



18-22 SALMON STREET, PORT MELBOURNE

**LOCATION/ADDRESS:** 18-22 SALMON STREET, PORT MELBOURNE  
**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, DEVELOPMENT, TRANSPORT AND CITY AMENITY  
**PREPARED BY:** SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

**1. PURPOSE**

1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 18-22 Salmon Street, South Melbourne.

**2. EXECUTIVE SUMMARY**

<b>WARD / FBURA PRECINCT:</b>	Gateway / Wirraway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Accommodation (dwellings) in the Fishermans Bend Urban Renewal Area
<b>ADDRESS:</b>	18-22 Salmon Street, Port Melbourne
<b>APPLICATION NO:</b>	<b>DELWP Ref:</b> PA17/00301 and PSA C180 port <b>CoPP Ref:</b> 9/2017/MIN/A and PSA C180 port
<b>APPLICANT:</b>	Fishermans Bend Management Pty Ltd C-SJB Planning
<b>EXISTING USE:</b>	Two storey Offices and Warehouses
<b>ABUTTING USES:</b>	<b>Salmon Street:</b> Offices and Warehouse. <b>Plummer Street:</b> Warehouses, Offices and Industrial buildings, and JL Murphy Reserve beyond to the east.
<b>ZONING:</b>	Capital City Zone (CCZ1) Abuts Road Zone Category 1 (RDZ1) (Plummer St)
<b>OVERLAYS:</b>	Design and Development Overlay (DDO33) Special Building Overlay (SBO1) Environmental Audit Overlay (EAO) Parking Overlay (PO1)



	Infrastructure Contributions Plan Overlay (ICO1)
<b>ABORIGINAL CULTURAL HERITAGE</b>	The land is in an 'area of Cultural Heritage Sensitivity' under the Aboriginal Heritage Regulations 2018.
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	26-03-2021

### Strategic Planning Matters

- 2.1 In February 2016, the Minister for Planning (the Minister) announced a review of the Strategy and Planning Controls for the Fishermans Bend Urban Renewal Area (FBURA)
- 2.2 On 19 December 2017, and then on 21 February 2018, the Minister) called in all 26 live Ministerial planning permit applications in the FBURA on the grounds that:
  - The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance.
  - The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan having regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved.
- 2.3 Twenty-one (21) of the called in applications were in the City of Port Phillip and five (5) were in the City of Melbourne.
- 2.4 In October 2018, the Minister:
  - Released a revised Fishermans Bend Framework;
  - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA; and
  - Appointed the Fishermans Bend Standing Advisory Committee (the Advisory Committee) to advise on site specific planning controls to facilitate proposals within Fishermans Bend, prior to the introduction of an Infrastructure Contributions Plan for the called in applications and new proposals.
- 2.5 In particular, Amendment GC81 deleted the Development Contributions Plan Overlay (DCPO) and introduced a new Infrastructure Contributions Overlay and Schedule (ICO1) which forbade (with a few minor exceptions) the grant of a permit to construct a building until an infrastructure contributions plan had been incorporated into the scheme. At the time of writing, the infrastructure contributions plan has not been finalised or incorporated into the scheme.
- 2.6 The Minister, through the Department of Environment, Land, Water and Planning (DELWP) (the Department) invited the proponents of the called in applications to revise their designs having regard to the amended Planning Scheme controls and new Strategy.



- 2.7 Revised proposals were required to be submitted as an application for the Minister to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) (i.e. an Amendment for which exhibition and notice is not undertaken) of the *Planning and Environment Act* (the Act).
- 2.8 The Minister also prepared Terms of Reference (ToR) for the Advisory Committee setting out the process for consideration of Planning Scheme Amendment (PSA) applications, including for new proposals lodged following approval of GC81.
- 2.9 The ToR were updated on 29-04-2020, principally to:
- Apply to unresolved issues between parties rather than requiring the Advisory Committee to consider proposals de novo;
  - Change the Office of the Victorian Government Architect from an Advisory Committee member to a referral agency; and
  - Introduce a process for round-table meetings between all agencies to discuss and resolve issues prior to the Advisory Committee hearing the matter.
- 2.10 The Advisory Committee must submit its report to the Minister no later than 20 business days from the completion of the final meeting or other forum.
- 2.11 The Minister must then determine whether to approve the proposal and PSA.
- 2.12 Any approved PSA would then be listed in the Schedule to Clause 72.04 of the Planning Scheme, in the same manner as for example:
- Amendment C110 for the Stokehouse, 30 Jacka Boulevard, St Kilda, July 2014; and
  - Amendment C149port for the Victorian Pride Centre Incorporated Document 2018.
- 2.13 Developments could then proceed in accordance with plans and conditions referenced in the Incorporated Document.
- 2.14 Once the infrastructure contributions plan is finalised and incorporated into the scheme, applications for planning permits in the FBURA could revert to the standard procedure.
- 2.15 Since the approval of GC81, the Minister has approved six (6) Planning Scheme Amendments in the CoPP FBURA as follows (in order of approval):

Address	(Precinct) / Approval	Approval Date	Status
<b>477-481 Plummer St, PM (Woolworths)</b>	(W) Supermarket & Packaged liquor (New application - post GC81)	31/06/2020: Approved  02-07-2020: Gazette	Started



<b>203-205 Normanby Rd, SB (Site 06)</b>	(M) 171 dwellings, 36 levels (Called-in application)	30-07-2020: Approved 13-08-2020: Gazette	Not started
<b>118 Bertie St, PM</b>	(S) 67 dwellings, 20 levels (Called-in application)	18-08-2020: Approved 24-08-2020: Gazette	Not started
<b>2-28 Montague / 80 Munro St, SM</b>	(M) 623 (approx.) dwellings, 15, 24, 38 levels (Called-in application)	18-08-2020: Approved 02-09-2020: Gazette	Not started
<b>256-258 &amp; 260-262 Normanby Rd, SM (Site 02)</b>	(M) 171 dwellings, 20 levels (Called-in application)	30-09-2020: Approved 15-10-2020: Gazette	Not started
<b>11-41 Buckhurst St, SM</b>	(M) 145 dwellings, 6,185m <sup>2</sup> retail/comm, 12, 20 levels (New application - post GC81)	03-03-2021: Approved 05-03-2021: Gazette	Not started

- 2.16 Seven (7) Planning Scheme Amendments are pending approval, one (1) of which has been considered by the Advisory Committee, and six (6) of which are being considered directly by the Minister as follows:

<b>Address</b>	<b>(Precinct) / Proposal</b>
261, 271-281 Ingles St, PM	(M) 78,656m <sup>2</sup> commercial & retail, Hotel, 947 dwellings, 18, 50, 32, 37 levels
264-270 Normanby Rd, SM: <b>Site 01</b>	(M) 171 dwellings, 20 levels
272-280 Normanby Rd SM: <b>Site 00</b>	(M) 280 dwellings, 30 levels
17 Rocklea Drive, PM	(W) 194 dwellings, 9, 16 levels
365, 371, 391 Plummer St PM	(W) 702 dwellings, 26, 13, 29, 26 levels



2-14 Thistlethwaite St, SM	(M) 6,550m <sup>2</sup> commercial, 14 levels
450-460 City Rd & 7 Wolseley St, SM	(M) Office, 4 levels + 2 basements

### Application Matters

- 2.17 This report is to consider an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme to demolish the existing buildings on the land and construct three (3) multi-storey (12, 13 and 15, and 17 and 21 storeys) mixed-use towers above a four level podium and one (1) basement level.
- 2.18 The application is an amendment to an application originally lodged with the Department on 14 November 2017.
- 2.19 The original application proposed 3 x 12-storey level towers including a 3 and 5 level podium and 2 basement levels.
- 2.20 Council and the Department requested further information.
- 2.21 On 18 January 2018, the proponent lodged an application for review with VCAT for failure of the Minister to decide the application.
- 2.22 On 21 February 2018, the Minister called in the application (and 20 other applications in CoPP).
- 2.23 The permit applicant subsequently elected to revise the proposal.
- 2.24 On 29 August 2019, the applicant applied to the Minister to prepare a Planning Scheme Amendment (PSA).
- 2.25 During 2019 and 2020, there were several pre-application meetings with the proponents and agencies and amendments to the plans.
- 2.26 On 18 January 2021, the Department wrote to Council pursuant to s20(5) of the Act formally seeking its views regarding the most recent amended plans.
- 2.27 The PSA application proposes to demolish the existing buildings on the land and construct three (3) multi-storey (12, 13 and 15, and 17 and 21 storeys) mixed-use towers above a four-level podium and one (1) basement level.
- 2.28 It is proposed to use the land for Dwellings including Affordable housing, Retail premises including Food and drink premises including Restaurant, Shops, two Supermarkets, and Offices.
- 2.29 The subject site is located in the core area of the Wirraway precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.30 More particularly, the site is in:
- Building Typology Precinct Area W2 (Hybrid - predominantly mid-rise) of the Design and Development Overlay (DDO33) which has a preferred precinct character of:



*'Mid-rise (i.e. 7 to 15 storeys) buildings with taller elements and block developments (including perimeter developments) located to ensure high levels of sunlight access to the south side of Plummer Street, that:*

- *Are built to the boundary at the street.*
  - *Retain and adaptively reuse heritage and character buildings.*
  - *Deliver a lower varied street wall and mid-rise building heights along Plummer Street to create a fine-grain character and maximise the amount of sunlight penetrating between tower elements to reach the southern side of the street.*
  - *Provide private and communal open space within developments with good access to sunlight.*
  - *Create a network of new lanes and plazas in the Core area.*
  - *Are lower scale than the Sandridge Core.*
  - *Activate Plummer Street by new north–south connections that connect to Plummer St.'*
- An area designated for new public open space at the corner of Salmon and Plummer Streets.
  - A preferred maximum building height area of 81m (24 storeys) for the remainder of the land pursuant to DDO33 and the Fishermans Bend Framework October 2018.

- 2.31 The four (4) storey street walls (podiums) would comply with height requirements and setbacks facing the Plummer Street park, Salmon Street and the new south lane, but would not comply at the rear or the base of the 21 storey Tower 2 facing Plummer Street.
- 2.32 Tower setbacks would mostly comply, albeit at the minimum rather than preferred distances. The east side setback of T2 would need to be increased from 5 to 10m to meet a mandatory requirement, and a setback from Plummer Street for T2 and from Salmon Street for T3 are recommended to ameliorate building mass and bulk.
- 2.33 The proposed arrangement of the three towers presents building mass from the Plummer Street frontage to the southern boundary with no discernible gap when viewed from the east and west. Changes to the setbacks and tower separation would assist in reducing this mass.
- 2.34 Towers T1 and T3 would not exceed the preferred building heights for the precinct character area but T2 would exceed the 15 storey preferred maximum by 6 levels. It is recommended that the height of T2 be reduced to comply.
- 2.35 The proposals were internally referred and officers raised concerns including regarding inconsistency with the preferred scale, and building typology for the land and surrounds, the podium and tower facades, the detailing and landscape design of the open space and pedestrian access, the fragmented communal open space, parking and traffic matters including the need for more details including dimensions on plans, cross-section of all ramps, swept path diagrams, the number of vehicle crossings on the lane, over supply of dwelling parking and undersupply of car share spaces and electric vehicle charging spaces, car park floor-to-floor heights insufficient for building



adaptability, and cumulative traffic generation, the dispersed bicycle parking arrangements and lack of end of trip facilities, details of waste management arrangements, a need for plan and written confirmation of sustainable design and water sensitive urban design, wind impacts within and adjoining the land, protection of existing street trees, and a number of minor matters.

- 2.36 Officers recommend changes to address their concerns including reducing the height of tower 2, achieving sitting, standing and walking wind comfort levels, clarifying and confirming ESD, WSUD, Waste Management, Parking and Traffic design, ground floor level activation and design of the new public open space park and streetscape works along Salmon Street.
- 2.37 The offer of Affordable Housing totalling 6% of all dwellings is considered a generally satisfactory response to the Fishermans Bend Local Policy.
- 2.38 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 does not support the application in its current form based on the matters set out in Section 12 and the Appendices of this report.
- 2.39 That the Statutory Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.

### 3. RECOMMENDATION

#### RECOMMENDATION – PART A

- 3.1 That the Statutory Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that Council:
  - 3.1.1 Does not support the proposed development in its current form based on the matters set out in Section 12 and the Appendices of this report including:
    - 1. The east (rear) and Tower 2 podium setbacks, the massing of the three towers and the height and setbacks of Tower 2
    - 2. The design of the south side lane and footpath.
    - 3. External and internal pedestrian access.
    - 4. Street activation.
    - 5. The design of new public open space and streetscape works on Salmon Street.
    - 6. The number of car parking and car share spaces.
    - 7. Wind impacts.



- 3.1.1 That in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council’s concerns. including for:
1. The east (rear) podium setback.
  2. The Tower 2 podium setbacks and tower height and setbacks.
  3. The street setback of Tower 3.
  4. The building separation between Towers 1 and 3
  5. Footpath and carriageway design for the south side lane including no encroachment of the footpath by turning vehicles.
  6. External and internal pedestrian access.
  7. Active street frontages.
  8. The design of new public open space and streetscape works on Salmon Street.
  9. The number of car parking spaces exceeding Parking Overlay rates.
  10. Car share spaces.
  11. Bicycle end-of-trip facilities.
  12. Loading and Waste collection.
  13. Updated reports for Sustainable design, Tree protection and Wind mitigation.

**RECOMMENDATION – PART B**

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

**4. RELEVANT BACKGROUND**

4.1 There are three (3) previous permit applications recorded for the site as follows:

Application No.	Proposal	Decision
1354/2008	Erect and display an internally illuminated business identification sign	Permit 12-12-2007
43/2008	Construction of four (4) canopies to loading bays	Permit 15-02-2008
9/2017/MIN (Lodged 14-11-2017)	Demolish existing buildings, construct a building (3 x 12 level inc. 3 and 5 level podiums and 2 basement levels) mixed-use buildings and associated car and bicycle parking, construct or carry out works, and use land for Accommodation (Dwelling), Education centre (Primary school), Place of assembly (Community hall, Library), and Supermarket) in the CCZ1. Construct a building and construct or carry out works in the DDDO and SBO1.	Called in by the Minister 21-02-2018





	Create or alter access to a road in a Road Zone Category 1 (remove three existing crossings and construct one new crossing on Plummer Street).	
--	--	--

- 4.2 The application for the current proposal was first lodged with the Department on 14 November 2017 and received by Council on 30 November 2017 and sought 3 x 12 level towers including a 3 and 5 level podium and 2 basement levels.
- 4.3 Council and the Department requested further information.
- 4.4 On 18 January 2018, the proponent lodged an application for review with VCAT for failure of the Minister to decide the application.
- 4.5 On 21 February 2018, before the further information was provided, the Minister called in the application (and 20 other applications in CoPP).
- 4.6 The permit applicant elected to revise the proposal.
- 4.7 On 29 August 2019, the permit applicant applied to the Minister to prepare a PSA.
- 4.8 The PSA application also proposes to demolish the existing buildings and construct a different design for three (3) towers of 12, 13 and 15, and 17 and 21 levels including a four-storey podium and one basement level including Dwellings, Retail premises including Food and drink premises including Restaurant, Shops, and two Supermarkets, and Offices and associated car, motorcycle and bicycle parking.
- 4.9 This report relates to the PSA plans and reports.

**5. PROPOSAL**

- 5.1 It is proposed to:
  - Demolish the existing buildings on the land.
  - Construct 1 x 12, 1 x 13 and 15 and 1 x 17 and 21 storey towers (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.
  - Use land for **Dwellings, Retail premises** including **Food and drink premises** including **Restaurant, Shops**, and two **Supermarkets**, and **Offices** in the CCZ1.
  - Provide more than the maximum parking provision specified for the Dwelling, Retail premises and Supermarkets.
  - Vary, reduce or waive the bicycle facilities requirements of Clause 52.34-3 and 52.34-4.
  - Create or alter access to a road in a Road Zone, Category 1 (i.e. remove two (2) existing vehicle crossings on Plummer Street).
- 5.2 The towers would have maximum heights as follows:
  - **Tower 1 (Salmon St – Central): 12 levels + 2 tier rooftop terrace:** 44.51m (47.85m AHD) to roof top level, 46.35m (49.7m AHD) to top of roof terrace glazed



balustrade, 49.0m (52.35m AHD) to top of lift overrun), 49.8m (53.15m AHD) to top of rooftop terrace awnings.

- **Tower 2 (Plummer St): 17 levels + rooftop terrace and 21 levels + rooftop terrace:** Max. 75.1m (78.45m AHD) to roof top level, 78.9m (82.25m AHD) to top of parapet/roof terrace surround, 79.6m (82.95m AHD) to top of lift overrun, 81.1m (84.45m AHD) to top of services.

*Note: Level 5 of T2 is a 2-level volume space accommodating a gym and other communal facilities, such that the floor count of T2 from Plummer Street is 20 levels. The maximum height of T2 however is 21 levels as per the floor count on the other elevations.*

- **Tower 3: 13 levels + rooftop terrace and 15 levels + 2 tier rooftop terrace:** Max. 54.70m (58.05m AHD) to roof top level, 57.0m (60.35m AHD) to top of roof terrace glazed balustrade, 59.2m (62.55m AHD) to top of lift over).

5.3 A vehicle and pedestrian lane is proposed along the south side of the property off Salmon Street (with potential for future vehicle access to the adjacent property the east and/or pedestrian access to the adjacent property and to JL Murphy Reserve further to the east).

5.4 The application is seeking:

- Ten (10) years from the date of gazettal of the amendment or by such time that the Plummer Street tram is operations, whichever is the sooner, to start;
- Three (3) years from the date of commencement to complete;
- Two (2) years from completion of the development to commence the use(s).

5.5 More particularly, the proposal comprises:

*Note: For consistency when referring to the plans, the following summary adopts the floor numbering regimen of the application drawings where ground floor is not ascribed a level no and Level 1 refers to the first floor etc. resulting in the top floor number being one less than the actual number of levels / floors eg. the top level of T2 is noted as Level 20 on the plans, but T2 has 21 levels/floors above ground. Elsewhere in this report, including Table 1 below, floor counts assume L1 to be the ground floor level and additional levels are counted from there.*

#### 5.5.1 Basement

- Commercial car park - 181 car parking spaces, including 6 disabled spaces, 3 car share spaces, 5 motor bike spaces, 106 employee bicycle spaces and 45 visitor bicycle spaces.
- Bicycle facilities for employees including change rooms, lockers and toilets.
- Service areas including trolley areas, rainwater tanks and fire boosters.
- Vehicle access from the ground level.
- Lift access to the residential towers and ground level uses.
- Travellator to the ground floor supermarket lobby area.

#### 5.5.2 Ground Floor



- Two (2) supermarkets (3,170m<sup>2</sup> and 1,791m<sup>2</sup>) fronting Salmon Street inc. pedestrian access from Salmon Street and the basement parking level.
- Two (2) shops fronting Plummer Street with areas of 214m<sup>2</sup> and 151m<sup>2</sup>.
- One (1) shop fronting the public plaza with an area of 119m<sup>2</sup>.
- One (1) shop fronting Salmon Street with an area of 24m<sup>2</sup>.
- One (1) commercial tenancy fronting the proposed public laneway with an area of 117m<sup>2</sup>.
- One (1) commercial tenancy fronting the service road to the east with an area of 162m<sup>2</sup>.
- Landscaped public plaza in the north-western corner of Plummer and Salmon Streets.
- Customer and resident car, and commercial vehicle, retail loading and commercial and residential waste collection and deliveries etc. access from the SE corner via new two-way lane along site's southern perimeter. Lane design allows for future connection to existing adjacent common property internal road on abutting private land to east (subject to legal agreement and subdivision).
- Shared internal loading area incorporating a turntable for supermarket deliveries and waste collection.
- Pedestrian access to upper level commercial and residential uses via multiple separate entry foyer and lobby areas.
- Services including several fire escapes, mains water/ gas and mail rooms.

#### 5.5.3 **Mezzanine Plan**

Various plant and service areas.

#### 5.5.4 **Level 1**

- Approx. 5,107m<sup>2</sup> of commercial (office/retail) floor space around central car park and loading area.
- Lobby access to commercial and residential areas.
- Service areas including fire escapes.
- Waste storage rooms for commercial and residential uses.
- Employee bicycle facilities including toilets and change rooms and 166 bicycle spaces.

#### 5.5.5 **Level 2**

- Approx. 3,561m<sup>2</sup> of commercial (office/retail) floor space is around central commercial car park.



- Commercial car park - 74 car spaces, 6 motor bike spaces, 118 employee bicycle spaces, 43 residential bicycle spaces and 183 storage cages.
- Vehicle access provided from the ground floor.
- Lobby access to commercial and residential uses.
- Service areas.

**5.5.6 Level 3**

- Approx. 3506m<sup>2</sup> of commercial (office/retail) floor space around a central residential car park.
- Residential car park - 104 car spaces, 3 motor bike spaces, 57 employee bicycle spaces, 75 residential bicycle spaces and 50 storage cages.
- Vehicle access from the floor below.
- Lobby access to commercial and residential uses.
- Service areas.

**5.5.7 Level 4**

- Podium rooftop communal resident open space areas (x3) between each of the towers and adjacent communal indoor resident spaces (x3) inc. a theatre and lounge.
- Central residential car park - 87 car spaces, 3 motor bike spaces, 90 resident bicycle spaces and 65 resident storage cages.
- Commencement of residential towers inc. internal corridor access between each of the different residential lobby areas and communal spaces, and to the resident car park.
- T1: Lower level of six (6) duplex apartments with a variety of 2, 3 and 4BR configurations.
- T2: Main communal areas including gym, lap pool and function areas.
- T3: Eight (8) x 1, 2 and 3BR apartments.

**5.5.8 Level 5**

- Central residential car park - 89 car spaces, 3 motor bike spaces, 90 resident bicycle spaces and 81 resident storage cages.
- T1: Upper floor level of six (6) duplex apartments.
- T2: void above the level below, and two (2) communal mezzanine spaces and a resident's lounge.
- T3: Eight (8) x 1, 2 and 3BR apartments.
- Three (3) communal resident open space areas between each of the towers and four (4) communal indoor resident spaces including a theatre and lounge areas.
- Internal corridor access between each of the different residential lobby areas and communal spaces, and to the resident car park.

**5.5.9 Level 6**

- Central landscaped communal open space area - 1680m<sup>2</sup>.



- Three (3) communal indoor resident spaces including a communal lounge area.
- T1: Lower level of twelve (12) x 2, 3 and 4BR duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Nine (9) x 1, 2 and 3BR apartments.

**5.5.10 Level 7**

- T1: Upper floor level of twelve (12) duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments.

**5.5.11 Level 8**

- T1: Lower level of twelve (12) x 2, 3 and 4BR duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments.

**5.5.12 Level 9**

- T1: Lower level of twelve (12) duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments.

**5.5.13 Level 10**

- T1: Lower level of twelve (12) duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments.

**5.5.14 Level 11**

- T1: Upper floor level of twelve (12) duplex apartments.
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments.

**5.5.15 Level 12**

- T1: Rooftop communal open space landscaped terrace (747m<sup>2</sup>), with additional upper level deck above the services enclosure (RL50.45m).
- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Thirteen (13) x 1, 2 and 3BR apartments

**5.5.16 Level 13**

- T2: Sixteen (16) apartments with a variety of 1, 2 and 3BR configurations.
- T3: Rooftop landscaped communal terrace (670m<sup>2</sup>) and six (6) 2, 3 and 4BR apartments.

**5.5.17 Level 14**

- T2: Sixteen (16) x 1, 2 and 3BR apartments.



- T3: Seven (7) x 1, 2, 3 and 4BR apartments.

5.5.18 **Level 15**

- T2: Sixteen (16) x 1, 2 and 3BR apartments.
- T3: Rooftop landscaped communal roof terrace (469m<sup>2</sup>).

5.5.19 **Level 16**

- T2: Sixteen (16) x 1, 2 and 3BR apartments.

5.5.20 **Level 17**

- Rooftop landscaped communal terrace (457m<sup>2</sup>) and seven (7) x 2 and 3BR apartments.

5.5.21 **Levels 18 to 20**

- T2, seven (7) x 2 and 3BR apartments per level.

5.5.22 **Rooftop Level**

- Rooftop landscaped communal terrace (793m<sup>2</sup>).

5.6 A summary of the application is set out in Table 1 below:

**Table 1:** Application Summary

<b>Address</b>	<b>Tower 1:</b> (Salmon St - Central)	<b>Tower 2:</b> (Plummer St)	<b>Tower 3:</b> (Salmon St - South)	<b>TOTALS:</b>
<b>Planning Scheme Amendment (PSA) No.</b>	-	-	-	PSA C180 port
<b>Plans assessed</b>	-	-	-	Project No. 2008. Drawing Nos. TP111 to TP605 including Development Summary, dated 18-12-2020, prepared by Armsby Architects
<b>Site area / Title particulars</b>	-	-	-	9,712m <sup>2</sup> (0.97ha.) No easements or other encumbrances
<b>Minimum plot ratio not used for Dwelling (Core areas)</b> <b>Clause 22.15-4.1</b> <i>Note: Clause 73.01: Plot ratio: The GFA of all buildings on a site</i>	-	-	-	Wirraway Core area ratio = 1.9:1 x 9,712m <sup>2</sup> (0.97ha.) = <b>18,452.8m<sup>2</sup></b>



<p>divided by the area of the site. <i>(Includes any proposed road, laneway and pos.)</i></p>				
<p><b>Non-residential floor area</b> <b>Note: Clause 73.01: Gross floor area:</b> 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>(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><b>Shared:</b> Refer Totals column</p>	<p><b>Shared:</b> Refer Totals column</p>	<p><b>Shared:</b> Refer Totals column</p>	<p><b>23,378m<sup>2</sup> (gross)</b> (17,952.61m<sup>2</sup> net) including <b>Retail premises:</b> 8,461.75m<sup>2</sup> (9 tenancies inc. 5 x Shop, 2 x Food and drink premises, 2 x Supermarkets 3,170.34m<sup>2</sup> &amp; 1,791.68m<sup>2</sup>) and <b>Office:</b> 9,490.85m<sup>2</sup> (17 tenancies)</p>
<p><b>CCZ1 Dwelling Density</b> <b>Clause 22.15-3</b> <b>Dwelling density</b> (dw/ha) means the number of dwellings on the site divided by the <u>total site areas</u> (hectares) including any <u>proposed road, laneway and public open space.</u></p>	-	-	-	Wirraway Core area @ 184 dw/ha x 0.97ha = <b>178</b> dwellings
<p><b>No. dwellings (inc. Affordable Housing) / Dwelling diversity</b> <b>Clause 22.15-4.2</b> <i>Proposals of &gt; 100 dwellings should provide 3BR dwellings as follows: Wirraway: 30%</i></p>	<p><b>42</b> (11 / 26% x 2BR, 23 / 55% x 3BR, 8 / 19% x 4BR)</p>	<p><b>204</b> (55 / 27% x 1BR, 92 / 45% x 2BR, 57 / 28% x 3BR)</p>	<p><b>116</b> (32 / 28% x 1BR, 41 / 35% x 2BR &amp; 41 / 35% x 3BR, 2 / 2% x 4BR)</p>	<p><b>362</b> (87 / 24% x 1BR, 144 / 39.8% x 2BR, 121 / 33.4% x 3BR, 10 / 2.8%) (inc. <b>21</b> x 1 or 2 or 3BR Affordable Housing dwellings)</p>
<p><b>Affordable housing</b> <b>Clause 22.15-4.3</b> <i>Development should provide at least 6% of dwellings permitted under the dwelling density requirements in the CCZ (excluding any Social housing uplift dwellings) as Affordable housing</i></p>	-	-	-	<p>Six (6) % of all dwellings = <b>21</b> (21.72) 1 or 2 or 3BR representative of the dwelling mix:</p> <ul style="list-style-type: none"> <li>• Transferred to a HA etc. @ min 35% discount to mkt value; or</li> </ul>



				<ul style="list-style-type: none"> <li>Leased under management of a HA etc @ min 35% discount to mkt rent for not less than 30 years; or</li> <li>Other method of equal or higher value</li> </ul> <p><b>Note:</b> 6% of 178 dwelling density = 10 (10.68) dwellings</p>
<p><b>Social housing</b>  <b>Clause 4.2 of Schedule 1 to the CCZ.</b>  <i>...at least 1 Social housing dwelling for every 8 dwellings provided above the no. of dwellings allowable under the specified Dwelling density</i></p>	-	-	-	<p><b>Not Applicable</b>  <b>Nil proposed</b></p> <p><b>Note 1:</b> Pursuant to the FBSAC Terms of Reference, the dwelling density requirements (and associated Social Housing uplift provisions) do not formally apply.</p> <p><b>Note 2:</b> If the provisions applied, Social Housing would be required as follows: 362 dwellings - 178 dwelling density = 184 dwellings @ 1 per 8 = <b>23 social housing dwellings</b> required for uplift.</p>
<b>Basement</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	One (1) basement shared by all buildings (Commercial inc. Super Market car parking, car share spaces, visitor and staff bicycle parking, building services including water tanks).
<p><b>Street wall (podium) height</b>  <u>Plummer St</u> = 20.5m (w): (preferred = Tooth and gap - 50m+ frontage)  <u>Salmon St</u> = 30.5m (w): (preferred = at least 4 storeys; Max = 6 storeys).</p>	<b>Four (4) levels (inc. mezzanine services):</b> 16.5m (19.85m AHD) to podium roof level, 17.6m (20.95m AHD) to balustrade level.	<b>Four (4) levels (inc. mezzanine services):</b> 16.5m (19.85m AHD) to podium roof level, 18.9m (22.25m AHD) to parapet level.	<b>Four (4) levels (inc. mezzanine services):</b> 16.5m (19.85m AHD) to podium roof level, 17.6m (20.95m AHD) to balustrade level.	-  <b>Note:</b> Survey NGL = 3.12m AHD to Salmon St, 3.25m AHD to Plummer St, 3.11m AHD to east side, 3.30m AHD to south (rear) (all centre)





<p><b>Maximum height (Tower)</b> 81m (24 storeys) discretionary preferred max. <b>(Statutory maximum height in bold)</b></p>	<p><b>12 levels + 2 tier rooftop terrace:</b> Max. 44.51m (47.85m AHD) to roof top level, <b>46.35m (49.7m AHD) to top of roof terrace glazed balustrade</b>, 49.0m (52.35m AHD) to top of lift overrun), 49.8m (53.15m AHD) to top of rooftop terrace awnings.</p>	<p><b>17 levels + rooftop terrace and 21 levels + rooftop terrace:</b> Max. 75.1m (78.45m AHD) to roof top level, <b>78.9m (82.25m AHD) to top of parapet/roof terrace surround</b>, 79.6m (82.95m AHD) to top of lift overrun, 81.1m (84.45m AHD) to top of services.</p>	<p><b>13 levels + rooftop terrace and 15 levels + 2 tier rooftop terrace:</b> Max. 54.70m (58.05m AHD) to roof top level, <b>57.0m (60.35m AHD) to top of roof terrace glazed balustrade</b>, 59.2m (62.55m AHD) to top of lift over)</p>	-
<p><b>Street wall (podium) Setbacks</b></p>	<p><b>Plummer St:</b> Min. 20.6m (Park) <b>Salmon St:</b> Min. 0.00m</p>	<p><b>Plummer St:</b> Min. 0.0m (ground), Min. 1.5, Max. 2.75m above</p>	<p><b>Salmon St:</b> Min. 0.00m <b>South (New Lane):</b> Min. 2.9m (ground) (for footpath), Min. 0.0m above</p>	-
<p><b>Tower Setbacks</b></p>	<p><b>North (Plummer St):</b> Min. 25.0m <b>South (New Lane):</b> N/A <b>East (side):</b> N/A <b>West (Salmon St):</b> Min. 5.0m</p>	<p><b>North (Plummer St):</b> Min. 0.0m <b>South (New Lane):</b> N/A <b>East (side):</b> Min. 5.0m <b>West (Salmon St):</b> N/A</p>	<p><b>North (Plummer St):</b> N/A <b>South (New Lane):</b> Min. 8.0m <b>East (side):</b> Min. 5.0m <b>West (Salmon St):</b> Min. 5.0m</p>	-
<p><b>Building (podium) separation below the max. street wall</b></p>	N/A (Shared podium)	N/A (Shared podium)	N/A (Shared podium)	N/A (Shared podium)
<p><b>Building (tower) separation above the max. street wall</b> <i>Note: Architectural features, but not balconies, may encroach into the minimum separation.</i></p>	<p><b>T1 to T2:</b> Min. 20.6m btw glazing (19.2m btw glazing line and balcony, 19.0m btw planters) <b>Note:</b> 22.3m btw glazing (19.0m btw planters at L6, 8, 11 and 12, <b>T1 to T3:</b> Min. 10.0m btw glazing (8.7m btw balcony edges)</p>	<p><b>T2 to T1:</b> Min. 20.6m btw glazing (19.2m btw glazing line and balcony, 19.0m btw planters) <b>Note:</b> 22.3m btw glazing (19.0m btw planters at L6, 8, 11 and 12, <b>T2 to T3:</b> Min. 20.0m btw glazing (18.7m btw balcony edges)</p>	<p><b>T3 to T1:</b> Min. 10.0m btw glazing (8.7m btw balcony edges) <b>T3 to T2:</b> Min. 20.0m btw glazing (18.7m btw balcony edges)</p>	-



<b>Loading bay</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Ground level:</b> Two (2) (Supermarket deliveries and waste) off 16m DIA turntable via side lane off Salmon St. <b>First floor:</b> Four (4) (Commercial and dwellings deliveries and waste) via ramp and side lane off Salmon St.
<b>Car parking</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>539 spaces</b> (280 [0.71/dwelling] resident 259 non-residential) <b>Car share:</b> 3 spaces <b>EV charging:</b> Nil
<b>Motorcycle parking</b> 1: 50 dwellings 1:100 non-res car spaces	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>20 spaces</b> (9 residential, 11 commercial) <b>Note:</b> 9 spaces required
<b>Bicycle parking</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>780 spaces</b> (298 resident [0.82: dwelling], 45 visitor, 437 employee / customer), end-of-trip facilities
<b>Open space</b>	<b>Balcony / terrace:</b> Varies: Min. 9.72m <sup>2</sup> 12.79m <sup>2</sup> , 14.5m <sup>2</sup> , 15.5m <sup>2</sup> , 23.23m <sup>2</sup> , 23.5m <sup>2</sup> , 50.26m <sup>2</sup> , 54.85m <sup>2</sup> (all typical)	<b>Balcony / terrace:</b> Varies: Min. 8m <sup>2</sup> , typically 8.5m <sup>2</sup> , 9m <sup>2</sup> , 10.5m <sup>2</sup> , 11m <sup>2</sup> , 11.5m <sup>2</sup> , 13m <sup>2</sup> , 13.5m <sup>2</sup> , 14m <sup>2</sup> , 15.5m <sup>2</sup> , 17m <sup>2</sup> .	<b>Balcony / terrace:</b> Min. 10.23m <sup>2</sup> (typical), 11.05m <sup>2</sup> , 16.5m <sup>2</sup> , 18.24m <sup>2</sup> , 19.34m <sup>2</sup> , 24.26m <sup>2</sup> .	-
<b>Stores*</b> <i>*Note: Excludes storage in Apartments per BADS.</i>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>359</b> (typ 6m <sup>3</sup> ) (0.99/ dwelling) (L2: 183, L3: 50, L4: 65, L5: 61)
<b>Communal facilities</b>	<b>L4:</b> Theater/lounge, <b>L5:</b> Theater/lounge, <b>L6: T1, T2, T3 -</b> Shared outdoor	<b>L4:</b> Communal rooms, Gym, 25m pool & spa, outdoor terrace. <b>L5:</b> VIP Lounge. <b>L6: T1, T2, T3 -</b>	<b>L6:</b> Lounge, communal room, <b>T1, T2, T3 -</b> Shared outdoor open space <b>L13:</b> Rooftop open space	<b>Note:</b> Not clear to what extent communal facilities are shared between the towers.



	open space <b>L12:</b> Rooftop open space	Shared outdoor open space <b>L21:</b> Rooftop open space	<b>L15:</b> Rooftop open space	
<b>Community (public) facilities</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	Park at corner of Plummer Street and Salmon Street.
<b>New Roads / Laneways</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	Min. 6.0m (w) lane along South side off Salmon Street (Car park and loading bay access)
<b>Vehicle access</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	Min. 6.0m (w) lane along South side off Salmon Street (Basement and podium car + bicycle parking, loading bay and waste collection access) <b>Note 1:</b> Commercial car parking in basement <b>Note 2:</b> Supermarket loading and waste collection at ground floor level <b>Note 3:</b> Commercial and residential loading and waste collection at L1 of podium. <b>Note 4:</b> Commercial car parking at L2 of podium <b>Note 5:</b> Resident car parking at L3, 4 & 5 of podium. <b>Note 6:</b> Two (2) existing vehicle crossings removed along Plummer Street. Six (6) existing vehicle crossings removed along Salmon Street.
<b>Dwelling access</b>	Lobby access off Salmon Street and car park levels	Lobby access off Plummer Street and car park levels	Lobby access off south side lane and car park levels	-
<b>Retail/commercial access</b>	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	<b>Shared:</b> Refer Totals column	Retail access off Plummer St, Salmon St, south side lane, and east



				side and car park levels. Office lobbies off corner park, Salmon St, south side lane and car park levels.
<b>Staging</b>	-	-	-	No details
<b>Gross floor area (GFA) / Plot ratio</b>	-	-	-	<b>Gross Floor Area (GFA):</b> 86,191m <sup>2</sup> <b>Site area =</b> 9,712m <sup>2</sup> (0.97ha.) <b>Plot Ratio: 8.87:1</b>

5.7 The proposal is essentially for a shared basement and a four-level podium with three rectangular towers above.

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

**6. SUBJECT SITE AND SURROUNDS**

6.1 Existing conditions are as follows:

<b>Site description and area</b>	<p>The subject site is situated on the south-east corner of Salmon Street and Plummer Street, Port Melbourne.</p> <p>The land has a frontage width of 120.7m to Salmon Street and a side abuttal to Plummer Street of 80.47m for an overall area of 9,712m<sup>2</sup> (0.97ha.) approx.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show only minor differences of approx. 0.1 to 0.2m in the natural ground level (NGL) of the centre of the three site frontages as follows: Salmon St: 3.12m AHD, Plummer St: 3.25m AHD; East side: 3.11m AHD, South (rear): 3.30m AHD.</p>
<b>Existing building &amp; site conditions</b>	<p>The land is developed with contemporary one and two storey warehouse and office buildings with associated at-grade forecourt car parking and perimeter landscaping including a number of mature trees along both street frontages.</p> <p>The Salmon Street frontage includes five (5) vehicle crossings into the land/buildings and the Plumer Street frontage includes two (2) existing crossings.</p> <p>Plummer Street is a Road Zone Category 1 which carries high levels of car and truck traffic, including to and from the nearby West Gate Freeway approx. 660m to the north-west (via Prohasky Street).</p> <p>The intersection of Plummer and Salmon Street is signalised.</p>
<b>Surrounds / neighbourhood character</b>	<p>Surrounding land is predominantly developed for low-rise industrial, warehouse and office buildings circa 1940s onwards, and is industrial in appearance. More particularly, surrounding land is developed as follows:</p> <p><b>North (opposite, across Plummer Street):</b> A warehouse building with associated two-level offices, currently used as an indoor go-kart facility opposite, and similar one or two-storey warehouses or offices beyond and to the east and west. The warehouse to the north-east at the corner of Plummer Street and Graham Street has approval for and is</p>



	<p>currently being altered and extended as part of a conversion to a full line Supermarket and a packaged liquor store and shop and associated car parking.</p> <p><b>South (side):</b> Two-storey offices and the one and two-storey former BALM Paints offices building (HO282) at the corner of Williamstown Road, now used for self-storage, and the heritage graded Garden City Housing Estates beyond across Williamstown Road.</p> <p><b>East (rear):</b> One and two-storey industrial, warehouse and office buildings, and an electrical substation, JL Murphy Reserve and a new multi-storey Government Secondary School under construction at the SW corner of Plummer Street and Graham Street beyond.</p> <p><b>West (opposite, across Salmon Street):</b> Two-storey heritage graded former Commonwealth WW11 Facility and Rootes Factory offices (HO 472 - Citation 2366) opposite, and 3-storey townhouses under construction, warehouse and factory buildings and 13 and 15 level mixed-use retail, commercial and residential building at the corner of Plummer Street and Prohasky Street beyond.</p> <p>Two (2) bus services run along Salmon Street with a north-bound stop opposite the subject site and a south-bound stop approx. 40m to the north across Plummer Street.</p> <p>The <b>Route 235</b> bus operates from the Queen Victoria Market to the Fishermans Bend Industrial Precinct via Southern Cross Station and Williamstown Road passing the subject site approx. every 20-30 minutes from 6.16am to 9.03pm Mon-Fri, approx. every 30-40 minutes from 7.46am to 7.47am Saturday and hourly from 8.08am to 6.12pm on Sunday.</p> <p>The <b>Route 606</b> bus operates from the Fishermans Bend Industrial Precinct to Elsternwick Station passing the subject site approx. every 40-50 minutes Mon-Fri from 6.02am to 7.30pm but terminates at the Port Melbourne Bay Street shops on Saturday and Sunday.</p> <p>Additionally, the <b>Route 234 and 235</b> (both Garden City to the City) buses operate from the Garden City local shops on Centre Avenue, approx. 660m to the SW of the site</p> <p>There are on-road bike paths nearby along Williamstown Road, Howe Parade, the Boulevard and the Bay Trail to the south.</p> <p>Vehicle access to the Westgate Freeway is approximately 660m from the site via Plummer and Prohasky Streets.</p> <p>The nearest Activity Centre to the site is Bay Street, Port Melbourne Market is located approximately 1.9km to the SE via Williamstown Road and Graham Street.</p>
<p><b>Fishermans Bend Framework October 2018</b></p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p><b>For the subject site:</b></p> <ul style="list-style-type: none"> <li>• A new rectangular public open space area at the corner of Salmon and Plummer Streets (long side to Plummer St).</li> <li>• Two new (indicative) 6.0m (w) lanes between Salmon St and site to east (rear) midblock and along the southern (side) boundary.</li> <li>• Primary (80%) permeability Active frontage (pt Plummer St), Secondary Type 1 (60%) permeability Active Frontage (Pt Plummer St facing future park, all of Salmon St, and all of the eastern (rear) boundary).</li> <li>• No vehicle crossings off Salmon or Plummer Street frontages.</li> </ul> <p><b>For the surrounding area:</b></p> <ul style="list-style-type: none"> <li>• A new rectangular public open space area at the NE (opposite) corner of Salmon and Plummer Streets (long side to Salmon St).</li> <li>• A linear park to the south side of the site (abutting the proposed new 6.0m (w) lane).</li> <li>• JL Murphy Reserve upgrades (Medium term (i.e. 2020-2025) project);</li> </ul>



	<ul style="list-style-type: none"> <li>• A future light-rail line along Plummer Street (Long term (i.e. 2025+) project);</li> <li>• Potential Metro 2 underground rail line beneath Plummer Street, including a station at the corner of Salmon and Plummer Street, possibly accessed in part via the proposed new public open space areas (Long term (i.e. 2025+) project);</li> <li>• A 16m widening along the north side of Plummer Street between Salmon and Graham Streets to accommodate future public transport and preferred street sections (No time frame specified);</li> <li>• Strategic cycling corridor along Plummer Street (No time frame specified).</li> </ul>
--	--

6.2 Applications, permits, Planning Scheme Amendments, commencements and completions abutting or near the subject site are as follows (**Permits in bold**):

**North (across Plummer Street)**

- **365, 371, 391 Plummer St (Cnr. Salmon St), PM (Diagonally opposite):** Application for 4 x 13, 26, 26, and 29 level mixed use towers with 702 dwellings.
- **101 Salmon St, PM: Permit for a 12-level mixed use building with 157 dwellings. Not started.**

**South (side, towards Williamstown Road)**

- **343 Williamstown Rd, PM (to SE): Permit for 16 x 4-level townhouses. Under construction.**

**East (rear)**

- **Lot 9A, 339 Williamstown Rd, PM: Permit for a 10-level mixed-use building with 7 dwellings. Not started.**
- **Lots 10, 11, 12, 339 Williamstown Rd, PM: Permit for a 12-level mixed use building with 50 dwellings. Not started.**
- **477-481 Plummer St (NW Cnr. Graham St) PM: Planning Scheme Amendment for Supermarket. Under construction.**
- **477 Graham St (SW Cnr Plummer St), PM: Multi-storey Government Secondary School. Under construction.**

**West (across Salmon Street)**

- **19 Salmon St, PM (opposite): Permit for 135 x 4-level townhouses. Development started (demolition and site works).**
- **320-332 Plummer St, PM (Cnr. Prohasky and Tarver Sts): Permit for two (2) mixed-use towers of 13 and 15 levels with 428 dwellings. Completed.**
- **187-201 Williamstown Rd, OM (Cnr Todd Rd): Permit for 122 x 3 level townhouses. Not started.**

**7. PERMIT TRIGGERS**

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?
<p><b>Clause 36.04: Road Zone Category 1</b></p>	<p>Pursuant to Section 2 of Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. This may include a substantial increase in traffic to or from a Road Zone.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 37.04: Capital City Zone (CCZ1)</b></p>	<p>Pursuant to Clauses 37.04-1 and 37.04-2 of the CCZ1 and the Table of uses at Clause 1 of the Schedule to the CCZ1, <b>a planning permit is not required to use land for an Office or a Shop</b> (other than an Adult Sex product shop, Department Store, Supermarket, or Restricted retail premises).</p> <p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes:</p> <ul style="list-style-type: none"> <li>• <b>Dwelling</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not be within an Amenity buffer shown on Map 4.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> <li>• <b>Retail premises (other than Hotel, Shop and Tavern (i.e. Bar))</b> if it does not meet the following conditions: <ul style="list-style-type: none"> <li>○ Must be in a Non-core area.</li> <li>○ Must not exceed 1000m<sup>2</sup> gross leasable floor area.</li> <li>○ Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>○ Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> </li> </ul> <p>The land is in a Core Area and is within 450m of the South Melbourne to Brooklyn pipeline. <b>A permit is required to use the land for a Dwelling, Supermarket and Retail premises (other than Hotel, Shop and Tavern)</b> under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> <li>• An application lodged before the approval of Amendment VC136 (02-Feb-2017).</li> <li>• An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136.</li> </ul> <p>The application was first lodged on 16 August 2017 and so <b>must meet Clause 58.</b></p>



	<p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> <li>• The demolition or removal of temporary structures;</li> <li>• The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.</li> </ul> <p>An application for the use of land, or to demolish or remove a building, or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Wirraway Precinct (DDO33)</b></p>	<p>The land is in Precinct Area W2 of DDO33 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 81 metres (24-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 / 32/ 33 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>Pursuant to Clause 62.02-3, this excludes the construction of or putting up for display of a sign unless a permit is specifically required.</p> <p>An application to construct a building or construct or carry out works or subdivide land in DDO30, 32 and 33 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 44.05: Special Building Overlay - Schedule I (SBO I)</b></p>	<p>Pursuant to Clause 44.05-2, a permit is required to construct a building or construct or carry our works. This does not apply if specifically exempted. The proposal falls within the ambit of a specified exemption.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 45.03: Environmental Audit Overlay (EAO)</b></p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> <li>• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul> <p><b>A planning permit would not be required under this clause.</b></p>
<p><b>Clause 45.09: Parking Overlay (P01)</b></p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for <b>Dwelling, Office, Retail premises (including Café, Convenience shop, Restaurant, and Shop) and Supermarket.</b></p>





	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The application proposes to provide car parking in excess of the Parking Overlay rates for the dwellings, the retail premises and the Supermarkets.</p> <p><b>A planning permit would be required under this clause.</b></p>
<p><b>Clause 45.11: Infrastructure Contribution Overlay (IC01)</b></p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> <li>• A non-government school;</li> <li>• Housing provided by or on behalf of the Department of Health and Human Services;</li> <li>• Any other land or development of land specified in a Schedule to the ICO.</li> </ul> <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> <li>• An existing use of land provided the site coverage is not increased.</li> <li>• A sign.</li> <li>• Consolidation of land or a boundary realignment.</li> <li>• Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.</li> <li>• Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose</li> </ul> <p><b>A planning permit cannot be granted for the proposal.</b></p> <p>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</p>
<p><b>Clause 52.05: Advertising signs</b></p>	<p>Clause 52.05 is silent regards the construction or display of a sign in the Fishermans Bend Urban Renewal Area.</p> <p><b>A permit would not be required under this clause.</b></p>
<p><b>Clause 52.06: Car Parking</b></p>	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Uses not listed in the Parking Overlay must provide car parking at the rates specified in the Table to Clause 52.06.</p> <p>For the purposes of assessment under Clause 52.06, the subject site <b>is / is not</b> in the Principle Public Transport Network Area.</p> <p>A planning permit is required to provide less than the Clause 52.06 parking rates.</p> <p>Pursuant to Clause 52.06-6, where a use is not specified in the Table or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay ... car parking must be provided to the satisfaction of the responsible authority (i.e. the Minister).</p>



	<p>All of the proposed uses are listed in the Parking Overlay and none are listed in Table 1 to Clause 52.06. Consequently, the rates in Clause 52.06 do not apply.</p> <p>Car parking plans must meet the design requirements of Clause 52.06-9 unless the responsible authority agrees otherwise.</p> <p><b>A permit would not be required under this clause.</b></p>
<p><b>Clause 52.34: Bicycle Facilities</b></p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p><b>A planning permit would be required under this clause.</b></p>

## 8. PLANNING SCHEME PROVISIONS

### 8.1 Planning Policy Frameworks (PPF)

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

Clause 11: Settlement, including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity, including:

Clause 13.01: Climate Change Impacts

Clause 13.03: Floodplains

Clause 13.07: Amenity

Clause 15: Built Environment and Heritage, including:

15.01-1: Built Environment

15.01-1R: Urban design - Metropolitan Melbourne

15.01-2S: Building Design

15.01-4R: Healthy neighbourhoods - Metropolitan Melbourne

15.01-5S: Neighbourhood character

15.02-1: Sustainable development

15.02-2S: Aboriginal cultural heritage

Clause 16: Housing, including:

Clause 16.01: Residential development

Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 18: Transport, including:

Clause 18.02-4S: Car parking



Clause 19: Infrastructure, including:

Clause 19.01: Energy

Clause 19.01-1S: Energy supply

Clause 19.01-2R: Renewable energy - Metropolitan Melbourne

Clause 19.01-3S: Pipeline infrastructure

Clause 19.03-1S: Development and infrastructure contributions plans

Clause 19.03-4S: Stormwater

## 8.2 Local Planning Policy Framework (LPPF)

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

Clause 21: Municipal Strategic Statement

Clause 21.01: Vision and Approach

Clause 21.02: Municipal Context and Profile

Clause 21.03: Ecologically Sustainable Development

Clause 21.04: Land Use, including

21.04-1: Housing and Accommodation

Clause 21.05: Built Form, including:

21.05-2: Urban Structure and Character

Clause 21.06: Neighbourhoods, including

21.06-8: Fishermans Bend Urban Renewal Area

## 8.3 Local Planning Policy Framework (LPPF)

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

Clause 22.12: Stormwater Management (Water Sensitive Urban Design)

Clause 22.13: Environmentally Sustainable Development

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

## 8.4 Other relevant provisions

Clause 58: Apartment Developments

Clause 59.05: Buildings and Works in an Overlay

Clause 59.10: Car Parking

Clause 65: Decision Guidelines, including:

Clause 65.01: Approval of an Application or Plan



## 8.5 Relevant Planning Scheme Amendment/s

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

### 05 July 2012: Amendment C102:

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

### 07 August 2014: Amendment GC7:

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

### 17 April 2015: Amendment GC29:

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

### 14 November 2016: Amendment GC50:

- Introduced new Local Planning Policy (Clause 22.15) Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses;
- Moved interim height controls from the CCZ1 to a new Design and Development Overlay (DDO30), which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances. The height and setback controls apply on an interim basis until 31 March 2019, and updates the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016) and incorporated document provisions.

### 05 October 2018: Amendment GC81:

- Amends MSS at Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods) to update references to FB and include a refined vision for Montague, Sandridge and Wirraway precincts.
- Introduces new local planning policy at Clause 22.15 (Fishermans Bend) to provide guidance and assist with the exercise of discretion in the assessment of planning permit applications in FB. Includes Fishermans Bend Framework October 2018 as a Reference Document.
- Introduces a new Schedule 1 to Clause 37.04 (CCZ) to ensure land use and development outcomes implement the FB Vision, September 2016 and FB Framework, September 2018.



- Introduces new precinct specific Schedules 30, 32 and 33 to Clause 42.03 (Design and Development Overlay) to align built form controls with preferred character and vision for Montague, Sandridge and Wirraway precincts, respectively.
- Introduces new Schedule 1 to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking.
- Deletes Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay).
- Inserts Clause 45.11 (Infrastructure Contributions Overlay) and Schedule 1 (ICO1) and applies it to land to enable implementation of an Infrastructure Contributions Plan when prepared.
- Applies Environmental Audit Overlay (EAO) to Montague, Sandridge and Wirraway precincts.
- Applies Environmental Significance Overlay - Schedule 1 (ESO1) to Wirraway precinct near Port of Melbourne.
- Amends Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as a recommending referral authority for planning permit applications where the Minister for Planning is the responsible authority and makes minor corrections to existing provisions.
- Amends Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria.
- Amends Schedule to Clause 72.03 to reflect the deletion of Planning Scheme Map 1DCPO and insertion of new Planning Scheme Maps 1EAO, 1ICO, 2ICO and 3ICO.
- Amends Schedule to Clause 72.04 (Incorporated Documents) to delete the Fishermans Bend Strategic Framework, July 2016 (amended September 2016).

**20 June 2019: Amendment GC118:**

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

**9. REFERRALS**

**9.1 Internal referrals**

9.1.1 The application was internally referred for comment.

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

**9.2 External referrals**

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

**Melbourne Water**



- 9.2.1 The Department referred the original 2017 proposal to Melbourne Water.
- 9.2.2 Melbourne Water did not object subject to conditions that:
- Prior to the endorsement of plans, the plans must be amended to show the ground floor finished floor levels at a minimum of 3.5 m to Australian Height Datum (AHD). The applicable 1% AEP flood level associated with the Rosney Street Main Drain is 3.2 metres to AHD.
  - Basements or entrances to basements must be tanked and bunded to a minimum of 3.5m to AHD.
- 9.2.3 Council has not been provided with any updated Melbourne Water advice regarding the current application plans.
- 9.2.4 The current 2019 Planning Scheme Amendment application plans would need to incorporate the requirements of Melbourne Water.

## 10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 The Department has given notice of the proposal to the City of Port Phillip, relevant persons including landowners and occupiers, and referral authorities.
- 10.2 The Council had 20 business days from the date of receiving notice to provide a written response (i.e. Tuesday 16 February 2020). Council requested and was granted an extension of time to 26 March 2021.

## 11. FISHERMANS BEND STANDING ADVISORY COMMITTEE

- 11.1 The Minister has appointed the Fishermans Bend Standing Advisory Committee (the Advisory Committee) to:
- a) Advise the Minister for Planning on only unresolved issues between the Proponent and other parties relating to site-specific planning controls pursuant to clause 45.12 to achieve appropriate land use and development outcomes for land within Fishermans Bend in advance of approval of an Infrastructure Contributions Plan.
  - b) Provide a timely, transparent and consultative process for assessment of the suitability of site-specific planning controls for land within Fishermans Bend.

### Terms of Reference

- 11.2 Paragraph 14 of the Terms of Reference (ToR), states the Advisory Committee's consideration of applications called in by the Minister before the approval of Amendment GC81 is subject to the proposal:
- Responding to local policy;
  - Meeting the requirements of the CCZ, the DDO and the PO other than:
    - i. The dwelling density requirement;
    - ii. The requirement to be generally in accordance with the Fishermans Bend Framework (September 2018); and



- iii. The permit condition requirement to enter a section 173 agreement to provide a new road or laneway; and
- Making appropriate development contributions.

11.3 Proponents will be encouraged, but not required to meet the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018) and provide new roads and laneways.

Paragraph 18 states *'The advisory committee may inform itself in anyway it sees fit.'*

Paragraph 19 sets out matters the Advisory Committee must consider *'In assessing the appropriateness of a site-specific planning control to facilitate a proposal ...'* as follows:

- (a) *Relevant aspects of the Planning and Environment Act 1987, the Planning Policy Framework, and the Local Planning Policy.*
- (b) *The content, and purposes of the planning controls introduced under Amendment GC81.*
- (c) *The compliance of the proposal with the requirements of the permanent planning controls set out in paragraphs 14-15, or 17, of these Terms of Reference, as applicable*
- (d) *Whether any departure from the Framework compromises the objectives of the Framework.*
- (e) *The cumulative effect on the preferred character of the relevant precinct or the ability to achieve the objectives of Fishermans Bend arising from any departure from the Framework or the requirements of the permanent planning controls.*
- (f) *The provision of appropriate development contributions in the form of monetary contribution, land contribution, works in kind or a combination of these and the extent to which they are consistent with, and contribute to, the objectives of the Framework.*
- (g) *All relevant submissions and evidence regarding the site-specific planning control to facilitate the proposal.*

Paragraph 20 directs that the Advisory Committee must not consider submissions and evidence in relation to:

- a) The application or operation of the Infrastructure Contributions Overlay.
- b) The quantum of or need for public open space, roads and laneways.

#### **Method and Process**

11.4 The Minister may refer a proposal for advice on unresolved issues associated with the site-specific planning control to facilitate the proposal in accordance with the scope outlines within the ToR.

11.5 The Advisory Committee may meet and invite others to meet with it, and may seek advice from experts.



- 11.6 DELWP is responsible for notifying Council and other relevant parties that may be affected, collecting submissions, and providing draft conditions.
- 11.7 The proponent must submit their finalised proposal and relevant submissions to the Office of the Victorian Government Architect (OVGA) for a Design Review. A copy of the OVGA response will be provided to all parties.
- 11.8 The proponent may then respond to any issues raised and provide a final application to DELWP who will distribute it to the parties.
- 11.9 The parties and relevant agencies will then meet to discuss the final application and prepare a short report that provides a statement of agreement and contention, outlining the issues in dispute.
- 11.10 The 'statement of agreement and issues in dispute' and submissions will be referred to the Advisory Committee who will then convene a round table or virtual forum to discuss the issues in dispute.
- 11.11 Further submissions or evidence can be provided by any party to address issues in dispute.
- 11.12 The Committee will prepare a report to the Minister, and the Minister will ultimately decide whether to approve the proposal.

## 12. OFFICER'S ASSESSMENT

### Fishermans Bend Standing Advisory Committee Terms of Reference

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

#### 12.1 Responding to Local Policy

##### Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p><b>22.15-4.1 Providing for employment floor area</b></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><i><b>Plot ratio:</b> The gross floor area of all buildings on a site, divided by the area of the site.</i></p> <p><i><b>Gross floor area:</b> 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></p> <p><i>(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><b>Achieved:</b></p> <p><b>Recommended: 18,452.8m<sup>2</sup></b> floor area ratio not used for dwelling (9,712m<sup>2</sup> (0.97ha.) site area x 1.9:1).</p> <p><b>Proposed: 23,3787m<sup>2</sup></b> including <b>Retail premises:</b> 8,461.75m<sup>2</sup> (9 tenancies inc. 5 x Shop, 2 x Food and drink premises, 2 x Supermarkets 3,170.34m<sup>2</sup> &amp; 1,791.68m<sup>2</sup>) and <b>Office:</b> 9,490.85m<sup>2</sup> (17 tenancies)</p>
<p><b>22.15-4.2 Community and diversity.</b></p>	<p><b>Achieved:</b></p>





<p>Proposals of &gt; 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%; Sandridge: 20%; Wirraway: 30%.</p>	<p><b>Recommended:</b> 30% of 362 dwellings =108 (108.6) x 3BR (or more). <b>Proposed:</b> 36.2% / 131 x 3 and 4BR dwellings (121 / 33.4% x 3BR, 10 / 2.8% x 4BR).</p>
<p><b>22.15-4.3 Providing for Affordable housing</b></p> <p><b>Affordable housing</b></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"> <li>• The site makes it impractical to do so;</li> <li>• It can be demonstrated the policy objectives can be met by a lesser provision; or</li> <li>• It can be demonstrated meeting the objective would render the proposal economically unviable</li> </ul>	<p><b>Achieved in part:</b></p> <p><b>Achieved - Amended condition recommended:</b> Six (6) % of all dwellings = 21 (21.72) dwellings. <b>Proposed:</b> Six (6) % of all dwellings = 21 (21.72) 1 or 2 or 3BR representative of the dwelling mix:</p> <ul style="list-style-type: none"> <li>• Transferred to a HA etc. @ min 35% discount to market value; or</li> <li>• Leased under management of a HA etc. @ min 35% discount to market rent for not less than 30 years; or</li> <li>• Other method of equal or higher value.</li> </ul> <p>The Affordable Housing offer is consistent with recent determinations for other FBURA PSA applications and is considered generally satisfactory. It would be desirable to include an additional provision for:</p> <ul style="list-style-type: none"> <li>• An option for a percentage of the dwellings to be transferred to a Housing provider at zero consideration, the value of which must be equivalent or higher to the value of the transfer at the minimum 35% discount option.</li> </ul>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p><b>Achieved:</b></p> <p><b>Proposed:</b> 1 or 2 or 3BR dwellings representative of the dwelling mix</p>
<p><b>Social housing</b></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><b>Not Applicable:</b> Pursuant to the FBSAC Terms of Reference, the dwelling density requirements (and associated Social Housing uplift provisions) do not formally apply.</p> <p><i>Note: If the provisions applied, Social Housing would be required as follows: 362 dwellings - 178 dwelling density = 184 dwellings @ 1 per 8 = 23 social housing dwellings required for uplift.</i></p>
<p><b>22.15-4.4 Design Excellence</b></p> <p><u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p><b>Not achieved:</b></p> <p><b>Recommended:</b> Precinct character area W2 encourages a hybrid (predominantly mid-rise 7-</p>



	<p>15 level) building typology and maximum 81m (24 storey) building height.</p> <p><b>Proposed:</b> Three x towers max. 46.35m (max. 12 levels), 57m (max. 15 levels) and 78.9mm (max 21 levels) would present too much bulk and mass to its surrounds, particularly to Plummer Street, and insufficient separation between buildings.</p>
<p><b>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community</b></p> <p><u>Energy:</u> Assess against:</p> <ul style="list-style-type: none"> <li>• <u>Should</u> achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes, lighting and building services.</li> </ul>	<p><b>Achieved in part - Condition required:</b></p> <p>The SMP includes commitments to achieve the energy objectives of the Fishermans Bend Urban Renewal Area Policy at Clause 22.15-4.5, including a 20% improvement on current NCC energy efficiency standards with an average 7-star NatHERS rating and provision of solar PV.</p> <p>However, the objective to provide on-site energy storage isn't addressed. A commitment to this should be included in the SMP.</p>
<ul style="list-style-type: none"> <li>• Residential development <u>should</u> achieve an average 7-star NatHERS rating for each building.</li> </ul>	<p><b>Achieved:</b></p> <p>The SMP includes commitments to achieve an average 7-star NatHERS rating.</p>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p><b>Achieved in part:</b></p> <p>Solar PV panels totalling 60 kW are proposed on the tower roofs. However, the objective to provide on-site energy storage isn't addressed. A commitment to this should be included in the SMP.</p> <p>The proposed electric heat pump hot water referred to in the SMP should be committed to, as opposed to natural gas hot water and the consideration of a Green Power supply contract for at least 50% of the development's electricity consumption also mentioned in the SMP should be made into a definite commitment.</p> <p>Council's Sustainable Design Officer notes this would elevate the development as a leader in ESD for FBURA so far.</p>
<p><u>Urban heat island:</u> Assess against:</p> <ul style="list-style-type: none"> <li>• 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"> <li>- Vegetation, green roofs and water bodies;</li> </ul> </li> </ul>	<p><b>Achieved in part - condition required:</b></p> <p>The SMP states at least 75% of the total project site area would comprise landscaping, roof colour or solar PV which would contribute to reducing the impact of heat island effect.</p>



<p>- Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index.</p>	<p>There is considerable (3,645m<sup>2</sup>) hard-standing rooftop area which could be constructed as additional green roof which could also be used for additional stormwater catchment for reuse.</p>
<ul style="list-style-type: none"> <li>• Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance.</li> </ul>	<p><b>Achieved in part - condition required:</b></p> <p>The SMP states roof colour would contribute to reducing the heat island effect.</p> <p>No details provided of the reflective index of façade materials including non-glazed façade materials exposed to summer sun.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u></p> <p>Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p><b>Not achieved:</b></p> <p>The design proposes to raise internal floor levels above street level.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> <li>• Design elements and materials <u>should</u> be resilient inc. water proof doors and windows, elevated power outlets and the like.</li> </ul>	<p><b>Not achieved:</b></p> <p>The plan and elevation drawings and application documentation do not provide details of flood resilient design and materials.</p>
<ul style="list-style-type: none"> <li>• Land uses at ground level <u>should</u> be able to easily recover from temporary flooding.</li> </ul>	<p><b>Not applicable:</b></p> <p>The plan and elevation drawings show ground floor levels above the designated flood levels for the site.</p>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p><b>Not achieved:</b></p> <p>The plan and elevation drawings show insufficient details of level changes to determine this.</p>
<ul style="list-style-type: none"> <li>• Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts.</li> </ul>	<p><b>Not achieved - condition required:</b></p> <p>The plan and elevation drawings do not details building service floor levels or details of flood protection to basement services.</p>
<ul style="list-style-type: none"> <li>• Developments and public realm layout and design <u>should</u> integrate best practice WSUD.</li> </ul>	<p><b>Achieved in part - condition(s) required:</b></p> <p>It is proposed to capture stormwater from at least 5,188m<sup>2</sup> of roof and other exposed surfaces and store in a min. 259,400L tank for reuse.</p> <p>Council's Sustainable Design officer noted a substantial 3,645m<sup>2</sup> of roof and terrace area was not proposed to be used to collect stormwater</p>



	<p>and considered this was too large a catchment to be untreated. It is recommended this area should be constructed as green roofs to capture additional stormwater.</p> <p>Details of stormwater quality outcomes per a MUSIC assessment should also be provided.</p>
<p><b>22.15-4.6 Communal open spaces</b></p> <p><u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p><b>Achieved in part - conditions required:</b></p> <p>Landscape plans for the corner park, the Salmon Street footpath and the podium and tower rooftop open space were submitted. Council’s Landscape Architect recommended changes to these designs.</p>
<p>Landscape areas <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Contribute to creation of sense of place and identity and preferred character for the precinct.</li> </ul>	<p><b>Achieved in part - conditions required:</b></p> <p>The design for the corner park is dominated by paths to entry foyers on its east and south abutments. These need to be reorientated to face Plummer and Salmon Street and the extent of paths significantly reduced in lieu of more permeable green space and a park design that is more focused on providing a community space rather than an entry plaza to the buildings.</p> <p>Officers question the selection of non-local and non-drought tolerant Palm trees as the principle tree for the park, noting the species does not have historical or horticultural links to the locality.</p> <p>Council’s Landscape Architect raised concerns the highly patterned paving proposed can cause navigation issues for those with visual impairments and be disturbing to those with cognitive impairments.</p> <p>It was recommend that colour or pattern variation is muted so that there is little impact on people with protected attributes.</p> <p>Footpaths and laneways must be designed and constructed to Council’s standards and be approved by Council.</p>
<ul style="list-style-type: none"> <li>• Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD.</li> </ul>	<p><b>Not achieved – condition(s) required:</b></p> <p>The corner park is proposed to be a mix of lawn, paving, decking and tree planting. The WSUD report and landscape plans do not detail innovative approaches to flood mitigation, stormwater run-off, and best practice WSUD for the landscaped areas. The WSUD report appears to overstate the degree of permeability of the park, showing the whole park area as permeable</p>



	despite approximately 45-50% of the park design featuring paving. As per comments above, Council's Sustainable Design Officer believes the extent of podium and rooftop collecting stormwater could and should be increased.
<ul style="list-style-type: none"> <li>• Incorporate opportunities for community gardens.</li> </ul>	<p><b>Achieved in part:</b></p> <p>A raised vegetable garden is proposed at the L13 rooftop of T3.</p>
<ul style="list-style-type: none"> <li>• For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage.</li> </ul>	<p><b>Not achieved:</b></p> <p>The open space does not interpret and celebrate heritage and culture inc. Aboriginal cultural heritage.</p>
<p>Plant selection <u>should:</u></p> <ul style="list-style-type: none"> <li>• Support complex and biodiverse habitat including native and indigenous flora and fauna.</li> </ul>	<p><b>Achieved in part:</b></p> <p>The landscape plan features a small mixture of native and indigenous and exotic plantings.</p> <p>Council's arborist raised concerns with planting palm species above ground level, the need for adequate space for future growth, the capability to withstand wind impacts, and the possible need for anchorage.</p>
<ul style="list-style-type: none"> <li>• Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity.</li> </ul>	<p><b>Not achieved:</b></p> <p>The landscape plans do not detail in the exotic plants are climate resilient.</p>
<ul style="list-style-type: none"> <li>• Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design.</li> </ul>	<p><b>Not achieved:</b></p> <p>A vegetation link is not proposed.</p>
<p>Buildings <u>should:</u></p> <ul style="list-style-type: none"> <li>• Include deep soil zones of at least 1.5m or planter pits for canopy trees.</li> </ul>	<p><b>Achieved in part – condition(s) required:</b></p> <p>The whole of the new park at the corner of Plummer and Salmon Street would have a deep soil base.</p> <p>The landscape plans do not show details of planter pits at any levels.</p>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p><b>Achieved in part – conditions(s) required:</b></p> <p>The landscape plan proposes rooftop landscaping to the podium and towers.</p> <p>The plans do not detail whether the landscape areas are water efficient, or located and designed</p>



	<p>to be sustainable, viable and resilient and appropriate to micro-climate conditions.</p>
<p><b>22.15-4.8 New streets, laneways and pedestrian connections</b></p> <p>New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> <li>• Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block.</li> <li>• Non-core areas: not more than 100m apart and orientated in the preferred direction.</li> </ul> <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p><b>Achieved in part – condition(s) required:</b></p> <p>The land is in the Core area and has a frontage width of 120.7m to Salmon Street and a side abuttal to Plummer Street of 80.47m and so should provide one new street, laneway or pedestrian connection off Salmon Street.</p> <p>The proposed new 6.0m (w) lane along the south side of the site, whilst more than 100m from Plummer Street to the north, would be almost exactly 100m from Williamstown Road to the south, and would be generally satisfactorily located.</p> <p>Council’s Traffic Engineer recommended the new lane align with the new section of Tarver Street opposite so as to create a conventional intersection rather than two staggered ‘T’ junctions.</p> <p>The new Tarver Street is supposed to be 22m wide, but DELWP approved a lesser width of 14.44m to be constructed in two sections of 7.22m (w) each, with the northern side being constructed first as part of a current townhouse redevelopment of the former Roots Chrysler factory site.</p> <p>The northern half of the new Tarver Street will be offset from the new lane on the subject site. The southern half would, when constructed as part of redevelopment of the land to the south, be closely aligned to the southern side of the new lane. There is no application for the land to the south or timeline for construction of the other half of Tarver Street.</p> <p>Council’s Traffic Engineer also recommended the new lane be widened to accommodate:</p> <ul style="list-style-type: none"> <li>• A wider typical footpath along its northern side with a kerb and channel border in lieu of the proposed at-grade design with bollards;</li> <li>• Sufficient carriageway width for safe two-way traffic of the two largest anticipated vehicles (e.g. semi-trailer and a MRV);</li> <li>• Semi-trailer swept paths with a 0.5m clearance envelope (the proposed swept paths have insufficient clearance to the adjacent buildings, the the car park / loading</li> </ul>



	<p>bay entries, and the entry/exit at Salmon Street;</p> <ul style="list-style-type: none"> <li>• Swept paths for two B99 cars turning at the Salmon Street intersection and at the eastern end of the lane to confirm possible future connection of the lane to the proposed new lane on the abutting property to the east.</li> </ul> <p>Other detail changes were recommended including:</p> <ul style="list-style-type: none"> <li>• Pedestrian sightlines to be provided at the Salmon Street intersection by setting the building back;</li> <li>• Street lighting and adequate height clearance for any overhang per relevant BCA and Aus Standards and emergency services guidelines;</li> <li>• The lane carriageway surface level matching Salmon Street;</li> <li>• An intersection design for the lane/Tarver Street/Salmon Street junction, noting the expected traffic movements per day along the laneway will be within the range of a typical local street; and</li> <li>• A raised pedestrian crossing along Salmon Street at the new lane.</li> </ul>
<p>Sites &gt;3000m<sup>2</sup> <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p><b>Achieved in part:</b></p> <p>The 9,712m<sup>2</sup> site area exceeds the 3000m<sup>2</sup> threshold for this Standard.</p> <p>The Framework, CCZ1 and DDO30 maps show two new 6.0m (w) east-west lanes off Salmon Street for the site, indicatively located midway along the Salmon Street frontage and along the southern side boundary.</p> <p>The proposal includes a new lane along its southern side, but not midway along its Salmon Street frontage.</p> <p>The omission of the mid-block lane has implications for building mass and views through the site.</p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p>	<p><b>Achieved in part:</b></p> <p>The new lane along the south side of the site would align with the indicative location for a future</p>



<ul style="list-style-type: none"> <li>• Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1.</li> </ul>	<p>6.0m (w) lane in the Framework, CCZ1 and DDO30 maps.</p> <p>The proposal however omits another recommended (indicative location) 6.0m (w) east-west lane mid-way along the Salmon Street frontage.</p>
<ul style="list-style-type: none"> <li>• Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space.</li> </ul>	<p><b>Achieved:</b></p> <p>The proposal directly faces the proposed new light rail line on Plummer Street and the possible future Metro 2 station beneath Plummer Street and abuts a proposed new public open space park at the corner of Plummer and Salmon Streets.</p>
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p><b>Not achieved - condition(s) required:</b></p> <p>The new lane along the south side of the proposal does not prioritise pedestrian movement and safety.</p> <p>The footpath alongside this lane needs to be modified to be a consistent width along its full length, without tapering at corners or vehicle entries. Turning paths for vehicles must not encroach on the consistent width of this footpath.</p> <p>Pedestrian refuges should be provided between the three vehicle entries and the proposed bollards between the footpath and the vehicle lanes should be deleted in lieu of a kerb and grade separation of the footpath.</p>
<p>New streets and lanes <u>should</u> be designed to: Enable views through the street block; Have active frontages in a core area; Be open to the sky; Allow for canopy tree planting.</p>	<p><b>Achieved in part – variation supported:</b></p> <p>The new lane along the south side would enable views through the street block and be open to the sky and would have an active frontage for approx. three quarters of its length, comprising a single commercial tenancy and two entry lobbies.</p> <p>The lane design does not allow for canopy tree planting. This is supported because of the substantially service role of the lane and because the Framework proposes a new linear park on the south side of the lane when the next-door property is redeveloped, which would provide opportunity for canopy planting.</p>
<p><b>22.15-4.9 Sustainable transport</b></p>	<p><b>Achieved in part - condition required:</b></p> <p>Subject to suitable foundation design to accommodate a possible future Metro 2 rail line and station beneath Plummer Street, the</p>





<p>Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.</p>	<p>development would not compromise the delivery of future PT inc, new tram, train and bus routes.</p>
<p>Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.</p>	<p><b>Achieved:</b></p> <p>Plummer Street is a public transport and bicycle priority route and Salmon Street is a bicycle priority route. The proposal would remove two (2) existing vehicle crossings from Plummer Street and reduce the number of vehicle crossings on Salmon Street from five (5) to one (1) for the new lane along the south side, which would appreciably reduce pedestrian/bicycle/vehicle conflict points.</p>
<p>Design internal connections to give priority to pedestrians and bicycles.</p>	<p><b>Achieved in part - conditions required:</b></p> <p>The proposal has reasonable pedestrian access but needs improvement along the new lane on the south side.</p> <p>The proposed landscape treatment and ramps along the Salmon Street frontage would restrict pedestrian access as proposed and would need to be revised to the satisfaction of Council to achieve:</p> <ul style="list-style-type: none"> <li>• Equitable access both along Salmon Street and into the development. A minimum 3m wide footpath is required, increased to provide space for street furniture, etc.</li> <li>• Retention and protection of existing street trees and provision for additional street tree planting;</li> <li>• Consolidation of infrastructure and services including undergrounding of power lines;</li> <li>• Safe pedestrian access to existing on-street car parks; and</li> <li>• No impact on the efficiency of future streetscape improvements to achieve the ultimate design of Salmon Street.</li> </ul> <p>The design and construction of any works within the road reserve are to be approved by Council.</p> <p>The lobby entries facing the park should be reorientated to face Plummer and Salmon Street.</p> <p>The proposal does not give priority to bicycles which need to share lift and vehicle ramp access</p>



	<p>because bicycle parking is mostly in the basement and upper podium levels.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p><b>Not achieved - conditions required:</b></p> <p>Access to the Basement and Level 1 bicycle parking would be reasonable. Access to the Level 2, 3, 4 and 5 bicycle parking would be less so. Bicycle parking and end-of-trip facilities should ideally be at ground level, and if not at basement or first floor level rather than higher in the building. The relocation of one of the supermarkets from ground floor level to first floor level would create an opportunity for bicycle parking at ground floor level; this could include bicycle repairs as part of an active street frontage.</p> <p>The ground floor level bicycle parking spaces on the Salmon Street footpath are not supported. These should be relocated to on-site such as to within the logia along the Salmon Street frontage.</p> <p>The plans show only the location of the basement change rooms and locker bicycle facilities and do not detail the number of showers, lockers etc. to demonstrate compliance.</p> <p>The location of the basement change rooms and lockers are distant from the majority of the staff bicycle parking spaces and not directly accessible from either of the basement staff bicycle stores.</p> <p>End-of-trip change rooms, showers, lockers etc. need to be provided for the L1, 2 and 3 commercial bicycle parking spaces.</p> <p>The plans do not detail the design or dimensions of the bike parking spaces and stores.</p>
<p>Encourage developments to provide less than preferred max. no. car spaces.</p>	<p><b>Not achieved:</b></p> <p>Proposal seeks to provide more than the preferred maximum number of car spaces for the dwellings, retail premises and supermarkets.</p> <p>The number of car parking spaces should be reduced.</p>
<p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p><b>Not achieved:</b> Podium car park floor-to-floor levels would need to be increased from 3.6m to a minimum of 3.8m to achieve the standard for adaptability and future conversion.</p>



<p><b>22.15-4.10 Land use transition</b></p> <p>Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p><b>Achieved:</b> The proposed uses would not prejudice the urban renewal of Fishermans Bend.</p>
<p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p><b>Not applicable:</b></p> <p>The land is not in an Amenity Buffer or otherwise in an area which may be affected by adverse amenity impacts sufficient to warrant an Amenity Impact Plan.</p> <p>Notwithstanding this, the building needs to meet a high standard of noise attenuation in its construction to protect occupants from external noise including from the Bay, the Melbourne International Container Terminal, the Freeway and the FBURA Industrial Precinct.</p>

## 12.2 Clause 37.04: Capital City Zone (CCZ1)

### 12.2.1 Use of Land

Use for **Dwelling** requires a permit because the land is in a Core area and within the 450m buffer of the South Melbourne to Brooklyn gas pipeline.

Use for a **Retail premises** (other than **Hotel, Shop and Tavern**) (including **Food and drink premises** including **Restaurant**) requires a permit because the land is in the 450m gas pipeline buffer and the gross floor area exceeds 1,000m<sup>2</sup>.

Use for the **Supermarkets** requires a permit because they do not have a frontage to a Primary active street shown on the relevant Urban Structure map.

Use for **Office** and **Shop** does not require a permit.

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

### 12.2.2 Dwelling Density

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

### 12.2.3 Buildings and Works Requirements

Buildings and works must be generally in accordance with the Wirraway Urban Structure, Amenity Buffer, Pipeline Buffer and Transport and Infrastructure



maps of the Schedule to the CCZ. This does not apply to a new road or laneway marked as indicative.

**Map 3: Wirraway Urban Structure** seeks

- A new rectangular public open space area at the corner of Salmon and Plummer Streets (long side to Plummer St).
- Two new (indicative) 6.0m (w) lanes between Salmon St and the eastern (rear) boundary, midblock and along the southern (side) boundary.
- Primary (80%) permeability Active frontage abutting Plummer St, Secondary Type 1 (60%) permeability Active Frontage facing the Plumer Street frontage of the future open space park, all of the Salmon St frontage, and all of the eastern (rear) boundary).
- No vehicle crossings off Salmon or Plummer Street frontages.

**Map 4: Amenity buffers.** The land is not within an amenity buffer shown on Map 4.

**Map 5: Pipeline buffers** includes the land in the 450m buffer of the South Melbourne to Brooklyn gas pipeline. The Minister is responsible for seeking the views of the gas pipeline operator as to whether conditions or protection measures are necessary.

**Map 6: Transport Infrastructure** shows the site abuts the long-term Plummer St Southern Tram Corridor and the Potential underground rail and Potential Future Metro Station. Subject to appropriate foundation design and engineering (not a planning matter) the proposal would not be expected to adversely impact on the proposed future transport infrastructure.

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

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

Clause 4.2 of Schedule 1 to the Capital City Zone requires bicycle, motorcycle and car share parking spaces 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 12.2.4-1: 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
Development of more than 50 dwellings	1 space per dwelling x 362 dwellings = <b>362 spaces</b>	<b>298</b> resident spaces	1 per 50 dwellings x 362 dwellings = <b>7 spaces</b>	<b>9</b> residential spaces	2 spaces + 1 per 25 car spaces x 280 residential car parking spaces = <b>13</b>	<b>Nil</b> spaces in residential car park levels



					<b>(13.2) spaces</b>	
	1 visitor space per 10 dwellings x 362 = <b>36 spaces</b>	<b>45*</b> visitor spaces (*shared with non-res floor space -see below)	None specified	N/A	None specified	N/A
<b>Subtotal:</b>	<b>398 spaces</b>	<b>343 spaces*</b>	<b>7 spaces</b>	<b>9 spaces</b>	<b>13 spaces</b>	<b>Nil spaces</b>
Development with > 10,000m <sup>2</sup> non-residential floor space	1:50m <sup>2</sup> of net non-residential floor space x 17,952m <sup>2</sup> = <b>359 spaces</b>	<b>437</b> employee spaces	1:100 non-res car parking spaces x 259 = <b>2 (2.59) spaces</b>	<b>11</b> non-res spaces	1:60 non-res car parking spaces x 259 = <b>4 (4.31) spaces</b>	<b>3 spaces</b> (in basement commercial car park)
	1 visitor space per 1000m <sup>2</sup> of net non-residential floor space x 17,952m <sup>2</sup> = <b>17 spaces</b>	45* (*shared with dwellings - see above) <b>Note:</b> 36 resident and 17 visitor = 53 visitor spaces required	None specified	N/A	None specified	N/A
<b>Subtotal:</b>	<b>376 spaces</b>	<b>43 spaces*</b>	<b>2 spaces</b>	<b>11 spaces</b>	<b>4 spaces</b>	<b>3 spaces</b>
<b>Total:</b>	<b>774 spaces</b>	<b>780 spaces</b>	<b>9 spaces</b>	<b>20 spaces</b>	<b>17 spaces</b>	<b>3 spaces</b>

**Note:** The car parking calculations in the application Traffic Management Plan differ slightly from the above, which are based on the most recent Development Summaries and Plans. Officers contend the above calculations are correct and concede that nothing material turns on the minor differences between the tables.

### Bicycle parking

The development would provide more bicycle spaces than required overall but would allocate fewer than required for the dwelling's and commercial visitors, and more than required for employees.

The allocation of spaces should meet at least the minimum required for the dwellings, residential visitors, employees and commercial visitors.

In addition to the on-site spaces, the ground floor plan shows 34 further bicycle spaces on public land comprising 24 on the Council's Salmon Street footpath and 10 in the future corner park to be vested in Council. The spaces on Salmon Street are not supported and should be relocated to within the Salmon Street loggia where they would be convenient for retail, commercial and residential visitors.



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

Motorcycle parking

The development would provide more than the required number of motorcycle spaces for the dwellings and commercial floor area. The number and location of the motorcycle spaces is considered satisfactory.

Car share spaces

Seventeen (17) car share spaces are required, comprising:

- Thirteen (13) for the dwellings; and
- Four (4) for the non-residential floor area.

The Traffic Report and plans propose three (3) car share spaces in the basement commercial car park level.

Clause 4.2.4 of the TEA states

*‘The requirement for 17 on-site car share spaces is expected to be a significant oversupply, particularly when considering the proposed parking provisions and future development of land surrounding the site.*

*It is unlikely that there will be the demands for a commercial car share operator (or multiple) to operate this many car share spaces. Furthermore, given the proposed allocations of parking, it is unlikely that there would be a demand from residents and tenants of the site for this many spaces.*

*Currently, the applicant intends to provide three (3) car share spaces as part of the development and will provide additional car share spaces in the future if there is demand.*

*As per previous recommendations, the requirement for a Car Parking Management Plan could include a need to monitor and demonstrate the ongoing demands for car share.*

The first proposition of the TEA is that more than three car share spaces are not required because the proposal would provide a high level of car parking (i.e. in excess of the Parking Overlay rates).

This is contrary to Objective 1.6 and Strategies 1.6.1 and 1.6.5 of the Framework Plan for long-term sustainable transport for the FBURA.

At 4.1.2 of the TEA it is argued that car parking in excess of the Parking Overlay rates should be allowed because existing public transport is limited and the proposed public transport infrastructure necessary to support reduced car ownership has not yet been provided.

Both of these propositions are not supported. It is considered that car demand above the Parking Overlay rates should be met by additional car share spaces rather than the number of car share spaces being reduced because of a high number of car parking spaces. The number of individual car parking spaces



for the dwellings should not exceed the maximum rates of the Parking Overlay.

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

However, based on the TEA expectations of car use demand, officers recommend that more than three (3) but less than 17 car share spaces be provided. It is considered that in addition to the three (3) car share spaces proposed in the basement, at least one (1) car share space should be provided in each of the four podium car parking levels making a total of seven (7) car share spaces.

A condition for seven (7) car share spaces and car share demand monitoring should be included in any approved Incorporated Document for the proposal.

#### 12.2.5 Conditions on Permits

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

- Green star rating; and
- Third pipe and rain tank;

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

### 12.3 Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Wirraway Precinct (DDO33)

#### 12.3.1 Building Typologies

The land is in Precinct Area W2 of DDO33 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 81 metres (24-storeys).

The preferred precinct character is mid-rise buildings with taller elements and block developments (including perimeter developments) located to ensure high levels of sunlight access to the south side of Plummer Street, that:

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



- Are lower scale than the Sandridge Core.
- Activate Plummer Street by new north–south connections that connect to Plummer St

**Note:** The Sandridge Core is designated Hybrid (predominantly high-rise) (i.e. 16-storeys and taller) but includes preferred maximum heights ranging from 30m (8-storeys), 43m (12-storeys), 68m (20-storeys), 81m (24-storeys), 100m (30-storeys) and no maximum specified.

**Assessment**

Preferred Precinct Character Element	Assessment
Mid-rise buildings with taller elements and block developments (including perimeter developments) located to ensure high levels of sunlight access to the south side of Plummer Street, that:	<b>Achieved in part:</b> The proposal is predominantly mid-rise with one taller high-rise tower; it is considered the height, width and length of the taller element overwhelms and dominates the mid-rise elements to the detriment of meeting the preferred precinct character. The subject site is on the south side of Plummer Street.
• Are built to the boundary at the street.	<b>Achieved:</b> The building would be built to the boundary to Salmon and Plummer Streets and the new lane along the south side, albeit with some setting back at levels 2 to 5 facing Plummer Street.
• Retain and adaptively reuse heritage and character buildings.	<b>Not applicable:</b> There are no heritage or character buildings on the subject site.
• Deliver a lower varied street wall and mid-rise building heights along Plummer Street to create a fine-grain character and maximise the amount of sunlight penetrating between tower elements to reach the southern side of the street.	<b>Not achieved:</b> An atypically tall 21-storey street wall is proposed to Plummer Street. The proposal does not create a fine-grain character to Plummer Street.
• Provide private and communal open space within developments with good access to sunlight.	<b>Achieved in part:</b> Most dwellings would have north, east or west facing outdoor space which would receive direct sunlight at some part of the day; T3 south facing dwellings would not receive direct sunlight.  The new open space park at the corner would not be overshadowed through most of the day. The Level 6 communal open space between the three towers would be in shadow most of the day. The plans do not include calculations to confirm if this open space would receive at least 2 hrs of sunlight between 9.00am and 3.00pm at





	<p>the equinox. The rooftop terraces above the three towers would receive more than 2 hours of sunlight, but parts of these terraces would also be overshadowed during the day by other towers within the development.</p>
<ul style="list-style-type: none"> <li>• Create a network of new lanes and plazas in the Core area.</li> </ul>	<p><b>Achieved:</b> A new lane is proposed along the south (side) of the site and a setback is proposed along the east (rear) boundary.</p>
<ul style="list-style-type: none"> <li>• Are lower scale than the Sandridge Core.</li> </ul>	<p><b>Achieved in part:</b> The Sandridge Core has preferred maximum building heights ranging from 30m (8-storeys), 43m (12-storeys), 68m (20-storeys), 81m (24-storeys), 100m (30-storeys) to No maximum height specified.</p> <p>The 81m (24 storeys) preferred maximum height for the subject site is in the middle of the above five height ranges, and the proposed 12, 13, 17, 17 and 21 levels of the three towers would be less again, but still equal to or taller than the preferred scale of parts of the Sandridge Core.</p>
<ul style="list-style-type: none"> <li>• Activate Plummer Street by new north-south connections that connect to Plummer St</li> </ul>	<p><b>Achieved in part:</b> The setback along the east (rear) boundary would contribute to future north-south connections to Plummer Street.</p>

The assessment above shows the proposal would not achieve or would only partly achieve most of the preferred precinct character elements. In particular, the 21-level height of T2 is inconsistent with the ambition for a lower varied street wall and mid-rise building heights along Plummer Street.



1 ARTIST'S IMPRESSION - VIEW FROM INTERSECTION OF SALMON STREET & PLUMMER STREET LOOKING SOUTHEAST

View from intersection of Salmon and Plummer Street looking southeast.



View from Plummer Street looking east.



**View from Salmon Street looking north**

Council's Architects and Urban Designers commented that:

*'..... the proposed development, when viewed from most ground-level vantage points, will not contribute to a varied and architecturally interesting skyline.*

*The stepping of building heights provides limited relief to the skyline*

*The building heights are considerably higher than precinct vision of 7 to 15 storeys, with the proposed lowest building effectively 13 storeys (T1 with roof extensions) and highest effectively 22 storeys (T2 with roof over extensions etc).*

*The development has strong visual bulk, with the gaps between the building do not providing visual relief from the apparently continuous perimeter development i.e. the "tooth and gap" typology does not have sufficient "gap"*

*The proposed architectural facade differentiation has only very limited benefit in creating visual difference between the towers i.e. glass curtain walls are the predominate expression of the development*

*As noted above, the issue of building massing also needs to be considered alongside issues such as wind effects and the amenity and location of common open space.'*

### 12.3.2 **Overshadowing**

Clause 2.6 of DDO33 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 Williamstown Road 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 part at the corner of Plummer and Salmon Street between 11.00am and 2.00pm on 22 September;
- The first 6m north of property boundaries with overshadowing controls between 11.00am and 2.00pm on 22 September;
- J L Murphy Reserve between 11.00am to 2.00pm from 21 June to 22 September.

### Assessment

The proposal **would not** overshadow:

- The existing residential zoned land south of Williamstown Road between 11.00am and 2.00pm on 22 September (although winter shadow would affect this land circa 3.00pm onwards at the 21 June winter solstice); or
- J L Murphy Reserve between 11.00am to 2.00pm from 21 June to 22 September (although winter shadow would affect this land circa 2.45pm onwards at the 21 June winter solstice).

The proposal **would** overshadow:

- The eastern corner of the new public open space part at the corner of Plummer and Salmon Street between 11.00am and 2.00pm on 22 September; and
- The first 6m north of property boundaries with overshadowing controls between 11.00am and 2.00pm on 22 September.

However, the extent of shadow to these areas would not exceed that cast by hypothetical buildings built to the Maximum street wall height and existing buildings, and so would meet the requirements.

### 12.3.3 Building Height

#### Street Wall Height

##### Plummer Street

Plummer Street is 20.5m wide. The subject site has a frontage width to Plummer Street of 80.47m.

The preferred and maximum street wall (i.e. podium) height for the Plummer Street frontage land is a 'Tooth and gap approach' which seeks to introduce variations in podium height. This approach specifies for sites with a frontage of 50.0m or more:

- A street wall of 4-storeys or less must be provided for at least 20% of the frontage. The remaining street wall must not exceed the maximum building height.
- Any element taller than 4-storeys should not be wider than 30 metres at the frontage.



- Any element taller than 4-storeys should be adjacent to a 4-storey element.

A part one and part 20 prts -storey, and a part 4-storey street wall is proposed facing Plummer Street.

Salmon Street

Salmon Street is 30.5m wide. The subject site has a frontage width to Salmon Street of 120.7m.

The preferred street wall (i.e. podium) height for the Salmon Street frontage land is at least 4 storeys and the maximum street wall height is 6 storeys.

A four (4)-storey street wall is proposed to Salmon Street.

**Assessment**

**Street wall** is defined at Clause 2.3 of DDO33 as ‘...that part of a building constructed within 0.3 metres of an existing or proposed street, laneway or public open space’.

Clause 2.7 of DDO33 states ‘Buildings should include a street wall (built to the boundary) of the preferred ... height...’ (officer emphasis added).

Plummer Street

An assessment of the street wall is set out in table form below.

Requirement	Assessment
<p>A street wall of 4-storeys or less must be provided for at least 20% of the frontage. The remaining street wall must not exceed the maximum building height.</p>	<p><b>Achieved in part:</b> The Planning Scheme requires a new 43.9m (l) x 20.0m/19.9m (w) (875.8m<sup>2</sup>) park at the corner of Plummer and Salmon Street, effectively moving part of the Plummer Street frontage back the width of the park from the Title boundary.</p> <p>A 4-storey street wall is proposed for the 43.9m width of the Plummer Street ‘frontage’ facing the new park.</p> <p>The remaining ‘street wall’ comprises the 36.15m (w) of the ground floor (Level 1) of T2 and the 26.57m width of Levels 6 to 20 (and rooftop balustrade) of T2.</p> <p>Technically, Levels 2 to 5 of the T2 podium are not a street wall because they are setback from Plummer Street approx. 2.75m at Level 2 reducing to approx. 1.5m at Level 4 and increasing again to approx. 2.5m at Level 5 (i.e. more than 0.3m from the boundary).</p> <p>The varying setbacks and architectural treatment of the T2 podium provide a minor point of difference from the treatment to the remainder of the podium levels.</p> <p>However, it is questionable whether the rebated Levels 2 to 5 in combination with Levels 6 to 20 of the tower built to the</p>



	<p>Plummer Street frontage above, achieves a tooth and gap approach varied height street wall and instead results in a podium and tower form with markedly reduced street setbacks for the tower. This is particularly evident in all of the renders provided with the application and is accentuated by the different architectural treatments of Levels 2 to 4 and 5 and Levels 6 to 20 above so that there is a clear impression of T2 having a 4-storey street wall and the tower above being a separate element rather than a continuation and variation in height of the street wall.</p> <p><i>Note: The Plummer Street elevation drawing building widths and side setback on TP201 add up to 80.88m, whereas the Title shows a max. width of 80.47m.</i></p>
<p>Any element taller than 4-storeys should not be wider than 30 metres at the frontage.</p>	<p><b>Achieved in part:</b> The 20-storey element would have a maximum width of 26.57m. Refer also comments above.</p>
<p>Any element taller than 4-storeys should be adjacent to a 4-storey element.</p>	<p><b>Achieved in part:</b> The 20-storey element abuts the 4-storey element facing the park. Refer also comments above.</p>

Salmon Street

The proposed 4-storey street wall height to Salmon Street complies.

**Tower Height**

The preferred building height for the precinct is mid-rise 7-15 storeys and preferred maximum building height is 81 metres (24 storeys) (discretionary).

**Assessment**

**T1 - Achieved:** The 44.51m (47.85m AHD) to roof top level, 46.35m (49.7m AHD) to top of roof terrace glazed balustrade, 49.0m (52.35m AHD) to top of lift overrun, 49.8m (53.15m AHD) to top of rooftop terrace awnings (12 levels + 2 tier rooftop terrace levels) height of T1 would not exceed the maximum of the preferred building heights for the precinct or the preferred maximum building height for the site.

**T2 – Achieved in part:** The 75.1m (78.45m AHD) to roof top level, 78.9m (82.25m AHD) to top of parapet/roof terrace surround, 79.6m (82.95m AHD) to top of lift overrun, 81.1m (84.45m AHD) to top of services (17 levels + rooftop terrace and 21 levels + rooftop terrace) height of T2 would exceed the preferred building heights for the precinct, but would not exceed the preferred maximum building height for the site.

**T3 - Achieved:** The 54.70m (58.05m AHD) to roof top level, 57.0m (60.35m AHD) to top of roof terrace glazed balustrade, 59.2m (62.55m AHD) to top of lift over) 13 levels + rooftop terrace and 15 levels + 2 tier rooftop terrace levels) height of T3 would not exceed the maximum of the preferred building heights for the precinct or the preferred maximum building height for the site, albeit at the upper end of the preferred precinct height range.



Council's Architects and Urban Designers noted with regard to T2:

*'The proposed 'tooth and gap' design response has been tailored to meet the letter rather than the spirit of the planning scheme and has not achieved a high-quality urban design response.'*

They further noted regarding the overall proposal:

*The material provided demonstrates that the proposed development, when viewed from most ground-level vantage points, will not contribute to a varied and architecturally interesting skyline.*

*The stepping of building heights provides limited relief to the skyline.*

*The building heights are considerably higher than precinct vision of 7 to 15 storeys, with the proposed lowest building effectively 13 storeys (T1 with roof extensions) and highest effectively 22 storeys (T2 with roof over extensions etc).*

Officers agree, and as per assessment above, question the technical compliance with the tooth and gap provisions of the DDO and whether the proposal is a satisfactory response to the preferred precinct character and Clause 19 of the 29-04-2020 Standing Advisory Committee Terms of Reference which requires consideration of matters including:

.....

- (b) *The content and purposes of the planning controls introduced under Amendment GC81.*
- (c) *The compliance of the proposal with the requirements of the permanent planning controls set out in paragraphs 14-15 ... of these Terms of Reference, as applicable;*
- (d) *Whether any departure from the Fishermans Bend Framework ... compromises the objectives of the Framework; and*
- (e) *The cumulative effect on the preferred character of the relevant precinct or the ability to achieve the objectives of Fishermans Ben arising from any departures from the Framework or the requirements of the permanent planning controls.*

Officers question whether the additional height of T2 above the preferred height for the precinct and the heights of T1 and T3 adds to a sense of built form variety on the site or the precinct in general, particularly when considered with the length and width and zero street setback of this tower.

It is considered that reducing the height of both parts of the T2 tower to 15 levels or less would improve the proposals consistency with the preferred precinct character.

Refer also below for street wall and tower setback assessment.

#### 12.3.4 **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.

##### Salmon Street



The four-storey street wall facing Salmon Street would meet this standard being built to the boundary at all levels, except for a rebate at Levels 2, 3 and 4 to mark the commercial and residential lobbies and entry to the first floor level retail, and break up the building mass.

#### Plummer Street

The four-storey street wall facing the new public open space park to Plummer Street would meet the standard.

As noted above, Level 1 (ground) and Levels 6 to 20 of T2 are proposed to be built to the street boundary but Levels 2 to 4 are proposed to be setback from Plummer Street approx. 2.75m at Level 2 reducing to approx. 1.5m at Level 4 and Level 5 would be setback approx. 2.5m (i.e. more than 0.3m from the boundary) and so would not comply.

Architecturally, the design and street setbacks of Levels 2 to 5 of T2 are considered interesting and contemporary and not atypical of podium forms in general.

Legislatively however, the Level 2 to 5 setbacks are not supported because they would be inconsistent with the preferred character for the site and surrounds and because the street wall provisions of the DDO are being used to justify significantly reduced street setbacks and height for T2, whilst not actually providing a street wall at its lower levels. It is considered that a proposal to maximise development under a provision of the scheme should at the least be faithful to that provision.

Levels 6 to 20/21 of T2 are proposed to the Plummer Street frontage, ostensibly as a variation to the street wall height pursuant to the Planning Scheme tooth and gap street wall provisions. As noted at 11.3.3 above, it is considered the base and the tower of T2 do not present as or read as a street wall variation from the adjacent 4-storey street wall facing the new park, but rather as a separate podium and a tower above with significantly reduced setbacks.

The preferred and minimum setback above the street wall for a 21-level tower from Plummer Street is 10 metres.

It is considered setting the T2 tower back 10.0m at Level 5 and above would:

- Greatly improve the appearance of the proposal by reducing building bulk and mass;
- Significantly improve the appearance along Plummer Street in both directions;
- Reduce shadow to the new open space park on the corner;
- Reduce shadow to the level 6 communal open space within the development; and
- Reduce shadow to T1 dwellings.

#### South (side) (New Lane)





The south side of the podium is proposed to be setback 2.9m from the new 6.0m wide lane at ground level (L1) to provide a rebate for a footpath and to cantilever out to the edge of the lane for a 0.0m setback at Level 2 and above.

The rebate at ground level is supported because it provides pedestrian access along the side and potentially towards JL Murphy Reserve in the future.

The swept paths of turning vehicle encroach on the footpath width in several places. This is not acceptable and will require a widening of the lane sufficient to ensure the footpath maintains at least 2.9m width for its full length with no encroachments. This in turn would require the upper levels of the building to be setback to match.

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

12.3.5 **(Tower) Setbacks Above the Street Wall**

The preferred setback of T1 and T3 above the street wall is 10.0m and the minimum setback is 5.0m. The setback of T3 from the new 6.0m wide lane along the south side must be measured from the centre of the lane.

**Assessment**

T1 and T3 proposed to be set back a minimum of 5.0m from Salmon Street and T3 is proposed to be setback a minimum of 5.0m from the centre of the new lane so would comply with the mandatory minimum.

It is considered the uniform minimum tower setbacks to Salmon Street and the side lane create a wall of building to both elevations which would be relived in part by materially increasing the setback of T3 from Salmon Street and the eastern corner of the south side lane.

The preferred and minimum setback above the street wall for T2 is discussed above at 12.3.4.

12.3.6 **Side and Rear Setbacks (podium and tower not facing a street)**

Walls below the maximum street wall height not on or within 300mm of a side or rear boundary in Core areas should be setback 9.0m (i.e. preferred) and must be setback at least 6.0 metres.

Walls above the maximum street wall height for a building of 20 storeys or less **should** be setback 10.0m (i.e. preferred) and **must** be setback at least 5.0m.

Walls above the maximum street wall height for a building of more than 20 storeys or less **must** be setback 10.0m.

**Assessment**

Standard	Proposal	Assessment
----------	----------	------------



<p><u>Podium</u></p> <p>Walls below the maximum street wall height not on or within 300mm of a side or rear boundary in Core areas <b>should</b> be setback <b>9.0m</b> (i.e. preferred) and <b>must</b> be setback at least <b>6.0m</b>.</p>	<p><b>T2 East (rear) wall:</b> Min. 1.8m at L1 (ground) to L4 (i.e. podium level).</p> <p><b>T3 East (rear) wall:</b> Min. 2.05m at L1 (ground) and 1.89m to L4 (i.e. podium level).</p>	<p><b>Not Achieved</b></p>
<p><u>Towers</u></p> <p>Walls above the maximum street wall height for a building of 20 storeys or less <b>should</b> be setback <b>10.0m</b> (i.e. preferred) and <b>must</b> be setback at least <b>5.0m</b>.</p>	<p><b>T3 East (rear) wall:</b> Min. 5.0m at L5 and above.</p>	<p><b>Achieved</b> (minimum).</p>
<p>Walls above the maximum street wall height for a building of more than 20 storeys or less <b>must</b> be setback <b>10.0m</b>.</p>	<p><b>T2 East (rear) wall:</b> Min. 5.0m at L5 and above.</p>	<p><b>Not Achieved</b></p>

The east (rear) podium wall of T2 and T3 and the east (rear) wall of the T2 tower do not comply with the preferred or mandatory minimum setback requirements.

The east (rear) wall of the T3 tower complies with the minimum mandatory setback.

Officers note the Planning Scheme provisions for the east (rear) boundary seek an active frontage facing a future 6.0m wide north-south lane (indicatively) located in the abutting property to the east, however the subject land has no right of access to the abutting property at present and is constrained from providing an active frontage on or within 300mm from the boundary until it acquires access.

Consequently, the proposal needs to reposition the east (rear) wall on or within 300mm of the boundary or set it back 6.0m to comply, the latter of which would require substantial redesign of the development.

Officers favour locating the wall on or within 300mm of the boundary and designing the east facade, so it is capable of being activated if and when the new lane is established to the east. Officers acknowledge some services and fire exits may need to be redesigned.

12.3.7 **Building Separation**

**Podium**

Below the maximum street wall height, the preferred building separation within a site is 12.0m and the minimum is 6.0m.

**Assessment**



No building separation is proposed at podium level. A single shared podium is proposed across the whole of the subject site other than the new lane to the south and the new park to the corner of Plummer and Salmon Street.

**Tower**

Above the maximum street wall, for a building of 20 storeys or less, the preferred building separation within a site is 20m and the minimum is 10m.

For a building higher than 20 storeys, the preferred and minimum building separation is 20m.

Architectural features, but not balconies, may encroach into the minimum separation.

**Assessment**

Proposed Building Separation	Required Building Separation	Assessment
<p><b>T1 to T2:</b> Min. 20.6m btw glazing (19.2m btw glazing line and balcony, 19.0m btw planters)</p> <p><b>Note:</b> 22.3m btw glazing (19.0m btw planters at L6, 8, 11 and 12,</p>	Preferred and minimum: 20m	<b>Not achieved.</b> The separation between balconies needs to be a minimum of 20.0m
<p><b>T2 to T3:</b> Min. 20.0m btw glazing (18.7m btw balcony edges)</p>	Preferred and minimum: 20m	<b>Not achieved.</b> The separation between balconies needs to be a minimum of 20.0m
<p><b>T3 to T1:</b> Min. 10.0m btw glazing (8.7m btw balcony edges)</p>	Preferred 20m Minimum 10m.	<b>Not achieved.</b> The separation between balconies needs to be a minimum of 10.0m.

The separation between T1-T2 and T2-T3 needs to be revised to achieve a minimum of 20m between buildings including balconies.

The separation between T1-T3 needs to achieve a minimum of 10m between buildings including balconies.

A minimum separation of 10.0m between T1-T3 is not supported. Adoption of the minimum separation between these two towers has significant adverse impacts on amenity within the proposal, and more particularly, on the appearance and bulk and mass of the building when viewed from a distance.

The separation between T1-T3 should match the separation between T2-T3 to create a wide break between buildings and create opportunity for views to the sky between buildings. As proposed, the overlap of T1 and T2 and the minimum width separation between T1-T3 when viewed from an easterly or westerly vantage point presents as an unrelieved mass of building from the Plummer Street northern boundary to the southern laneway boundary of the site. The arrangement of the towers also presents too much bulk and mass to Salmon Street and other more immediate views.



Increasing the setback would also allow for more open space at L6 and would reduce shadow impacts within the site.

**12.3.8 Wind Effects on the Public Realm**

A Wind Impact Statement (WIS) comprising a desktop analysis of wind conditions in the area and the proposed buildings concluded:

- *Most of the ground level footpaths around the proposed development would be expected to have wind levels within the recommended walking comfort criterion;*
- *The wind conditions near the main entrance areas would be expected to be within the recommended criterion for standing;*
- *Park areas at the northwest corner of the site would be expected to meet the walking criterion with the help of the proposed landscaping. Should more stringent criteria be required as plaza use, localised wind screens/canopy might be necessary.*
- *The wind conditions at the open terraces at podium roof and tower rooftop are expected to be within the recommended comfort criteria for walking. Localized wind screens and pergola structures might be necessary for the areas with more stringent comfort criteria required.*

**Assessment**

The WIS did not include wind tunnel testing. It recommended a scaled wind tunnel study be carried out to verify the predictions in the Statement and determine the optimal wind controls for the buildings.

The WIS recommended wind comfort levels as follows:

Area	Specific location	Recommended Criteria
Public Footpaths and Access ways	Around the proposed development on Plummer St and Salmon St, laneways to the east and south	Walking
Building entrances	Along Salmon St, several locations around the development	Standing
Open Communal Terrace	Level 4, Level 6, and rooftop of the towers	Walking

Council’s Urban Designer commented regards wind impacts on public spaces that:

*The level of assessment in the Wind Impact Statement, including no wind tunnel modelling, is inadequate for this scale of development. The proponent has not demonstrated that the development will not create adverse wind impacts in the public realm.*



*Clause 22.15-4.4 requires developments to contribute to a “high quality public realm and deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax”.*

*This outcome is particularly relevant for the subject site, which is located in the “heart of Wirraway...which is the focus of activity with an active and engaging pedestrian experience along Plummer Street Boulevard” (Clause 21.06-8).*

*On this basis, adoption of walking comfort criteria for most publicly accessible areas is not supported, as this undermines the purpose of these areas.*

The Urban Designer recommended a detailed wind assessment be required (including wind tunnel modelling) that demonstrates a safe and pleasant pedestrian wind environment on footpaths and other public spaces for walking, sitting or standing (as required by Clause 2.11 of DDO33).

It was noted that the assessment area of the WIS did not meet the requirements of Clause 2.11 of DDO33, for an assessment distance of approximately 60m from the site boundaries, which would include important nearby public spaces including:

- Approximately 200m length of footpath on both sides of Plummer Street;
- Approximately 240m length of footpath on both sides of Salmon Street;
- The new park at the southeast corner of Plummer and Salmon Streets (in the site);
- Most of the new park at the northeast corner of Plummer and Salmon Streets (opposite, across Plummer Street);
- Most of the new linear park on the opposite side of Salmon Street;
- Approximately 180m length of the new linear park along Tarver Street and through to JL Murphy Reserve;
- A portion of the western end of JL Murphy Reserve;
- The existing north-south laneway along the eastern boundary; and
- The proposed east-west laneway along the southern boundary.

Any new assessment should take these areas into account.

Officers disagree that a walking comfort level would be satisfactory for the new park and footpaths and lanes abutting the site. The park needs to achieve a sitting level to function as a place to relax and footpaths similarly need to allow people to stand.

With regard to wind impacts on communal open spaces, Council’s Urban Designer noted:



*Safety wind criteria must be achieved for all communal open spaces. Standing and sitting wind comfort criteria should be achieved for communal open spaces, depending on the function of individual spaces. Achievement of walking criteria only, as currently proposed, does not meet planning requirements for the function of these spaces.*

Officers disagree that a walking comfort level would be satisfactory for the open terraces at podium and tower rooftop levels and for the WIS proposition that ‘... *the use these areas is optional*’. The use of these areas for passive outdoor use should not be compromised by unsuitable wind conditions.

Officers also have concerns regarding the generality of the recommendations for localised wind screens and/or canopies to improve wind conditions for the park, and localized wind screens and pergola structures to improve wind conditions for the podium and tower roof top communal open spaces including:

- The unknown width and/or height of screens, canopies and pergolas.
- The potential for screens, canopies and pergolas to limit or preventing canopy tree height and/or planting opportunities along streets, in the park and on communal terraces.
- The width of awnings impacting on existing street trees.
- The extent canopies over the park and pergolas over communal areas will minimise open to the sky outdoor open space and limit or preclude canopy trees.

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

- A detailed wind assessment including wind tunnel testing to confirm that the proposal would satisfy the relevant sitting, standing and walking wind criteria abutting each site and for pedestrian and communal open space areas within the site and at podium rooftop level. The wind assessment would need to address:
  - Assessment distances in accordance with Clause 2.11;
  - Approved and proposed development and publicly accessible areas within the assessment distance;
  - Achievement of the mandatory wind safety criteria in DDO33, except where the safety criterium are exceeded under existing conditions, in which instance the development must not increase the extent of non-compliance, and should seek to improve the level of safety;
  - Achievement of the following comfort criteria for the publicly accessible areas within the assessment distance”:
    - Sitting – all parks (including linear parks);



- Standing – both footpaths of Plummer and Salmon Streets and outside other retail / commercial tenancies and pedestrian entry areas; and
- Walking – remaining publicly accessible areas.

Where these criteria are exceeded under existing conditions, the development must not worsen the wind situation.

- Sitting and standing wind comfort criteria for communal open spaces.
- Wind management treatments to be located within the development site (i.e. not rely on trees etc. in the public realm);
- Wind treatments be incorporated into the architectural design of the development and not appear as add-ons or afterthoughts; and
- Any proposed changes to the built form and/or wind treatments to be qualified to demonstrate how an amended proposal would achieve the policy requirements in Clause 2.11 of DDO33
- The depth of any awning over any adjacent footpath or park must not impact on any existing street tree or proposed tree plantings.

#### 12.3.9 Active Street Frontages

The Plummer Street frontage of T2 is a Primary (80%) permeability Active frontage, which seeks at least 80% clear glazing along the ground level frontage to a height of 2.5m, excluding any solid plinth or base.

The Plummer Street frontage facing the future park, all of Salmon St, and all of the eastern (rear) boundary) are Secondary Type 1 (60%) permeability Active Frontages which seek at least 60% clear glazing along the ground level frontage to a height of 2.5m, excluding any solid plinth or base.

The west side facing the new lane is not designated an active street.

The Plummer Street frontages comply. The Salmon Street elevation drawings are notated to achieve 60% permeability, however the success of this for the larger of the two supermarkets is diminished in part by the glazing line being setback behind the logia. There is also concerns

The eastern (rear) façade is also notated as achieving 60% permeability, however much of this is to building services, a vehicle access ramp and a vehicle turntable, which is not the intention of the provision.

Council's Architects and Urban Designer suggested ground level activation could be improved by:

- Reorientating the commercial lobbys from the east and south abutments to the park to face Plummer and Salmon Streets as a high priority. The pathways to these lobbys dissect and dominate the park, diminishing its potential as a communal space in lieu of being a landscaped entry plaza for the buildings.



- Providing café and restaurant tenancies facing, but not occupying (i.e. outdoor seating) the park. Outdoor seating should be provided for in the private land building envelope and not the future public park;
- Relocating one supermarket to the first floor, where it would relate to the food court style space. The liberated space on the ground floor could be used to improve site and building circulation (a fundamental problem with the proposal) as well as additional ground floor active uses and building entries around all four public frontages;
- Articulation of the side and rear laneway elevations, including by providing entrances to upper level uses;
- Minimum 2.0m width footpath along the south side without narrowing at corners, and with sightlines at intersections and break-out spaces along their length. The new lane along the south side is likely to be a popular pedestrian route into other properties or as a shortcut to JL Murphy Reserve in addition to the proposed commercial and residential lobbies and commercial uses. Ample space is required to support pedestrian movements.
- Ground and upper floors to provide for surveillance from adjoining areas including provision of openable windows and balconies to the commercial and shop tenancies on the First, Second and Third Floors (particularly the food and drink tenancies fronting the new park and Salmon Street).
- Provision of destination and wayfinding signage, and creation of interesting and comfortable spaces to rest and socialise, including contributing to the 'leafy and green' character of the precinct.
- Pedestrian priority and safety for footpaths at vehicle crossovers and intersections.
- Changes to the Plummer Street and Salmon Street frontages of the site to include:
  - A minimum 3m wide footpath, increased to provide space for street furniture, etc;
  - Retention and protection of existing street trees and provision for additional street tree planting;
  - Underground electricity lines (currently along Plummer Street) and common trenching / pits for consolidation of services and infrastructure.
  - Equitable access along Salmon Street and into the development.
  - Safe pedestrian access to existing on-street car parks; and
  - No impact on the efficiency of future streetscape improvements to achieve the ultimate design of Salmon Street.





The design and construction of any works in the road reserves would need to be in accordance with Council’s technical standards and be approved by Council.

Any Incorporated Document that may be approved for the proposal should include requirements for the above matters.

**12.3.10 Adaptable Buildings**

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
<b>Lower levels up to the height of the street wall</b>	At least 4.0m floor-to-floor height at ground level  At least 3.8m floor-to-floor height for other lower levels	<b>Achieved in part:</b>  Ground level floor-to-floor height: 3.04m + 2.66m mezzanine to perimeter and 5.2m  Podium levels 2 to 4 floor-to-floor height: 3.6m
<b>Car parking areas</b>	<ul style="list-style-type: none"> <li>In areas not in a basement: Level floors.</li> <li>A floor-to-floor height at least 3.8m.</li> </ul> Mechanical parking systems to reduce the area required for car parking	<b>Achieved in part:</b>  Level floors at podium levels 2, 3 and 4.  Podium levels 2 to 4 floor-to-floor height: 3.6m  No mechanical parking system proposed
<b>Dwelling layout</b>	The ability for one and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings	<b>Not achieved - variation supported:</b>  The plans do not demonstrate how 1 and 2BR dwellings could be combined into 3 or more BR dwellings.  A variation is supported because the 121 (33.4%) x 3BR and 10 (2.8%) x 4BR dwellings totalling 36.2% of all dwellings already exceeds the recommended 30% of 3 or more BR dwellings for developments in Wirraway
<b>Internal layout</b>	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	<b>Achieved in part</b>  The principle load bearing elements in the podium would be a regular grid of columns and the building floors and beams, allowing internal spaces back to the service core’s to be altered and adapted. The towers would feature a mix of columns and load bearing walls that would have limited adaptability.

**Assessment**

The adaptability of the proposal is compromised by the 3.6m floor-to-floor heights at levels 2 to 4 in the podium. These should be increased to a minimum of 3.8m

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



### 12.3.11 Building Finishes

Building façade materials and finishes are proposed as follows:

Podium: Cream brick, light grey paint finish to walls, charcoal powder coated metal cladding and clear, clear Low-e, light grey and colourback mid-grey glazing.

T1 and T2: Brown textured paint finish and powder coated metal cladding, light grey and charcoal painted finish and bronze, mid-grey and colourback mid-grey (spandrel) glazing.

T3: Brown textured paint finish, light grey and shale grey painted finish and bronze, light-grey, mid-grey and colourback mid-grey glazing.

The application documentation refers to different design inspirations and themes for the podium and the three towers.

The podium facades feature a mixture of historicist (brickwork and arches for T1) and contemporary (predominantly glazed with lacework articulation for T2 and glazed with expressed horizontal eaves above ground and a variation on the T1 arch theme at ground floor level for T3) and architectural treatments.

The three towers feature variations of predominantly glazed facades and balconies.

#### **Assessment**

##### **Podiums**

It is considered the historical references in the T1 façade are obscure and distant from the site and a contemporary design or an interpretation of more typical and more nearby older buildings would be more appropriate.

The T2 and T3 podiums are satisfactory, although as for T1, the T3 podium might benefit from reconsidering the arch motif at ground floor level.

Council's Architects and Urban Designer recommended building canopies align with the proposed footpaths and not preclude the establishment and growth to maturity of street trees.

They also noted the ground floor facades adjoining the two laneways do not align with the articulation provided on the upper level facades, resulting in straight, undifferentiated pedestrian experience.

They recommended upper level façade treatments should extend to the ground plane to improve the pedestrian amenity and visual interest of the laneways.

##### **Towers**

Notwithstanding the application documentation assertions of different design inspirations and themes for the three towers, the sketches and renders do not convey a strong sense of difference between them.



It is considered that the different façade treatments above the different T1, T2 and T3 podium treatments undermines the podium and tower identities and it would be better for the towers to continue or evolve their respective podium treatments.

This is particularly the case with the T2 tower which features different façade treatments to its 17 and 21 level components and different treatments again to the west and south facades of the 21-level component compared to its north and east facades.

#### 12.4 Clause 45.09: Parking Overlay

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

##### 12.4.1 Car Parking

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

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

**Table 12.4.1-1: Clause 45.09 Parking Overlay Car Parking Rates and Provision**

MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
<b>Dwelling:</b> Max 0.5 spaces per 1 or 2BR dwelling, Max. 1 space per 3BR (or greater) dwelling (Clause 45.09 - Parking Overlay)	
87 x 1BR x 0.5 = 43 (43.5) spaces	Not specified
144 x 2BR x 0.5 = 72 spaces	Not specified
121 x 3BR x 1 = 121 spaces	Not specified
10 x 4BR x 1 = 10 spaces	Not specified
<b>Total: 362 dwellings / 246 car spaces</b>	<b>280 spaces. Does not comply:</b> The gross number of spaces proposed exceeds the maximum number of spaces specified
<b>Office:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09 - Parking Overlay)	
12,359m <sup>2</sup> x 1/100 = <b>123 (123.59) spaces</b>	<b>74 spaces. Complies:</b> The gross number of staff spaces proposed would not exceed the maximum number of spaces specified
<b>Retail premises:</b> Max. 1 space / 100m <sup>2</sup> gross floor area (Clause 45.09 - Parking Overlay)	
4,558m <sup>2</sup> x 1/100 = <b>45 (45.58) spaces</b>	<b>See below</b>
<b>Supermarket:</b> Max. 2 spaces / 100m <sup>2</sup> gross floor area (Clause 45.09 - Parking Overlay)	



6,461m <sup>2</sup> x 2/100 = <b>129 (129.22) spaces</b>	<b>See below</b>
<b>Retail Premises &amp; Supermarkets = 174 spaces</b>	<b>178 spaces. Does not comply:</b> The gross number of spaces proposed exceeds the maximum number of spaces specified
<b>Totals: 543 spaces</b>	<b>532 spaces</b> <b>Dwellings:</b> Exceeds rates by <b>34 spaces.</b> <b>Offices:</b> Complies <b>Retail premises and Supermarkets:</b> Exceeds rates by <b>4 spaces.</b>

**Note 1:** The applicant Traffic Impact Assessment Table 3 incorrectly uses net commercial floor areas to calculate car parking requirements. The applicant’s Development Summary does not show a breakdown of gross commercial floor areas for the different uses. The above table apportions the commercial core, services and circulation floor area to the net floor areas at the same % of each use to derive individual gross floor areas.

The application proposes to provide car parking in excess of the Parking Overlay rates for the dwellings (+34 spaces), the retail premises and the Supermarkets (+4 spaces [Application incorrectly states + 27 spaces]).

**Assessment**

The application submits:

- The podium car parks are designed to be adaptable for future alternative uses.
- Part of the parking on site could effectively operate as precinct parking (i.e. parking available to the general public [presumably for a fee]).
- The site currently has limited accessibility to public transport.
- The proposed includes 36.2% of all dwellings as 3 or 4BR dwellings.
- Allocation of more than 1 car space to the 3 and 4BR dwellings is unlikely to generate additional traffic to the same extent as the primary household vehicle, or if more car spaces were allocated a single car.
- The proposed on-site bicycle, motorcycle and car share parking would provide ‘... significant other alternative transport modes for future residents that will continue to encourage and enable sustainable transport choices from day one’.

Officers disagree with the propositions that providing car parking in excess of the Parking Overlay rates for the larger dwellings would be satisfactory because it might generate less vehicle movements than providing fewer car spaces to smaller dwellings and more car parking on-site is justifiable now because proposed public transport has not yet been provided because:

- The car parking rates for the FBURA have been developed with a clear intention to reduce overall reliance on private car transport by all residents, not just those in the smaller dwellings;



- The car parking rates do not differentiate between developments that choose to start before public transport upgrades and those that develop after the upgrades.
- There is typically a lag of several years between approval and development starting, such that there is a likelihood of public transport upgrades being in place by the time the proposal would be built. In this instance, the proponent is seeking 10 years to complete the development, which is well within the anticipated delivery time for public transport upgrades.
- The economic life of the proposal extends for decades beyond its construction date, again well within the anticipated delivery time for public transport upgrades.
- Having regard to the proposed public transport upgrades, including light rail and possible heavy rail abutting the subject site along Plummer Street and two existing bus routes along Salmon Street, the number of car parking spaces for this proposal should be less than the maximums of the Parking Overlay and provision at the maximums should be considered a concession.

The number of car parking spaces provided and allocated for each use should not exceed the maximums of the Parking Overlay.

Additional demand above the Parking Overlay rates should be met by provision of an adequate number of car share parking spaces within the development, consistent with modal shift.

Refer also to assessment at 12.2.4 of this report.

#### 12.4.2 **Design standards for car parking**

As per the internal referral comments set out in the Appendix to this report, Council's Traffic Engineers raised concerns regarding the car park design noting:

##### Access ways

- *Access ways should be consolidated to minimise the number of crossovers.*
- *All boom gates need to be setback from the building entry to ensure all vehicles queuing are contained on-site. A queuing assessment is needed to determine the distance of the boom gate from the building entry.*
- *The plans show columns within the pedestrian sight splay area and will need to be removed.*
- *Semi-trailers will require the full width of the laneway to turn. The proposed loading access/exit manoeuvres will result in multiple conflict*



*points within the laneway with cars approaching and leaving the basement and upper level areas. A warning light system to stop cars from exiting the building when the semi-trailer is entering and leaving the site may assist.*

- *The semi-trailer swept path does not show a safe clearance from the opposite property.*

#### Ramps

- **Accessway ramps:** *The plans need to be updated to show the length of the 1:10 ramps adjacent to the building's frontage in accordance with CI 52.06.*
- **Internal ramps:** *The report states the 'retail parking ramps do not exceed 1 in 6'. The plans show a ramp grade of 1 in 5 between ground and second level (commercial car park level). Update plans to show the correct ramp grade in accordance with Clause 52.06.*
- *The plans need to clearly show the length, width (including the kerbs) and RLs of the ramps to confirm the traffic report statement that all ramps are designed 6.1m wide between walls.*
- *A cross-section plan must be submitted showing height clearances of the ramps in accordance with AS.*

#### Car park Layout

- *Require a Car Park Management Plan. The report should discuss, but not be limited to, access arrangement, hours of public parking, car share etc.*
- *The plans indicate commercial car parking spaces in the basement and podium; however, the traffic report indicates all commercial car parking is in the Basement level. Need to clarify the parking arrangement.*
- *Need to update plans and annotate the locations of supermarket, shop and office (visitors and staff parking) bays.*
- *It is recommended the 'trolley areas' are relocated to provide the clearance required as per CI 52.06 for car parking spaces 22, 43, 64, 85, 116 and 181. Car parking spaces 9, 106 and 154 are adjacent to walls and are also not provided with 0.3m additional clearance.*
- *Disabled spaces 11 and 12 need to be repositioned to ensure at least 6.4m wide aisle is maintained. A cross-section plan needs to be submitted to confirm the headroom clearance in accordance with AS.*
- *The Basement car parking plan one-way and two-way directional arrows are inconsistent / ambiguous / misleading and needs to be clarified. Do not object to two-way aisle. Swept path diagrams are needed to demonstrate simultaneous movements for B85 and B99 vehicles.*



- *Question the provision of only three (3) car share bays, their location and public access.*
- *L1 to 5 - Need to clarify how the two 'access points' on L2 will be managed.*
- *Need 0.3m clearance if walls are proposed adjacent to spaces 33 and 49.*
- *Swept path diagrams need to be updated to show simultaneous movements for B85 and B99 vehicles in opposing directions at turning locations on all levels and in/out at ramps.*
- *Need a cross-section drawing to confirm height clearances for each car park level needs in accordance with Clause 52.06 or for future conversion of car parking areas to alternative employment generating uses as per Clause 45.09.*

#### Bicycle Facilitates

- *The ramp leading to the basement and upper levels is steep and exceeds AS 2890.3. I also have concerns for bike rider's safety sharing the basement and upper levels area with cars. The basement and upper level will generate relatively high traffic volumes as public and commercial car parking is proposed. If bike riders are required to use a swipe card (or similar device) it will need to be located at an appropriate location in accordance with AS.*
- *Strongly recommend revising the bike access to ensure all bike users can easily and safely access the bike parking area (such as a separate path from cars) and should be located within one level of street access points. It is preferred all bike racks are located on the ground floor.*
- *At least 20% of bike racks must be installed horizontal (i.e. not wall mounted) as per AS 2890.3. In addition, it is strongly recommended all visitor parking spaces are horizontal.*
- *Need to update the traffic report and plans to clearly indicate how many shower and change rooms will be proposed in accordance with CI 52.34. These rooms should be located near the bike areas.*
- *The proposed bike parking along Salmon Street is not supported and will need to be installed on-site.*
- *Need to indicate bike parking facilities models and specifications.*

The bicycle spaces shown on the Salmon Street footpath need to be relocated on the subject site, such as in the loggia near the travelators and Supermarket entries.

#### Electric Vehicle Charging

The plans, Traffic Report and ESD Report do not show or refer to electric vehicle charging points. At least 50% of all car spaces on all car park levels should have access to an electric vehicle charge point, having regard to:

- The approximately 10 year construction time for the proposal;
- The economic life of the building;
- Existing and pending legislation for car manufactures to end new internal combustion engine (ICE) vehicle sales from 2025 (Norway), 2030 (Sweden, Denmark, Ireland, Israel, Netherlands and Slovenia England, Wales and Northern Ireland), 2032 (Scotland), 2035 (California), 2040 (France and Sri Lanka), and China (tba);
- Major global car manufactures announcing they will cease production of ICE vehicles by 2025 (Jaguar), 2030 (Ford Europe, Mini, Volvo), 2035 (General Motors).

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

**Other Matters**

**12.5 Clause 58 – Better Apartments Design Standards**

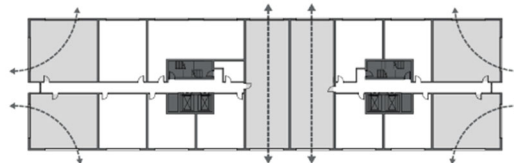


Council’s Architects and Urban Designer commented that:

*Residential amenity is greatly compromised by the long corridors to Towers T2 and T3, meaning that a great proportion of dwellings do not achieve satisfactory conditions in their communal spaces and within their dwellings. For example, less than 40% of dwellings achieve the required effective building ventilation standard.*



*Both Towers T2 and T3 should be revised to reduce length of common corridors and achieve effective building ventilation layout by introducing second lift cores and opening end of corridors to receive natural light as per p.27 Better Apartments Design Standards plan:*



Refer also to Assessment at Appendix to this report.

Residential Amenity (Noise Impacts)

The subject site abuts a main road (Plummer Street) and is proximate to Williamstown Road and the Westgate Freeway (480m) which are also main roads and abuts a future light rail line and possible metro underground rail line along/beneath Plummer Street.

An Acoustic Assessment for the proposal argued the site was sufficiently distant from the freeway and other noise sources to not warrant compliance with the noise standards of Clause 58 for apartments and stated a lesser standard in accordance with AS/NZS 2107:2016 would be satisfactory for apartments.

Officers disagree. Clause 58 applies to both the original planning permit application and the application for a planning scheme amendment pursuant to Clause 37.04-4 of the Capital City Zone because they were both lodged after the 13-04-2017 approval date of Amendment VC136.

Any Incorporated Document that may be approved for the proposal needs to include conditions for an amended Acoustic Report including compliance with the noise attenuation standards of BADS / PPN83 / Clause 58-04-3 for the apartments.

It is noted that the SMP at p13 states *‘Internal noise levels will not be more than 5dB(A) > above the “satisfactory” sound levels provided in Table 1 of AS/NZS 2107:2000.’* This should be amended to refer to compliance as above.

**12.6 Transport Matters**

**12.6.1 Motorcycle Parking**

Motorcycle parking is assessed at Clause 12.2.4 of this report (and is satisfactory).

**12.6.2 Bicycle facilities**

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



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

For this assessment, officers have elected to:

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

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.	437 employee spaces = 43 showers required	Not stated / shown.
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	Minimum one (1) change room per shower / group of showers	Not stated / shown.

The plans show one (1) area of 77.76m<sup>2</sup> notated '*change rooms and lockers*' in the basement. The plans and reports for the application do not detail the number of showers, lockers etc. to demonstrate compliance.

The location of the change rooms and lockers are distant from the majority of the basement staff bicycle parking spaces and not shown as being directly accessible from either of the basement staff bicycle stores.

No end-of-trip change rooms, showers, lockers etc. are provided for the L1, 2 and 3 commercial bicycle parking spaces.

These bicycle facilities need to be provided at the planning scheme rate and located at each level containing commercial bicycle parking, at a rate commensurate with the number of spaces on that level.

The plans do not detail the design or dimensions of the bike parking spaces and stores.



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

**12.6.3 Access from a Road Zone Category 1**

The application seeks to remove two existing vehicle crossings off Plummer Street which is a Road Zone Category 1. This requires approval from Transport for Victoria (VicRoads).

Officers support the removal of these crossings (and the removal of five crossings off Salmon Street in lieu of one new crossing).

**12.6.4 Cumulative traffic impacts**

Council's traffic engineers raised concerns regarding the traffic generation estimations for retail and supermarket and office uses and the lack of information regarding the proposed first floor level retail premises / food and drink premises. They recommended a queuing assessment be undertaken to confirm all vehicle queuing can be contained on-site and a cumulative traffic assessment be undertaken for future developments in the area.

**12.6.5 Pedestrian connectivity**

External

The new 6.0m (w) lane on the south side is proposed to be augmented by a 2.9m (w) footpath on its northern side for pedestrian access to the T3 commercial and residential lobbies, a commercial tenancy facing the new lane, the car park and loading bay entries, the rear setback leading to Plummer Street and long-term, to the proposed new 6.0m wide lane on the abutting property to the east.

The footpath is proposed at the same level as the lane and to be separated from vehicle traffic by a row of bollards.

The location and width of the footpath are generally supported, the detail design is not.

Council's Traffic engineers recommended the footpath step up from the vehicle carriageway and incorporate kerb and channel in lieu of the bollards and the carriageway and footpath be widened to maintain a consistent width so vehicle turning paths did not encroach on and require tapering of the footpath the junction with Salmon Street as currently proposed.

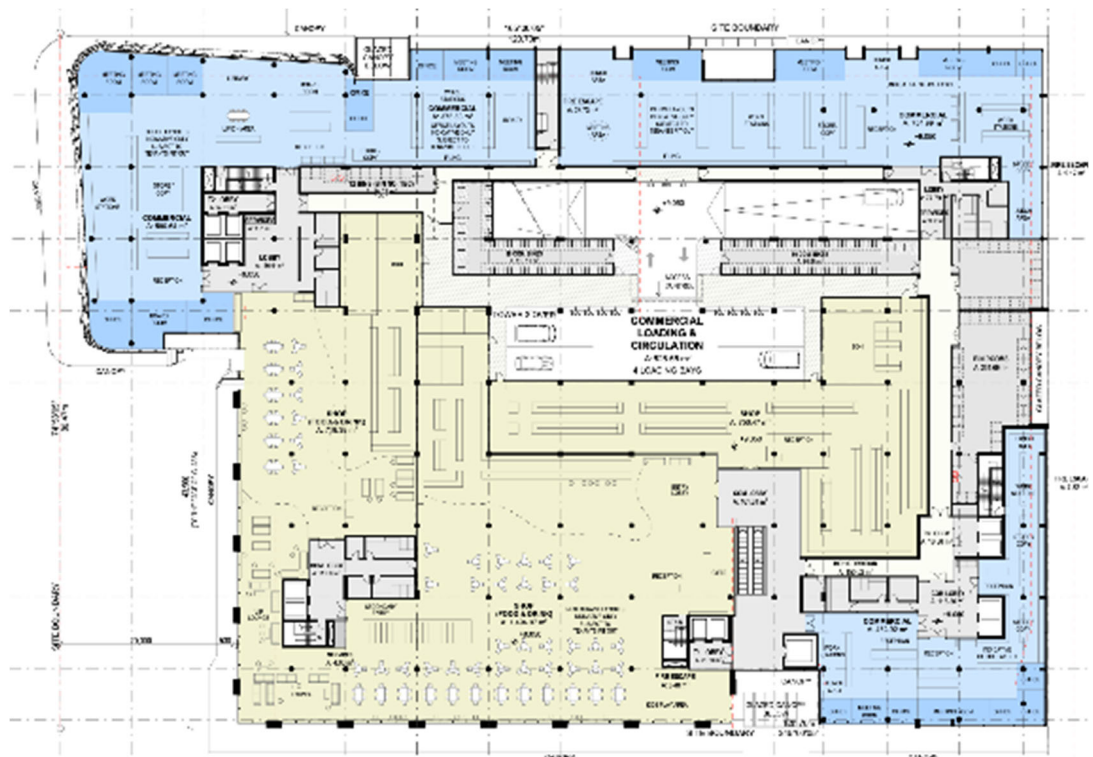
They also raised a concern the combined width of the three (3) vehicle entries at the eastern end of the land created multiple conflict points for vehicles and pedestrians and recommended the crossings be consolidated, a pedestrian refuge be provided and the building vehicle entries be setback further from the footpath to improve turning movements.

As per previous comments, the lobby entries facing the park should be relocated to face the streets instead and the network of paths and paving through the park significantly reduced in lieu of more grassed area.

The footpath along the rear boundary is problematic in that it is desirable for activation and servicing but creates a non-compliance with the setback provisions. If it is retained, it should be widened to a minimum of 2.0m.

The omission of the 6.0m wide land mid-way along the Salmon Street frontage recommended by the Framework and the Planning Scheme reduces the pedestrian connectivity of the site and surrounds (noting the lane to the south side is primarily a vehicle access lane), and also has consequences for building massing and views through the site and to the sky.

Internal



Council’s Architects and Urban Designer raised concerns with the amenity and safety of the circulation throughout the site and considered it a poor design response noting:

*Residents in Tower 1 sharing lifts with commercial and retain tenancies is not supported.*

*The long and complicated access to first and second floor commercial spaces facing laneway (such as south -east corner) through car parking and back of house storage areas is not supported. Building entries to the upper levels are also a valuable way of activating laneway frontages and would greatly improve the amenity and legibility of accessing these spaces.*

*Circulation for Towers T2 & T3 is not supported i.e. the current arrangement produces poor amenity to long residential corridors (T2 almost 50m long, T3*



*over 40m long) and internal apartments amenity (high percentage of single aspect apartments).*

They recommended improvements to the circulation, supported by a circulation plan that demonstrates:

- Travel routes between the public realm and key destinations within the development / building (e.g. lift lobby areas, communal open spaces, amenities, bicycle storage) and between key destinations for the following users (including residents, staff and visitors):
  - Pedestrians
  - Cyclists
  - People with limited mobility
- Demonstrates that equitable access is being provided through:
  - Managing changes in level and direction
  - Manage potential conflicts with different users of spaces (such as corridors, driveways)

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

### **12.7 Waste Management**

Council's Waste Management Officer was generally supportive of the waste arrangements, but raised concerns as follows:

- The T2 Bin room .... is not sufficient for the 17 bins proposed in the WMP including storage for Hard and Green Waste.
- Concerned regarding the distance to transport so many bins to the loading bay for collection, especially for Res. Bins. It might hold up traffic in that area if the loading bay is a shared bay.
- The passageway doors from the bin room (especially from T2) to the loading bay must be wide enough to transport bins.

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

### **12.8 Loading**

Two (2) loading bays for Supermarket deliveries and waste collection are proposed at ground level off a 16m DIA turntable via side lane off Salmon St.

Four (4) loading bays for Commercial and dwellings deliveries and waste collection are proposed at first floor level via a ramp off the new side lane off Salmon St.

### **Assessment**



Council's Traffic Engineer raised concerns regarding the loading arrangements as follows:

The traffic report states a Loading Dock Management Plan will be prepared. This will need to be submitted for review. All vehicle conflicts must be contained on-site.

**Supermarket loading (ground level)** - A vertical clearance of 4.5m is required as per AS2890.2-2018. This should include doorways. An annotation on the plans indicate the clearance proposed is 4.0m.

AS2890.2-2018 states 'where a turntable is provided there shall be a minimum of 300mm horizontal clearance between the design vehicle on the turntable and any fixed obstruction'.

Updated plans to clearly show the loading bays dimensions and widen the accessway aisle as Traffix Group has identified.

Key concerns:

- Cars approaching the site will not be aware and where to yield to give way to trucks exiting the site.
- How will truck drivers know the loading bays are fully occupied?
- Trucks waiting and/or reversing on the new laneway will not be supported.
- An action plan will need to be prepared when the turntable is not working.

**Level 1 loading area** - The traffic report states this loading area will accommodate for up to four passenger vehicle/courier vans and waste collection. The site should be able to facilitate all loading on site. It is noted, the loading area is not conveniently located for future residents or commercial premises to use and access the Lifts. Any requests for on-street loading zones will not be supported. The Applicant will need to clarify if the loading area is designed for service/removalist vehicles too.

I do not support cars stopping on the ramp to give way to vehicles turning in and out of the loading area.

Swept path diagrams will need to be submitted showing vehicles turning, within the direction of the traffic lane, in and out of the loading area with an opposing moving B99 vehicle.

Key concerns:

- Height clearance, including the doorway, will need to satisfy AS 2890.2-2018.
- How will drivers be aware the loading area is fully occupied?
- Vehicles waiting and/or reversing on the ramp and laneway will not be supported.
- Potential conflict during waste collection days/times.
- The location of the loading area and the ramp reduces driver's sightline.
- How will the access point be managed? This may force vehicles to overhang onto the traffic aisle/ramp.



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

### 12.9 Stores

Three hundred and fifty-nine (**359**) stores (excluding storage provided pursuant to Clause 58 – Better Apartment Design Standards) are proposed for the 362 dwellings (i.e. 0.99 / dwelling). Stores are proposed to have a typical size of 6m<sup>3</sup> and are proposed to be located at L2 (183), L3 (50), L4 (65) and L5 (61).

#### Assessment

At least one 6m<sup>3</sup> store should be provided for each dwelling. Given theft problems with wire cages, all stores should feature solid walls /doors / floors / roofs for security.

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

### 12.10 Public Open Space

A 43.9m x 20.0m (878m<sup>2</sup> approx.) park is proposed at the corner of Plummer and Salmon Streets. The Framework Plan proposes a similar park opposite across Plummer Street on the north-east corner of Plummer and Salmon Streets. The two parks have potential to provide access to a future station beneath Plummer Street if that alignment is selected for Metro 2.

As discussed at 12.3-9, the proposed commercial lobbies facing the park together with their associated access paths diminish the open space role of the park in lieu of the space acting primarily as an entry plaza to the buildings.

The lobbies should be reoriented to face Plummer and Salmon Street and the park redesigned with fewer paths and more green space and more emphasis on public recreational use rather than private access. Council's Architects and Urban Designer encouraged the tenancies facing the park to include café and restaurant use, but with any outdoor seating contained to within the building envelope, and not encroaching into the limited park space.

Council's Architects and Urban Designer further noted bollards should not be placed around the perimeter of the public park unless it has been identified as being at risk of a hostile vehicle attack from a qualified authority. Should the site be identified as requiring HVM, bollards should be used as a last resort. Other measures that obscure HVM measures should be considered first such as planter walls, seating walls, planted beds, level changes, artwork and street furniture.

The Planning Report proposes Council be responsible for the design and delivery of the park, in conjunction with the landowner.

Council's Architects and Urban Designer recommended that the proponent deliver the park as part of the development; the cost of which could be offset against required development contributions. They noted this approach could provide construction cost efficiencies and provide a 'ready-made' attraction and sense of place for the development, which could assist in marketing and sales.



The design and construction of the park would need to be in accordance with the planned function of this space and Council's standards (including materials and plant / trees species) and be approved by Council.

Should the land only be provided by the proponent, as currently proposed, it would need to include:

- Removal of existing buildings, works, private infrastructure and trees / landscaping;
- Remediation of any site contamination;
- Relocation / consolidation of any public infrastructure / services;
- Site levelling for surface drainage;
- Protection of Tree 14 (refer to Arboricultural Report); and
- Basic grass coverage.

If the current proposal for the park to be used as sole access for the lobbies and shops is approved (contrary to above advice), the proponent should construct this access at no cost to Council. Land associated with this access should be excluded from the required open space land contribution, and associated costs should not be offset against required monetary contributions.

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

### 12.11 Communal Open Space

Council's Architects and Urban Designer commented:

*'The proposed communal open space does not provide sufficient amenity for residents, such as multiple opportunities for recreation and equal access to all residents.'*

*'Current plans offer limited recreation for adult exercise and relegates children's play equipment to Level 15. Breaking up these spaces reduces access to these spaces and reduces the opportunities to provide recreation opportunities. Seating and gardens on their own will not satisfy the requirements of Clause 2.12 of DDO33.'*

*'Recommend consolidating the urban form so that the communal open space can be maximised at one level.'*

*'Provide more opportunities for active recreation. Most spaces are dominated with passive uses such as seating.'*

*'Demonstrating that the location and design of the communal open spaces achieves high amenity with respect to winter sunlight access (as required by Clause 58.03-3) and wind impacts.'*

*'Childrens' play spaces located above ground level should have high fences adjacent to play equipment. Provision of shading and management of high winds are critical for the safety and useability of these spaces.'*



*'Real turf is preferred over artificial turf to better manage the urban heat island effect.'*

*'Some spaces (are) very narrow.'*

*(Need to ensure) '...size and proportions of common rooms are functional.*

*'Communal open space is highly fragmented over two levels (levels 4 & 6) and with isolated pockets. Podium - Level 4 is noted to have four isolated pockets of communal open space'*



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

### **12.12 Sustainable design**

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

Council's Sustainable Design officer raised concerns regarding Achieving the 5-star Design and As Built Certified Green Star rating, External Shading, Natural Daylight, Energy, Water, Stormwater, Transport, Waste, Urban Ecology, Building Management and Construction; and Innovation.

The Sustainable Design Officers' recommended changes or provision of more information for:

- Commitment to measures referred to in the SMP.
- A 10% buffer for the 5-Star Design and As Built Certified Green Star rating;
- Rainwater harvesting from more of the roof area;
- More Green-roof area to mitigate heat island effect.
- External shading
- Daylight modelling
- Specification of the heating, ventilation and cooling systems.



- Details of on-site energy storage.
- Rainwater tanks to be connected to all toilets etc. per mandatory condition.
- Details of electric vehicle charging and bicycle facilities.
- Waste management and Building Management and Construction to address Green Star credit requirements.

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

The Sustainable Design Officer comments are set out in full in the Referral Response Appendix to this report.

### **12.13 Community facilities**

The application proposes:

- A 43.9m x 20.0m (878m<sup>2</sup> approx.) new public open space park at the corner of Plummer and Salmon Streets.
- A new 6.0m wide road along the southern (side) of the site.
- Streetscape works along the Salmon Street frontage.
- Twenty-one (21) Affordable Housing dwellings;

No Social Housing dwellings are proposed.

#### **Assessment**

##### New Park

Refer to assessment above at 12.3-9 and 12.10 regarding the proposed park.

##### New Lane

The new 6.0m (w) lane will provide a midblock road between Plummer Street and Williamstown Road and potential future vehicle traffic to a future (north-south) lane on the adjacent property to the east. The lane will also provide the sole point of vehicle access to and from the building for residents, workers and customers.

A pedestrian footpath is proposed on the north side of the new road beneath an undercroft of the building above.

Traffic advice is that the road will need to be widened to provide satisfactory two-way traffic and ensure turning manoeuvres for larger vehicles do not encroach on the adjacent footpath.

The proponent is required to fully construct this road at their cost, and the cost not be offset against any development contribution.

##### Salmon Street Streetscape Works

Refer to assessment at 12.3-9 and 12.11.

##### Affordable and Social Housing

Refer to assessment below.



## 12.14 Affordable and Social Housing

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

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

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

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

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

### Affordable Housing

12.14.2 The application proposes to provide for the delivery of at least 6% of all dwellings (i.e. 21 dwellings) for affordable housing by:

- (a) Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum **35% discount** to market value; or
- (b) Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum **35% discount** from market rent for a period of not less than **30 years** for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to (a); or
- (c) any other mechanism providing a contribution of equivalent or higher value to (a) to the satisfaction of the Responsible Authority.

The Affordable housing must:

- i. be delivered within the development approved by this control;
- ii. take the form of one or two or three-bedroom dwellings representative of the approved dwelling mix;



- iii. be functionally and physically indistinguishable from conventional dwellings within the development;
- iv. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and

Any agreement for affordable housing is delivered under (a), (b) or (c) must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of Affordable housing in the Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with (a), the Responsible Authority may agree to payment of an equivalent amount of money to a registered housing agency or other housing provider or trust to be expended for affordable housing in the Fishermans Bend Urban Renewal Area provided the Responsible Authority and Council are satisfied that:
  - i) the owner has made best endeavours to secure a registered housing agency recipient or other housing provider or trust for the affordable housing and has not been successful; and
  - ii) the payment amount is equivalent to the value of the affordable housing that would otherwise have to be delivered less the value of any affordable housing provided within the development.

DELWP recommends the AH requirement also require

- allocation of one or more bicycle parking space per dwelling for the life of the Affordable housing,

#### **Assessment**

The Affordable Housing offer is consistent with recent determinations for other FBURA PSA applications and is considered generally satisfactory.

It would however be desirable to include an additional provision for:

- An option for a percentage of the dwellings to be transferred to a Housing provider at zero consideration, the value of which must be equivalent or higher to the value of the transfer at the minimum 35% discount option.

This would likely equate to the gifting of two (2) dwellings.

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

#### Social Housing

12.14.3 No Social housing is proposed. As noted above, pursuant to the FBSAC Terms of Reference, the Dwelling Density / Dwelling uplift / Social Housing



provisions of Clause 4.2 of Schedule 1 to the CCZ do not apply to the application.

#### **12.15 Environmental Audit**

An environmental audit has not been undertaken for the land.

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

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

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

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

#### **12.16 Infrastructure Contribution Overlay (ICO1)**

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

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

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

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

#### **12.17 Aboriginal Cultural Heritage**

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

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

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

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

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

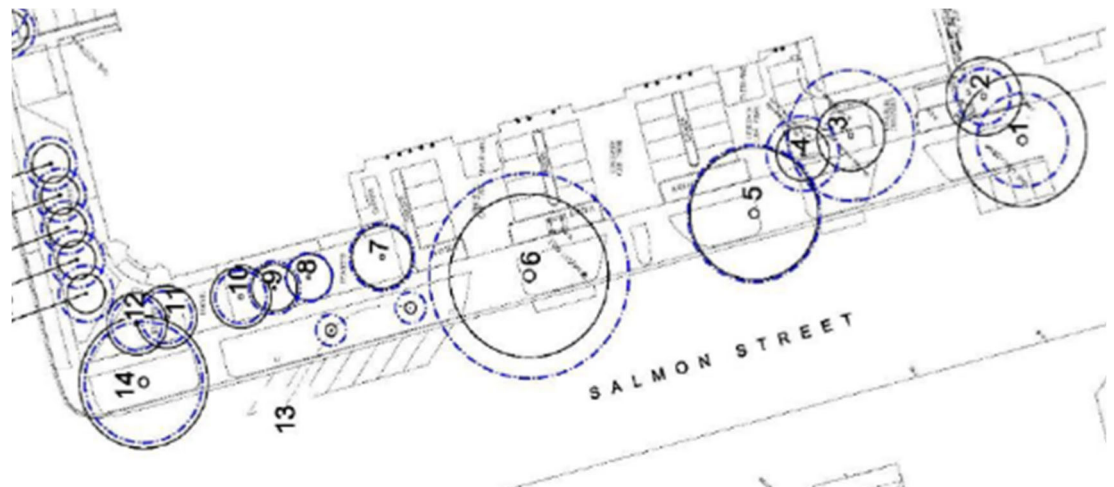
### 12.18 Street Trees

The Arboricultural Report recommends the retention and protection of several trees within Salmon Street (Noted as Nos. 1, 5, 6 and 14 in the report):

*“The council owned street trees (Trees 1, 5, 6 and 14) are significant and dominant in the landscape and must be retained and protected.”*

The report notes of the existing trees within the site, Tree 3 is “quite dominant in the landscape due to its size. It is unfortunately next to the fire hydrant which could be an issue in the future from roots as it continues to grow. It is worth retaining in the short term, <10 years”.

Tree 2 is located within the adjoining property and is not anticipated to be impacted by the development.



Council’s Arborist advised that the Arboricultural report provided with the application did not sufficiently assess the impact to the Salmon Street trees adjacent to the site and had not identified one street tree. They also noted:

- The Arborist Report was four (4) years old and so required updating with regard to existing conditions including tree sizes.
- The report suggests several existing trees on the site would likely be protected under Council’s Local Law and require a significant tree permit to be removed.

They requested an Arboricultural Impact Assessment showing all nature strip trees adjacent the property and on neighbouring properties with TPZs that fall within the subject site for review, and set out the technical standards for the Assessment,



including regards pruning for building clearances, encroachments and tree protection standards.

They also raised concerns about the use of Palm Species on levels above ground level.

Council's Landscape Architect noted:

Trees 1, 5, 6 and 14 (within the Salmon Street road reserve) need to be retained and protected, unless otherwise agreed by Council's arborist. They will play an important role in the amenity of this public realm, will help contribute to manging heat island effect and wellbeing of people using this area. The "*judicious pruning of their canopies and roots systems*" recommended in the Arboricultural Report needs to retain the amenity value of the trees (not only their health).

Tree 3 (within site) also contributes to the amenity of the area and should be retained. In particular, it's location at the intersection of Salmon and Tarver Streets will help create sense of place and aid in wayfinding. It is expected that the fire hydrant mentioned in the Report will be removed as part of the development so should not impact on the long-term viability of the tree.

The architectural plans do not appear to retain any existing trees. In particular, the proposed built form along Salmon Street and works within the road reserve will likely inhibit the long-term form and health of Trees 5 and 6. The landscape plans instead propose new street trees along Salmon Street. There is no opportunity for Tree 3 to be retained.

For such canopy trees of existing local importance and opportunity to contribute to the future amenity and sustainability of the area, the design of development needs to respond (and adjust) to the trees. In this situation, however, the trees will need to adjust to the proposed development, which appears will impact on their viability.

Tree 2 (within adjoining property) needs to be protected through development works.

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

### 13. COVENANTS

13.1 A review of the Title for the site confirms the land know at Volume 09757 Folio 814, commonly described as Crown Allotment 2 Section 67D City of Port Melbourne Parish of Melbourne South is not encumbered by a restrictive covenant or Section 173 Agreement or building envelope or easement.

### 14. OFFICER DIRECT OR INDIRECT INTEREST

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

### 15. OPTIONS

15.1 Support the Planning Scheme Amendment as proposed.



- 15.2 Support the Planning Scheme Amendment subject to requirements to be included in the Incorporated Document for the amendment.
- 15.3 Not support the Planning Scheme Amendment on key issues.

**16. CONCLUSION**

- 16.1 The four (4) storey street walls (podiums) would comply with height requirements and setbacks facing the Plummer Street park, Salmon Street and the new south lane, but would not comply at the rear or the base of the 21 storey Tower 2 facing Plummer Street.
- 16.2 Tower setbacks would mostly comply, albeit at the minimum rather than preferred distances. The east side setback of T2 would need to be increased from 5 to 10m to meet a mandatory requirement, and a setback from Plummer Street for T2 and from Salmon Street for T3 are recommended to ameliorate building mass and bulk.
- 16.3 The proposed arrangement of the three towers presents building mass from the Plummer Street frontage to the southern boundary with no discernible gap when viewed from the east and west. Changes to the setbacks and tower separation would assist in reducing this mass.
- 16.4 Towers T1 and T3 would not exceed the preferred building heights for the precinct character area but T2 would exceed the 15 storey preferred maximum by 6 levels. It is recommended that the height of T2 be reduced to comply.
- 16.5 The proposals were internally referred and officers raised concerns including regarding inconsistency with the preferred scale, and building typology for the land and surrounds, the podium and tower facades, the detailing and landscape design of the open space and pedestrian access, the fragmented communal open space, parking and traffic matters including the need for more details including dimensions on plans, cross-section of all ramps, swept path diagrams, the number of vehicle crossings on the lane, over supply of dwelling parking and undersupply of car share spaces and electric vehicle charging spaces, car park floor-to-floor heights insufficient for building adaptability, and cumulative traffic generation, the dispersed bicycle parking arrangements and lack of end of trip facilities, details of waste management arrangements, a need for plan and written confirmation of sustainable design and water sensitive urban design, wind impacts within and adjoining the land, protection of existing street trees, and a number of minor matters.
- 16.6 Officers recommend changes to address their concerns including reducing the height of tower 2, achieving sitting, standing and walking wind comfort levels, clarifying and confirming ESD, WSUD, Waste Management, Parking and Traffic design, ground floor level activation and design of the new public open space park and streetscape works along Salmon Street.
- 16.7 The offer of Affordable Housing totalling 6% of all dwellings is considered a generally satisfactory response to the Fishermans Bend Local Policy.
- 16.8 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 does not support the application in its current form based on the matters set out in Section 12 and the Appendices of this report.





16.9 That the Statutory Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns.

16.10A summary of key aspects of the proposal in agreement and issues in dispute are summarised in the below table.



<p><b>Use and non-residential floor area</b></p>	<p>Use for Dwelling, Office, Retail premises including Food and drink premises including Restaurant, Shop and Supermarket.</p> <p>Office and Shop are as-of-right in the CCZ (Schedule 1).</p> <p>23,378m<sup>2</sup> (gross) (17,952.61m<sup>2</sup> net) non-residential floor area</p>	<p><b>Acceptable</b></p> <p>Non-residential floor area exceeds minimum 18,452.8m<sup>2</sup>.</p> <p>(refer 5.6: Table 1 - Application Summary, 12.1 Responding to Local Policy and 12.2.1: Use of Land)</p>
<p><b>Dwelling Diversity</b></p>	<p><b>36.2%</b> / 131 x 3 and 4BR dwellings (121 / 33.4% x 3BR, 10 / 2.8% x 4BR).</p>	<p><b>Acceptable:</b> Exceeds 30% target</p> <p>(refer 12.1 Responding to Local Policy)</p>
<p><b>Built form typology</b></p>	<p><b>Podium, including tooth and gap format, and three towers</b></p>	<p><b>Achieved in part</b></p> <p>Height of T2 overwhelms mid-rise buildings on the site; Question if it complies with tooth and gap provisions.</p> <p>(refer 12.3.1: Building Typologies)</p>
<p><b>Building height</b></p>	<p><u>Street wall (Podium) height:</u></p> <p>16.5m (19.85m AHD) to podium roof level, 17.6m (20.95m AHD) to Balustrade level / 4 levels inc. mezzanine services</p> <p><b>T2:</b> 21 levels + rooftop terrace: Max. 75.1m (78.45m AHD) to roof top level, 78.9m (82.25m AHD) to top of parapet/roof terrace surround, 79.6m (82.95m AHD) to top of lift overrun, 81.1m (84.45m AHD) to top of services.</p>	<p><b>Achieved in part</b></p> <p>Four-storey podium height complies. Question podium setbacks at Levels 1 to 5 and 21-storey overall height of T2 as complying with letter or spirit of Tooth and Gap built form.</p> <p>(refer 12.3.3: Street Wall Height)</p>
	<p><u>Towers:</u></p> <p><b>T1:</b> 12 levels + 2 tier rooftop terrace: 44.51m (47.85m AHD) to roof top level</p> <p><b>T2:</b> 17 levels + rooftop terrace and 21 levels + rooftop terrace: Max. 75.1m (78.45m AHD) to roof top level.</p> <p><b>T3:</b> 13 levels + rooftop terrace and 15 levels + 2 tier rooftop terrace: Max. 54.70m (58.05m AHD) to roof top level</p>	<p><b>T1: Acceptable</b></p> <p><b>T2: Not supported.</b> Question compliance with Tooth and Gap provisions and if proposal is a satisfactory response to the preferred precinct character or adds to a sense of built form variety on the site or precinct in general. The height of T2 should be reduced to 15 levels or less.</p> <p>See also tower setback assessment.</p> <p><b>T3: Acceptable</b></p> <p>(refer 11.3.3: Tower Height)</p>



<p><b>Street wall (podium) and side and rear setbacks</b></p>	<p><b>North (Plummer St):</b> T2: 0.0m at ground floor, 2.75m at L2 reducing to approx. 1.5m at L4, 2.5m approx. at L5.</p>	<p><b>Do not support:</b> The street wall should be on or within 300mm of the boundary to comply, especially as T2 above is seeking to justify its zero lot line on the basis of being a Tooth and Gap form. T2 should be setback min. 10.0m from Plummer Street at Level 5 and above.  (refer 12.3.4: Street wall setbacks)</p>
	<p><b>South (side) (New lane):</b> Min. 2.9m (ground) (for footpath), Min. 0.0m above</p>	<p><b>Do not support:</b> The new land and adjacent footpath need to be modified so the footpath has a minimum 2.9m width its entire width and swept paths of turning vehicles do not encroach on the footpath.  (refer 12.3.4: Street wall setbacks)</p>
	<p><b>East (rear):</b> Min. 1.8m, Max 2.05m</p>	<p><b>Do not support:</b> The wall should be on or within 300mm of the boundary.  (refer 12.3.6: Side and rear setbacks – podium and tower not facing a street)</p>
	<p><b>West (Salmon St):</b> 0.0m setback except for rebate above lobby entries</p>	<p>Support  (refer 12.3.4: Street wall setbacks)</p>
<p><b>Tower setbacks (above the podium)</b></p>	<p><b>North (Plummer St):</b> T1: Min. 25.0m, T2: Min. 0.0m, T3: N/A</p>	<p><b>T1: Acceptable</b> <b>T2: Do not support.</b> T2 should be setback min. 10.0m from Plummer Street at Level 5 and above.  (refer 12.3.4: Street wall setbacks (T2) and 12.3.5: (Tower) Setbacks Above the Street Wall) (T1)</p>
	<p><b>South (side) (New lane):</b> T1: N/A, T2: N/A, T3: Min. 5.0m from centre line of lane (8.0m from title boundary).</p>	<p><b>Acceptable</b>  (refer 12.3.5: (Tower) Setbacks Above the Street Wall)</p>
	<p><b>East (rear):</b> T1: N/A, T2: Min. 5.0m, T3: 5.0m</p>	<p><b>T2: Do not support:</b> Mandatory setback of 10.0m applies. <b>T3: Acceptable</b>  (refer 12.3.6: Side and Rear Setbacks (podium and tower not facing a street))</p>
	<p><b>West (Salmon St):</b> T1: Min. 5.0m, T2: N/A, T3: Min. 5.0m</p>	<p><b>Do not support:</b> T1 and T3 both at minimum 5.0m setback creates too much mass to Salmon Street. T3 setback should be materially increased.  (refer 12.3.5: (Tower) Setbacks Above the Street Wall)</p>



<p><b>Tower separation</b></p>	<p><b>T1 to T2:</b> Min. 20.6m btw glazing (19.2m btw glazing line and balcony, 19.0m btw planters)   <b>Note:</b> 22.3m btw glazing (19.0m btw planters at L6, 8, 11 and 12,</p>	<p><b>Do not support:</b> Need min. 20.0m separation between balconies.   (refer 12.3.7: Building Separation)</p>
	<p><b>T2 to T3:</b> Min. 20.0m btw glazing (18.7m btw balcony edges)</p>	<p><b>Do not support:</b> Need min. 20.0m separation between balconies.   (refer 12.3.7: Building Separation)</p>
	<p><b>T3 to T1:</b> Min. 10.0m btw glazing (8.7m btw balcony edges)</p>	<p><b>Do not support:</b> Need min. 10.0m separation between balconies.   (refer 12.3.7: Building Separation)</p>
<p><b>Activation, materials and articulation</b></p>	<p>A mixture of cream brick, paint and textured paint finishes, metal cladding and glazing.   Varying fenestration and articulation at podium level and the various tower facades.</p>	<p><b>Acceptable subject to:</b></p> <ul style="list-style-type: none"> <li>• canopies to align with proposed footpaths and not preclude the establishment and growth to maturity of street trees.</li> <li>• upper level façade treatments should extend to the ground plane to improve the pedestrian amenity and visual interest of the laneways.</li> </ul> <p>Encourage more consistent façade treatments to the towers to give them stronger individual identities.</p> <p>Eastern podium façade redesigned to provide for present or future genuine activation – not to services, vehicle ramps and loading bays.</p> <p>(refer 12.3.7: Active Street Frontages and 12.3.11: Building Finishes)</p>
<p><b>Adaptable Buildings</b></p>	<p>L2 to 4 proposed 3.6m floor to floor.</p>	<p><b>Do not support:</b> L2 to 4 need 3.8m floor to floor.   (Refer 12.3.1: Adaptable buildings)</p>
<p><b>Communal open spaces and landscaping</b></p>	<p>Communal open space areas at podium and tower rooftops.</p>	<p><b>Do not support:</b> Open space is fragmented and offers limited recreation options. Recommend changes to the site layout to consolidate open space in larger more usable area(s).</p> <p>Question if landscaping is climate appropriate to the site.</p> <p>(refer 11.1 Responding to Local Policy and 12.11: Communal Open Space)</p>



<p><b>No. of car spaces</b></p>	<p>Car parking proposed in excess of Parking Overlay rates. spaces parking proposed.</p> <p>Design standards for car parking</p>	<p><b>Do not support:</b> The number of car parking spaces provided and allocated for each use should not exceed the maximums of the Parking Overlay.</p> <p>Additional demand above the Parking Overlay rates should be met by provision of an adequate number of car share parking spaces within the development, consistent with modal shift.</p> <p>Design changes required to accessways, ramps etc.</p> <p>(refer 12.4 Car Parking and 12.6.4: Cumulative Traffic Impacts)</p>
<p><b>Car parking / traffic</b></p>		<p><b>Acceptable subject to multiple design changes</b></p> <p>(refer 12.4 Car Parking and 12.6.4: Cumulative Traffic Impacts)</p>
<p><b>Car Share</b></p>	<p>17 car share required, 3 proposed</p>	<p><b>Do not support:</b> Need condition for 7 car share spaces and demand monitoring for future requirements</p> <p>(refer 12.2.4: Bicycle, motorcycle and car share parking)</p>
<p><b>Bicycle parking – Number of spaces</b></p>	<p><b>780</b> (298 resident [0.82: dwelling], 45 visitor, 437 employee / customer)</p>	<p><b>Acceptable</b></p> <p>The number of spaces exceed requirements.</p> <p>14 spaces proposed on Salmon Street need to be relocated on-site such as along the loggia.</p> <p>(refer 12.2.4: Bicycle, motorcycle and car share parking)</p>
<p><b>Bicycle parking: Location</b></p>	<p>Bicycle parking is proposed at basement and first to fifth floors</p>	<p><b>Do not support:</b> Bicycle parking should be at ground floor level or close to ground floor – should not be in high levels of podium</p>
<p><b>Bicycle end of trip facilities</b></p>	<p>No details of bicycle facilities</p>	<p><b>Do not support:</b> Need end of trip facilities at Planning Scheme rates at all staff bicycle parking levels.</p> <p>Need dimensions and specifications of bicycle parking.</p> <p>(refer 12.1: Responding to Local Policy and 12.6.2: Bicycle facilities)</p>
<p><b>Stores</b></p>	<p>359 stores for 362 dwellings</p>	<p><b>Do not support:</b> One store should be provided for each dwelling.</p> <p>(refer 12.9: Stores)</p>



<p><b>Clause 58 Apartment Standards</b></p>	<p>Long internal corridors. Residential noise impacts</p>	<p><b>Do not support:</b> <b>Residential amenity compromised.</b> Noise attenuation needs to meet C58 standard (refer 12.1: Responding to Local Policy and 12.5: Clause 58)</p>
<p><b>Wind impacts on the public realm</b></p>	<p>Wind report comprises desktop analysis only. Proposes general acceptance of standing comfort level as highest standard.</p>	<p><b>Do not support.</b> An amended wind study including wind tunnel testing is required. Need to achieve sitting comfort level in new public open space park and communal outdoor space. Wind amelioration treatments need to be appropriately resolved with the building architecture. (refer 12.3.8: Wind Effects on the Public Realm)</p>
<p><b>ESD / WSUD</b></p>	<p>The SMP references a 5-star certified Green Star Design and As Built rating.</p>	<p><b>Acceptable subject to:</b> Commitment to measures referred to in the SMP. A 10% buffer for the 5 star Design and As Built Certified Green Star rating; Rainwater harvesting from more of the roof area; More Green-roof area to mitigate heat island effect. External shading Daylight modelling Specification of the heating, ventilation and cooling systems. Details of on-site energy storage. Rainwater tanks to be connected to all toilets etc. per mandatory condition. Details of electric vehicle charging and bicycle facilities. Waste management and Building Management and Construction to address Green Star credit requirements (refer 12.1: Responding to Local Policy and 12.12: Sustainable Design)</p>
<p><b>Waste Management / Loading</b></p>	<p>Two (2) loading bays for Supermarket deliveries and waste collection are proposed at ground level off a 16m DIA turntable via side lane off Salmon St. Four (4) loading bays for Commercial and dwellings deliveries and waste collection are proposed at first floor</p>	<p><b>Acceptable subject to:</b> T2 bin room enlarged to accommodate specified no. bins. Confirmation passageway doors wide enough for bins. Relocate bin stores closer to collection points.</p>



	level via a ramp off the new side lane off Salmon St.	<p>Revisions to access so vehicle swept paths do not encroach on footpaths and 2 x B99 vehicles can pass including when turning.</p> <p>Design changes or installation of warning systems to avoid conflict between vehicles / pedestrians.</p> <p>Upper level loading bays to be available to residents.</p> <p>Details of vehicle priority on ramps.</p> <p>Height clearance to AS 2890.2-2018.</p> <p>(refer 12.7: Waste Management and 12.8: Loading)</p>
<b>Overshadowing</b>	Overshadowing diagrams indicate that the proposal would not overshadow nearby residential zoned land or designated public open space between 11.00am and 2.00pm on 22 September or 21 June to 22 September as applicable.	<p><b>Acceptable</b></p> <p>(refer 12.3.2: Overshadowing)</p>
<b>Pedestrian Connectivity</b>	<p>New footpaths to east and south sides. Streetscape works to Salmon Street.</p> <p>Long internal corridors</p>	<p><b>Support subject to:</b></p> <p>Changes to footpath on south side lane.</p> <p>Reorientating lobbies facing the park to face Plummer and Salmon Streets and minimising paving through new public open space park.</p> <p>Salmon Street streetscape works revised to include Council requirements and technical standards and be approved and constructed to Council's standards</p> <p>Separate commercial -residential entries and lifts.</p> <p>Reconfigure towers to reduce length of corridors and improve access between public realm and key destinations in building</p> <p>(refer 12.1: Responding to Local Policy and 12.6.5: Pedestrian connectivity)</p>
<b>Community Facilities</b>	<p>The application proposes:</p> <ul style="list-style-type: none"> <li>• A 43.9m x 20.0m (878m<sup>2</sup> approx.) new public open space park at the corner of Plummer and Salmon Streets.</li> <li>• A new 6.0m wide road along the southern (side) of the site.</li> <li>• Streetscape works along the Salmon Street frontage.</li> <li>• Twenty-one (21) Affordable Housing dwellings.</li> </ul>	<p><b>Public Open Space: Support subject to:</b> reorientation of lobby entries, minimisation of paths and hard standing surfaces, and more lawn / landscaped area. Question selection of Palm Trees. Is landscaping climate appropriate?</p> <p><b>New Lane: Support subject to:</b> consistent 2.9m wide footpath with no vehicle swept path incursions.</p> <p><b>Salmon Street Streetscape Works: Support subject to:</b> redesign to meet Council specifications</p> <p><b>Affordable Housing: Support.</b> Encourage additional provision option.</p>

**PLANNING COMMITTEE – 25 MARCH 2021**



		(refer 12.13: Community facilities)
<b>Affordable Housing</b>	6% (21 dwellings) of all dwellings, transferred at 35% discount or leased at 35% discount for 30 years or other method of equal or higher value	<b>Acceptable:</b> Encourage additional option for transfer of dwelling at nil cost to equal or higher value of 35% discount option  (refer 12.1: Responding to Local Policy and 12.14: Affordable Housing)
<b>Street Trees</b>	Arborist report is out of date, lacks detail	<b>Do not support:</b> Need updated Arborist report  (refer 12.18: Street trees)





**TRIM FILE NO:  
ATTACHMENTS**

**PF19/45589**

- 1. Location Plans & Photos**
- 2. Plan Drawings**
- 3. Elevation and Section Drawings**
- 4. Shadow Drawings**
- 5. Sketch Views**
- 6. Renders**
- 7. City of Port Phillip Internal Referral Responses**
- 8. City of Port Phillip Clause 58 Assessment**