



6.2 272-280 NORMANBY ROAD, SOUTH MELBOURNE
LOCATION/ADDRESS: 272-280 NORMANBY ROAD, SOUTH MELBOURNE
EXECUTIVE MEMBER: KYLIE BENNETTS, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT
PREPARED BY: SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

1. PURPOSE

- 1.1 To provide a Council position for a request to the Minister for Planning to prepare, adopt and approve Amendment **C207port** to the Planning Scheme for 272-280 Normanby Road, South Melbourne, including for the Fishermans Bend Standing Advisory Committee.

2. EXECUTIVE SUMMARY

WARD: Gateway

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

APPLICATION NO: **DELWP Ref:** Amendment C207port
CoPP Ref: 4/2016/MIN/B, PDMR/00005/2022 and C207port

APPLICANT: Gamuda (Australia) Pty Ltd C/- Tract

EXISTING USE: Two-storey commercial building

ABUTTING USES: Two storey Office / Commercial / Industrial / Warehouse

ZONING: Capital City Zone (CCZ1)
Abuts Transport Zone (TRZ2) (Normanby Road)

OVERLAYS: Design and Development Overlay (DDO30)
Environmental Audit Overlay (EAO)
Parking Overlay (PO1)
Infrastructure Contributions Plan Overlay (ICO1)
Specific Controls Overlay (SCO26)

ABORIGINAL CULTURAL HERITAGE The land is in an 'area of Cultural Heritage Sensitivity' under the *Aboriginal Heritage Regulations 2018*.

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL MEETING 30 September 2022

- 2.1 This report is to consider a request to the Minister for Planning (the Minister) C/- the Department of Environment, Land, Water and Planning (DELWP) (the Department) to prepare, adopt and approve Amendment **C207port** to the Planning Scheme to demolish the existing buildings on the land and construct a 20-storey mixed-use tower



- including a four (4) and six (6) level podium and one (1) basement level at 272-280 Normanby Road, South Melbourne.
- 2.2 The request seeks approval for new plans for a redesigned reduced height tower to supersede the 17 March 2021 Ministerial approval of Planning Scheme Amendment **C177port** for a 24-level mixed use tower on the land.
 - 2.3 The proponents are also seeking changes to the Incorporated Document (i.e., conditions) approved for Amendment C177port to:
 - 2.3.1 Update references to plans and reports to reflect the new plans etc.
 - 2.3.2 Delete redundant clauses (e.g. References to an external stair and car stackers that were part of the C177port plans but which are not part of the new proposal)
 - 2.3.3 Correct an error (missing word) in Clause 4.9(p).
 - 2.3.4 Vary a number of requirements (e.g. prohibition of air conditioning units on balconies, the height of verandahs / awnings over Normanby Road and Johnson Street and wind comfort levels, and rain water tank storage capacities).
 - 2.4 The application is required to be reported to Council because whilst it is essentially an amendment to the previous plans, Council's delegation to officers for the previous application was specific to Amendment C177port.
 - 2.5 The request was lodged with the Department on 26 April 2022 and informally forwarded to Council on 19 May 2022.
 - 2.6 On 17 August 2022, the Minister formally referred the request to the Fishermans Bend Standing Advisory Committee and invited Council to provide comments.
 - 2.7 The subject site is located in the core area of the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
 - 2.8 More particularly, the site is in:
 - 2.8.1 Building Typology Precinct Area M1 (Hybrid - predominantly mid-rise) of the Design and Development Overlay (DDO30) which has a preferred precinct character of:

'Mid to high-rise developments. On larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.'
 - 2.8.2 An area with a preferred maximum building height of 68m (20 storeys) pursuant to DDO30 and the Fishermans Bend Framework October 2018.
 - 2.8.3 An area designated for the closure of the adjacent section of Johnson Street between Normanby Road and Munro Street and redevelopment of that land for new Public Open Space.
 - 2.9 The four (4) and six (6) storey street (podium) walls would comply with the DDO preferred and maximum height and setback requirements.
 - 2.10 The min. 5.0m setbacks of the tower from Normanby Road, Johnson Street and Munro Street would comply with the minimum setback requirements.
 - 2.11 The 20-level height of the tower would comply with the preferred 68m (20 storeys) maximum building height.



- 2.12 The proposal was internally referred, and officers mostly raised detail concerns regarding plans and reports satisfying requirements of the Incorporated Document.
- 2.13 Officers support:
 - 2.13.1 Changes to the Incorporated Document to update plan and report references and delete redundant text relating to the original design.
 - 2.13.2 Changes to Clause 4.54 to allow for the removal of four (4) trees on Normanby Road subject to a requirement for a tree pit system for the replacement trees.
 - 2.13.3 Changes to Clause 4.46 for wind comfort criteria for the Johnson Street Park from sitting to standing and clarity of expression.
- 2.14 Officers do not support proposed changes to the Incorporated Document to:
 - 2.14.1 Clause 4.69(a): Variation to the rainwater tank specification.
 - 2.14.2 Clause 4.74(e): Deletion of the rainwater tank storage capacity requirement.
- 2.15 It is recommended that the Statutory Planning Committee resolve to advise the Minister for Planning C/- the Department of Environment, Land, Water and Planning that the Council:
 - 2.15.1 Supports the 20-storey proposal in its current form subject to final plans and reports to satisfy the requirements of the Incorporate Document.
 - 2.15.2 Supports the proposed changes to the Incorporated Document except for the matters noted above.

3. RECOMMENDATION

RECOMMENDATION - PART A

- 3.1 That the Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that:
 - 3.1.1 The Council supports the application subject to final plans and reports to satisfy the requirements of the Incorporate Document.
 - 3.1.2 The Council supports:
 - 1. Changes to the Incorporated Document to update the plan and report references and delete redundant text relating to the original design.
 - 2. Changes to Clause 4.54 to allow for the removal of four (4) trees on Normanby Road subject to a requirement for a tree pit system for the replacement trees as follows:

Prior to the replacement of street trees, the applicant must submit, to the satisfaction of the Port Phillip City Council, details of a site-specific tree pit system that incorporates passive irrigation and is connected to water sensitive urban design systems. The document must demonstrate that the design is fit for purpose.
 - 3. Changes to Clause 4.46 for wind comfort criteria as follows:

Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:

 - a) Sitting: Outdoor seating areas in the public realm / publicly accessible



private areas.

b) Standing: Building entrances and shop fronts, the north-east side lane and the Johnson Street Park.

c) Walking: The remaining publicly accessible areas.

3.1.3 The Council does not support proposed changes to the Incorporated Document to:

1. Clause 4.69(a): Variation to the rainwater tank specification.
2. Clause 4.74(e): Deletion of the rainwater tank storage capacity requirement.

RECOMMENDATION - PART B

3.2 That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on:

3.2.1 Any future amendment to the application, including a further request for a Planning Scheme Amendment;

3.2.2 Any VCAT application for review for the matter, and/or;

3.2.3 Any independent advisory committee appointed by the Minister for Planning to consider the application.

4. RELEVANT BACKGROUND

4.1 There are three (3) previous relevant permit applications including request for a Planning Scheme Amendment recorded for the site as follows:

Application No.	Proposal	Decision
877/2010	Use the land for trade supplies and display of business identification signage.	3 December 2010: Permit
MINRA/4/2016	Demolish existing buildings and construct a 40-storey mixed use building.	16 August 2016: Planning Committee Meeting 19 August 2016: Advice to Minister Minister did not make a decision
	S50 Amended Plans - Demolish existing buildings and construct a 40-storey mixed use building.	04 October 2017: Ordinary Council Meeting 08 October 2017: Advice to Minister Minister did not make a decision
4/2016/MIN/A / C177port	Request to prepare a 20(4) Planning Scheme Amendment: Demolish existing buildings and construct a 40-storey mixed use (Retail premises and Dwellings) building.	Superseded by amended proposal
	S50 Amended Plans (30 levels) - Demolish existing buildings and construct a 30-storey mixed use	22 July 2020: Planning Committee Meeting 31 July 2020: Advice to Minister



	<p>(Retail premises and Dwellings) building.</p> <p>Note #1: Proponents substituted plans for 33 levels for SAC hearing.</p> <p>Note #2: Plans not submitted for endorsement following approval.</p>	<p>15 September 2020: Amended Plans (33 storeys)</p> <p>07 December 2020: Standing Advisory Committee (SAC) Hearing (4 days)</p> <p>17 March 2021: Minister Approval (24 storeys)</p> <p>31 March 2021: Notice of approval published in Government Gazette</p>
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- 4.2 The current request to the Minister to prepare, adopt and approve Amendment **C207port** to the Planning Scheme was lodged with the Department on 26 April 2022 and informally forwarded to Council on 19 May 2022.
- 4.3 On 17 August 2022, the Minister formally referred the request to the Fishermans Bend Standing Advisory Committee and invited Council to provide comments.

5. PROPOSAL

- 5.1 It is proposed to:
 - 5.1.1 Demolish the existing buildings on the land.
 - 5.1.2 Construct a 20 level (maximum 70.29m (72.75m AHD) to roof top level) tower including a four (4)-storey podium and one (1) basement level mixed use commercial and residential buildings and associated car, motorcycle and bicycle parking and construct and/or carry out works.
 - 5.1.3 Use the land for Dwellings, Office including Medical centre and Wellness centre, Restricted recreation facility including Gym and Yoga facility, Retail premises including Food and drink premises including a Restaurant (Café) and Shop, and Place of assembly in the CCZ1.
 - 5.1.4 Construct the easement along the north-east side of the land as a paved and partly landscaped through-block pedestrian lane between Normanby Road and Munro Street including vehicle access from Munro Street, seating, bicycle parking and building services.
 - 5.1.5 Construct and carry out streetscape and landscape works in Johnson Street between Normanby Road and Munro Street including delivery of the future Johnson Street park as an offset to the development contributions applicable to the site per Clause 4.49b of the Incorporated Document.
 - 5.1.6 Streetscape improvements to Normanby Road and Munro Street.
 - 5.1.7 Remove 1 x existing vehicle crossing off Normanby Road (alteration to a road in a TRZ2) and 1 x existing vehicle crossing off Munro and alter (widen from approx. 4.5m to 6.1m) and realign an existing crossing off Munro Street.
- 5.2 Amend the Incorporated Document for Amendment C177port to reference the amended plans and reports, amend or delete clauses the proponents submit are redundant or not relevant to the amended plans, and alter the requirements of:
 - 5.2.1 Clause 4.46 for Wind comfort criteria;
 - 5.2.2 Clause 4.54 for Street trees; and
 - 5.2.3 Clauses 4.69 and 4.74 for Rainwater tank.

5.3 The application is seeking:

5.3.1 Three (3) years from the date of approval of the amendment to start;

5.3.2 Five (5) years from the date of approval of the amendment to complete;

5.3.3 Five (5) years from the date of approval of the amendment to commence the use(s).

5.4 More particularly, the proposal comprises:

5.4.1 **Basement**

- Thirty-nine (39) at-grade car parking spaces, including 4 car share spaces, 10 (25%) EV charging spaces and 1 mobility access space.
- One (1) motorbike parking space.
- Forty-three (43) resident bicycle parking spaces.
- Building services.
- Vehicle access via two (2) car lifts from the ground level.
- **Stairs and Lifts to the levels above.**

5.4.2 **Ground Floor (Level 0) (Podium)**

- Nine (9) Retail tenancies (992.9m² GFA) inc. 4 x Food and drink premises and 5 Shops along the Normanby Road, Johnson Street and Munro Street frontages (with Munro St tenancy incorporating part glazed return to NW side lane).
- Separate retail and dwelling lobbies accessible from Normanby Road, Johnson Street, the NW side lane and the car parking levels.
- Stairs and Lifts to the levels above and below.
- One (1) new 6.1m (w) vehicle crossing off Munro Street to NW side lane leading to 2 x car lifts to both the basement and podium level car parks, and removal of existing vehicle crossing off Munro Street and make good footpath, nature strip and kerb etc.
- One (1) x commercial waste bin store.
- One (1) x dwelling waste bin store.
- 170 resident bicycle parking spaces in a 2-tier mechanical racking system, accessible from the NW side lane and the dwelling lobby.
- 22 commercial bicycle parking spaces off Normanby Road.
- 34 visitor bicycle parking spaces comprising 26 along the NW side lane and 8 along Johnson Street.
- Building services including a substation inside the building (not visible from the street) and along the NW side lane.

Johnson Street Open Space

The application also proposes a landscape design for Johnson Street between Normanby Road and Munro Street. This section of road abutting the subject site

is proposed to be closed and developed for new Public Open Space in the Fishermans Bend Framework and the Planning Scheme as a medium term (i.e., 2020-2025) infrastructure project.

The proponents wish to develop the Johnson Street park concurrent with the development of the subject site as works-in-kind as a full or partial offset of developer and public open space contribution liabilities for the subject site.

The proponents wish to develop the land immediately upon any approval from the Minister, such that the park would be delivered circa 2024-2025.

5.4.3 Mezzanine

- Four (4) Food and drink premises (285.4m²) along the Johnson Street and Normanby Road frontages.
- Building services.
- Stairs and Lifts to podium levels above and below.

5.4.4 Level 1 (Podium)

- Two (2) x Restricted recreation facilities (730m² comprising 1 x Gym [511.4m²] and 1 x Yoga facility [218.6m²]).
- Resident facilities (Change rooms etc.)
- Thirty-nine (39) car parking spaces including 10 (25%) EV charging spaces.
- One (1) motorcycle parking space.
- Vehicle access via two (2) car lifts.
- 2 x 2BR dwellings facing Munro Street and corner of Johnson Street.
- Stairs and Lifts to the levels above and below.

5.4.5 Level 2 (Podium)

- Two (2) x Office (531.1m² comprising 1 x Medical centre [310.1m²] and 1 x Wellness centre [220m²]).
- Thirty-nine (39) car parking spaces including 10 (25%) EV charging spaces.
- One (1) motorcycle parking space.
- Vehicle access via two (2) car lifts.
- 2 x 2BR dwellings facing Munro Street and corner of Johnson Street.
- Stairs and Lifts to the levels above and below.

5.4.6 Level 3 (Podium)

- One (1) x Restaurant (495.7m² inc. 148.0m² outdoor dining terrace facing Johnson Street).
- Thirty-nine (39) car parking spaces including 10 (25%) EV charging spaces.
- One (1) motorcycle parking space.
- Vehicle access via two (2) car lifts.
- 2 x 2BR dwellings facing Munro Street and corner of Johnson Street.
- Stairs and Lifts to the levels above and below.

5.4.7 Level 4 (Podium rooftop and base of tower)

- Place of assembly (Multi-purpose function space) (177.5m²) and outdoor terrace (151.2m²) to corner of Normanby Road and Johnson Street.
- Communal Terrace (216.9m²) facing Johnson Street.
- Twelve (12) dwellings (4 x 1BR, 4 x 2BR & 4 x 3BR).
- 13 x 4m³ stores (allocated to 3BR dwellings?).



- Stairs and Lifts to the levels above and below.
- 5.4.8 **Level 5 (Tower)**
- Thirteen (13) dwellings (4 x 1BR, 4 x 2BR & 5 x 3BR).
 - 13 x 4m³ stores (allocated to 3BR dwellings?).
 - Stairs and Lifts to the levels above and below.
- 5.4.9 **Levels 6 - 19 Typical (Tower) (15 levels).**
- Thirteen (13) dwellings (4 x 1BR, 6 x 2BR & 3 x 3BR) per floor.
 - Stairs and Lifts to the levels above and below.
- Note 1:** Plans include option to convert 1 x 1BR and 1 x adjoining 2BR dwelling per floor option to 1 x 3BR = max. + 15 x 3BR dwellings).
- Note 2:** Alternate Level 7, 9, 12, 14, 16 & 19 option to include communal 'Garden Bowl' landscape balcony facing towards Johnson Street.
- 5.4.10 **Rooftop Level**
- Rooftop open space (424.5m²) enclosed by 3.0m high glazed windscreen.
 - Building services (279.6m²).
 - 219 panel solar PV array atop building services.
 - Stairs and Lifts to the levels below.

5.5 A summary of the current approval and the application is set out in Table 1 below:

Table 1: Application Summary / Comparison

	Decision Plans	Proposed Development
Planning Scheme Amendment (PSA) No.	C177port (DELWP Ref) CoPP Content Manager Ref: 4/2016/MIN/A	C207port (DELWP Ref) CoPP OneCouncil ref: PDMR/00005/2022
Plans assessed	Drawings titled Job No: 19013, Dwg No: TP000-TP004 all Rev 4 dated 29/05/2020; TP100-TP108 all Rev 4 dated 29/05/2020; TP108 Rev 3 dated 29/05/2020; TP109 Rev 1 dated 29/05/2020; TP130 Rev 2 dated 29/05/2020; TP131 Rev 4 dated 29/05/2020; TP200 and TP201 all rev 4 dated 29/05/2020; TP250 Rev 3 dated 29/05/2020; TP450 and TP451 Rev 3 dated 29/05/2020; TP500-TP508 and TP550 all Rev 2 dated 29/05/2020 prepared by Fender Katsalidis Architects and date stamped received by Council 03/06/2020	Drawings titled Project No. 2553, Rev 3, Drawing Nos. SK00.00 Rev 3, SK0.01 to SK01.03 inclusive, SK02.200 to SK02-209 inclusive, SK06-01 to SK6.21 inclusive, SK07.01 to SK07.05 inclusive, SK09.01 to SK09.04c inclusive, SK10.01 to SK10.32 inclusive, all Rev 1 dated 26-04-2022, or Rev 2 dated 02-08-2022 or Rev 3 dated 12-08-2022 and Development Summary dated 12-08-2022, all prepared by Hayball Architects.
Site area / Title particulars	2,609m². (0.26 ha) 80.83m (Normanby Rd) x 23.03m (Munro St) x 76.65m	2,609m². (0.26 ha) 80.83m (Normanby Rd) x 23.03m (Munro St)



	Decision Plans	Proposed Development
	<p>(Johnson St) x 50.29m (NE side)</p> <p>Volume 09666 Folio 398 - Plan of Consolidation 161638A</p> <p>Right of carriageway and drainage easement (E-1) (min. 2.25m / max. 3.2m) along NE side (with corresponding easement [A-1] on adjacent site to north-east), with reciprocal rights for both sites.</p>	<p>x 76.65m (Johnson St) x 50.29m (NE side)</p> <p>Volume 09666 Folio 398 - Plan of Consolidation 161638A</p> <p>Right of carriageway and drainage easement (E-1) (min. 2.25m / max. 3.2m) along NE side (with corresponding easement [A-1] on adjacent site to north-east), with reciprocal rights for both sites.</p>
<p>Minimum plot ratio for non-res floor area (Core areas)</p> <p>Clause 22.15-4</p> <p>Note: Clause 73.01: Plot ratio: <i>The GFA of all buildings on a site divided by the area of the site. (Includes any proposed road, laneway and pos.)</i></p>	<p>4,174m² (GFA)</p> <p>(Montague Core area ratio = 1.6:1 x 2,609m² (0.26ha))</p>	<p>4,174m² (GFA)</p> <p>(Montague Core area ratio = 1.6:1 x 2,609m² (0.26ha))</p>
<p>Non-residential floor area</p> <p>Note: Clause 73.01: Gross floor area: <i>The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas (i.e. includes the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts).</i></p>	<p>4,072m² (NSA) (Development Summary)</p> <p>Retail: 686m² (NSA) (3 tenancies)</p> <p>Office: 3,386m² (NSA) (6 levels)</p> <p>Note 1: <i>Clause 4.9(d) of the Incorporated Document required a minimum plot ratio not used for dwelling of 1.4:1, with podium car park floor to floor heights, layout and design to be convertible to future additional employment generating uses to achieve a minimum plot ratio not used for dwelling of 1.6:1 in accordance with Clause 22.15 of the Planning Scheme.</i></p>	<p>3,891m² (GFA) (Development Summary)</p> <p>3,011m² (NSA) (Development Summary)</p> <p>Commercial: 1,698m² (GFA) 1,436m² (NSA), (5 tenancies comprising 2 x Restricted recreation facilities [Gym and Yoga facility] and 2 x Office [Medical centre and Wellness centre] & Place of assembly (Multi-purpose function space)</p> <p>Retail inc. Food and drink: 2,193m² (GFA) 1,776m² (NSA), (14 tenancies comprising 5 shops and 9 food and drink premises, inc. 1 restaurant)</p> <p>Note 1: New uses include Restricted recreation facility and Place of assembly (Permit triggers in CCZ1)</p> <p>Note 2: Proposed Interim (initial) plot ratio not used for dwelling of 1.4:1</p> <p>Note 3: Proposed ultimate plot ratio not used for dwelling of 2.8:1 (including adaptable floor space of car parking areas)</p>
CCZ1 Dwelling Density	117 (117.40) dwellings	117 (117.40) dwellings



	Decision Plans	Proposed Development
<p>Clause 22.15-3 & Schedule 1 to Clause 37.04</p> <p>Dwelling density (dw/ha) means the number of dwellings on the site divided by the <u>total site areas (hectares) including any proposed road, laneway and public open space.</u></p>	<p>Montague Core area @ 450 dw/ha x 0.2609 ha</p>	<p>Montague Core area @ 450 dw/ha x 0.2609 ha</p>
<p>No. dwellings (inc. Affordable Housing) / dwelling diversity</p> <p>Clause 22.15-4.2</p> <p>Proposals of > 100 dwellings should provide 3BR dwellings as follows:</p> <p>Montague: 25% Sandridge: 20% Wirraway: 30%</p>	<p>272-301 dwellings</p> <p>301 dwellings: (58 /19% x 1 BR, 203 / 68% x 2BD and 40 / 13% X 3BR)</p> <p>272 dwellings: (33 /12% x 1 BR, 170 / 63% x 2BD and 69 / 25% X 3BR)</p>	<p>213 dwellings</p> <p>(64 /30% x 1 BR, 98 / 46% x 2BD and 51 / 24% X 3BR) inc.12 (4 / 22% x 1 and 6 / 50% x 2BR and 2 / 17% x 3BR) Affordable Housing dwellings</p> <p>Note 1: Dwellings 10 & 11 at Levels 6 to 19 (15 levels) are designed to allow for conversion from 1 x 1BR & 1 x 2BR to 1 x 3BR, increasing potential max. no. of 3BR dwellings from 51 / 24% to 66 / 31%</p> <p>Note 2: CoPP average dwelling = 1.9 persons occupancy x 213 = 404 (404.7) persons</p>
<p>Affordable housing</p> <p>Clause 22.15-4.3</p> <p>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</p>	<p>At least 6% of the total number of dwellings (<i>Clause 4.15 of Incorporated Document</i>)</p> <p>272 dwellings: 6% = 16 (16.32) affordable housing dwellings</p> <p>301 dwellings: 6% = 18 (18.06) affordable housing dwellings</p>	<p>12 Affordable housing dwellings</p> <p>(4 / 22% x 1BR and 6 / 50% x 2BR and 2 / 17% x 3BR)</p> <p>Note 1: 6% of 213 dwellings = 12 (12.78) dwellings</p> <p>Note 2: Affordable housing dwellings located across levels 1-5 of the building.</p>
<p>Social housing</p> <p>Clause 4.2 of Schedule 1 to the CCZ.</p> <p>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of dwellings allowable under the specified Dwelling density</p>	<p>Not Required.</p> <p>Pursuant to paragraph 14 of the FBSAC Terms of Reference (29-04-2020), land subject to a permit application called in the Minister before the approval of Amendment GC81 is not required to meet the dwelling density requirements (and associated Social Housing uplift provisions) of the Capital City Zone and Design and Development Overlay.</p>	<p>Not Required.</p> <p>Pursuant to paragraph 14 of the FBSAC Terms of Reference (29-04-2020), land subject to a permit application called in the Minister before the approval of Amendment GC81 is not required to meet the dwelling density requirements (and associated Social Housing uplift provisions) of the Capital City Zone and Design and Development Overlay.</p>



	Decision Plans	Proposed Development
	<p>Note 1: Original application for 280 dwellings proposed 12 dwellings being 4.3% of all dwellings to be gifted to a housing agency at no cost.</p> <p>Note 2: If the dwelling density requirement applied, the Social Housing requirements would have been 280 dwellings - 117 dwellings = 163 dwellings @ 1 per 8 = 20 (20.37) social housing dwellings required for uplift.</p> <p>Note 3: Plans showed 8 x 1BR social housing dwellings in L 2, 3, 4 and 5 of podium (remainder in Tower?).</p>	<p>Note 1: If the dwelling density requirement applied, the Social Housing requirement would have been 213 dwellings - 117 dwellings = 96 dwellings @ 1 per 8 = 12 Social Housing dwellings required for uplift</p>
Basement	N/A	1 basement level accessed via two car lifts
<p>Street wall (podium) height <i>Normanby Rd: 30.6m (w) approx.,; Johnson St: 29.6m (w) approx.,; Munro St: 20.5m (w) approx.. (All preferred: at least 4 storeys, Max. 6 storeys)</i></p>	<p>6 levels: 26.8m above ground floor to podium roof. 7 levels to top of feature stairs: 29.8m above ground floor. Note: NGL = 1.96m AHD to Normanby Rd, 1.97m AHD to Johnston St and Munro St (all mid-block) Johnson Street and 1.85m AHD to Munro Street.</p>	<p>Four (4) levels (pt): 20.89m (22.85m AHD) to roof top level, 22.89m (24.85m AHD) to top of parapet, and Six (6) levels (pt): 27.09m (29.05m AHD) to roof top level, 28.29m (30.25m AHD) to top of parapet. Note 1: NGL = 1.96m AHD to Normanby Rd, 1.97m AHD to Johnston St and Munro St (all mid-block) Johnson Street and 1.85m AHD to Munro Street. Note 2: All non-AHD building heights calculated from Normanby Rd.</p>
<p>Maximum height (Tower) <i>68m (20 storeys) preferred maximum building height</i></p>	Conditions to be a maximum of 24 storeys (indicative max. 80.8m AHD)	20 storeys: 70.29m (72.25m AHD) to roof top level, 75.54m (77.50m AHD) to top of roof top plant
<p>Street wall (podium) Setbacks Levels 0 to 4 (pt) and 6 (pt)</p>	<p>Normanby Road: Min. 0.0m Johnson Street: Min. 0.0m setback Munro Street: Min. 0.0 setback North-East (side): Min. 4.5m (easement)</p>	<p>Normanby Road: Min. 0.0m except for 2.08m and 2.83m balcony rebates at Levels 4 and 5. Johnson Street: Min. 0.0m except for 2.0m rebate to entry and Munro Street corner at ground level, 5.0m landscape rebate at Level 1 & 2, 5.0m terrace at Level 3 and 5.0m terrace and communal open space rebates at Level 4. Munro Street: Min. 0.0m except 1.3m at ground and mezzanine and 1.87m, 2.79m & 2.96m balcony rebates at Levels 4 and 5.</p>



	Decision Plans	Proposed Development
		North-East (side): Min. 4.5m (easement)
Tower Setbacks (above podium) Levels 5 (pt) and above and 7 (pt) and above	Normanby Road: Min. 10.0m Johnson Street: Min. 4.0m and 5.0m setback – Condition required Min. 10.0m Munro Street: Min. 5.0m setback North-East (side): Min. 10.0m setback to title boundary	Normanby Road: Min 5.0m Johnson Street: Min. 5.0m Munro Street: Min. 5.0m. North-East (side): Min. 5.0m
Building (podium) separation below the max. street wall	N/A (Single podium)	N/A (Single podium)
Building (tower) separation above the max. street wall <i>Note: Architectural features, but not balconies, may encroach into the minimum separation.</i>	N/A (Single tower)	N/A (Single tower)
Loading bay	Access via crossover to new laneway. Vehicle entry / egress to laneway via Munro Street only. 10m turntable diameter. 4m clearance. Refuse zone at ground level.	Access via crossover to new laneway. Vehicle entry / egress to laneway via Munro Street only. Car lift waiting bays provided within the laneway. Refuse zone at ground level.
Car parking	212 spaces Residential (301 apartment mix) 58 x 1 BR & 203 x 2 BR (261 dwellings): 131 spaces; 40 x 3BR: 40 spaces; Visitor: 0 spaces Residential (272 alternative apartment mix) 33 x 1 BR & 170 x 2 BR (203 dwellings): 102 spaces; 69 x 3BR: 69 spaces; Visitor: 0 spaces Retail and Office: • 41 spaces DDA parking: 1 space at Level 1. 185 x mechanical stacker spaces	156 spaces Residential (213 apartments) 136 spaces: 64 x 1 BR & 98 x 2 BR (162 dwellings): 81 spaces; 51 x 3BR: 51 spaces; Visitor: 0 spaces; Car share: 4 spaces. Retail and Office: 20 spaces (Gym staff: 4 spaces; Other retail and commercial staff: 16 spaces) All spaces at grade spaces DDA parking: 1 space in basement Car share: 10 required, 4 spaces provided in basement EV charging: 39 spaces (25% of all spaces on each level)



	Decision Plans	Proposed Development
	<p>27 x grade spaces (inc 1 x DDA space)</p> <p>Car share: 8 required (272 dwelling option); 11 required (301 dwelling option)</p> <p>4 spaces proposed</p> <p>EV charging: none</p> <p>Note: condition required to ensure development does not exceed the maximum rate.</p>	
<p>Motorcycle parking</p> <p>1: 50 dwellings</p> <p>1: 100 non-res car spaces</p>	<p>11 spaces</p> <p>301 apartment mix: Minimum required = 6 (6.02)spaces. Eleven (11) spaces = 1:27 dwellings</p> <p>272 apartment mix: Minimum required = 5 (5.44) spaces. Eleven (11) spaces = 1:24 dwellings</p>	<p>4 spaces (1 per 50 dwellings)</p> <p>Minimum required = 4 (4.26) spaces</p> <p>Basement: 1 space</p> <p>Level 1: 1 space</p> <p>Level 2: 1 space</p> <p>Level 3: 1 space</p>
Bicycle parking	<p>328 spaces</p> <p>(286 residential dwelling, 28 visitor, 14 commercial), end-of-trip facilities (1 x male and 1 x female)</p>	<p>269 spaces (257 required)</p> <p>(Resident: 213 required, 213 provided.</p> <p>Employees: 10 required, 22 provided.</p> <p>Visitors: 34 required (21 resident, 13 non-resident), 34 provided).</p> <p>End-of-trip facilities (2 showers / change rooms).</p>
<p>Stores*</p> <p><i>*Note: Excludes storage in Apartments per BADS.</i></p>	<p>Details of storage within podium levels not quantified.</p>	<p>26 x 4m³ storage cages</p> <p>(13 each at Levels 4 and 5)</p>
Communal facilities	<p>Level 06 (Podium rooftop): Resident amenities, dining room, 20m lap pool, spa, pool terrace, landscaped terrace, Perimeter running track.</p> <p>Top of roof top plant: Rooftop terrace – 226m² (access from stairs and lift).</p>	<p>Total: 641.4m²</p> <p>Level 4 (podium rooftop) terrace: Landscaped outdoor terrace including deck, lawn and seating (216.9m²)</p> <p>Tower rooftop: Landscaped terrace including deck, food prep and bbq area, dining booths, plunge pool, boardwalk and raised planter vegetable garden (424.5m²)</p>
Community (public) facilities	<p>Level 0 (Ground): 4.5m (w) lane along north-east (side) (50% of 9.0m lane in conjunction with any future development of adjacent Site 01 (264-270 Normanby Road).</p>	<p>Level 0 (Ground): 4.5m (w) paved and landscaped lane along north-east (side) (50% of 9.0m lane in conjunction with any future development of adjacent Site 01 (264-270 Normanby Road)</p> <p>Proposed Johnson Street Park:</p>



	Decision Plans	Proposed Development
	<p>Level 06 (Podium rooftop): Viewing platform accessed via external stairs on Johnson Street podium wall.</p> <p>Proposed Johnson Street Park: Fishermans Bend Framework notes Johnson Street road closure as a Medium Term (i.e. 2020-2025) key project. Incorporated Document Clause 4.49 allows <i>'Any development contribution required by Clause 4.49a may be offset by any agreed costs of delivering approved changes to community infrastructure, including the future Johnson Street park which is encouraged to be delivered as part of the development to the satisfaction of Port Phillip City Council in consultation with the Fishermans Bend Taskforce.'</i></p>	<p>Fishermans Bend Framework notes Johnson Street road closure as a Medium Term (i.e. 2020-2025) key project.</p> <p>The applicant has indicated they wish to deliver the park to offset Development Contributions as required by Inc Doc section 4.49.</p> <p>Council has provided a preliminary response and discussions will continue in tandem with this application.</p>
New Roads / Laneways	<p>4.5m wide pedestrian laneway adjacent to 264-270 Normanby Road.</p> <p>See Incorporated Document Clause 4.12 regarding S173 agreement for construction, access, ownership and maintenance.</p>	<p>4.5m (w) paved and landscaped pedestrian laneway adjacent to 264-270 Normanby Road.</p>
Vehicle access	<p>Munro Street: 1 x 6.5m (w) crossing to podium parking and ground floor loading area. All other crossovers, including vehicular crossover to Normanby Road (Road Zone Category 1 removed).</p>	<p>Car park and loading bay access via altered 6.1m (w) crossing off Munro Street to western end of existing easement / new lane.</p> <p>Vehicle access to lane east of car park / loading bay entry prevented by bollard(s).</p> <p>Remainder of lane to be pedestrian / bicycle access only.</p> <p>Existing vehicle crossing off Normanby Road and one (1) existing vehicle crossing off Munro Street to the removed and footpath, nature strip and kerb and channel to be made good.</p>
Dwelling access	<p>Lobby access via central Apartment lobby access via</p>	<p>Lobby access via central Apartment lobby via Normanby Road, Johnson</p>



	Decision Plans	Proposed Development
	Normanby Road, Johnson Street, new lane and car park levels (via stairs and lifts). Second apartment lobby accessed via Normanby Road (cnr. Johnson St) to podium dwellings.	Street, new lane and car park levels (via stairs and lifts). Second apartment lobby access off Johnson Street to podium dwellings.
Retail/commercial access	All tenancies are presented to a street / laneway frontage.	All tenancies are presented to a street / laneway frontage.
Staging	N/A	N/A
Gross floor area / Floor area ratio	Gross Floor Area (GFA): 42,206 sqm Site area = 2,609m² (0.26 ha.) Plot Ratio: 16.17:1	Gross Floor Area (GFA): 30,361 sqm Site area = 2,609m² (0.26 ha.) Plot Ratio: 11.63:1

5.6 The Minister, through the Department is the responsible authority for approving plans for the proposal, except where a provision of the Incorporated Document specifies Council or another agency. Council is the responsible authority for s173 Agreements and typically responsible or would share responsibility for approving plans and/or reports for traffic and parking, waste management, sustainable design, landscaping etc.

6. SUBJECT SITE AND SURROUNDS

6.1 Existing conditions are as follows:

Site description and area	<p>The site is situated on the corner of Normanby Road, Johnson Street and Munro Street, South Melbourne.</p> <p>The land is irregularly (albeit generally triangularly) shaped and includes a frontage width to Normanby Road of 80.83m, a frontage to Johnson Street of 76.65m, a frontage to Munro Street of 23.03m and a depth of 50.29m for an overall area of 2,609m².</p> <p>The east side of the land is encumbered by a 2.25m to 3.2m wide easement (E-1) for drainage and carriageway in favour of the adjoining property at 264-270 Normanby Road, South Melbourne (Site 01 of the Normanby Road precinct applications).</p> <p>This easement matches a 2.25m to 3.2m wide easement (A-1) also for drainage and carriageway on the south-western side of 264-270 Normanby Road, South Melbourne (Site 01) in favour of the subject land, thus creating a 4.5m to 6.4m wide shared easement for the two properties.</p> <p>The land is generally flat with no discernible slope in any direction. Survey particulars show only minor falls in the order of 0.12m from Munro Street to Normanby Road and 0.5m along Normanby Road from the north-east side to the Johnson Street corner.</p>
Existing building & site conditions	<p>The land is developed for a two-storey commercial building dating from the 1980s, last used for trade supplies and associated offices and car parking and currently vacant.</p> <p>There is one existing vehicle crossing to the land off Normanby Road, and two crossings off Munro Street (one of which aligns with Easements E-1 and A-1).</p> <p>There are narrow landscaped setbacks along the Normanby Road and Johnson Street frontages and corner.</p> <p>There are mature street trees along the Normanby Road and Johnson Street nature strips.</p>

<p>Surrounds / neighbourhood character</p>	<p>There is parallel on-street car parking along all three street frontages.</p> <p>Surrounding land, with the exception of 253-273 Normanby Road opposite to the east, is developed for one or two-storey commercial / industrial buildings, used for offices, car sales and repairs, light industry, warehousing and the like.</p> <p>The land across Normanby Road to the east at 253-273 Normanby Road is currently being developed for 1 x 28 to 40 level and 1 x 40 level mixed use towers with 828 dwellings, a residential hotel and retail premises including a supermarket at ground level. The 28 to 40 level tower is estimated to be completed by the end of 2022.</p>  <p>Normanby Road (Cnr. Ingles St) looking North - 253-257 Normanby Road (28 to 40-storeys) RH foreground - under construction, 199-201 Normanby Road (40 storeys) RH rear - completed, 202-214 Normanby Road (40 storeys) LH rear - completed.</p>
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More particularly, surrounding land is developed as follows:

- **North (rear):** Munro Street, a 20-metre-wide road reserve with two-way traffic, street trees, footpaths and on street parking.
On the opposite side of the road is a single storey warehouse at 80 Munro Street, largely constructed to the site boundaries. This site has approval to construct 1 x 15, 1 x 24 and 1 x 38 storey towers (inc. 2 x 5 storey podiums and two basement levels) mixed use commercial and residential buildings (PSA C176 Port).
Further north and on the opposite side of Johnston Street there is an electrical substation, and beyond that, at 60-82 Johnston Street, a vacant site with approval for 4 towers ranging from **21 to 46 storeys**.
 - **South (front):** Normanby Road, a 30m wide road reserve with two-way traffic, mature street trees, footpaths, on-street parallel car parking and a bus stop. Beyond this is 253-273 Normanby Road which is being developed for 2 x 40 level towers, Woodgate Street, the Port Melbourne to City light rail line and adjacent parklands. Beyond this area is a mix of predominantly Victorian era dwellings, interwar period commercial and industrial buildings and recent townhouse and medium rise residential development.
 - **East (side):** Four (4) contemporary single storey glass façade and tilt-slab concrete office and warehouse buildings with at-grade car parking along one side or the front, accessed via crossings off Normanby Road and/or Munro Street. These four sites include:
 - Approval for 1 x 20 level tower at 256-262 Normanby Road (PSA C166port) (Not started); and
 - An application for 1 x 25 level tower at 240-246 Normanby Rd (PSA C195port) (Waiting on a Minister determination).

Two applications for 20 level towers at 248-254 and 256-262 Normanby Road were lodged in 2015, and withdrawn in 2021.

Beyond this at the south-east corner of Normanby Road and Montague Street, is a four storey circa 1900 warehouse (with two-storeys of apartments on the roof). Beyond Montague Street, are one and two-storey commercial buildings, 2 x recently completed 40-storey towers at 199-201 and 202-214 Normanby Road, and the West Gate Freeway, Melbourne Convention and Entertainment Centre, and Docklands beyond.
 - **West (side):** Johnson Street, a 30m wide road reserve with two-way traffic. On the opposite side, a single-storey commercial / industrial building and a substation and one and two storey office and industrial and warehouse buildings, and three and four-storey townhouses on Boundary Road
- Nearby public transport includes:
- The **Route 235** (City to Fishermans Bend Industrial Precinct) bus along Normanby Road.
- The **Route 232** (City to Western suburbs via West Gate Bridge) bus approx. 500m to the north
- The nearest fixed rail public transport is:
- The Montague Street stop on the high frequency **Route 109** (City to Port Melbourne) Light rail line, approx. 200m to the south-east.
 - The South Melbourne Market / Ferrars Street stop on the **Route 96** (City to St Kilda) light rail line approx. 1,400m to the east.



	<p>The nearest on-road bike path is along Williamstown Road to the east. The nearest off-road bike paths are alongside the Route 109 light rail line to the south and the Capital City Trail to the north-east.</p> <p>Vehicle access to the Westgate Freeway is approximately 1.4km from the site via Normanby Road, Munro Street and Montague Street.</p> <p>The nearest Activity Centre to the site is Bay Street, Port Melbourne approximately 700m to the SW.</p>
<p>Fishermans Bend Framework October 2018</p>	<p>The Fishermans Bend Framework and the Planning Scheme include or propose:</p> <p>For the subject site:</p> <ul style="list-style-type: none"> • Located in the Montague Core Area. • Primary (80%) permeability active frontage facing Normanby Road and secondary Type 1 (60%) permeability active frontage to Johnson Street. • A new 9.0m (w) lane along the north-eastern side of the subject site between Normanby Road and Munro Street (to be provided 50% [4.5m (w)] on the subject site and 50% [4.5m] on the corresponding boundary of the abutting property at 264-270 Normanby Road) (location indicative) (No time frame specified). The new lane is not required to have an active frontage, however a degree of activation is desirable. • No vehicle crossings off Normanby Road. <p>For the surrounding area:</p> <ul style="list-style-type: none"> • New 9.0m (w) laneway between Normanby Road and Munro Street (to be provided 50% [4.5m (w)] on the subject site and 50% [4.5m] on the corresponding boundary of the abutting property at between 256-259 and 252-254 Normanby Road (location indicative) (No time frame specified). • Johnson Street road closure along the north-west side of the subject site between Normanby Road and Munro Street and redevelopment for new Public open space (Medium term [i.e. 2020-2025] Infrastructure Delivery Key Project). • Montague Arts and Cultural Hub (Land bounded by Normanby Road, Doran Street and the West Gate Freeway, Boundary Street [includes land to the north in the Sandridge Precinct]) (Medium term [i.e. 2020-2025] Infrastructure Delivery Key Project). • Montague Street Route 109 (Stop 126) tram stop upgrade (Long term [i.e. +2025] Infrastructure Delivery Key Project). • Montague North open space (Redevelopment of car park at corner of Montague and Munro Streets) (Long term [i.e. +2025] Infrastructure Delivery Key Project).

7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site. If the application was for a Planning Permit (rather than an application for a Planning Scheme Amendment), the following permissions would have been required:

Planning Scheme Provision	Why is a planning permit required?
Clause 36.04: Transport Zone 2 (TRZ2)	A planning permit would be required under this clause.
Clause 37.04: Capital City Zone (CCZ1)	<p>A planning permit would not be required to use land for an Office (including a Medical centre and a Wellness centre) or a Shop (other than an Adult Sex shop, department Store, supermarket, or restricted retail premises).</p> <p>A planning permit would be required to:</p>



	<ul style="list-style-type: none"> • Use the land for a Dwelling, a Retail premises (Food and drink premises including Restaurant), a Place of assembly and a Restricted recreation facility under this clause. • A Planning Permit would be 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. • A Planning Permit would be required to demolish or remove a building or works, except for: <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.
Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend – Montague Precinct (DDO30)	A Planning Permit would be required to construct a building or construct or carry out works, excluding the construction of or putting up for display of a sign unless a permit is specifically required.
Clause 45.03: Environmental Audit Overlay (EAO)	A planning permit would not be required under this clause.
Clause 45.09: Parking Overlay (P01)	A planning permit would be required to provide car parking spaces in excess of the rates specified in Table 1.
Clause 45.11: Infrastructure Contribution Overlay (IC01)	A planning permit cannot be granted for the proposal. The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.
Clause 45.12: Specific Controls Overlay (SCO26)	A planning permit would not be required under this clause.
Clause 52.06: Car Parking	A planning permit would not be required under this clause.
Clause 52.29: Land Adjacent to the Principal Road Network	A planning permit would be required under this clause.
Clause 52.34: Bicycle Facilities	A planning permit would not be required under this clause.

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks (SPPF)

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

Clause 11: Settlement, including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity, including:

Clause 13.01: Climate Change Impacts



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

8.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains several clauses relevant to this application as follows:

- Clause 21: Municipal Strategic Statement
- Clause 21.01: Vision and Approach
- Clause 21.02: Municipal Context and Profile
- Clause 21.03: Ecologically Sustainable Development
- Clause 21.04: Land Use, including
 - 21.04-1: Housing and Accommodation
- Clause 21.05: Built Form, including:
 - 21.05-2: Urban Structure and Character
- Clause 21.06: Neighbourhoods, including
 - 21.06-8: Fishermans Bend Urban Renewal Area



8.3 Local Planning Policy Framework (LPPF)

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

Clause 22.12: Stormwater Management (Water Sensitive Urban Design)

Clause 22.13: Environmentally Sustainable Development

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

8.4 Other relevant provisions

Clause 58: Apartment Developments

Clause 59.05: Buildings and Works in an Overlay

Clause 59.10: Car Parking

Clause 65: Decision Guidelines, including:

Clause 65.01: Approval of an Application or Plan

Clause 71: Operation of this Planning Scheme

9. REFERRALS

9.1 Internal referrals

9.1.1 The application was internally referred for comment.

9.1.2 Internal referral responses in full are at Attachment 3 and 4 of this report.

9.2 External referrals

9.2.1 The Minister for Planning C/- the Department is responsible for external referrals, including to Council which is a Recommending Referral Authority pursuant to Section 55 of the Act and the Schedule to Clause 66.05 of the Planning Scheme. Council needs to provide a response.

9.2.1 Other referral authorities for the application are:

- Head, Transport for Victoria (Department of Transport) (Determining Referral Authority).
- Melbourne Water (Determining Referral Authority).

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 The Department is responsible for giving notice of the proposal to relevant persons including landowners and occupiers, and referral authorities.

11. OFFICER'S ASSESSMENT

Fishermans Bend Standing Advisory Committee Terms of Reference

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

11.1 Responding to Local Policy

Clause 22.15: Fishermans Bend Urban Renewal Area Policy



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>22.15-4.1 Providing for employment floor area</p> <p>Development in a Core area <u>should</u> provide a minimum plot ratio not used for dwelling of:</p> <p>Montague: 1.6:1; Sandridge 3.7:1; Wirraway 1.9:1. Exceptions apply.</p> <p>Plot ratio: <i>The gross floor area of all buildings on a site, divided by the area of the site.</i></p> <p>Gross floor area: <i>The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas (i.e. includes the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts).</i></p>	<p>Not achieved – Variation or Condition required:</p> <p>Recommended: 4,174m² gross floor area (GFA) ratio not used for dwelling (2,609m² (0.26ha.) site area x 1.6:1).</p> <p>Proposed: 3,891m² GFA including Commercial: 1,698m² (GFA), (5 tenancies comprising 2 x Restricted recreation facilities [Gym and Yoga facility] and 2 x Office [Medical centre and Wellness centre] & Place of assembly (Multi-purpose function space) and Retail premises: 2,193m² (GFA), (14 tenancies comprising 5 Shops and 9 Food and drink premises: inc. 1 Restaurant).</p> <p>A variation is supported because:</p> <ul style="list-style-type: none"> • The shortfall of 283m² is relatively minor. • The Level 1, 2 and 3 car parks are designed with level floors, sufficiently high 3.8m and 4.45m floor to floor heights and stair and lift access so as to be able to be converted in whole or in part to commercial use.
<p>22.15-4.2 Community and diversity.</p> <p>Proposals of > 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p>Not achieved - Variation or condition required.</p> <p>Recommended: 25% of 213 dwellings = 53 (53.25) x 3BR (or more).</p> <p>Proposed: 24% / 51 x 3BR dwellings</p> <p>The proposal falls short of the recommended number of 3BR dwellings by 1% / 2 dwellings. A variation is supported because:</p> <ul style="list-style-type: none"> • The short fall would be minor; and • Dwellings 10 & 11 at Levels 6 to 19 (15 levels) are designed to allow for conversion from 1 x 1Br & 1 x 2BR to 1 x 3BR, increasing potential max. no. of 3BR dwellings from 51 / 24% to 66 / 31%.
<p>22.15-4.3 Providing for Affordable housing</p> <p>Affordable housing</p> <p>Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the policy objectives can be met by a lesser provision; or • It can be demonstrated meeting the objective would render the proposal economically unviable 	<p>Achieved:</p> <p>Recommended: Six (6%) per cent of 117 dwelling density = 7 (7.2) dwellings.</p> <p>Proposed: Six (6%) per cent of all 213 dwellings = 12 (12.78) Affordable Housing dwellings on Levels 1-5 (inclusive).</p>



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.	<p>Achieved</p> <p>The proposal includes a mix 4 / 22% x 1BR, 6 / 50% x 2BR and 2 / 17% x 3BR affordable housing dwellings representative of the dwelling mix</p>
<p>Social housing</p> <p><u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Not applicable.</p> <p>Pursuant to paragraph 14 of the FBSAC Terms of Reference (29-04-2020), land subject to a permit application called in the Minister before the approval of Amendment GC81 is not required to meet the dwelling density requirements (and associated Social Housing uplift provisions) of the Capital City Zone and Design and Development Overlay.</p>
<p>22.15-4.4 Design Excellence</p> <p><u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Achieved:</p> <p>Council’s Urban Designer supported the proposal subject to resolution of detail design for DDA access.</p> <p>Council’s City Strategy Planner also supported the proposal subject to detail design seeking improved definition and articulation to the façade, and designation of trading areas on Council’s footpaths.</p> <p>Finalisation of these matters can be resolved through the submission of revisions to the plans for final endorsement by the Department.</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>Achieved:</p> <p>The SMP includes an express commitment to achieve a minimum 20% improvement on the current NCC 2019 Section J requirements including for building envelopes, lighting and building services.</p>
<ul style="list-style-type: none"> • Residential development <u>should</u> achieve an average 7-star NatHERS rating for each building. 	<p>Achieved:</p> <p>The SMP specifies an average of 7.5 stars NatHERSs rating for all dwellings.</p>
<ul style="list-style-type: none"> • Developments <u>should</u> incorporate renewable energy generation, on-site energy storage and opportunities to connect to a future precinct wide or locally distributed low-carbon energy supply. 	<p>Achieved in part:</p> <p>The SMP and plans propose an approx. 219 panel 87.6kW solar PV array on the townner rooftop</p> <p>The SMP does not propose on-site energy storage or connections to a future precinct wide or locally distributed low-carbon energy supply, although the design does not preclude these being added in the future.</p>
<p>Urban heat island: Assess against:</p>	<p>Achieved</p>



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<ul style="list-style-type: none"> At least 70% of total site <u>should</u> comprise building or landscape elements that reduce impact of urban heat island effect including: <ul style="list-style-type: none"> - Vegetation, green roofs and water bodies; - Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index. 	<p>The SMP sets out that 88% of the site area would comprise:</p> <ul style="list-style-type: none"> Landscaping including a green roof. Podium canopy shading to hard standing areas. Low SRI paving. Low SRI roofing materials. <p>Note: Excludes the Johnson Street Park.</p>
<ul style="list-style-type: none"> Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorbance. 	<p>Achieved: Council’s Sustainable Design Officer advised the SMP adequately addresses this requirement.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u> Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p>Achieved: The design proposes to raise the ground floor carpark and lobby and retail floor levels above street level to meet Melbourne Water flood protection requirements.</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. waterproof doors and windows, elevated power outlets and the like. 	<p>Achieved: The plan and elevation drawings and application documentation provide details of flood resilient design and materials.</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: The level changes between the flood sacrificial areas along the Normanby Road frontage, the lobbies and the other retail tenancies would be satisfactorily architecturally resolved.</p>
<ul style="list-style-type: none"> Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts. 	<p>Not achieved: The plan and elevation drawings do not fully detail building services locations or heights relative to Melbourne Water’s flood levels. This can be resolved through revisions and/or the addition of notations to the plans.</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 - condition(s) required: Council’s Sustainable Design Officer advised the WSUD response requires revisions to:</p> <ul style="list-style-type: none"> Increase rainwater tank sizing to 0.5m³ per 10m² of catchment to comply with Clause 4.62(a) of the Incorporated Document.



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
	<ul style="list-style-type: none"> • Connect all non-potable outlets in the building, not just toilets for residential components to the rainwater tanks to comply with Clause 4.62(b) of the Incorporated Document. • Provide MUSIC modelling that demonstrate conformance with Melbourne Water’s MUSIC modelling guidelines and include MUSIC file to comply with Clause 4.63(a) of the Incorporated Document.
<p>22.15-4.6 Communal open spaces <u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p>Achieved: The plans propose landscaping:</p> <ul style="list-style-type: none"> • The ground floor level corner of Normanby Road and Johnson Street and along the new lane. • The level 4 outdoor terrace and tower rooftop. • The Johnson Street Park (as an offset of development contributions).
<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: The Fishermans Bend Framework vision for the Montague Precinct makes only limited reference to landscaping proposing at p.21 ‘... <i>the transformation of Normanby Road into an active street that is attractively landscaped ...</i>’ and ‘<i>New parks will provide opportunities for active recreation</i>’.</p> <p>The Framework includes broad landscaping objectives for the whole of the FBURA including at p. 25: ‘<i>Biodiversity ... with public spaces and buildings creating habitat opportunities for indigenous flora and fauna. ... through appropriate landscape design in streets and parks, as well as through the use of green walls and roofs in buildings. Green links will be established to ... surrounding areas with biodiverse environments such as Westgate Park and Port Phillip Bay.</i>’</p> <p>The size of the Johnson Street Park is not suitable for active recreation. The concept design for the park instead focuses on creating a natural and sustainable and indigenous open space with pedestrian and bicycle paths, seating areas, arbours, and explanatory signage.</p> <p>The proposed plant species for the park and for the building would contribute to biodiversity and would support indigenous fauna.</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 - further information / updated plans / reports required: The subject site is not in a Special Building Overlay in the Planning Scheme but is in an area identified by recent Melbourne Water mapping as susceptible to flooding</p>



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
	<p>including from Melbourne Water's drain and future sea level rise.</p> <p>The building design response to flood mitigation is common practice raising of floor levels including for protection of the basement level. This is satisfactory, but not innovative.</p> <p>The WSUD response is not satisfactory as proposed and requires revisions as noted above.</p>
<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. 	<p>Achieved:</p> <p>A communal vegetable garden is proposed on the tower rooftop.</p>
<ul style="list-style-type: none"> • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	<p>Achieved:</p> <p>The open space and landscape design incorporates conceptual themes and indigenous knowledge systems in the layout and plant selection and maintenance regimens, especially for the Johnson Street Park.</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:</p> <p>The landscape plan proposes predominantly native plants with a focus on restoring the pre-colonial ecologies of the site on the Johnson Street Park and seasonal displays of colour for the façade 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:</p> <p>Overall including the Park, 79.5% of all planting would be indigenous, 19% native and 1.5% exotic comprising 82 different species.</p> <p>On and within the building, 53% of plantings would be indigenous, 40% native and 7% exotic comprising 54 different species.</p>
<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Achieved:</p> <p>The landscape design for the Johnson Street park would contribute to a vegetation link and biodiversity.</p>
<p>Buildings <u>should:</u></p> <ul style="list-style-type: none"> • Include deep soil zones of at least 1.5m or planter pits for canopy trees. 	<p>Not achieved - further information / updated plans / reports required:</p> <p>The landscape plans propose soil zones of less than 1.0m and planter depths of approx. 700m.</p> <p>Council's Landscape Architect advised they supported the landscape concept report subject to minor changes / additional information for:</p> <ul style="list-style-type: none"> • Increased soil depth to 1000mm for trees on the ground floor and upper levels to provide maximum opportunity for growth.



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
	<ul style="list-style-type: none"> • Further information relating to adequate soil depth and sunlight exposure for raised planters on Level 3. • A detail of the timber balustrade on Level 4.
<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 - further information / updated plans / reports required:</p> <p>The plans include landscaping at ground level, Levels 3 and 4 of the podium and the rooftop of the tower, as well as mix of endemic and native climbing and cascading plantings over the façade walls. The landscape plans confirm the landscaping would be water efficient, sustainable, resilient and appropriate to micro-climate conditions.</p> <p>Council's Landscape Architect has questioned the viability / soil depth / sunlight access of some of the proposed landscape areas (see above).</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>Achieved:</p> <p>The land is in the Core area and has a frontage width of 80.83m to Normanby Road.</p> <p>The Framework Plan and Planning Scheme maps propose an indicative location for a 9.0m wide lane along the north-east side of the site.</p> <p>This recommended lane aligns generally with existing 2.25m to 3.2m wide easements along the north-east side of the subject site and the south-west side of the adjacent site at 264-270 Normanby Road, which combined create a 4.5m to 6.4m wide shared easement for the two properties.</p> <p>The application proposes to set aside an additional 1.3m width along the north-east side of the site to create and construct a 4.5m wide lane incorporating the existing easements as one half of an ultimately 9.0m wide lane.</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>Achieved:</p> <p>The lane along the north-east side of the site would be consistent with the recommended location of a through-block lane.</p>
<ul style="list-style-type: none"> • Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space. 	<p>Achieved in part:</p> <p>The lane would provide direct access to the Route 235 bus route on Normanby Road and improved access to the Route 109 Light Rail line further to the east.</p> <p>The north-west/south-east alignment of the lane would not materially improve access to existing or proposed public open space because these areas are located to the north-east and south-west of the subject site.</p>



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p>Achieved: The lane design would be primarily for pedestrians and cyclists, with cars restricted to approximately 24m at northern end for access from Munro Street to the car park and loading bay entry off the lane.</p>
<p>New streets and lanes <u>should</u> be designed to:</p> <ul style="list-style-type: none"> • Enable views through the street block; • Have active frontages in a core area; • Be open to the sky; • Allow for canopy tree planting. 	<p>Achieved: The new lane would:</p> <ul style="list-style-type: none"> • Enable views through the street block. • Be open to the sky. • Allow for canopy tree planting in its final form including development of 264-270 Normanby Road adjacent to the north-east side. • Activation at several locations along its length comprising the bike store, lobby entry and the glazed side wall of one (1) retail tenancy at the corner of Munro Street.
<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 any proposed new public transport.</p>
<p>Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.</p>	<p>Achieved: Normanby Road is identified as a proposed on-road cycling path in the Framework Plan. The proposal would remove the existing vehicle crossing from Normanby Road and reduce the number of vehicle crossings on Munro Street from two to one.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p>Achieved: The number of bicycle parking spaces facilities would exceed requirements and would be satisfactory. The number of change rooms and showers would meet requirements and would also be satisfactory.</p>
<p>Encourage developments to provide less than preferred maximum no. car spaces.</p>	<p>Achieved: The proposal has a maximum parking provision under the Parking Overlay of 155 spaces. It is proposed to provide 152 off-street resident and employee spaces (plus four car share spaces required under other provisions). The proposed parking provision would be within the maximum permitted.</p>
<p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p>Achieved: The design of the floor levels would allow for adaptability and possible future conversion.</p>
<p>22.15-4.10 Land use transition</p>	<p>Achieved:</p>



Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.	The proposal does not include the expansion of an existing use with potential adverse amenity impacts. The proposed Dwelling, Office, Retail premises, Restricted recreation facility and Place of assembly uses would not prejudice the urban renewal of Fishermans Bend.
Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.	Achieved: The land is within the 250m amenity buffer of Council's Resource Recovery Centre in Boundary Street. Existing Clause 4.43 of the Incorporated Document include requirements for an Amenity Impact Report.

11.2 Clause 37.04: Capital City Zone (CCZ1)

11.2.1 Use of Land

All the proposed **Dwelling, Office, Retail premises, Restricted recreation facility** and **Place of assembly** uses are considered satisfactory for the site and surrounds. Existing clauses of the Incorporated Document satisfactorily manage amenity impacts such as noise emissions and/or protection from nearby sources of noise etc. including requiring noise attenuation measures in the building's construction.

11.2.2 Buildings and Works Requirements

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

Map 1: Montague Urban Structure

The plans satisfactorily address these matters.

Map 4: Amenity buffers. Part of the eastern side of the land along Johnson Street is within the 250m amenity buffer of Council's Resource Transfer Station. Existing clauses of the Incorporated Document satisfactorily address the amenity impacts from this facility.

Map 5: Pipeline buffers. The land is within the 100m buffer of the Port Melbourne to Symex Holdings gas pipeline and the 450m buffer of the South Melbourne to Brooklyn pipeline. Existing clauses of the Incorporated Document satisfactorily address the amenity impacts from this facility.

Map 6: Transport Infrastructure shows the site is:

- Approx. 200m from the nearest existing light rail line (**Route 109**) to the south-east.
- Approx. 1,400m from the **Route 96** (City to St Kilda) light rail line to the east.

The proposal would complement these transport routes.

11.2.3 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 Roads and laneways are relevant to the proposal.

The existing Incorporated Document satisfactorily includes clauses for these.

11.3 Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend - Montague Precinct (DDO30)

11.3.1 Building Typologies

The land is in Building Typology Precinct Area M1 of Design and Development Overlay 30 (DDO30) which encompasses the Montague North Core Area and encourages a hybrid of predominantly mid-rise (i.e. 7 to 15 storeys) and some high-rise i.e. 16 storeys and taller) buildings.'

The preferred maximum building height for the subject site and most of Precinct M1 is 68m (20 storeys).

The exception to this is the triangular site opposite to the north bounded by Munro Street, Montague Street and Normanby Road which has a preferred maximum building height of 81m (24 storeys).

Assessment

Preferred Precinct Character Element	Assessment
'Mid to high-rise developments.	Achieved: The proposed 20 level tower would exceed the mid-rise heights but would be at the lower end of a high-rise building and would comply with the preferred 20 storey maximum height for the site and surrounds.
On larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.	Not applicable: The subject site is not a large site. Notwithstanding this, the tower element would be setback from all streets to reduce visual bulk and would not unreasonably overshadow adjacent land, including the proposed new Public open space on Johnson Street.

It is considered the proposal would reasonably fit in the precinct and would not prejudice the preferred precinct character.

11.3.2 Overshadowing

Clause 2.6 of DDO30 states 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 Montague Street between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces or streets shown in **Map 4** of the schedule as follows:



- The new public open space park at the rear of 231-233 Normanby Road (facing Woodgate Street) between 11.00am and 2.00pm on 22 September.

No overshadowing controls apply to the proposed new Johnson Street Public Open and linear parks opposite and along Johnson Street or the existing parks alongside the Route 109 light rail line.

Outside of DDO30, North Port Oval (and extension) in the Sandridge Precinct is subject to overshadowing controls also between 11.00am and 2.00pm on 21 June to 22 September.

Assessment

The shadow plans confirm the proposal would not overshadow any of the listed areas of existing or proposed open space (including North Port Oval).

The proposal would cast morning shadow over the proposed Public open space on Johnson Street, but this would clear most of the park by 11.00am at the September equinox and all of the park by midday.

Shadow impacts are considered to be acceptable.

11.3.3 Building Height

Street Wall Height

Normanby Road and Johnson Street are approx. 30m wide opposite the subject site and Munro Street is approx. 20m wide.

The preferred street wall (i.e. podium) height for Normanby Road, Johnson Street and the side lane is 4 storeys. The preferred street wall height for Munro Street is at least 4 storeys except where a lower height is necessary to respond to an adjoining heritage place. Non-habitable architectural features not more than 3.0m in height may exceed the specified height.

Assessment

The proposed four (4) and six (6) level street wall heights would comply and be satisfactory.

Tower Height

The preferred maximum building height for the precinct is 68m (20 storeys).

Assessment

Achieved: The tower would have a maximum height of **20 storeys / 70.29m (72.25m AHD)** to roof top level and **75.54m (77.50m AHD)** to the top of the roof plant.

This would be 4 storeys less than the current approval for the land pursuant to Amendment C177port. The reduction in building height is supported. The proposed maximum height is considered to be satisfactory.

11.3.4 Street wall setbacks

Street walls should be built to or within 0.3m of an existing or proposed street, laneway or public open space. This is not a mandatory requirement.

Assessment

The street walls facing all three streets would be predominantly built to the boundary except for minor rebates for access, balconies, open space or articulation.

The street wall setbacks are considered satisfactory and are supported.

11.3.5 (Tower) Setbacks Above the Street Wall

The preferred setback above the street walls is 10.0m and the minimum setback is 5.0m.

Assessment

The tower is proposed to be setback 5.0m from all boundaries which would comply and would be satisfactory.

11.3.6 Wind Effects on the Public Realm

Clauses 4.45 to 4.48 of the existing incorporated Document set out wind management requirements including at 4.46:

Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:

- a) *Sitting: The new park (Johnson Street closure) and areas in the public realm / publicly accessible private areas that are designed for outdoor seating;*
- b) *Standing: The Normanby Road footpaths, the new laneway and areas outside building / tenancy entries on Munro Street (including proposed developments); and*
- c) *Walking: The remaining publicly accessible areas.*

The amendment application seeks lesser standards as follows (*deletions shown with ~~strike-outs~~, additions shown underlined*):

- a) *Sitting: ~~The new park (Johnson Street closure)~~ and ~~a~~ Areas in the public realm / publicly accessible private areas that are designed for long-term stationary outdoor seating;*
- b) *Standing: ~~The Normanby Road footpaths, the new laneway and areas outside building / tenancy entries on Munro Street (including proposed developments); and~~ Main building entrances and activated frontages;*
- c) *Walking: The new park (Johnson Street closure), the Normanby Road footpaths, the new laneway and the remaining publicly accessible areas.*

The consultant wind engineer for the proposal argues that the existing requirements of Clause 4.46 are too stringent and onerous for the Johnson Street Park and would require extensive use of wind mitigation structures in the park which would disrupt the pedestrian journey and park experience.

Assessment

Officers acknowledge the draft park design for Johnson Street includes wild spaces and pedestrian and cycling through-paths, but also recognises it proposes lawn, seating and play areas (Refer plans below).



Figure 11.3.7-1 Draft Park Design (Source: Oculus and Tract)

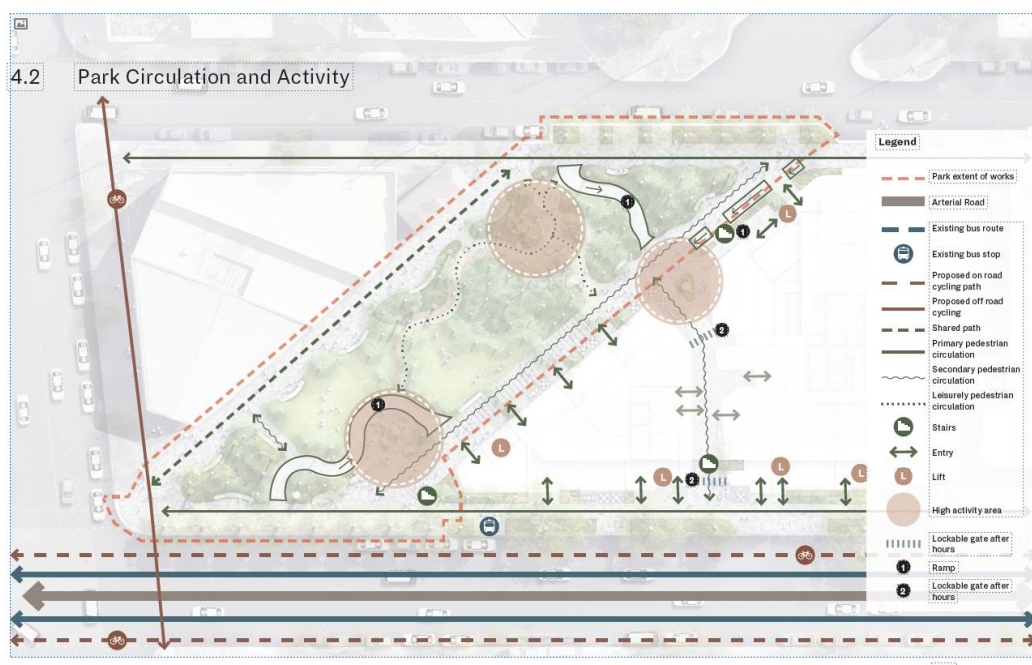


Figure 11.3.7-2 Draft Park Circulation and Activity (Source: Oculus and Tract)

Noting this mix of passive and active use of the park space, a variation to Clause 4.46 to achieve the walking comfort level at the Johnson Street Park is not supported.



However, a review of the updated wind report shows that Johnson Street at present does not achieve the sitting comfort level. In this neighbourhood context, it is acknowledged that achievement of the sitting comfort level would be onerous and possibly not achievable by one building alone.

It is considered the proposal should not make the wind conditions on Johnson Street worse than they are at present and a variation for the park to achieve the standing comfort criteria by incorporating wind amelioration plantings as per the applicants new wind report could be supported.

It is also considered that the expression of Clause 4.46 could be improved for clarity, such that the clause would read as follows:

Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:

- a) *Sitting: Outdoor seating areas in the public realm / publicly accessible private areas.*
- b) *Standing: Building entrances and shop fronts, the north-east side lane and the Johnson Street Park.*
- c) *Walking: The remaining publicly accessible areas.*

11.3.7 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
Lower levels up to the height of the street wall	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	Achieved: Ground level: 4.0m floor-to-floor Mezzanine and Podium L1 & 2: 3.8m floor-to-floor Podium Level 3; 4.45m floor-to-floor
Car parking areas	In areas not in a basement: Level floors. A floor-to-floor height at least 3.8m. Mechanical parking systems to reduce the area required for car parking	Achieved in part: Level floors at podium levels 1, 2 and 3. Podium L1 and 2 car park floor-to-floor height: 3.8m Podium L3 car park floor-to-floor height: 4.45m No mechanical parking system proposed
Dwelling layout	The ability for one and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings	Achieved Dwellings 10 & 11 at Levels 6 to 19 (15 levels) are designed to allow for conversion from 1 x 1Br & 1 x 2BR to 1 x 3BR, increasing potential max. no. of 3BR dwellings from 51 / 24% to 66 / 31%.
Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	Achieved: The principle load bearing elements in the podium would be the service core, several rows of columns and the building floors and beams, allowing internal spaces back to the service core to be altered and adapted. The tower would rely on a similar mix of the service core, columns and load bearing floors and walls that would also allow for adaptability.

Assessment

The adaptability of the podium and tower levels would be satisfactory.

11.3.8 Building Finishes

Building façade materials and finishes include as follows:

Podium:

- Light terracotta or warm grey coloured bricks, terracotta, warm grey, grey-green or dark grey-green coloured metal composite cladding, warm grey coloured concrete and clear glazing and charcoal coloured glazed spandrel panels for walls.
- Grey-green expanded mesh screen.
- Charcoal coloured metal canopy, screens and shrouds.
- Terracotta or grey-green coloured formed metal planter boxes.

Tower:

- Terracotta, light terracotta, warm grey, grey-green or charcoal coloured metal composite cladding, terracotta and grey-green coloured metal pfc detailing and charcoal coloured aluminium window frames and shrouds with clear glazing for walls.
- Grey-green coloured metal balustrades and fins.
- Charcoal coloured aluminium screens and louvres.

Assessment

Podium and Tower.

The proposed materials and finishes would be satisfactory. Council's Urban Designer raised no concerns.

11.4 Transport Matters

11.4.1 Car Parking Requirement and Provision

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning Scheme. The Parking Overlay specifies maximum rather than minimum parking rates for **Dwelling, Office, Place of assembly and Retail premises (including Café, Restaurant, and Shop)**. A permit is required to provide parking in excess of the Parking Overlay (or Clause 52.06) rates.

Restricted recreation facility (Gym and Yoga facility) is not listed in the Parking Overlay or the table to Clause 52.06 (Car Parking) and thus there is no specified parking rate. Car parking for these uses needs to be to the satisfaction of the responsible authority (i.e. the Minister).

Assessment

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

Table 11.4.1-1: Clause 45.09 Parking Overlay Car Parking Rates and Provision

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
Dwelling: <i>Max 0.5 spaces per 1 or 2BR dwelling, Max. 1 space per 3BR (or greater) dwelling (Clause 45.09 - Parking Overlay)</i>	
64 x 1BR x 0.5 = 32 spaces	Not specified
98 x 2BR x 0.5 = 49 spaces	Not specified
51 x 3BR x 1 = 51 spaces	Not specified
Total: 213 dwellings / 132 car spaces	132 spaces. Complies: The gross number of spaces proposed would not exceed the maximum number of spaces specified
Office: <i>Max. 1 space / 100m² gross floor area (Clause 45.09 - Parking Overlay)</i>	
531.1m ² x 1/100 = 5 (5.31) spaces	An overall of 16 spaces are proposed in a shared arrangement across the office, retail premises and place of assembly uses. The gross number of staff spaces proposed would not exceed the maximum number of spaces specified
Retail premises: <i>Max. 1 space / 100m² gross floor area (Clause 45.09 - Parking Overlay)</i>	
1,774m ² x 1/100 = 17 (17.74) spaces	See above
Place of assembly: <i>Max. 1 space / 100m² gross floor area (Clause 45.09 - Parking Overlay)</i>	
177.5m ² x 1/100 = 1 (1.77) space	See above
Restricted recreation facility: <i>No rate specified. The number of spaces must be to the satisfaction of the responsible authority (Clause 52.06-6)</i>	
730m ² .	4 spaces
Totals: 155 spaces	152 spaces*

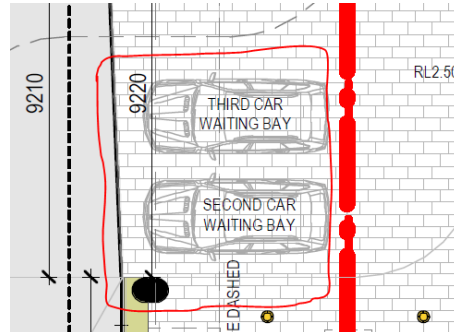
Note #1: + 4 car share spaces = 156 spaces overall. See also assessment at 11.4.3 below).

11.4.2 Design standards for car parking

Council's Traffic Engineers raised concerns regarding the car park design including:

Access ways:

- *It is noted that the property boundary line runs down the middle of the double width accessway. **Applicant is to confirm the entire width of the accessway is protected by the easement and cannot be reduced or built on by the adjoining property. This is critical.***
- *The proposal has a queueing area for vehicles waiting to enter the car lift while it is in use. The plans are not clear, however line marking is to be implemented to highlight the queueing bays for entering vehicles and a warning light system to be implemented before the 'bend' to advise vehicles whether to stop or proceed.*

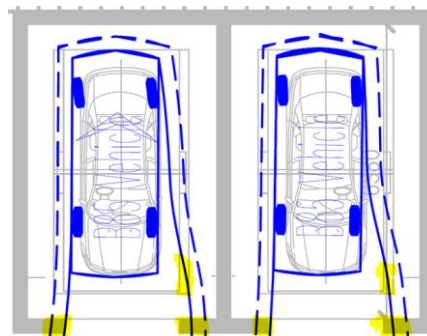


Car Lift:

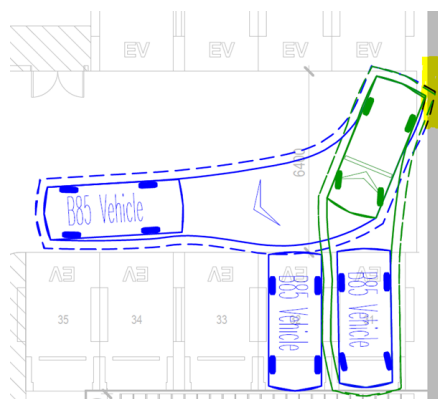
- The usable area of the car lift is unclear. The car lift must adequately cater for a B99 vehicle.
- As part of the queuing assessment, a 10 second vehicle entry and departure has been assumed. To improve safety and ensure timely ingress/egress from the lift, the lift is to be fitted with sensors / digital displays to guide motorists as available by the manufacturer.
- Car lift access concerns in Swept Path Analysis below is to be addressed.

Swept path analysis:

- Swept paths show a B85 vehicle entering and exiting the car lift. The lift access points need to be adequately widened to not encroach into the 300mm clearance area. As currently proposed, the vehicle will hit the lift entry point. Further, the applicant is to confirm the suitability of the vehicle envelope when driving on the lift platform. An easy to access lift is important based on the assumption of a 10 second entry and exit time.



Parking aisle walls at dead-end spaces have not been adequately designed. See below.



Car parking spaces:

- *It is unclear if clearances at blind aisles (dead-end spaces) have been provided in accordance with the standards. The swept path diagram shown in Swept Path Analysis indicates that the parking aisle wall offset is not adequate, and the 300mm vehicle clearance encroaches over the parking aisle wall.*
- *One accessible parking space is proposed for the development. The development comprises of various commercial uses and has not detailed the requirements of the BCA for each use where parking is provided. An analysis of the BCA for accessible parking spaces is to be provided to ensure the amount of accessible parking spaces proposed are in-line with the requirements of the BCA.*

Traffic Generation and Impact:

- *The TIA has estimated a total traffic generation of 444 vehicles per day with 50 vehicles in each peak hour.*
- *The TIA estimates the 98th percentile queue for the vehicle lift will be two vehicles external to the vehicle lift for an average time period of 15 seconds. This 98th percentile queue can be considered reasonable considering all traffic can be catered for within the development.*

The Traffic Engineers comments are set out in full in the Referral Response Appendices to this report.

Assessment:

Traffic, Parking and Loading matters are satisfactorily provided for by Clauses 4.9(q), (u), (v), (y), (z), (aa), (bb), (cc), (ee), (gg), (hh), and 4.27 to 4.36 of the existing Incorporated Document.

It is noted that the western end of the lane where it is required to ramp up from Munro Street and up to the up to the car park entry and bollard(s) will need to be constructed across the full width of the easement to achieve consistent grades and levels for two-way traffic entry/exit.

All other matters can be resolved through the submission of revisions to the plans and the Traffic Impact Assessment.

11.4.3 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 at specified rates (unless the responsible authority is satisfied a lesser number is sufficient).

A summary of the requirements and provision (based on the Development Schedule) is set out below:

Table 11.4.3-1: CCZ1 Bicycle, Motorcycle and Car share parking

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Dwelling resident spaces <i>(Developments of more than 50 dwellings)</i>	1 space per dwelling x 213 dwellings = 213 spaces	213 resident spaces	1 per 50 dwellings x 213 dwellings = 4 (4.26) spaces	4 spaces	2 spaces + 1 per 25 car spaces x 213 residential car parking spaces = 10 (10.52) spaces	Four (4) spaces in basement car park level
Dwelling visitor spaces	1 visitor space per 10 dwellings x 213 = 21 spaces	34 visitor spaces <i>(4 in lobby, 4 in rebate off Johnson St, 26 on lane) Shared with non-resident visitors (see below)</i>	None specified	N/A	None specified	N/A
Subtotal:	234 spaces	247 spaces	4 spaces	4 spaces	10 spaces	4 spaces
Non-resident spaces <i>(Developments with >10,000m² non-residential floor space)</i>	N/A (< 10,000m ² net non-residential floor space proposed)	22 spaces	1:100 non-res car parking spaces x 20 spaces = Nil required	N/A	1:60 non-res car parking spaces x 20 spaces = nil required	N/A
Non-resident visitor spaces	N/A	See above. <i>(34 spaces shared with resident visitors).</i>	None specified	N/A	None specified	N/A
Subtotal:	Nil spaces	22 spaces	Nil spaces	N/A	N/A	N/A
Total:	234 spaces	269 spaces	4 spaces	4 spaces	10 spaces	4 spaces



Assessment

Bicycle parking

The development would provide 35 more bicycle spaces than required overall, comprising 170 resident spaces in a secure store on the ground level, 43 resident spaces in a secure store at basement level, 22 employee spaces in a secure store on the ground level, located mid-block to the site along the Normanby Road frontage and 34 visitor parking spaces at ground level including 26 spaces in the lane, 4 spaces in the pedestrian through link and 4 spaces along the Johnson Street frontage. All three bicycle stores would include a bicycle repair space/facility.

It is considered the proposed allocation of spaces to residents and resident would be satisfactory.

The location of the resident and non-resident spaces at basement and ground floor level and the shared visitor bicycle parking in the lobby or undercover in a rebate off Johnson Street and beneath canopies along the lane would provide satisfactory weather protection and natural surveillance for security.

In addition, end-of-trip showers and change rooms would be provided on the ground floor for employees in accordance with the planning scheme rates.

Council’s Traffic Engineers raised concerns regarding bicycle parking design. These matters can be resolved through the submission of revisions to the plans and the Traffic Impact Assessment.

Bicycle facilities

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

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

For this assessment, officers have elected to:

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

Bicycle facilities need to comply with the requirements of Clause 52.34-5 as follows:

Bicycle Facility	Rate	Requirement	Provision
Showers	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	Two (2) showers required.	Two (2) showers and changes rooms at ground floor level adjacent to the employee parking spaces.
Change rooms	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	Two (2) change rooms or a communal change room required.	Two (2) showers and changes rooms at ground floor level adjacent to the employee parking spaces.



The proposal would provide bicycle facilities in accordance with requirements.

Motorcycle parking

The development would provide the required number of motorcycle spaces for the dwellings and commercial floor area. The distribution of the four spaces over all the parking levels is also considered satisfactory.

Car share spaces

The Incorporated Document requires at least four (4) car share spaces. Four (4) spaces are proposed in the basement car park where they would be accessible by residents and employees working in the building. This number would comply with Clause 4.9(u) of the Incorporated Document and would be satisfactory.

Other Matters

11.5 Clause 58 – Better Apartments Design Standards

The apartment layouts generally comply with the requirements of Clause 58 as required by Clause 4.9(p) of the existing Incorporated Document.

Finalisation of apartment design can be resolved through the submission of revisions to the plans for final endorsement by the Department.

11.6 Waste Management

Waste Management matters are provided for by Clauses 4.37 and 4.38 of the existing Incorporated Document.

Council's Waste Management Officer has reviewed the new Waste Management Plan (WMP) and Architectural Drawings and noted a number of detail matters which can be resolved through the submission of revisions to the plans and WMP.

The Waste Management Officer's comments are set out in full in the Referral Response Appendices to this report.

11.7 Loading

Loading matters are satisfactorily provided for by Clauses 4.9(x), (gg), and (hh), 4.27 to 4.30 and 4.37.

Finalisation of loading matters can be resolved through the submission of revisions to the plans for final endorsement by the Department.

11.8 Affordable and Social Housing

Affordable Housing matters are satisfactorily provided for by Clauses 4.13 to 4.17 of the existing Incorporated Document.

The application submission notes:

"12 apartments have been nominated as potential affordable housing dwellings. These dwellings, or an equivalent cash contribution as allowable under the Incorporated Document, will be delivered in accordance with Conditions 4. 13 to 4.17 of the Incorporated Document."

'Gamuda (Australia) Pty Ltd has commenced discussions with two (2) registered housing agencies, Housing Choices Australia and Women's Property Initiatives, with the intention of partnering with one of the agencies to deliver affordable housing to the Site in accordance with the obligations of the Incorporated Document.'



A letter of commitment from each agency which further outlines their respective positions was provided with the proponent's submission.

Refer also to assessment at Clause 11.1 of this report.

Finalisation of Affordable Housing matters can be resolved through the preparation and execution of a s173 agreement as required.

11.9 Environmental Audit

Environmental Audit matters are satisfactorily provided for by Clauses 4.57 to 4.61 of the existing Incorporated Document. No changes to these provisions are required.

11.10 Infrastructure Contribution Overlay (ICO1)

Infrastructure Contribution matters are satisfactorily provided for by Clause 4.49 of the existing Incorporated Document including Clause 4.49(b) which makes provision for contributions to be offset by the delivery of approved community infrastructure including the Johnson Street Park. No change to this clause is required.

11.11 Aboriginal Cultural Heritage

Aboriginal Cultural Heritage matters are satisfactorily provided for by Clause 4.10 of the existing Incorporated Document. No change to this clause is required

11.12 Street Trees

The original application required the six (6) street trees on Normanby Road to be retained and protected.

The new application seeks to remove and replace four of these trees adjacent to the new building, leaving only the two (2) trees to the corner of Normanby Road and Johnson Street and opposite the lane to the north-east end of the site.

An arborist report asserts the trees are beyond usable life and would be adversely affected by proposed new building works, footpath pathing and awning projections.

Council's Arborist advised the four (4) trees could be removed and replaced subject to the replacement incorporating an integrated and interconnected tree pit system. This could be provided for by adding text to Clause 4.56 of the Incorporated Document as follows:

Prior to the replacement of street trees, the applicant must submit, to the satisfaction of the Port Phillip City Council, details of a site specific tree pit system that incorporates passive irrigation and is connected to water sensitive urban design systems. The document must demonstrate that the design is fit for purpose.

12. COVENANTS AND OTHER TITLE MATTERS COVENANTS

12.1 Covenants

A review of the Title for the site confirms the land known as Volume 09666 Folio 398, commonly described as Land in Plan of Consolidation 161638A is not encumbered by a restrictive covenant or Section 173 Agreement or building envelope.

12.2 Easements

The east side of the land is encumbered by a 2.25m to 3.2m wide easement (E-1) for drainage and carriageway in favour of the adjoining property at 264-270 Normanby Road, South Melbourne (Site 01 of the Normanby Road precinct applications).



This easement matches a 2.25m to 3.2m wide easement (A-1) for Right of carriageway and drainage on the south-western side of 264-270 Normanby Road, South Melbourne (Site 01) in favour of the subject land, thus creating a 4.5m to 6.4m wide shared easement with reciprocal rights for the two properties.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

14.1 Support the Planning Scheme Amendment as proposed.

14.2 Support the Planning Scheme Amendment subject to changes to the Incorporated Document

14.3 Not support on key issues

15. CONCLUSION

15.1 The new design is generally compliant with the relevant planning scheme provisions for the site including built form requirements of the DDO for podium and tower heights and setbacks.

15.2 The proposal was internally referred plans and reports and officers raised mostly detail concerns regarding plans and reports satisfying requirements of the Incorporated Document.

15.3 Officers support:

15.3.1 Changes to the Incorporated Document to update plan and report references and delete redundant text relating to the original design.

15.3.2 Changes to Clause 4.54 to allow for the removal of four (4) trees on Normanby Road subject to a requirement for a tree pit system for the replacement trees as follows:

- Prior to the replacement of street trees, the applicant must submit, to the satisfaction of the Port Phillip City Council, details of a site-specific tree pit system that incorporates passive irrigation and is connected to water sensitive urban design systems. The document must demonstrate that the design is fit for purpose.

15.4 Changes to Clause 4.46 for wind comfort criteria as follows:

Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:

- Sitting: Outdoor seating areas in the public realm / publicly accessible private areas.*
- Standing: Building entrances and shop fronts, the north-east side lane and the Johnson Street Park.*
- Walking: The remaining publicly accessible areas.*

15.5 Officers do not support proposed changes to the Incorporated Document to:

15.5.1 Clause 4.69(a): Variation to the rainwater tank specification.








15.5.2 Clause 4.74(e): Deletion of the rainwater tank storage capacity requirement.

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

15.6.1 Supports the 20-storey proposal in its current form subject to final plans and reports to satisfy the requirements of the Incorporate Document.

15.6.2 Supports the proposed changes to the Incorporated Document except for the matters noted above.

ATTACHMENTS

1. Attachment 1 - Architectural Drawings  [Download](#)
2. Attachment 2 - Landscape Concept  [Download](#)
3. Attachment 3 - CoPP Internal Referral Responses (May 2022 Plans)  [Download](#)
4. Attachment 4 - CoPP Internal Referral Responses - August 2022 Plans  [Download](#)
5. Attachment 5 - Proponent Draft Incorporated Document  [Download](#)