

Appendix D: Referral Responses

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Heritage	No Heritage issues
Waste Management	<p><u>Application plan referral response:</u></p> <ul style="list-style-type: none"> • Please provide a swept path diagram • Hard waste area is drawn at the entrance of the commercial bin area – please allocate a hard waste area/space which is easily accessible by all residents in the development. • Recommend E-Waste and Charity Bin space • Recommend allocated space for organic/food waste for future council services • Please provide the width of commercial bin area entrance door. • WMP pg. 4 has – 6 commercial bins (3x1100 recycling bins and 3x1100waste bins) but the drawing shows 8x1100 bins altogether - please advise which one is right. • WMP pg.4 has – 20 residential bins (10x1100 recycling bins and 10x1100waste bins) but the drawing shows 21x1100 bins altogether (11xwaste bins) - please advise which one is right. <p><u>S50 amended plans referral response</u> I've looked at the plan and it looks great. All good.</p>
Traffic Engineers	<p><u>S50 amended plans referral response</u></p> <p>I have reviewed the Swept Path Assessment by One Mile Grid dated 13 March 2020.</p> <p>I have no concerns of the swept path assessment provided.</p> <p>Boom Gate – I recommend the Applicant undertake a queuing assessment to determine the required setback of the boom gate from the property line. Any vehicle queuing must be contained on-site. Plans must show the measurements/setbacks of the boom gate.</p> <p>Crossover – Widening the internal aisles result a wider crossover. I recommend the Applicant consider providing a pedestrian refuge to reduce the overall width consistent with Clause 45.09.</p>
Fishermans Bend Strategy / Strategic Planning	<p><u>Application referral response:</u></p> <ul style="list-style-type: none"> • I agree with Item 1 under Preliminary Assessment of DELWP letter dated 8 January 2020, regarding the revised <u>façade treatment</u>. <p>DELWP letter dated 8 January 2020 states:</p> <p><i>“The proposed changes to the façade appear to result in a bulkier and less articulated built form compared to the approved scheme, which provided for a slenderer appearance of the tower. The proposed glazing lacks the modulation of that on the endorsed plans and is considered to result in a lack of depth to the façade.</i></p> <p><i>The proposed changes to glazing and articulation, particularly the consistent slab size at each level and the deletion of the expressed slab elements running up the tower, results in a building that appears excessively bulky. Additionally, the configuration of glazing and the deletion of</i></p>

sections of glazing in favour of concrete panels results in a loss of visual interest.

The Department is concerned that the proposed changes do not comply with condition 1(k) of the permit and will result in a poorer architectural and urban design outcome, and may not be supported. It is recommended that you explore opportunities to revise the design response accordingly.”

- Further, the revised floor plan for Levels 05-39 (TP1.06) shows ‘architectural features’ encroaching 1m into the 10m upper level setbacks. There is no provision in DDO30, however, for exemptions to the mandatory setbacks above the street wall (unlike the exemptions for building and street wall heights). On this basis, the amended proposal does not comply with these mandatory DDO30 requirements. Regardless, there is concern that the additional 2m façade width of each elevation contributes to greater visual bulk of the tower element of the building.
- There are no longer any standalone 3-bedroom dwellings in the amended proposal. There is no certainty that the dual key arrangements will be utilised for 3-bedroom dwellings (including no associated Planning Permit conditions). A development that excludes the dual key arrangements will have a limited dwelling diversity of 59% 1-bedroom and 41% 2-bedroom dwellings). On this basis, the amended proposal does not comply with Clause 22.15. Due to the uncertainty that the dual key arrangements will be utilised for 3-bedroom dwellings, the amended proposal will have a dwelling density of 1,687 dwellings/ha. Compared to the current approved proposal (1,296 dwellings/ha), the amended proposal increases the exceedance of the 450dwelling/ha dwelling density sought in CCZ1 by an unacceptable amount. It is recommended that the dual key dwellings be converted to standalone 3-bedroom apartments.
- Clarification is required whether residents of the affordable housing dwellings will have equal access to the on-site communal facilities. Condition 20 of the Planning Permit requires affordable housing dwellings to be tenure blind, which includes access to the same communal facilities as other residents in the development. What provisions to minimise body corporate costs for affordable housing?
- Communal open space / facilities. Lounges 01 and 02 and the associated communal dining area (Level 04) and communal rooftop have been removed in the amended proposal. In addition to the loss of communal floor area, in my view these areas provided some flexibility to be fitted out and equipped to “*include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users*” and “*deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax*”, as required by Clause 22.15. The remaining communal areas have quite specific purposes to meet specific needs of residents, however there are limited areas for people to interact casually, children to play, etc. Clarification is also required whether the cinema and wellness centre are included as communal facilities (with plan labelling and development summary amended accordingly).

- The amended plans provide 503sqm of employment floor area (Ground Floor retail tenancies), which is less than the current approval. It is acknowledged that the development provides facilities on the Ground Floor for home businesses, however, it is recommended that the area of employment floor space be increased.
- An amended wind assessment needs to be prepared that fully addresses the requirements of Clause 2.11 of DDO30. A safe and pleasant pedestrian environment needs to be maintained on footpaths and other public spaces for walking, sitting or standing. The wind assessment by Vipac adopted walking comfort criteria and not sitting or standing comfort criteria (as outlined in DDO30). In particular, seating criteria needs to be used for the proposed outdoor seating areas fronting the laneway for retail tenancies G02 and G03. The proposed wind treatments need to be located within the development (not on public land) and should be incorporated into the proposal architectural and landscape plans as they will form part of the design outcome for the development, as required by Condition 3 of the Planning Permit. The recommended canopy over and trees along the laneway are not acceptable.
- The shadow diagrams refer to the incorrect dates (22 September and 22 June); whether or not they have been modelled for 23 September. They also don't accurately show the roads, properties and buildings. Amended diagrams are required to clearly demonstrate compliance with overshadowing requirements, particularly of the new park to the east of the site. It is noted, however, that the building envelope has not altered significantly from the current approved plans

S50 amended plans referral response:

I have reviewed the amended proposal plans and supporting reports that the applicant provided in response to DELWP's request for further information and preliminary concerns. I provide the following strategic planning advice, based on my earlier advice provided to you on 5 February:

- The floor plans for Levels 04-39 and Roof (TP1.05, TP1.06 and TP1.08) continue to show 'architectural features' encroaching 1m into the 10m upper level setbacks. There is no provision in DDO30, however, for exemptions to the mandatory setbacks above the street wall (unlike the exemptions for building and street wall heights). On this basis, the amended proposal does not comply with these mandatory DDO30 requirements. Regardless, there is concern that the additional 2m façade width of each elevation contributes to greater visual bulk of the tower element of the building. On this basis, the amendment application **does not comply with policy** unless all components of the upper levels are setback at least 10m from property boundaries, including these architectural features.
- The amended proposal continues to provide no standalone 3-bedroom dwellings, which differs from the current approval. There is no certainty that the dual key arrangements will be utilised for 3-bedroom dwellings (including no associated Planning Permit conditions). A development that excludes the dual key arrangements will

have a limited dwelling diversity of 59% 1-bedroom and 41% 2-bedroom dwellings). On this basis, the amended proposal does not comply with Clause 22.15. Despite the proponent's intentions to accept a limitation on ownership of the dual key apartments (refer SJB letter dated 19 February 2020), I understand that there is no mechanism to enforce this outcome through a Section 72 application (e.g. changed or additional conditions). Due to the uncertainty that the dual key arrangements will be utilised for 3-bedroom dwellings, the amended proposal will have a dwelling density of 1,687 dwellings/ha. Compared to the current approved proposal (1,296 dwellings/ha), the amended proposal increases the exceedance of the 450dwelling/ha dwelling density sought in CCZ1 by an unacceptable amount. On this basis, the amendment application **does not comply with policy** unless the dual key dwellings are converted to standalone 3-bedroom apartments.

- The proponent has not clarified whether residents of the affordable housing dwellings will have equal access to the on-site communal facilities. Condition 20 of the Planning Permit requires affordable housing dwellings to be tenure blind, which includes access to the same communal facilities as other residents in the development. On this basis, the amendment application **does not comply with policy** unless the affording housing residents have equal access to communal facilities.
- The amended plans continue to provide less employment floor area than the current approval (489sqm, consisting of 3 Ground Floor retail tenancies). Contrary to the Development Summary (TP0.00), the wellness centre on Level 04 is a communal facility not a separate commercial tenancy. It is acknowledged that the development provides communal facilities on the Ground Floor for a business centre and co-working, however, the proponent has not provided details on how employment will be supported through this area. On this basis, the amendment application **does not comply with policy** unless the area of employment floor space is increased.
- The amended wind assessment by Vipac (dated 6 February 2020) has partially addressed the requirements of Clause 2.11 of DDO30. Considering the development context of the surrounding area, modelling of the wind environment on the ground plane indicated acceptable results for the public realm. I defer to City Design for advice on the proposed canopy over and trees along the laneway, noting that the canopy may contribute to an acceptable daylight access and sky view within the laneway, as required in DDO30. Seating comfort criteria, however, needs to be used for the proposed outdoor communal spaces within the building. On this basis, the amendment application **does not comply with policy** unless sitting comfort criteria is achieved for the outdoor communal spaces on Level 04 and the Roof.
- The amended plans show communal open space / facilities on Levels 04 and the Roof that provide greater flexibility to be fitted out and modified over time to *“include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users”* and *“deliver spaces, including open spaces, for people to meet, gather,*

	<p><i>socialise, exercise and relax</i>", as required by Clause 22.15. No further concerns in this regard.</p> <ul style="list-style-type: none"> • I defer to City Design for advice on the revised <u>façade treatment</u>. • The <u>shadow diagrams</u> continue to refer to the incorrect dates (23 September); whether or not they have been modelled for 22 September and 22 June as required by policy. They also don't accurately show the roads, properties and buildings. Amended diagrams are required to clearly demonstrate compliance with overshadowing requirements, particularly of the new park to the east of the site. It is noted, however, that the building envelope has not altered significantly from the current approved plans.
<p>Urban Design</p>	<p><u>Application referral response</u></p> <p>The amendments including to the landscape plan are generally supported apart from:</p> <ul style="list-style-type: none"> • Public footpaths should be denoted as asphalt to accord with existing condition and Council specification. Driveway crossovers should be to Council specification. • Removal of bench seats on the ramps on the south side laneway. They will narrow the width of the thoroughfare, be a hazard to visually impaired and be uncomfortable to use given they're on a ramp. • The coloured renders at TP.05.01 and .03 indicate extensive use of cascading or climbing plants across the faces of the podium that appear to be an important and integral element of the overall architectural strategy. This is inconsistent with the planting schedule on the landscape plans. The renders should be amended to accurately reflect the design proposal/landscape plans. <p><u>Without Prejudice Draft Amended Plans received by Council 8 April 2020</u></p> <ul style="list-style-type: none"> • The amendments to the slab extrusions will provide a subtle improvement to the presentation and reading of the building. They should form an increased vertical emphasis around the recessed balconies, particularly on the west and east elevations, and creating a more fragmented reading to these facades which is supported. We assume SJB's advice that DELWP have expressed support for the changes is correct. • The main change that I can see is the substitution of a metallic painted finish for bronze finish perforated metal screens to the podium level elevations. I'm not sure if that's in response to particular comments but think that it will provide a lesser quality finish with the building reading with dark, dull shades only with few highlights.
<p>Environmentally Sustainable Design</p>	<p><u>Application referral response:</u></p> <p>The fundamentals of the project in terms of ESD are largely unchanged. My only observation is that there is a significant reduction in solar PV. The current proposal includes peak capacity of 52.9kW, whereas the previous approval included peak capacity of 83kW. The previous approval included façade integrated solar PV so I suspect that this has been removed, leading to a lower peak capacity outcome.</p>

	<p>While façade integrated solar PV is not mandatory it was a preferable outcome for this development, given that the development will fall well short of the current ESD requirements for FBURA. For example, the current FBURA policy at Clause 22.15 requires developments to achieve a 20% improvement in National Construction Code minimum mandatory energy efficiency, which this will not achieve. Therefore the inclusion of the additional solar PV in the previous approval, by way of façade integrated PV, provided a way to enhance energy efficiency overall. Can this feature be reinstated on the amended façade design?</p> <p><u>S50 amended plans referral response</u></p> <p>The comments I provided to you about this Section 72 amendment previously still stand. I'll also add the following:</p> <ul style="list-style-type: none"> • Urban Heat Island: The SMP commits to meeting the objectives of Green Star Design and As Built Credit 25.0. with at least 75% of the site area comprising building or landscaping elements to reduce the impact of the urban heat island effect. This should be demonstrated on a plan by noting the landscaped areas and nominated which high SRI materials will be used to achieve this for 75% of the site area. • The Innovation section of the SMP lists Green Star Innovation credits that are targeted. Green switches are not eligible for innovation credits for the Design and As Built v1.2 rating tool. • The SMP commits to 102kL rainwater tanks, whereas the plans only show two 50kL tanks. The plans need to correspond to the commitments in the SMP.
<p>Housing Development Officer</p>	<p>Context</p> <p>Council originally issued a permit (for a proposed development with 342 apartments) with condition 20 related to affordable housing. The key aspect of this condition is that it required:</p> <ul style="list-style-type: none"> • 20 one-bedroom units at a discounted sale price (6%) • If the discounted sale is not taken up, 8 one-bedroom units are to be gifted (2.5%). <p>The applicant later entered into negotiations to amend the affordable housing type/arrangements, with 5 alternatives which Council officers and Council did not support.</p> <p>The applicant then more recently sought further changes by introducing a proposed 'dual key' arrangement to all apartments for a greater total number (445 apartments), where one and two-bedroom units can be merged by way of a locked internal door with adjoining 1-bedroom apartments, as a form of 'adaptable housing'.</p> <p>In response you have assessed this against the original Condition 20 rather than the alternative 5 other affordable housing proposals, and in particular the impact on whether the adaptability meets the requirement for 25% of apartment to be of 3 bedroom size, eg. where you identify that no more than 15 apartments can be dual key in order that there remain 25% three bedroom apartments.</p> <p>Response</p> <ul style="list-style-type: none"> • I note that the dual key proposal for 445 apartments does not reduce the proportion of affordable housing, but increases the number of affordable housing dwellings to:

	<ul style="list-style-type: none"> - 27 units (6%) discounted sale or - 11 units (2.5%) gifted • I support maintaining the number of affordable housing dwellings as per the permit (ie. 20 via discounted sale or if not taken up 8 gifted), rather than accepting the higher number of affordable housing dwellings (ie. 27 via discounted sale or 11 gifted), in order to maintain the required level of 3-bedroom apartments at 25%. • I have had limited experience in dual key housing. In the early 2000s Council developed the 100 Argyle Street, St Kilda community housing project, which had 16 family townhouses, two of which adjoined two studio apartments via internal dual key (double door) access, while also having separate external access. This was to enable families living in the two townhouses to support extended family living, so that grandparents or older teenage children could occupy the studio apartments that are internally accessed from the townhouses. This form of adaptable housing proved to be unsuccessful, as the housing manager (now called HousingFirst) could never synchronise having a suitable extended family in the townhouses and also having the adjoining studio apartments being vacant. Consequently, as far as I am aware the studios have always been separately leased to single persons. This suggests that unless the right combination of household circumstances arise for purchasers who have purchased two adjoining apartments (which combined create 3 bedrooms), it is not likely that many of the dual key apartments will function as 3-bedroom apartments for families. • I am aware of research undertaken by Professor Shane Murray at Monash University (that may be published through AHURI) indicating other adaptable housing models that allow for increases and decreases in family household size / number of bedrooms, such as: <ul style="list-style-type: none"> - non-load bearing / structural internal walls that can be removed or replaced - sliding walls that create additional bedrooms if closed, or be left open to create open plan living for a smaller households - external garages that can be converted to an additional bedroom or retained as a car garage (only suitable for low density housing).
Recreation and Open Space Planning	<u>Application referral response</u> Although not a land contribution to the formal open space network, privately owned open spaces can and should still make a positive contribution to the open space network in a meaningful way. Open space planning generally supports the proposed landscape plans however would like clarity over the developer's intentions for accessibility to the publicly accessible laneway at ground level. It would be our preference that the publicly accessible laneway be open 24hrs and for this to be guaranteed through an s173 or similar.
Asset Management and Property	<u>Application referral response</u> I have reviewed the proposed amendments and note that the entire development appears to sit inside of the title boundaries and that there are no adverse effects on CoPP properties/tenants in the vicinity.

	<p>My reading of the plans is that there is a 6.0m wide laneway (adjoining the pedestrian/bike path within this development) that needs to be created when the adjoining property is developed? The pedestrian/bike path within the current development may over time be considered a 'public highway' notwithstanding that it is within the development title - it does not appear from the plans to be gated at either end.</p>
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