be managed through the use of resilient materials and internal design management.</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 in part:</p> <p>The proposed floor plans generally propose a layout and design which could be amended to facilitate mitigation measures whilst maintaining visually permeable presentation to Thistlethwaite Street.</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>Achieved in part:</p> <p>The floor plans, elevations and application documentation do not provide details of flood resilient design and materials but it is considered this can be addressed as a requirement of any Incorporated Document.</p>



	<p>Council’s Urban Designers recommend this be addressed in partnership with relocating the Booster and Mail Room to a location which has a lesser impact on the Thistlethwaite Street activation.</p>
<ul style="list-style-type: none"> • Developments and public realm layout and design <u>should</u> integrate best practice WSUD. 	<p>Achieved in part:</p> <p>The proposed 30,000 litre rainwater tank is not sufficiently large to meet the mandatory condition requirement for rain water tank sizing under the CCZ1 of 0.5m³ per 10m² of roof catchment including podiums. The tank size must be increased to respond to this requirement.</p> <p>It is also noted that the SMP states that the tank will only be connected to some toilets for flushing, consistent with the mandatory condition requirements in the CCZ1. The tank must be collected to all toilets within the development for flushing to enable continual draw down from the tank. This will ensure that there is sufficient tank capacity to collect rainwater during a storm event.</p> <p>This can be satisfied as a recommendation of any Incorporated Document.</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:</p> <p>The design includes a communal podium with perimeter landscaping.</p>
<p>Landscape areas <u>should:</u></p> <ul style="list-style-type: none"> • Contribute to creation of sense of place and identity and preferred character for the precinct. 	<p>Achieved in part:</p> <p>The partially landscaped communal podium would provide a shared space for the development but would not appreciably contribute to any sense of particular place or identity or the preferred character for the precinct, rather for the development itself.</p> <p>Council’s Urban Designers and Landscape Architects have provided commentary on how these design aspects could be improved.</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:</p> <p>The landscape plan and SMP do not propose innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD for the landscaped areas however as noted above, there is potential for this to be achieved upon submission of more detailed documentation.</p>
<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. 	<p>Not achieved:</p> <p>A community garden is not proposed.</p>
<ul style="list-style-type: none"> • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	<p>Not applicable:</p> <p>Public open space is not proposed as part of the application.</p>
<p>Plant selection <u>should:</u></p> <ul style="list-style-type: none"> • Support complex and biodiverse habitat including native and indigenous flora and fauna. 	<p>Achieved in part:</p> <p>The landscape plan features a small mixture of native and indigenous and exotic plantings.</p>



<ul style="list-style-type: none"> • Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity. 	<p>Achieved in part:</p> <p>The plan does not detail exotic climate resilient plants but can be required as a condition of any Incorporated Document.</p>
<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not achieved:</p> <p>A vegetation link is not proposed.</p>
<p>Buildings should:</p> <ul style="list-style-type: none"> • Include deep soil zones of at least 1.5m or planter pits for canopy trees. 	<p>Achieved in part:</p> <p>There are no deep soil zones proposed.</p> <p>Planters to the perimeter of the open space at Level 4 show a 1.0m high raised planter box with evergreen capable of growing up to 2.0m and a further row of shrubs in front of the hedge.</p> <p>A typical lightweight planter box detail has been provided, however the podium level landscape plan has not indicated whether this detail is intended to be used. Detail lacks specifics on soil depths sufficient to sustain continued healthy growth of proposed planting.</p> <p>Existing street trees are proposed to be retained and tree protection measures are recommended to be included as part of any Incorporated Document.</p>
<ul style="list-style-type: none"> • Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions. 	<p>Achieved in part:</p> <p>The north-east façade includes a green wall however, the landscape plan design details. It is noted that the application plans rely heavily on the green wall as a key feature of the proposed building’s aesthetic impact in the streetscape and the wider Montague South precinct. A landscape plan with details of the wall composition and proposed species, establishment program, irrigation methods and maintenance plans could be included as a recommendation of any Incorporated Document.</p> <p>The plans do not detail whether the landscape areas are water efficient, or located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions. Such requirements can be included as part of any Incorporated Document.</p>
<p>22.15-4.8 New streets, laneways and pedestrian connections</p> <p>New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> • Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block. • Non-core areas: not more than 100m apart and orientated in the preferred direction. <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>The proposal does not create any new streets, laneways or pedestrian paths however the ground floor layout does provide for ease of access between two entry points to Thistlethwaite Street and the access road off Tates Place.</p>



<p>Sites >3000m2 <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p>Not applicable as the site area is 924m².</p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p> <ul style="list-style-type: none"> • Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1. 	<p>Not applicable</p>
<ul style="list-style-type: none"> • Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space. 	<p>Not applicable</p>
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p>Not applicable</p>
<p>New streets and lanes <u>should</u> be designed to: Enable views through the street block; Have active frontages in a core area; Be open to the sky; Allow for canopy tree planting.</p>	<p>Not applicable</p>
<p>22.15-4.9 Sustainable transport Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.</p>	<p>Achieved: The development would not compromise the delivery of future public transport including new tram, train and bus routes.</p>
<p>Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.</p>	<p>Achieved: The proposal would replace a crossover to Buckhurst Lane. Council’s Traffic Engineer has recommended amendments to the proposed visibility splays which can be included as recommendation of any Incorporated Document.</p>
<p>Design internal connections to give priority to pedestrians and bicycles.</p>	<p>Achieved in part: The internal connections do not give priority to the bicycle parking area due to its location deep within the building which will likely be difficult to access owing to the dog-leg configuration of the space. Due to the site constraints and impact to the retail areas, the arrangement can be considered acceptable subject to minor amendments.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p>Achieved in part: The plans detail the proposal of six showers but no lockers. One male and one female shower and change room are provided directly from the bicycle parking area with a further four provided at level 1. Access to the first floor would be relatively unobstructed for workers however it is considered the location of all the end of trip facilities should be relocated to a more accessible location to the bicycle parking area. Details of the double height bicycle parking rails are not provided.</p>



<p>Encourage developments to provide less than preferred max. no. car spaces.</p>	<p>Achieved: Proposal seeks to provide less than the preferred maximum number of car spaces.</p>
<p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p>Achieved in part: The car parking area, subject to infilling the car stackers pits and raising the finished floor levels to the satisfaction of Melbourne Water could be retrofitted to facilitate alternative uses.</p>
<p>22.15-4.10 Land use transition Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p>Achieved: The proposed uses would not prejudice the urban renewal of Fishermans Bend.</p>
<p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p>Achieved in part: The application material includes a Wind and Acoustic Assessment. Concerns in respect of the Wind Assessment accompanying the application include the omission of emerging and approved development in the proximity model. The modelling does not cover the required assessment area and additional study points should be considered as it is unknown if these areas would achieve either safety or comfort criteria. An Acoustic Report has also been submitted which generally provide an acceptable level of internal amenity for future occupiers of the building.</p>

11.2 Clause 37.04: Capital City Zone (CCZ1)

11.2.1 Use of Land

Use for a Retail premises (other than Hotel, Shop and Tavern) (including Restaurant) requires a permit because the land is within 450m of the South Melbourne to Brooklyn and Dandenong to West Melbourne pipelines.

Use for offices does not require a permit.

All the proposed uses are considered satisfactory for the site, subject to conditions and for management of amenity impacts such as noise emissions and / or protection from nearby sources of noise etc.

11.2.2 Buildings and Works Requirements

Buildings and works must be generally in accordance with the Urban Structure, Amenity Buffer, Pipeline Buffer and Transport and Infrastructure maps of Schedule 1 to the CCZ. This does not apply to a new road or laneway marked as indicative.

Map 1: Urban Structure designates the site as within the Montague Core area. A new linear public open space area is proposed to Buckhurst Street further to



the north-west of the site and will extend from Ferrars Street to Boundary Street. No crossovers are permitted from Buckhurst Street.

To the south-west of the site, a new public open space is proposed to the south-western corner of Thistlethwaite Street and George Street. Buckhurst Lane is proposed to be extended to provide direct access to Montague Street.

Map 4: Amenity buffers the site lies outside any amenity buffers noted on Map 4.

Map 5: Pipeline buffers includes the land within the 450m buffers of the South Melbourne to Brooklyn and the Dandenong to West Melbourne gas pipelines.

Map 6: Transport Infrastructure shows the site is proximate to the Route 96 and 109 tram corridor, and would not adversely impact on any proposed future transport infrastructure.

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

Clause 4.2 of Schedule 1 to the Capital City Zone requires bicycle, motorcycle and car share parking spaces (unless the responsible authority is satisfied a lesser number is sufficient). As the development does not exceed 10,000 square metres of non-residential floor space, there is no requirement to provide bicycle spaces, motorcycle spaces or a car share scheme under the Capital City Zone.

Further consideration is given to the provision of bicycle parking pursuant to Clause 52.34 (Bicycle Facilities) of the Port Phillip Planning Scheme.

11.2.4 **Conditions on Permits**

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

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

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

11.3 **Clause 43.02: Design and Development Overlay – Schedule 30 – Fishermans Bend – Montague Precinct**

The requirements of DDO30 applications to vary discretionary requirements must achieve the relevant built form outcomes which include, *responding to the preferred precinct character and typology statements and providing an appropriate transition and relationship to heritage buildings and existing lower scale neighbourhoods of South Melbourne and Port Melbourne.*

11.3.1 **Building Typologies**

The land is in Precinct Area M5 of DDO30 which encourages a hybrid (predominantly mid-rise building typology i.e. 7 to 15 storeys with some high-rise forms i.e. 16 storeys or higher on larger sites). The preferred maximum building height is 43 metres (12-storeys).



The preferred precinct character is for well-spaced, slender towers that can provide sunlight access to streets with a particular focus on Buckhurst Street, incorporating a tooth and gap typology.

The planning scheme does not provide guidance or define 'hybrid' building typology or 'slender towers'.

Assessment

The proposed podium and tower forms at four and 16 storeys falls outside the aforementioned numerical definition of a 'mid-rise' development with the 16-storey element being one level taller than the preferred maximum height for the precinct.

Council's Urban Designers and Strategic Planners did not support the tower heights and massing because of concerns they did not achieve the built form outcomes of DDO30 and the building envelope of the towers should be reduced to 12 storeys, or 15 storeys if it could be demonstrated that the height (in combination with the proposed setbacks above the podium):

- Helps deliver comfortable wind conditions in the public realm;
- Minimises visual bulk of upper floors when viewed from Thistlethwaite Street and Buckhurst Lane; and
- Allows for adequate views to the sky from Buckhurst Lane.

The proposed massing of the development must be considered in context of the existing, approved and emerging built forms within the immediate area, including the adjoining development at 134-142 Ferrars Street for an 18-storey / 60.9 metre high development currently under construction.

To the south and eastern side of Thistlethwaite Street construction is currently underway for developments comprising five and four-eight storey developments.

In the wider context, land to the northern side of Buckhurst Lane includes a proposal for a 12 and 20 storey development atop a four and five storey podium and further north of Buckhurst Street, approved development will establish towers between 27 and 30 storeys. These pending and approved developments are reflective of the DDO30 requirements and underpins the strategic analysis for the area.

The proposed design response, at 16 storeys exceeds the 'mid-rise' building height range as identified within Clause 2.4 of DDO30 by one level. However, the overall massing strategy that includes a variation in building height is considered to accord with the allowance for some high-rise forms in the M5 Precinct per Table 1 of DDO30.

To provide an interesting and varied skyline, a departure from the upper numerical definition of mid-rise (being 15 storeys) is acceptable and contemplated by policy to achieve the built form outcome sought for this area and an appropriate transition within the emerging development patterns of the area.

The Port Phillip Planning Scheme does not define 'slender towers' but given the site frontage is 20 metres and the tower at 10 metres wide represents 50% of the



frontage, achieving the minimum 5 metre side setbacks, on balance it is considered acceptable. Any reduction in the width of the tower will have limited impact to the perception of slenderness given the 15.0m separation to the tower façade at 134-142 Ferrars Street is unlikely to be appreciated due to the emerging developments within the area restricting views.

The proposed tower floorplates, setbacks and variation in the tower height will contribute to an interesting and varied skyline as encouraged by policy. The balance of the proposal is consistent with the preferred character and building typology outlined within Table 1 of DDO30.

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 over:

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

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

Land to the south-west corner of George Street and Thistlethwaite Street is designated as a new public open space on Map 4 to the schedule.

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

11.3.3 Building Height

Street Wall Height

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

A four-storey street wall is proposed to both Thistlethwaite Street and Buckhurst Lane.

Assessment

The application plans have been amended to reduce the podium height from six to four storeys which is more consistent with the street wall height of the adjoining development to the north-east and the remnant character building immediately to the south-west. The proposed podium/ street wall height is now therefore considered to adequately respond to the design objectives. A reduction in the street wall height also assists in reducing the previously high exposure of the side boundary party walls. These are now articulated with patterned concrete panels to assist with the visible area adjacent to 134-142 Ferrars Street while the party wall to the south-west to 16-20 Thistlethwaite Street (this building is not heritage



graded but is identified in the City of Port Phillip's Neighbourhood Character Overlay and requires a permit for demolition under the CCZ).

The podium is modularised and finished in blackstone face brick and glazing. Fenestration draws upon design cues from the adjoining building at 16-20 Thistlethwaite Street. It is considered the façade articulation can be improved through incorporating recesses to the glazing to create shadow lines, depth and visual interest.

The entrance to the lobby and partial void at first floor level is proposed to be glazed and framed with white render. Council acknowledges the requirements of the service authorities to provide a booster cupboard within ease access of the street, but it is considered this element can be better managed. It is recommended this be relocated to the side return of the recessed lobby entrance. The white rendered element provides an awkward addition to the materiality of the proposed building and wider precinct character should be reconsidered.

The plans do not clearly denote the placement of the street canopy, including if it extends into the recessed lobby entry. Other inconsistencies such as these arise between the elevation and photomontages.

Tower Height

The proposed podium and tower form at 16 storeys / 53.8m (excluding plant) and 56.4m (including plant) exceeds the numerical definition of a 'mid-rise' development being four storeys taller than the preferred maximum height for the land (being 43m / 12 storeys) and 1 storey higher than the upper limit for the mid-rise character definition.

Assessment

Council's Urban Designers recommended:

- Tower heights be reduced to align more closely with the preferred 12-storey maximum; and
- Tower footprints be reduced and / or an increase in tower separation.

As noted under the assessment at section 11.3.1 Building Typologies of this report, the proposed tower heights are generally considered acceptable. In addition to this assessment, it is also acknowledged that the proposal contributes to the employment floorspace of the precinct.

11.3.4 Street wall setbacks

Street walls should be built to the boundary.

The Thistlethwaite Street and Buckhurst Lane street walls meet this standard being built to the boundary at all levels, except for openings to entry lobbies.

11.3.5 Setbacks Above the Street Wall / Side and Rear Setbacks

The preferred setback of towers above the street wall and from side and rear boundaries is 10.0m and the minimum setback is 5.0m.



The tower is setback 5.0m from all title boundaries and meets the minimum required setbacks for the street wall setback. The proposed setbacks are considered acceptable in defining the built form and the fine grain materiality of the podium, particularly given the relatively narrow site frontage at 20.0m to both street interfaces.

The proposed setbacks ensure the tower presents as a slender form and maintains adequate amenity separation with emerging developments with abutting developments including:

- North-east boundary: 15.0m window to window separation to the south-west façade 134-142 Ferrars Street.
- North-west boundary: 14.25m window to window separation to the south-east façade of the 20-storey proposed tower at 11-41 Thistlethwaite Street and 13.3m window to window separation to the 12-storey proposed tower.

Three metre high impermeable wind screens at the base of the tower encroach into this setback, however given the setbacks and proposed landscaping to the perimeter of the podium, these elements are considered acceptable.

11.3.6 Building Separation

Not applicable.

11.3.7 Wind Effects on the Public Realm

A Pedestrian Wind Environment Study including wind tunnel assessment was prepared in support of the proposed development. The results of the study indicate that wind conditions for some of the trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will also experience strong winds which will exceed the relevant criteria for comfort and/or safety. Suggested treatments are described as follows:

Ground Floor

- Widen the proposed awnings located over the retail entrances to be as wide as the awning located over the main entrance, along the Thistlethwaite Street pedestrian pathway.
- Attach the main entrance awning with the retail entrances awnings to make it one continuous stepped awning, along the Thistlethwaite Street pedestrian pathway.
- Car park entry/exit shutter door located along the Buckhurst Lane to be at least 50% porous.

Level 5 Podium

- Inclusion of 2.0m high impermeable screens extending out from the central north-eastern and south-western tower facade aspects measured from the Level 5 slab.
- Inclusion of 3.0m high and 2.0m wide impermeable screens extending out from the eastern, southern and western tower corners measured from the Level 5 slab.



- Inclusion of one of the following treatment strategies:
 - Option 1: Inclusion of an impermeable screen at least 2.0m high and 1.5m wide, positioned at the northern corner of the tower, measured from the Level 5 slab.
 - Option 2: Inclusion of densely foliating, evergreen planting capable of growing up to at least 2.0m in total height (planter box and planting) positioned at the northern corner of the tower.
- Densely foliating, evergreen planting capable of growing up to 3-5.0m high with interlocking canopies positioned along the central north-eastern and south-western tower façade aspects.
- Densely foliating, evergreen planting capable of growing up to at least 2.0m in total height (planter box and planting) along the perimeter of the podium rooftop.

It should be noted that the existing trees along the pedestrian footpaths on Thistlethwaite Street are expected to further mitigate wind conditions along these areas.

With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.

Council's Urban Designers raised the following omissions / concerns:

- Several developments either approved or under construction have not been included in the proximity model.
- The assessment area has not been determined in accordance with the requirements of Clause 2.11 of DDO30. Based on the proposed building height, the assessment area should extend approximately 28m from the site boundaries. This area would include a greater extent of the pedestrian areas on Thistlethwaite Street (both footpaths), Buckhurst Lane (entire pavement area) and Tates Place (entire pavement area). Additional study point locations are required in these areas of the public realm, as they are located within the core area of Montague where pedestrian activity is encouraged. Furthermore, there is a reasonable risk that these areas will not achieve either safety or comfort criteria, considering the results of Point 05 (Buckhurst Lane) and Point 08 (Thistlethwaite Street).
- Standing assessment criteria (4m/s) should be achieved for footpath of the entire Thistlethwaite Street frontage of the site (commercial entry and retail tenancies – Points 1-3). This change will help provide a public realm that is useable and attractive. Walking criteria should be achieved for the remainder of pedestrian areas in the assessment area (as described above).
- The recommended treatments have not been substantiated.

11.3.8 Active Street Frontages

Thistlethwaite Street or Buckhurst Lane are not designated as a primary or secondary active street frontage as outlined at Map 3 of DDO30.



The floorplans, elevations and renders feature floor to ceiling glazing with a white render framing element to Thistlethwaite Street at ground floor. The booster cupboards (and mailroom) should be better sleeved to improve the main entrance presentation to the street and establish a hierarchy between the retail entrances. The depth of the entry to the commercial lobby is recessed approximately 5.0m from the building line. The entry width is approximately 4.0m and as such should be recessed no more than 1.3m to comply with best practice which states entrances should be no deeper than one-third of the entrance width.

Upper levels to the podium provide for additional glazing and opportunities for passive surveillance of the streetscape. The terraced area to the podium appears to have a perimeter balustrade with glass and aluminium railings. Planter boxes are also nominated to the perimeter of this area however it is unclear how the raised planter beds will integrate with a glazed balustrade or how the intent of supervision of the street below can be achieved if a continuous planter bed runs along the front of the podium. Level 4 landscape plans should create edge conditions that allow access to the edge and overlooking of the street to support activation at street level. There is no consistency between what is proposed in the landscape plan and the large tree planting proposed in the elevation drawings. Section plans do not provide further clarity regarding this arrangement. Additional detail is required to understand how the design can support significant tree growth as proposed, and any potential safety concerns regarding impact of wind.

The elevation to Buckhurst Lane at ground level is dominated by vehicular access and service cupboards. Given this lane provides the primary access to properties fronting Buckhurst Street and Thistlethwaite this is to be expected and can generally be supported. Upper levels of the podium are treated with the same detail as the façade to Thistlethwaite Street.

As previously noted, the application material appears to provide for finished floor levels below the minimum requirements set by Melbourne Water. The supporting planning report with this application notes, *“It is considered that these uses would be able to easily recover from the impacts of temporary flooding should this occur. If required, essential services can be located at a level to address potential flooding events.”*

There is no objection to this approach in principle subject to any amendments not compromising the activation to the streetscapes, particularly to Thistlethwaite Street. Any amended plans will need to resolve the competing requirements of managing flood risk, providing an active street frontage and achieving equitable DDA access.

11.3.9 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
Lower levels up to the	At least 4.0m floor-to-floor height at ground level	Achieved in part: Ground level floor-to-floor height: 4m



height of the street wall	At least 3.8m floor-to-floor height for other lower levels	Podium levels 1 to 4 floor-to-floor height: 3.8m
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: Car parking proposed to be flat and has a floor to floor height of 4.6m. Pits extend approximately 1.5m lower than the finished floor level but these can be infilled for future adaptability if required.

Assessment

The adaptability of the buildings is considered satisfactory but any amendment it is acknowledged that the ground floor and podium floor to floor heights may be altered as part of the future discussions to provide an acceptable design response to flooding matters.

11.3.10 Building Finishes

Building façade materials and finishes are described and assessed in part at Paragraph 11.3.3 of this report.

It is however noted that the areas of the building and retail tenancies that may be impacted by floodwater (e.g. transition areas) will need to be designed and operated to manage flood risk during the life of the development.

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

- Design elements and materials should be resilient including waterproof doors and windows, elevated power outlets and the like.
- Uses at ground floor level should be able to easily recover from the impacts of temporary flooding.

11.4 Clause 45.09: Parking Overlay

11.4.1 Car Parking

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum parking rates for retail premises and office. A permit is required to provide parking in excess of the Parking Overlay rates.

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

Use	Rate	Requirement	Proposed
Retail	Max. 1 space / 100m ² gross floor area	Max = 2	31 spaces - complies
Office	Max. 1 space / 100m ² gross floor area	Max = 60	
Total		62	31

The proposal provides an adequate number of car spaces to cater for employees (31 spaces) at the site. This is less than the maximum car parking rate of 154 spaces under the Parking Overlay.



Given the use of car stackers, the opportunity for electric vehicle charging stations and car share schemes

11.4.2 Design standards for car parking

As per the internal referral comments section 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

It is proposed to provide vehicular access to the site via Buckhurst Lane. The floor plans, elevations and sections indicate the access to the development will be provided at grade. This is generally considered acceptable subject to:

- Installation of a warning system (such as light) to alert drivers of entering / exiting the site.
- Confirmation the roller door will not impact service/loading vehicle entering/exiting the loading area.
- Full sight splays provided to the Buckhurst Laneway access point.

Car park layout

It is proposed to provide all parking spaces via mechanical stacker, Klaus Trendvario 4300-200 model. This is generally considered acceptable subject to the following aspects being addressed:

- The TIA indicates the specifications but the plans do not clarify if the design of the pit depth is suitable for Klaus Trendvario 4300-200.
- The swept diagrams must be updated to outline of the useable platforms width/length/columns etc and the carriageway width of Buckhurst Lane.
- The swept path indicates vehicles reversing into the mechanical stacker. The applicant must confirm with the stacker provider that it is acceptable for vehicles to reverse onto the platforms.
- Update plans to show the dimensions of the car door to Buckhurst Lane.
- Applicant must have an action plan in place for when scheduled maintenance occurs or the lift is temporarily unavailable.
- The accessway from the carpark to the lifts are not convenient due to the staircase.
- Plans need to show details of access arrangements / restrictions (eg: swipe card access or similar).
- A DDA space is not provided.
- It is recommended to install a warning system (such as light) when the stacker system is being used.

Ramps

- Access from Buckhurst Lane, subject to the provision of satisfactory swept diagrams is to be provided at grade. The application material does not include details of how this will respond to flooding requirements. This will



likely include some ramping and mechanical floor mitigation measures, in such instances, plans need to show ramp lengths, widths and RLs. Recommend drawings include a longitude cross section for each ramp.

Bicycle facilitates

- Access to bike storage areas are not convenient or direct from building entrances. It is also recommended the accessway aisle leading to the bike storage area and widen to a minimum of 1.5m.
- Plans need to clearly show the double height bike racks, spacing and aisle widths and some consideration to provide electric bike charging stations.
- Clause 52.34 of the planning scheme requires:

Use	Rate - Employee	Rate – Visitor / Shopper	Requirement - Employee	Requirement - Visitor / Shopper	Proposed
Retail	1 space / 300m ² of leasable floor area	1 space / 500m ² of leasable floor area	1	1	32 spaces - complies
Office	1 space / 300m ² net floor area if the floor area exceeds 1000 m ²	1 space / 1000m ² net floor area if the floor area exceeds 1000 m ²	20	6	
Total Required			21	7	28

- Showers and change rooms are required by Clause 52.34. Three showers and a changeroom for the proposal and are detailed on the drawings.
- The proposed bike racks located on the footpath is not supported. It is suggested to provided visitor bike spaces near the sites frontage (contained wholly within the site).
- Design suggestion:
 - The Australian Standards require a minimum of 20% horizontal, ground level bicycle parking spaces (not wall mounted).
 - Secure bicycle parking facility must be provided for staff use.
 - Refer to design guidelines outlined in Clause 52.34.

Loading and waste area

Refer to discussion at Section 11.7

Car share

The development does not propose any car share spaces. Council has identified the frontage of the site as a potential location for a new on-street car share bay.



Further information will be provided to the building owner if Council decides to proceed with a proposal at this location.

Overall, these matters could be provided for by conditions of any Incorporated Document that may issue for the proposal. Any such changes will need to be considered in the context of other built form changes to and will likely changes discussed in this report and will likely result in a substantially amended ground floor plan.

11.5 Other Matters

11.5.1 Fishermans Bend Framework October 2018

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

It is considered the proposal generally aligns with the vision set out for the Montague Precinct.

11.6 Transport Matters

11.6.1 Motorcycle Parking

Motorcycle parking is assessed at Section 11.2.3 of this report.

11.6.2 Bicycle Facilities

Bicycle Facilities are assessed under Section 11.2.3 of this report under the assessment of Clause 22.15-4.9 (Sustainable Transport) and at Section 11.4.2 relating to the Parking Overlay.

11.6.3 Cumulative Traffic Impacts

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

The traffic report indicates the expected traffic generation as follow:

- Typically, employees travelling by car will arrive over a period of at least 90 minutes in the morning peak period. Traffic in Buckhurst Lane generated from the proposed development is likely to peak at around 20 vehicle movements per hour inbound during the morning peak.
- Based on existing arrangements, 40 vehicular movements per hour is anticipated to Buckhurst Lane and is noted as minimal consequence to capacity, safety or amenity outcomes.
- There are delays of up to 30 seconds associated with the car stackers should two or more vehicles enter one after the other. This indicates a "service rate" of 120 vehicles per hour for processing by each bank of stackers. The arrival rate of 20 vehicles per hour is 10 vehicles per hour per bank of stackers, approximately allowing an "Utilisation Factor" of 0.1, the probability of a queue of 1 car forming. This equated to a 0.09% chance of a queue outside the site and will generally be able to be resolved in seconds.



Notwithstanding the above assertions, Council's Traffic Engineer has raised the following concerns:

- TTM Traffic Engineering have not undertaken a Probability of Conflict for the subject site and current traffic conditions in Buckhurst Lane. The assessment has not included other properties that are currently under construction or going through the approval process that will have access via Buckhurst Lane in the future. The results are not indicative of the traffic volume in Buckhurst Lane in the future.
- Given the width of Buckhurst Lane I have concerns of vehicle conflict given the width of laneway and lack of passing area. This will be an issue in the long term. Consideration should be provided to widen the laneway to safely accommodate two-way traffic and not compromise other road users safety.

In response to the above traffic concerns, it is noted the area surrounding the subject site is planned for extensive urban renewable. Where Buckhurst Lane provides a laneway abuttal it is a default of other policy requirements that this be utilised i.e. access off Thistlethwaite Street is to be minimised, and no access is permitted to Buckhurst Street.

Options for motorists accessing the proposed entry include Tates Place, opposite the site access which provides direct access to Thistlethwaite Street, and either direction on Buckhurst Lane through to George Street or Ferrars Street. Therefore, the level of traffic that can be carried by Buckhurst Lane is higher than typical laneways.

Access to the site is via Buckhurst Lane which is 140m long and has a carriageway width of approximately 4.5m, increasing in width from west to east between approximately 5.48m and 5.7m (including the additional width provided by roll-over bluestone swale gutters).

The probability of two vehicles meeting on Buckhurst Lane is likely to be low, based on other traffic assessments for proposals within the area.

It is unlikely that two cars would meet along Buckhurst Lane, however in the event this occurs there is suitable area for vehicles to prop and pass based on the width of Buckhurst Lane. Furthermore, this site has access to Tates Place approximately 4.5m in width which should be considered in any analysis as it would further distribute traffic and reduce the likelihood of traffic conflicts. It is noted both Tates Place and George Street have few crossovers and are not long street lengths which facilitates traffic dispersing quickly onto higher capacity roads including Thistlethwaite Street and Buckhurst Street.

Notwithstanding this, the Traffic Impact Assessment should be updated accordingly to confirm this proposition and advise on any appropriate management techniques

11.6.4 Pedestrian connectivity

There are no pedestrian links provided between Thistlethwaite Street and Buckhurst Lane, this is consistent with the existing pedestrian movements within



the area. Given the proximity to Tate's Place and the narrow site frontage, the provision of such a link is not fatal to the development.

11.7 Waste Management / Loading

The Waste Management Plan (WMP) states:

- Waste collection will be carried out by a private contractor twice weekly for general waste and twice weekly for recycled waste. This is generally considered acceptable, subject to ease of access as discussed below.
- Collections of all bins will take place on site within the ground floor car parking area by a small / mini waste truck. The vehicle will reverse from Buckhurst Lane into the carpark and exit into the lane in a forward direction. The Traffic or Waste Management Plans do not detail that such a vehicle (of the waste capacity required) can easily access the loading area. Whilst it is likely that the entry and required clearance swept path diagrams can be achieved on site, this may change subject to flood mitigation measures.
- Two waste chutes are located behind the lift cores and are proposed in the form of a bi-sorting system or more commonly known as a split system. This allows for one chute to service general and recycling waste with the operator selecting the waste type via a lever / button to determine the end destination of the waste. These generally only operate effectively in development of ten storeys and less and therefore it is recommended a dual chute system to improve the separation of recycling. It is acknowledged that such an arrangement will marginally impact the office layouts and floor spaces at each level.
- It is recommended space for and compost bin for future council services are provided.
- Provision should be provided for hard waste, charity bin and E-waste.
- Details about the type of arrangements on ventilation, washing and Vermin-prevention to the waste storage area should be provided.

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

11.8 Public Open Space

No public open space is proposed. This is appropriate given the FBSFP Design Guidance encourages buildings to be constructed to the boundary a linear park designated along Buckhurst Street.

Open space for the proposals would be best provided by an 8% cash contribution in accordance with Schedule 1 to Clause 53.01 (Public Open Space and Subdivision) Planning Scheme, which could then be used to purchase or develop parkland in the neighbourhood.

11.9 Sustainable Design

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



Council's ESD officer notes the proposal has the potential to address the FBURA specific requirements for ESD but is lacking in detail. There are a number of outstanding matters that should be clarified as follows:

- Mandatory certified Green Star Design & As Built ratings are specified at Clause 4.3 of the Capital City Zone, Schedule 1, The Sustainable Management Plan (SMP) should be amended to show how the development will achieve a five star Green Star Design & As Built rating with a 10% buffer above the minimum 60 point requirement. $60 + 6 = 66$ points = Five Star "Australian Excellence". The implementation schedule in the report does not reflect the green star credit requirements. It is also unclear if the development will even achieve the 60 points claimed. Green star credit specific queries are listed in the referral in the referral section of this report.
- The proposed 30,000 litre rainwater tank is not sufficiently large to meet the mandatory condition requirement for rain water tank sizing under the CCZ1 of 0.5m³ per 10m² of roof catchment including podiums. The tank size must be increased to respond to this requirement. It is also noted that the SMP states that the tank will only be connected to some toilets for flushing, consistent with the mandatory condition requirements in the CCZ1. The tank must be collected to all toilets within the development for flushing to enable continual draw down from the tank. This will ensure that there is sufficient tank capacity to collect rainwater during a storm event.
- The Green Star Design & As Built Scorecard targets 60 points, which will just make it to a five star rating, provided all those credits are actually implemented. The SMP should demonstrate how the development will achieve the rating with a 10% buffer above the minimum $60 + 6 = 66$ points Five Star Australian Excellence.
- Podium level offices are up to 19 metres deep with single aspect, therefore natural daylight will be poor, particularly given the long, narrow layouts. The design should be amended to ameliorate concerns regarding natural daylight provision, such as light courts. Daylight modelling required for podium offices on levels 2 – 4 to demonstrate what proportion of the floor space of each tenancy would achieve a daylight factor of 2% or greater.
- The need for provision of external shading to north-east and north-west facing glazing. The previous design included some overhanging balconies in the tower which provided shading to some of the exposed glazing. However, the change of design to a purely commercial building has resulted in there being no external balconies or overhanging features. Therefore, the north-east and north-west facing glazing will be highly exposed to excessive solar heat gain, which will result in low occupant comfort and high reliance on mechanical heating and cooling. The façade design should be amended to include external shading to glazing within the architectural language of the building. As stated in my comments on previous plans, reliance on "performance glazing" alone to deal with heat loads will not be accepted



- The proposal should incorporate solar PV on the roof where it can be accommodated along with standard services. Consideration of Building Integrated Photo Voltaic (BIPV) is also encouraged and could be employed to accommodate solar PV if roof space is limited, as well as providing a potential solution to external shading requirements and providing visual interest.
- All standard requirements for developments in FBURA will apply to this proposal, including mandatory third pipe provision, rain water tanks in accordance with the standard conditions of CCZ1, standard conditions requiring Green Star Design and As Built certification (a rating of 5 stars will be required for this proposal).

Subject to the targets within the accompanying reports being implemented into the development, and the proposal meeting the conditional requirements identified in Clause 4.3 of CCZ1, the proposal could meet the intent of this policy. These matters could be provided for by conditions of any Incorporated Document that may issue for the proposal.

11.10 Landscaping

The proposal includes three distinct landscaping elements that are discussed in turn below:

First floor landscaping

Green roof will only be visible to those in Office 102 and will be partially obscured to those in Office 101. Ideally this space would provide benefit to those on the street, not just a discrete few within an office space. The use of overhanging planting or taller forms of planting to improve amenity value from street is recommended. This should be considered in partnership with suggested changes to the façade articulation and placement of services at ground level.

Level 4 podium roof terrace landscaping

Provision of substantial landscaping on the top of the podium is supported. However the design and detail needs to be further considered including as follows:

- Clause 21.05-3 states that communal open space should be located to provide passive surveillance opportunities. All Level 4 landscapes propose planted buffers preventing pedestrian access to the edge and any views of Thistlethwaite Street below. Landscape plans show a one metre high raised planter box with evergreen capable of growing up to two metres and a further row of shrubs in front of the hedge. Level 4 landscape plans should create edge conditions that allow access to the edge and overlooking of the street to support activation at street level.
- All renderings of the building show a glass balustrade at podium level with five small trees/large shrubs behind. These renderings are misleading as the landscape plan indicates the podium will be buffered with a one metre high raised planter box with evergreens capable of growing up to two metres. Thistlethwaite Street will be further buffered with another row of shrubs. The



application should provide consistent graphic communication in all submissions.

- It is unclear how tree planting on the podium will be achieved given a typical lightweight planter box detail has been provided, Detail lacks specifics on soil depths sufficient to sustain continued healthy growth of proposed planting
- A high proportion of paving is proposed. The outcome could be improved by adding other surface medium into the mix, such as areas of ground cover etc. This will contribute to a reduction of urban heat island effect and reduce glare, making the external space more comfortable for occupants.
- Physical barriers to mitigate wind impacts do not contribute to the open space at podium level and these should integrate with the landscape design. It is recommended these are used either artistically, or to create discrete spaces or 'rooms' within the outdoor space of the podium.

Green Wall

The 'middle' section of the building comprising levels 4-14, features a cascading green wall to the north-east elevation. Provision of green walls is encouraged and aligns with the Fishermans Bend Framework objectives of responding to urban heat island effect and creating comfortable microclimates.

The application material to date does not demonstrate how this wall can establish and be maintained satisfactorily. A landscape plan with details of the wall composition and proposed species, establishment program, irrigation methods and maintenance plans must be provided to demonstrate that measures will be taken to ensure it is successful for the long term

It is noted that the application plans rely heavily on the green wall as a key feature of the proposed building's aesthetic impact in the streetscape and the wider Montague South precinct. Failure of this landscaped façade to establish successfully will result in an unacceptable outlook to the abutting property associated with 134-142 Ferrars Street and fail in concealing the central lift/stairs / waste chute. Should this application receive support, any Incorporated Document should require such documentation

11.11 Community Facilities

No community infrastructure is proposed the site.

Given the proximity of the community facilities located at the South Melbourne Primary School and within the immediate site context, it is considered that there is no requirement of the proposal to incorporate a community facility.

11.12 Wind impacts

Wind Impacts are assessed at Section 11.3.7 of this report.

11.13 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.*

Retail and office are not defined as sensitive uses.

The General Practice Note for Potentially Contaminated Land dated June 2005 provides guidance for the required level of assessment. The Victoria Unearthed indicates the site was previously used for aviation and mechanical supplies and therefore considered to have a high potential for contamination.

Table 2 of the practice note directs that a site assessment from a suitably qualified environmental professional is required if insufficient information is available to determine if an audit is appropriate.

If advised that an audit is not required, the requirements default then the general duty under Section 12(2)(b) and Section 60(1)(a)(iii) of the Planning and Environment Act 1987 prevails.

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

11.14 **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.

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 The site is contained within one certificate of title, being Crown Allotment 3 Section 56A City of South Melbourne Parish of Melbourne South, Certificate of Title Volume 9163 Folio 444. Two party wall easements (width 0.36m) are located along the comment boundaries with 16-20 Thistlethwaite Street and 1 Tates Place.



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 Advisory Committee c/- the Department as recommended.

14.2 Provide changed or additional comments to the Advisory Committee c/- the Department to those recommended.

14.3 Refuse to provide comments.

15. CONCLUSION

15.1 The proposed development of a mixed-use retail and commercial building within the Core area of the Montague Precinct is consistent with the emerging mixed-use character of the area.

15.2 The proposal at 16 storeys is four storeys higher than the preferred height of 12 storeys but is supported by policy and would provide a suitable design response to its built form context. The podium at four storeys is consistent with the part three / part four storey podium height to the adjoining 18 storey development at 134-142 Ferrars Street currently under construction and would provide a suitable transition in height to the south-western boundary at 16-20 Thistlethwaite Street, identified as a contributory building in the City of Port Phillip's Neighbourhood Character Overlay.

15.3 The podium level could provide for improved activation subject to conditions with proposed landscaping positively contributing to sustainable design aspirations and adding visual interest to the streetscape. This element is contingent on the receipt of suitable detailed designs and associated management plans which align with the conditions of the wind assessment.

15.4 The tower is considered to present as a slender element to the streetscape with the top two floors and plant room finished with glazing to crown the building and provide a contrast to the use of faced brickwork and glazing to the remainder of the building.

15.5 The proposed fenestration and design detailing respects the street rhythm and subject to further amendments would make a positive contribution to the streetscape. The front façade to Thistlethwaite Street draws upon design cues from the adjoining building to the south at 16-20 Thistlethwaite Street which is a Neighbourhood Character site. The modularised façade, use of face brick, albeit in a black stone finish, combined with a vertical emphasis to glazing elements at the upper floors offers a subtle nod to this building.

15.6 The proposal was internally referred, and officers raised concerns primarily related to the lack of detail, inconsistency between plans and reports and lack of resolution between different disciplines that have contributed to the design response.

15.7 Another unresolved issue is the unknown flood mitigation measures and the resultant impacts to the activation of Thistlethwaite Street, internal layouts, DDA compliant access arrangements and vehicular access and protection of mechanical car stackers.



- 15.8 In the absence of the applicant’s design response to this matter, Council anticipates that there may be substantial changes to the layout of the ground floor and podium levels.
- 15.9 All other aspects of the proposal including traffic, sustainable design and waste management are acceptable subject to receipt for more detailed information which will likely result in minor changes to the proposed land. These design and operational concerns could be addressed by recommendations of any Incorporated Document.
- 15.10 It is recommended that the Planning Committee resolve that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Council supports the application subject to amendments to matters set out in Sections 9 and 11 of this report.

TRIM FILE NO: PF19/22684

ATTACHMENTS

- 1. Architectural Plans**
- 2. Photomontages**
- 3. Strategic Planning Scheme Matters**
- 4. Referral Comments**