



101 SALMON STREET, PORT MELBOURNE

LOCATION/ADDRESS: 101 SALMON STREET, PORT MELBOURNE
EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT
PREPARED BY: SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

1. PURPOSE

1.1 To provide a Council position on Ministerial Application 2014/002000-1 at 101 Salmon Street, Port Melbourne, to amend the existing permit under Section 72 of the Planning and Environment Act 1987 including the alteration of plans, permit conditions and permit preamble.

2. EXECUTIVE SUMMARY

WARD:	Wirraway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area
APPLICATION NO:	2014/002000-1 (Previously MPA14/0011) (Minister for Planning) 3/2014/MPA/A (Council)
APPLICANT:	WW Sidwell Investments P/L C/- Urbis P/L
EXISTING USE:	Vacant lot
ABUTTING USES:	One to two storey warehouse, offices and associated car parking
ZONING:	Capital City Zone - Schedule 1 (CCZ1)
OVERLAYS:	Design and Development Overlay - Schedule 33 (DDO33) Environmental Audit Overlay (EAO) Parking Overlay - Schedule 1 (PO1) Infrastructure Contribution Overlay - Schedule 1 (ICO1)
ABORIGINAL CULTURAL HERITAGE	All of the property is in an 'area of Aboriginal Cultural Heritage Sensitivity'.
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



- 2.1 The subject site is in the non-core area of the Wirraway Precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.2 The Minister for Planning (the Minister) is the Responsible Authority for the application.
- 2.3 On 21 May 2015, the Minister approved a permit for a twelve level (including a four-level podium) mixed use building, including ground level retail, first floor level offices, car parking and 157 dwellings.
- 2.4 At the time of approval, the land was in a 'Discretionary preferred height area' (i.e. no height limit) per the Fishermans Bend Strategic Framework Plan July 2014.
- 2.5 Plans to comply with the conditions of the permit have not been approved to date and the development has not started. The land is vacant.
- 2.6 The permit has been extended twice, the most recent of which allowed till 21 May 2019 to commence and 21 May 2020 to complete.
- 2.7 On 17 May 2019, an application to amend the permit and plans and extend the time to start and complete the development was made to the Minister C/- the Department of Environment, Land, Water and Planning (DELWP).
- 2.8 On 19 July 2019, DELWP referred the amendment application to Council as a recommending referral authority pursuant to S55 of the *Planning and Environment Act* (the Act). Council requested and was granted an extension of time to provide a referral response.
- 2.9 The application 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 review rights of Section 82(1) of the Act.
- 2.10 The proposal was internally referred and officers raised concerns regarding building height, the design of a shared laneway along the north side of the site and the number of vehicle entry/exits off that lane, the lack of swept path diagrams to confirm car park access and passing area compliance and entry/exit sight lines, over reliance on car parking stackers, wind impacts adjacent to and within the site, lack of differentiation between the residential and commercial entrance foyers, noise impacts from the freeway, small provision of communal space, a lack of deep soil planting areas and the proposed method of providing for affordable housing.
- 2.11 In response to Council and DELWP officer concerns, the applicants submitted an incomplete set of discussion plans proposing reducing the building height, increasing the number of dwellings and reducing the office floor area, activation of the northern side access/shared zone and proposing a Social Housing uplift of three (3) dwellings gifted to a Housing Association.
- 2.12 In response to Council and DELWP officer concerns, the applicants submitted an incomplete set of discussion plans proposing:
 - Reducing the height by 3.5m from 43.6m to 40.1m by converting Levels 6 and 7 from commercial to residential and incremental reductions in height of all the other levels (4.1m taller than existing approval).



- Increasing the number of dwellings by 29 from 55 to 84 (73 less than existing approval).
 - Reducing the office floor area by 3,833m² from 11,333m² to 7,500m² (6,780m² more than existing approval).
 - Revisions to activate the northern side access/shared zone to add a food truck and outdoor seating.
 - A Social Housing uplift of three (3) dwellings gifted to a Housing Association (No affordable or Social housing required/provided in existing approval).
- 2.13 The generality of the changes to the building height and dwelling/office mix and the provision of Social housing responded in part to concerns raised, but the changes to the northern side access/shared zone were considered insufficient and the plans did not address other concerns including setbacks and internal car park design.
- 2.14 Officers were not able to form an overall opinion on the changes without a full set of revised plans and formal substitution of the revised plans.
- 2.15 A report was prepared for the Planning Committee meeting of 23 October 2019.
- 2.16 On 21 October 2019, the agent for the owner requested the matter be deferred so they could prepare a full set of amended plans and other supporting material.
- 2.17 The Planning Committee duly determined to defer the item.
- 2.18 On 04 March 2020, DEWLP referred amended plans to Council.
- 2.19 The 2020 amended plans still propose a 12-storey building, but with less office floor area and more dwellings, and changes to address officer concerns including a lesser increase in height of 5.0m rather than the 7.6m proposed in the 2019 plans, changes to the tower setbacks, and changes to car and bicycle parking and access off the side lane.
- 2.20 The proposed 84 dwellings would exceed the dwelling density of 57 specified for the site in the Wirraway non-Core area, however the mix of one, two and three-bedroom dwellings would meet the dwelling diversity objectives for Fishermans Bend.
- The apartment standards of Clause 58 of the Planning Scheme do not apply to the amendment application because the original permit application was lodged before the approval date of Amendment VC136 (i.e. 13 April 2017). Notwithstanding this, the amended apartment layouts would exceed the minimum requirements of Clause 58, and the size, layout, open space and amenities of the dwellings are an improvement to the original designs.
- 2.21 Whilst the subject site is not in a preferred area for employment floor area, the proposed increase in commercial floor area (and reduction in number of dwellings) is supported as being consistent with the emerging mixed-use character of the Wirraway precinct.
- 2.22 The proposed number of car parking spaces would exceed the Parking Overlay rates. The number of commercial spaces should be reduced to the Parking Overlay rate and /



or reallocated to address a shortfall in car share spaces. A variation is supported for the dwelling spaces because whilst the number of spaces would be higher than present day rate, it would be slightly less than the existing permits rate for the dwellings.

- 2.23 The Fishermans Bend Framework and the Planning Scheme recommend a new 6.0m wide lane be created along the north side of the site, with 50% of the width to be provided on the subject site and 50% to be provided on the adjacent lot to the north when that site is developed.

The plans set aside the necessary 3.0m width of the lane, plus an additional 3.3m shared zone to provide interim two-way vehicle entry /exit to the car park levels.

- 2.24 The provision of three (3) (2 x 1BR and 1 x 2BR) dwellings at no cost to Women's Housing Limited meets the policy for affordable housing in Fishermans Bend.

- 2.25 The amendment application seeks changes (including deletions) to the permit conditions to update them to reference the amended plans and associated reports and/or provide for new matters arising from the amended plans and changes to planning controls since the original permit was approved.

Officers have identified other text and conditions in the existing permit which should also be changed.

- 2.26 It is considered that subject to conditions to address design matters as detailed in this report, the March 2020 amended plans are satisfactory and should be supported.

3. RECOMMENDATION

RECOMMENDATION - PART A

- 3.1 That Council advises the Minister (C/- the Department of Environment, Land, Water and Planning) and the applicant that:

3.1.1 Council supports the amendment application subject to conditions.

3.1.2 In the event the Minister determines to grant an amended permit for the application, it should incorporate the conditions set out in Section 11.18 of this report.

RECOMMENDATION - PART B

- 3.2 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review, and/or any independent advisory committee appointed by the Minister for Planning to consider the proposal

4. RELEVANT BACKGROUND

- 4.1 The subject site is part of the Rocklea Gardens Industrial Estate which was developed for warehouses and offices in the late 1990s/early 2000s.

- 4.2 The subject site is vacant land.



4.3 Whilst no development has commenced on the subject site there are six prior planning permit applications recorded for the land as follows:

Application No.	Proposal	Decision / Status
828/2001	Food storage & preparation warehouse, associated office, retail outlet & carparking	Approved 21 August 2001 Permit lapsed
166/2004	Erection of sixteen two storey buildings, including 14 warehouses, two ground floor showrooms, associated landscaping and the use of the land for two first floor offices and a reduction in car parking requirements.	Approved 26 July 2004 Permit lapsed
238/2004	Two (2) Lot subdivision PS 526254 K (forming the subject site and 8 Rocklea Drive behind)	Approved 10 May 2004
320/2006	The development and use of a two-storey building for the purpose of a 90-place childcare centre and office with associated car parking	Approved 29 August 2006 Permit lapsed
320/2006/A	To develop and use the land for a one storey building for a 120 place Childcare centre with associated car parking, and a two-storey building for Offices with associated car parking generally in accordance with the endorsed plans	Approved 18 January 2008 Permit lapsed
1016/2010	Construct a 2 and 3 storey building and construct and carry out works; Use for Warehouse comprising 14 storage units and 5 commercial display areas (Showrooms), and 4 Offices; Reduce the number of car spaces required for the uses; Reduce the requirements for loading and unloading of vehicles for the storage of goods or materials	Approved 21 April 2011 Permit lapsed
DELWP Ref: 2014/002000 CoPP Ref: 3/2014/MPA	Construction of a mixed-use development and waiver of loading bay requirements	Minister approved 21 May 2015 Permit extended twice. Current application to further extend permit and amend plans

5. PROPOSAL

Amendment to Permit

5.1 It is proposed to amend DELWP Permit 2014/002000 (CoPP Ref: 3/2014/MPA) as follows:

5.1.1 Amend the Permit preamble from:

“Construction of a mixed-use development and waiver of loading bay requirements”;

to:

“Construction of a mixed-use development (including use of the site for ‘Dwellings’ and ‘Retail premises’), and provision of more than the maximum rate of carparking specified in the Parking Overlay”



At the time of issue of the original permit, use for Dwelling and Retail premises did not require a permit and thus were not listed in the preamble.

Amendments to the Planning Scheme since 2015 now require a permit for these uses and to provide car parking in excess of the rates specified in the Parking Overlay.

5.1.2 Delete reference to 'waiver of loading bay requirements' as amendments to the Planning Scheme since 2015 no longer require a loading bay; and;

5.1.3 Amend Permit Conditions 1, 4, 6, and 7 to correlate with the amended plans and associated reports.

Amendment to Plans

5.2 It is proposed to amend the plans as follows:

5.2.1 Substitute a revised design comprising:

- Vehicle access along the northern side of the site (including setting aside 3.0m as 50% of the width of a new 6.0m lane recommended in the Framework Plan and Planning Scheme);
- A six-level (22.41m) street wall on the Salmon Street frontage.
- A min. 5.0m / max. 6.3m setback from Salmon Street above the street wall.
- A maximum building height of twelve (12) levels (41.0m) to roof top level.
- Ground floor (Level 0) retail (317m²), commercial (office) and residential entries, car and bicycle parking, and building services.
- Level 1 and 2 commercial (office) floor area, and car parking.
- Level 3, 4 and 5 commercial (office) floor area (total office floor area of 7,353m²).
- Level 6, 7, 8, 9, 10, and 11: Eight four (84) dwellings (3 x 1BR (4%), 59 x 2BR (70%), 22 x 3BR (26%))
- 157 car parking spaces (71 Residential spaces = 0.92 spaces per 1-2 BR dwelling and 1 space per 3BR dwelling, and 78 Commercial spaces).
- Three (3) motorcycle spaces (2 residential and 1 commercial).
- 259 Bicycle parking spaces (167 commercial spaces including 8 visitor spaces and 92 residential spaces including 8 visitor spaces).
- One new 6.3m (w) vehicle crossing entry/exit from Salmon Street at the northern front corner of the site.

5.2.2 The proposed amended height and setbacks are as follows

- Podium height: Six levels / 22.41m (26.05m AHD) (Salmon St); 3 levels / 11.6m (15.25m AHD) (rear).



- Maximum height: 41.0m (44.65m AHD) to roof top level, 41.6m (45.25m to roof top parapet level, 42.8m (46.45m AHD) to top of roof top services, 44.2m (47.85m AHD) to top of lift overrun.
- Front setback: Min. 0.0m (podium), 6.3m (Levels 07 and 08) and 5.0m (Levels 09, 10, 11 and 12) (tower).
- Podium side setbacks: min. 0.0m to 5.4m (south) and 6.0 to 6.3 metres (north).
- Tower side setbacks: 5.0m to 5.4m (south) and 8.5m to 8.9m (north).
- Rear setback: 0 to 5.0m (podium), and 5.0m (tower).

5.3 More particularly, the amended plans comprise:

Ground floor (Level 0)

- Single retail premises (316.5m²) fronting Salmon Street.
- Commercial entrance foyer fronting Salmon Street.
- Residential entrance foyer fronting Salmon Street, including mailboxes, and 84 residential and 8 visitor bicycle spaces.
- 159 commercial bicycle spaces and associated end of trip change and shower facilities, and 218 storage lockers, accessed via Commercial lobby and side lane.
- Shared vehicle and pedestrian access along the northern side boundary leading to ground floor vehicle parking, loading bay and ramp to upper level parking.
- Seventy-nine (79) car parking spaces (comprising nine (9) stackers and seven (7) at-grade single spaces) and two motorcycle spaces.

First floor (Level 01)

- One commercial tenancy (1,009.5m²).
- Thirty-seven (37) at-grade car parking spaces, one motorcycle space and 16 storage lockers.

Second floor (Level 02)

- One commercial tenancy (699m²) with a front balcony and landscape planter.
- Forty-one (41) at-grade car parking spaces and 68 storage lockers.

Third floor (Level 03)

- One commercial tenancy (1,897m²) with a (south) side and rear balcony and landscape planter.

Fourth floor (Level 04)

- One commercial tenancy (1,874.5m²) with a (north) side balcony and landscape planter.

Fifth floor (Level 05)



- One commercial tenancy (1,873m²).

Sixth floor (Level 06) (Podium rooftop)

- Fourteen (14) dwellings (3 x 1BR, 7 x 2BR and 4 x 3BR apartments with floor areas ranging between 64m² to 124.5m² with associated balconies of between 18m² and 114.5m²).
- A front landscape planter.

Seventh floor (Level 07)

- Fourteen (14) dwellings (12 x 2BR and 2 x 3BR apartments with floor areas ranging between 80m² to 103.5m² with associated balconies of between 10.5m² and 24.5m²).

Eighth, Ninth, Tenth and Eleventh floors (Levels 08, 09, 10 and 11)

- Fourteen (14) dwellings (10 x 2BR and 4 x 3BR apartments with floor areas ranging between 78m² to 102m² with associated balconies of between 15m² and 24.5m²).

Rooftop

- Building plant and services, lift overruns and rooftop stair access (screened), skylights to Level 11 apartments below, and solar panels.

5.4 Materials and finishes are proposed to include white matt concrete, vertically ribbed concrete, horizontally striated concrete, silver glazing, bronze glazing, white metal cladding, bronze metal cladding, and metal perforated screens.

5.5 The plans which are the subject of this assessment are those entitled:

- 101 Salmon Street, Port Melbourne, Project number 19010, Issue Date 10 May 2019: Drawing Nos. TP0.00 Rev B to TP0.02 Rev B, TP1.00 Rev C to TP1.05 Rev C, TP1.06 Rev B to TP1.07 Rev B, TP1.08 Rev C, TP1.09 Rev B to TP1.11 Rev B, TP1.12 Rev C, TP2.01 Rev C to TP2.03 Rev C, TP3.01 Rev D, TP4.01 Rev B to TP4.04 Rev B, TP4.05 Rev A, and TP8.02 Rev B to TP8.03 Rev B, all dated 30-01-2020, prepared by CHT Architects, received by Council on 04-03-2020.

Summary comparison of plans

5.6 A summary and comparison of the **16 September 2014 original application plans**, the **10 May 2019 Amended Plans** and the **March 2020 Amended Plans** is as follows:

	16-09-2014 - Decision Plans	10-05-2019 - Amended Plans	March 2020 – Amended Plans
Site area:	3,287m ² (0.3287ha)	3,287m ² (0.3297ha)	3,287m ² (0.3297ha)
Non-residential floor area	989m² Commercial: 720m ² (1 tenancy). Retail: 269m ² (1 tenancy)	11,333m² Commercial: 11,045m ² (7 tenancies) Retail: 288m ² (1 tenancy)	7,670m² NLA Commercial: 7,353m ² NLA (5 tenancies) Retail: 317m ² NLA (1 tenancy)
CCZ1 Dwelling Density	N/A	Wirraway - Non-Core area @ 174 dw/ha x 0.3287ha = 57 (57.19)	Wirraway - Non-Core area @ 174 dw/ha x 0.3287ha = 57 (57.19)



		dwelling s	dwelling s
No. dwellings	157 (38 x 1BR (24%), 81 x 2BR (52%), 38 x 3BR (24%))	55 (1 x 1BR (2%), 38 x 2BR (69%), 16 x 3BR (29%))	84 (3 x 1BR (4%), 59 x 2BR (70%), 22 x 3BR (26%))
Affordable housing	N/A	Market price of eight smallest 1 and 2BR dwellings proposed as 'affordable' relative to CoPP dwelling prices. (Note: 6% of 57 = 3 (3.43) dwellings).	Three (3) dwellings (2 x 1BR and 1 x 2BR) to be provided at no cost to Women's Housing Limited (Note: 6% of 57 = 3 (3.43) dwellings).
Social housing	N/A	N/A - No social housing uplift proposed	N/A - No social housing uplift proposed
Street wall height:	<u>Salmon Street</u> : Four storeys (13.1m)	<u>Salmon Street</u> : Six storeys (24.3m)	<u>Salmon Street</u> : Six storeys (22.41m [26.05m AHD] to podium roof level; 23.5m [27.15m AHD] to top of parapet. Note: NGL = 3.65m AHD to Salmon St (mid-block)
Max. height:	36m (39.65m AHD) (12 storeys) to roof top level, 37.5m (41.15m AHD to roof top parapet level, and 38.9m (42.55m AHD) to top of roof top services.	43.6m (47.25m AHD) (12 storeys) to roof top level, 45.1m (48.75m AHD to roof top parapet level, and 46.92m (50.57m AHD) to top of roof top services.	41.0m (44.65m AHD) (12 storeys) to roof top level, 41.6m (45.25m AHD to roof top parapet level, 42.8m (46.45m AHD) to top of roof top services, 44.2m (47.85m AHD) to top of lift overrun.
Setbacks:	Front (East) (Salmon St) - Min. 0.0m (podium) - Min. 5.0m (tower) Side (North and South) - Min. 0.0m (podium) - Min. 5.0m (tower) Rear (West) - Min. 0.0m (podium) - Min. 5.0m (tower)	Front (East) (Salmon St) - Min. 0.0m to 2.65 (podium) - Min. 5.0m to 6.3m (tower) Side (North) - Min. 3.0m to 6.65m (podium) - Min. 4.5 to 10.3m (tower) Side (South) - Min. 0.0m (podium) - Min. 5.0m to 5.25m (tower) Rear (West) - Min. 0.0m (podium) - Min. 5.0m to 5.39m (tower)	Front (East) (Salmon St) - Min. 0.0m to 2.2 (podium) - Min. 5.0m to 6.3m (tower) Side (North) - Min. 6.0m to 6.3m (podium) - Min. 8.5m to 8.9m (tower) Side (South) - Min. 0.0m to 5.4m (podium) - Min. 5.0m to 5.4m (tower) Rear (West) - Min. 0.0m to 5.0m (podium) - Min. 5.0m (tower)
Loading bay:	Nil	One	One
Car parking:	157 (148 residential [0.94 spaces per dwelling], 7 commercial and 2 retail)	157 (71 residential inc. 5 car share spaces [1.2 spaces per dwelling], 96 commercial inc. 2 car share spaces)	157 (79 residential [0.92 spaces per 1-2BR dwelling, 1 space per 3BR dwelling], 78 commercial [1.01 spaces / 100m ² floor area])
M'cycle parking:	12 spaces	2 spaces	3 spaces
Bicycle parking:	82 spaces	318 spaces (248 Commercial in 12 visitors, 70 Residential inc.14 visitors)	259 spaces (167 Commercial inc. 8 visitors, 92 Residential inc. 8 visitors) (i.e. 1 per dwelling) + end



			of trip bath / change room.
Storage lockers	Nil (Note: 1 store per dwelling required by condition 1.(g) of permit)	55 Residential (1 per dwelling) + 276 retail/office bicycle parking stores	84 x 6m ³ Residential (1 per dwelling) + 218 bicycle parking stores
Vehicle access:	1 x new double width crossover off Salmon Street.	1 x new double width crossover off Salmon Street.	1 x new double width (6.3m) crossover off Salmon Street.
Gross Floor Area (GFA):	27,748m ²	27,917m ²	24,140m ²

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	3,287m ²
Existing building & site conditions	<p>The subject site is located on the west side of Salmon Street, approximately 40.0m north of Rocklea Drive, and 140m south of the West Gate Freeway.</p> <p>Salmon Street is approximately 36.0m wide and is identified in the FB Framework as a strategic cycling corridor and a road where no crossovers are permitted (unless there is no other option for site access).</p> <p>The site is rectangle and has a frontage width of 39.29m to Salmon Street, and a maximum depth of approximately 83.65m. The land is relatively flat, with minimal undulation across the site.</p> <p>The land is vacant.</p> <p>There is currently no constructed footpath or vehicle crossing along the Salmon Street frontage of the site.</p>
Surrounds / neighbourhood character	<p>Surrounding land is developed as follows:</p> <ul style="list-style-type: none"> • North (side): 109 Salmon Street - A two storey industrial/warehouse building with ancillary office and showroom, and vehicle access and open car parking along the south side shared boundary with the subject site. • South (side): 95 Salmon Street, and 2 Rocklea Drive - both properties abut the southern boundary and comprise two storey industrial/warehouse buildings with ancillary offices. 95 Salmon Street has vehicle access and open car parking along its north side shared boundary with the subject site. • East (opposite, across Salmon Street): The lower reaches of the Salmon Street bridge over the freeway; 112 Salmon Street which comprises 2 x 2-storey warehouse/industrial buildings and 1 x 2-storey office building with an ancillary showroom. Two crossovers exit from Salmon street to two separate open-air carparks and access ways which are situated along the northern and southern boundaries of the site. <p>The Salmon Street bridge is proposed to be upgraded including widening to accommodate cycle lanes and extending its length to reduce its grade. This would extend the lower reaches of the bridge to the south past more of the frontage of the subject site.</p> <ul style="list-style-type: none"> • West (rear): 8 Rocklea Drive is developed with a two-storey warehouse-industrial buildings used for warehousing, industry, retail and office uses.



Figure 1: Subject site (shown in red) and surrounds - Image date 23 February 2019 (Source: Nearmap).

7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
<p>Clause 37.04: Capital City Zone (CCZ1)</p>	<p>Pursuant to Section 1 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 not required to use land for:</p> <ul style="list-style-type: none"> • A Dwelling if it is: <ul style="list-style-type: none"> ○ In a Non-core Area. ○ Not within an Amenity buffer shown on Map 4 ○ Not within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline. ○ Not within 100m of the Port Melbourne to Symex Holdings pipeline. <p>The land is in the Non-core area of the Wirraway Precinct and is not an Amenity or pipeline buffer. A permit is not required for a Dwelling under this clause.</p> • An Office. • A Retail Premises (other than Hotel, Shop and Tavern) (including Restaurant) if it: <ul style="list-style-type: none"> ○ Does not exceed 1000m² gross leasable floor area and is in a Core area. ○ Is not within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipelines as shown on Map 5. ○ Is not within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p>The land is in the Non-core area. A permit is required for a Retail premises under this clause.</p>



	<ul style="list-style-type: none"> • A Shop. <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 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law. <p>The land is vacant, so no demolition is proposed. A planning permit is not required under this clause.</p> <p>An application for the use of land, subdivision, or 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>Pursuant to Clause 4.2 of the Schedule to the CCZ1,</p> <ul style="list-style-type: none"> • Developments must provide bicycle, motorcycle and car share parking space(s) in accordance with Table 2 unless the Responsible Authority is satisfied that a lesser number is sufficient. • A permit must not be granted to construct a building or construct or carry out works where vehicle access points and/or crossovers (not including openings for a road) are located along roads designated as 'no crossovers permitted' in the relevant Map of this schedule, unless no other access is possible. A planning permit not is required under this clause.
<p>Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Wirraway Precinct (DDO33)</p>	<p>The land is in Precinct Area W1 of DDO33 which encourages a mid-rise building typology and a preferred maximum building height of 30 metres (8-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.1 of Schedule 33 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>A planning permit is required under this clause.</p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO:</p> <p>Before a sensitive use (residential use, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.



<p>Clause 45.09: Parking Overlay (PO1)</p>	<p>A planning permit is required to provide more than the maximum parking provision specified for a use in Table 1 to this schedule.</p> <p>Use for Dwelling, Office and Retail premises are listed in Table 1.</p> <p>The number of car parking spaces for the 1 and 2BR dwellings and the retail and office floor area would exceed the maximum rates.</p> <p>A permit is required under this clause.</p>
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8. PLANNING SCHEME PROVISIONS

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

Clause 11: Settlement,

Clause 13: Environmental Risks and Amenity, including:

Clause 13.01: Climate Change Impacts

Clause 13.05: Noise

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

15.02-1: Sustainable development

15.02-2S: Aboriginal cultural heritage

Clause 16: Housing, including:

Clause 16.01-1R: Integrated housing - Metropolitan Melbourne

Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 16.01-4S: Housing affordability

Clause 17: Economic Development.

Clause 18: Transport.

Clause 19: Infrastructure, including:

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 21.03: Ecologically Sustainable Development

Clause 21.04: Land Use.

Clause 21.05: Built Form.

Clause 21.06: Neighbourhoods, including

21.06-8: Fishermans Bend Urban Renewal Area

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: Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

8.3 Other relevant provisions

Clause 52.06: Car Parking

Clause 52.29: Land Adjacent to a Road Zone, Category 1

Clause 52.34: Bicycle Facilities

Clause 58: Apartment Developments

Clause 65: Decision Guidelines, including:

Clause 65.01: Approval of an Application or Plan

Relevant Planning Scheme Amendment/s:

8.4 Since the original Permit was issued on 21 May 2015, the Planning Scheme has been amended. The principle relevant changes are:

- **14 November 2016: Amendment GC50** which:
 - Introduced Local Planning Policy (Clause 22.15) Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, including discretionary targets for dwelling diversity, affordable housing, and minimum floor areas for employment uses;
 - Introduced the Design and Development Overlay including interim mandatory maximum street wall and tower heights, and minimum tower street, side and rear boundary setbacks and tower separation distances, and
 - Updated the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016) and incorporated document provisions.
- **05 October 2018: Amendment GC81** which:
 - Amended the Municipal Strategic Statement;



- Amended the Fishermans Bend local policy at Clause 22.15;
- Introduced Schedules to the DDO for the Montague, Sandridge and Wirraway precincts;
- Introduced a new Schedule to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking;
- Deleted the Development Contributions Plan Overlay at Schedule 2 to Clause 45.06 and added a new Clause 45.11 (Infrastructure Contributions Overlay) and Schedule (ICO1);
- Applied the Environmental Audit Overlay (EAO);
- Applied the Environmental Significance Overlay - Schedule 1 (ESO1) to the Wirraway precinct near the Port of Melbourne;
- Amended the Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as recommending referral authorities for applications where the Minister for Planning is the responsible authority;
- Amended the Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria;
- **20 June 2019: Amendment GC118:** Corrected technical and formatting errors in Amendment GC81.

The changes to the planning controls do not invalidate the existing permit.

9. REFERRALS

Internal referrals

9.1 The application was internally referred for comment.

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Waste Management	<ul style="list-style-type: none"> ● Commercial and residential bin storage area must be separated. ● Recommend space for organic/food waste bin for future council services. Rest all looks good.
Heritage	No objection
Community and Service Planning	No objection
Urban Design & City Strategy	Assessment and Recommendations 1. Wind Effects There are concerns with the methodology of the desktop wind assessment accompanying the application (<i>Wind Impact Assessment</i> by Vipac; dated 8 May 2019):



- It was based on an earlier iteration of the proposal plans (May 2019) rather than the current revision (January 2020).
- It is a high-level desktop assessment where findings and recommendations have not been substantiated. The consultant stated that:
“The assessments provided in this report have been made based on experience of similar situations in Melbourne and around the world. As with any opinion, it is possible that an assessment of wind effects based on experience and without experimental validation may not account for all complex flow scenarios in the vicinity. Vipac recommends a wind tunnel test be conducted at the detail design stage to verify the predictions and determine appropriate wind control measures.”
 (p. 3)
- Has not included the existing Salmon Street bridge, which may funnel winds from the north.
- The assessment criteria specifications used (refer Section 2.5) are not consistent with those required under Clause 2.11 of DDO33. By comparison, the table below highlights the discrepancies:

Criteria	Wind Impact Assessment	DDO33 Requirement
Safety	>23m/s annual maximum gust speed	20m/s hourly maximum 3 second gust with a corresponding probability of exceedance
Walking	<10m/s mean wind speed exceeded 0.1% of the time	<= 5m/s hourly mean wind speed with a 20% probability of exceedance
Standing	<7m/s mean wind speed exceeded 0.1% of the time	<= 4m/s hourly mean wind speed with a 20% probability of exceedance
Sitting	<5m/s mean wind speed exceeded 0.1% of the time	<= 3m/s hourly mean wind speed with a 20% probability of exceedance

- The assessment area has not been determined in accordance with the requirements of Clause 2.11 of DDO33.
- The assessment criteria used for adjacent public / publicly accessible areas will limit the useability and attractiveness of the public realm. Standing criteria should be achieved for the entire street and laneway frontages of the ‘retail’ tenancy (noting the 2 entry doors provided along the laneway frontage). Walking criteria should be achieved for the remainder of pedestrian areas in the assessment area (including footpaths and shred zone of the proposed laneway). For the required communal open space area (when it’s provided) to be useable for future residents, it should achieve sitting criteria for areas designed for seating and standing criteria for the remainder.

The 2.5m high windscreen on the northern boundary recommended in the Wind Impact Assessment is not a viable management outcome as it will need to be removed when the east-west laneway along the common boundary is completed. The proponent seeks for the abutting site to the north to contribute the northern half (3m) of this laneway (refer to Section 7.3 of the Town Planning Report).

On this basis, the proponent has not demonstrated that the development will *“maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing”* (Clause 2.11). Further, the increased building height will not adequately limit *“impacts on the amenity of the public realm as a result of ... wind”* (built form outcome for building height in Clause 2.5 of DDO33).

It is recommended that an amended wind assessment be undertaken that complies with the requirements of DDO33.

This requirement should not be included as a condition, as the required wind treatments will likely significantly affect the built form outcome for the site.

2. Pedestrian Accessibility – Laneway

The preliminary design of the new laneway, as shown on the proposal plans (Sheet TP1.00) and artist impressions (Section 04.01), will result in compromised useability by pedestrians and potential safety issues. This outcome does not comply with planning policy, as Clause 22.15 requires new laneways to “*prioritise pedestrian movement and safety*”. In particular:

- The narrow width (800mm) of the pedestrian path running along the northern edge of the building will not allow for bi-directional pedestrian movements, let alone prams or mobility devices. A lip would be required to any landscape planting along the building’s



edge (as indicated on the artist’s impression at Sheet 04.01 of the architectural plans), which would further reduce the path’s width. The path is slightly raised above the laneway level (e.g. 100mm), which makes it difficult for users to extend onto the laneway if needed; and

- There is no allowance for an impact absorbing bollard at the northeast corner, which would usually be required to protect pedestrians and the building from accidents. If an appropriate bollard were to be installed, it would limit access along the path with little to no room for prams and mobility devices.

The pathway and adjacent laneway need to be designed to function as a shared zone, where pedestrians and cyclists have safe and prioritised movement. Transitions to the street footpaths and cycle lanes, as well as building entries will need to be addressed.

In addition, the northeast corner of the building could present a curved, cut back or splayed corner at ground level to help provide pedestrian comfort and safety, as well as help mitigate wind impacts.

Note: the fit out and use of the ground floor retail tenancy shown on the architectural plans and artist impressions are somewhat misleading. The application is for a ‘retail’ use, not a ‘food & drink premises’, so a variety of business could use this tenancy with less interaction with the public realm (such as a shop).

3. Residential Entry

The residential entry area does not comply with planning policy (particularly Clause 58.05-2), particularly:

- It does not have an easily identifiable entry from Salmon Street that is clearly distinguishable from the commercial entry;
- It has limited visual connection with the street as the services (booster and meters) extend across 50% of the entry frontage;
- It has a lengthy and circuitous route to the lift lobby with no direct line of sight and several areas / corners of potential concealment (refer to snapshot from proponent’s 3D model on next page);
- The innermost area (including lift lobby) will have limited access to natural light and ventilation; and
- It includes access for resident and visitor bicycle parking areas, which could result in user conflicts.

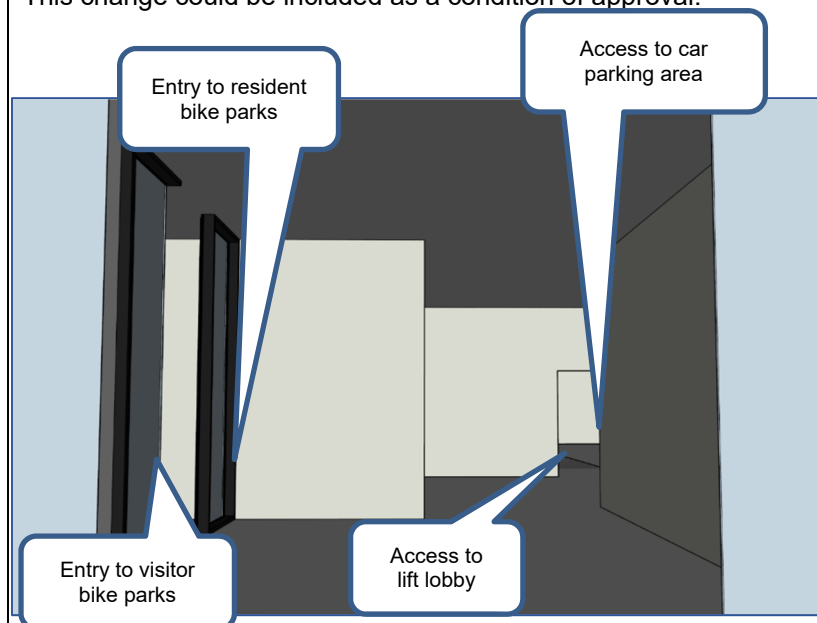
Some of these issues could potentially be readily addressed, through relocation of the building services to the laneway and minor layout changes. The residential entry could be improved with a variation in the façade and canopy design. More significant changes, however, will likely be required to ensure the safe, functional and efficient movement of residents between the street and lift lobby.

These changes could potentially be included as a condition of approval for a revised residential entry design to be provided on amended plans. Detailed design of the street entry could be approved at a later stage.

4. Entry to Bicycle Parking and End of Trip Facilities

The commercial bicycle parking and end of trip facilities are proposed to be accessed from the laneway via the loading bay. It would be beneficial for this access to be more clearly identified for ease of wayfinding, through use of varied materials, colours, etc.

This change could be included as a condition of approval.

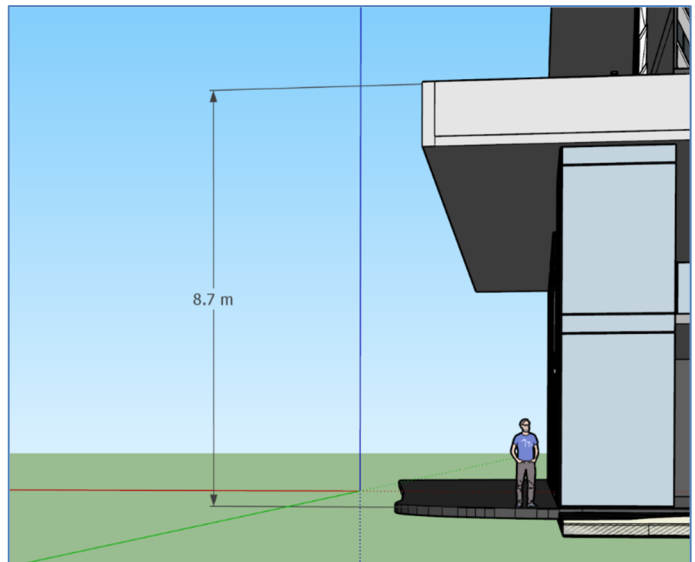


5. Communal Open Space



	<p>The amended proposal does not provide any communal open space for future residents.</p> <p>Under Clause 2.12 of DDO33, a minimum of 30% of the net developable area should be provided as communal open space. This requirement would equate to 910.7sqm (3m wide laneway excluded). Given the existing approval of the site, which provides 750sqm communal open space to service 157 dwellings, a reasonable outcome could be for the communal open space to be provided at the same rate as the existing approval (i.e. 4.8sqm/dwelling. This rationale would result in a communal open space of 400sqm.</p> <p>Under DDO33, Clause 22.15 and Clause 58, the communal open space should:</p> <ul style="list-style-type: none"> ▪ Be located to: <ul style="list-style-type: none"> ○ Provide passive surveillance opportunities; ○ Provide outlook for as many apartments as practicable; ○ Avoid overlooking into habitable rooms and private open space of apartments; and ○ Minimise noise impacts to apartments; ▪ Be designed to meet the needs of a range of potential users of all ages and abilities; ▪ Be designed as a multifunctional, adaptable space; ▪ Include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users; ▪ Have easy and equitable access from all apartments; ▪ Have adequate access to sunlight (refer to Standard D8 of Clause 58); and ▪ Deliver significant opportunities for landscaping and contribute to the visual amenity of apartments. <p>If there is no opportunity for the proponent to submit amended plans, a potential outcome would be to condition an amendment to the approved plans that requires replacement of Apartments 6.01, 6.02 and 6.14 (on Level 6) with communal open space. A small portion of Apartment 6.14 could be included in Apartment 6.13 so that the total communal open space area is 400sqm.</p> <p>6. Street Canopy</p> <p>The proposed canopy is elevated 2 storeys (over 8m) above the footpath, which will offer limited protection from weather elements, such as wind, sun and rain. Its siting is also not of human scale. Weather protection canopies should sit between 3.5m and 5m above ground measured to the underside of the soffit. It is recommended the canopy be positioned lower (e.g. top of Ground Floor) to offer more effective weather protection, convey a more human scale and improved sense of address for building entries.</p> <p>It would be beneficial to extend the canopy around the corner into the laneway for the frontage of the retail tenancy (noting provision of 2 access doors along this frontage, meaning that the tenancy could be subdivided into several smaller tenancies over time).</p>
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	<p>The canopy needs to continue to be integrated into the building design / architectural language and display a high design standard, including material selection in the appearance of the soffit and fascia. It should also avoid conflict with street infrastructure and allow for establishment of street trees.</p> <p>This change could potentially be included as a condition of approval, with detailed design to be approved at a later stage.</p> <p>Conclusion</p> <p>From an urban design and strategic planning perspective, the current proposed is not supported. Whilst most of the issues could be addressed through conditions of approval, the required changes to the built form to address wind effects (following an amended wind assessment) and possibly an improved residential entry, will require further assessment, including impacts on how the proposal complies with other relevant planning requirements.</p>
<p>Environmentally Sustainable Design</p>	<p>The following changes to plans are recommended</p> <ul style="list-style-type: none"> - Roof plan should include notation for 100kWp solar PV system and solar pre-heat for domestic hot water system (as committed to in SMP). - Eight electric vehicle parking bays to be nominated on floor plans (as committed to in SMP). - Ground floor plan end of trip area to include notation for showers, which are currently shown as cubicles. - The bike parking looks tight the configuration should be represented at a larger scale than the floor plans (such as the BADS assessment provided for apartment floor plans) should be provided at 1:50. - There is also no condition on the current permit relating to landscaping. Suggest that a detailed landscaping plan be required by condition containing a notation about the irrigation system specified in the SMP. - Provision of a landscape plan should also be required to demonstrate commitment to 2.5% of site containing native planting, as per commitment in the Ecology section of the SMP. - Floor plan to nominate connection point to precinct-wide third pipe system, as committed to in SMP and consistent with condition 12 of the existing permit. - There are inconsistencies between SMP details of rainwater harvesting and details shown on plans. SMP refers to a 95kL tank, whereas the ground floor plan shows a tank of 60m³. Also the roof catchment area in m² above level 11 is noted differently





	<p>on the plans and in the SMP. These need to be consistent to demonstrate that stormwater quality objectives can be met.</p> <ul style="list-style-type: none"> - No tank for fire system test water shown on plans. - More detail required for each of the innovation credits claimed. - The project must meet the general Green Star credit requirements in this area before they can claim the innovation credit. - Nominate location of 6 electric bicycle parking spaces and charging infrastructure on floor plans. - Indoor plants commitment in SMP relates to primary and secondary spaces.
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External referrals

- 9.2 Pursuant to Amendment GC81 approved on 05 October 2018, Council and Melbourne Water are **recommending referral authorities** for this application.
- 9.3 A referral authority must consider every application referred to it and may tell the responsible authority in writing that:
 - (a) It does not object to the granting of the permit; or
 - (a) It does not object if the permit is subject to conditions specified by the referral authority; or
 - (b) It objects to the granting of the permit on a specified ground.
- 9.4 The Minister is not bound to refuse to grant a permit if a **recommending** referral authority objects but must refuse an application if a relevant **determining** referral authority objects.

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 The Minister for Planning is the Responsible Authority for the application.
- 10.2 The Minister has not given notice of the application.
- 10.3 An application to demolish or remove a building, construct a building or construct or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex product shop) in the Capital City Zone 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 review rights of Section 82(1) of the Act. An application to construct a building or construct or carry out works in Schedule 33 to the Design and Development Overlay is also exempt from notice.

11. OFFICER’S ASSESSMENT

11.1 Local Policy

- 11.1-1 The Fishermans Bend Framework October 2018 and associated changes to the Planning Scheme via Amendment GC81 set out the State Governments ambitions for the FBURA and the individual precincts.

The vision for the Wirraway precinct is a predominantly family-friendly inner-city neighbourhood close to the bay and Westgate Park.



11.2 Fishermans Bend Urban Renewal Area Policy

11.2-1 Clause 22.15 of the Planning Scheme sets out Local Policy for the FBURA.

An assessment of the proposal against the policy is as follows:

Policy Measure	Officer Assessment
<p>Providing for employment floor area</p> <p>Development in a Core area in the relevant Map in Schedule 1 to the Capital City Zone should provide floor area for employment generating uses. Table 1 specifies the preferred minimum plot ratio not used for dwelling in the Wirraway Core area is 1.9:1.</p> <p>No minimum non-residential floor area is specified for non-core areas.</p>	<p>Not applicable: The site is not in the Wirraway precinct Core area and so is not required to provide floor area for employment generating uses.</p> <p>Notwithstanding this, the amended plans propose 7,670m² of retail and commercial floor area, comprising 1 x retail tenancy of 317m² and 5 commercial tenancies totalling 7,353m² floor area.</p> <p>This is a substantial increase over the 989m² (1 x retail tenancy of 269m² and 1 commercial tenancy of 720m²) retail and commercial floor area of the current approval.</p> <p>The increased level of retail and commercial floor area is supported.</p>
<p>Community and diversity</p> <p>It is policy to:</p> <ul style="list-style-type: none"> • Encourage a diversity of dwelling typologies and sizes within each precinct and within individual development sites. • Encourage Affordable housing to be provided within a range of built form typologies. • Encourage design that delivers a range of housing types suitable for households with children. • Encourage the delivery of adaptable floor plates including the opportunity to combine one and two-bedroom units to form larger apartments. • Encourage communal open spaces within residential development to include a range of facilities, garden and recreation areas. • Proposals of more than 100 dwellings in Wirraway should provide 30 per cent three-bedroom dwellings. 	<p>Achieved in part</p> <ul style="list-style-type: none"> • The proposal includes a mix of 1, 2 and 3BR dwellings of varying sizes including 26% 3BR dwellings. • It is proposed to provide three (2 x 1BR and 1 x 2BR) affordable housing (as defined by the Act and the Planning Scheme) dwellings at no cost to Women’s Housing Limited. • The designs would deliver a range of housing types suitable for households with children including private outdoor spaces of 25m² or more for some dwellings. • Whilst the proposal has not shown delivery of adaptable floor plates including the opportunity to combine one and two-bedroom units to form larger apartments, the built form includes larger 2 and 3-bedroom dwellings suitable for families. • No communal open space or facilities are proposed. • The proposal is for less than 100 dwellings. Nonetheless, the proposed 22 x 3BR dwellings equates to 26% of dwellings, which is satisfactory.
<p>Providing for Affordable housing</p> <p><u>Affordable housing</u></p> <ul style="list-style-type: none"> • Development should provide at least six per cent of dwellings permitted under the dwelling density requirements in the Capital City Zone (excluding any Social housing uplift dwellings) as Affordable housing, unless: <ul style="list-style-type: none"> - The built form envelope available on the site makes it impractical to do so. 	<p>Achieved</p> <p><u>Affordable housing</u></p> <ul style="list-style-type: none"> • Six per cent of 57 dwellings equals 3 (3.43) dwellings. The application proposes to provide three (3) dwellings at no cost to Women’s Housing Limited. This would be satisfactory. • The dwellings would be a mix of 2 x 1BR and 1 x 2BR dwellings and would have internal layouts identical to other comparable dwellings in the building; and be externally indistinguishable from other dwellings.



<p>- It can be demonstrated that the development will contribute to the Affordable housing objectives while providing less than the minimum amount.</p> <p>- It can be demonstrated that meeting the Affordable housing objectives would render the proposal economically unviable.</p> <p>Affordable housing should; be a mix of one, two and three bedrooms that reflects the overall dwelling composition of the building; have internal layouts identical to other comparable dwellings in the building; and be externally indistinguishable from other dwellings.</p> <p><u>Social housing</u></p> <p>Encourage development to provide Social housing, in addition to the provision of six per cent, affordable housing, by allowing a Social housing uplift equivalent to eight additional private, dwellings of equivalent size for each Social housing unit provided.</p>	<p><u>Social housing</u></p> <p>No Social housing is proposed.</p>
<p>Design excellence</p> <ul style="list-style-type: none"> • Encourage varied built form typologies that align with the precinct character area as detailed in the relevant Schedule to the Design and Development Overlay. • Encourage fine grain, pedestrian scale environment. • Developments should deliver variation in massing, building height, and roof forms and staggering or offsetting of tower footprints. 	<p>Achieved</p> <ul style="list-style-type: none"> • The subject site is in precinct character area W1 - Mid-rise which promotes generally mid-rise (i.e. 7 to 15 storeys) development. <p>The proposal would deliver variations in setbacks and materials to help break up and articulate the building mass.</p>
<p>Achieving a climate adept, water sensitive, low carbon, low waste community</p> <ul style="list-style-type: none"> • Developments should achieve a 20 per cent improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelopes and for lighting and building services. • Residential developments should achieve an average 7-star NatHERS rating for each building. • Developments should incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply. 	<p>Achieved in part - Condition(s) required</p> <ul style="list-style-type: none"> • The applicant's Sustainable Management Plan (SMP) does not address the National Construction Code,; Council's Sustainable Design Officer raised concerns with the building design and SMP (Refer Section 9.1 of this report) and recommended both be revised. • As above, the applicant's SMP does not address NatHERS (other than regards the cooling load provisions of Clause 58 of the Planning Scheme). • The SMP and plans do not detail renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply. <p>Any approval that may issue for the proposal should include a condition for changes to address the above matters.</p>
<p>Sea level rise, flooding and water recycling and management</p>	<p>Achieved in part - condition required</p>



<ul style="list-style-type: none"> • Only consider the raising of internal ground floor level above street level as a last resort, except where the implementation of other measures coupled with an evidence based approach to risk management reasonably necessitates raising internal floor levels above street level. 	<ul style="list-style-type: none"> • No change in finished floor level over that originally approved is proposed. • The plan and elevation drawings should be amended to show floor levels expressed to Australian Height Datum (AHD) to confirm flood level compliance.
<p>Waste management</p> <ul style="list-style-type: none"> • Developments should respond to any precinct waste management plan. • Where practicable, developments should create opportunities to: <ul style="list-style-type: none"> ○ Optimise waste storage and efficient collection methods. ○ Combine commercial and residential waste storage. ○ Share storage or collections with adjacent developments. ○ Separate collection for recycling, hard waste, and food and green waste. 	<p>Achieved</p> <ul style="list-style-type: none"> • A precinct waste management plan has not been prepared for the FBURA to date. • Subject to incorporation of the systems and processes outlined in the Waste Management Plan by Leigh Design provided with the application, the proposal would generally meet this policy.
<p>Communal open spaces</p> <ul style="list-style-type: none"> • Create private and communal open spaces within developments to supplement the public open space network. • Encourage internal and external communal spaces within the same development to connect to one another and be designed as multifunctional, adaptable spaces. • Encourage the provision of additional publicly accessible areas at ground level that contribute to the creation of a network of passive, formal and informal recreational spaces. 	<p>Not achieved - condition(s) required</p> <ul style="list-style-type: none"> • No private or communal internal or external open spaces or facilities are proposed in the amended plans. • The ground level site layout and building design does not include any additional publicly accessible areas that contribute to the creation of a network of passive, formal and informal recreational spaces. <p>The shared zone along the northern side of the site is for vehicle access and is not suitable for recreation.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> • Encourage developments to provide landscaping in all areas of open space including public open space, communal open space and private open space • Buildings should: <ul style="list-style-type: none"> ○ Include deep soil zones of at least 1.5 metres or planter pits to accommodate canopy trees. ○ Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions. 	<p>Achieved in part – condition(s) required</p> <ul style="list-style-type: none"> • The plans show planters for landscaping of terraces and balconies at Levels 2, 3, 4 and 6. • The proposal makes no provision for deep soil zones to accommodate canopy trees on site. • The application documentation does not detail landscaping water efficiency, sustainability, viability and resilience and appropriate to micro-climate conditions. <p>A condition of any approval should require a response to these matters and the submission of a detailed landscape plan.</p>
<p>New streets, laneways and pedestrian connections</p>	<p>Achieved</p> <ul style="list-style-type: none"> • The plans set the building back 6.3m from the north side boundary at ground level (and a minimum of



<ul style="list-style-type: none"> • New streets, laneways and pedestrian connections should be spaced in non-core areas, not more than 100m apart and be oriented in the preferred direction. • Sites of more than 3000m², should provide new streets, laneways or paths to create mid-block through links and define and separate buildings. • New shared streets or shared laneways should prioritise pedestrian movement and safety. • New streets and laneways should be designed to: <ul style="list-style-type: none"> ○ Enable views through the street block. ○ Have active frontages in a core area. ○ Be open to the sky. ○ Allow for canopy tree planting. 	<p>6.0m at upper levels) which includes sufficient width to provide for 50% (3.0m) of the width of a new lane recommended in the Framework Plan and Planning Scheme controls. The new lane would be not more than 100m from existing streets and would be oriented in the preferred direction.</p> <ul style="list-style-type: none"> • The site has an area of 3,287m². The land set aside for a new lane would contribute to the creation of a mid-block through link and would define and separate buildings. • The amended plans revise the design of the side lane to include an 800mm (w) footpath and paved shared zone treatment for its initial 54m length from Salmon Street to the loading bay entry. • The new lane would enable views through the street block and be open to the sky (noting finalisation of the through block link requires land to be set aside on adjacent land to the north and west (rear). It is considered that canopy tree planting is not necessary or practical in the 6.0m width of the lane.
<p>Sustainable transport</p> <ul style="list-style-type: none"> • Ensure development does not compromise the delivery of future public transport including new tram, train and bus routes. • Reduce impacts of new vehicle access points on pedestrian, public transport and bicycle priority routes. • Design internal connections to give priority to bicycle and pedestrian movements. • Provide high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers. • Encourage developments to provide less than the preferred maximum number of car spaces. • Encourage developments to provide for future conversion of car parking to alternative uses. 	<p>Achieved in part - Condition required</p> <ul style="list-style-type: none"> • The proposal would not compromise the delivery of future public transport. • The proposed single vehicle crossing and new lane access point on Salmon Street would not materially adversely impact on any pedestrian, public transport or bicycle priority route. • The revised laneway design incorporates a pedestrian footpath and a paved shared zone treatment between Salmon Street and the bicycle entry off the north side lane and shared pedestrian/bicycle entries off Salmon Street for the offices and the dwellings. • The design provides a high level of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers. • The proposal would provide in excess of, rather than less than the preferred maximum number of car spaces. The number of commercial car spaces should be reduced. A variation is supported for the residential car spaces as a 'carry over' from the existing permit. • The car park on Levels 1 and 2 have been designed with level floors, centralised services and ramps designs which provide potential conversion to alternative uses such as additional commercial floor area.

11.3 Clause 37.04: Capital City Zone (CCZ1)

11.3-1 Use of Land



Use for **Dwelling, Office and Shop** including a **Convenience shop** does not require a permit.

Use for a **Retail premises (other than Hotel, Shop and Tavern)** (including a café or **Restaurant**) requires a permit because the land is in the Wirraway Non-core area.

Use for a **Shop**, including a **Convenience shop** does not require a permit.

All the proposed uses are considered satisfactory for the site, including a Retail premises outside of the Core area, as the single retail tenancy is relatively small at 316m² and would not prejudice the primacy of the Core area for retail uses.

11.3-2 Use of Land Requirements

Since the original permit was approved in 2015, the Planning Scheme has been amended by GC81 to include requirements for use to be generally in accordance with the Maps of the Schedule to the Capital City Zone, Dwelling density and Social housing uplift requirement.

These requirements do not apply to an application granted before the approval date of GC81.

11.3-3 Bicycle, Motorcycle and Car Share Parking

(Note: See also Car Parking Assessment at 11.7 of this report)

Clause 4.2 of Schedule 1 to the Capital City Zone requires bicycle, motorcycle and car share parking spaces (unless the responsible authority is satisfied a lesser number is sufficient).

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

Table 11.3-3.1: Bicycle, Motorcycle and Car share parking

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 84 dwellings = 84 spaces	84	1 per 50 dwellings x 84 dwellings = 1 (1.68) space	2 spaces	2 spaces + 1 per 25 car spaces x 79 residential car parking spaces = 5 spaces	Not specified
	1 visitor space per 10 dwellings x 84 = 8 *8.4) spaces	8	None specified	2	None specified	N/A
(Sub total)	92 spaces	92 spaces	1 space	2 spaces	5 spaces	Nil
Development with > 10,000m ² non-	1 per 50m ² of net non-residential floor space x	159 Note: N/A < 10,000m ²	1 per 100 car parking spaces x 78 non-res car	0	For development with 120 or less car	Not specified



residential floor space	7,670m ² = 153 spaces		parking spaces = 0 (0.78) spaces		spaces: Min. 2 spaces x 7,670m ² = 0 spaces (< 10,000m²)	
	1 visitor space per 1000m ² of net non-residential floor space x 7,670m ² = 7 spaces	8 Note: N/A < 10,000m ²	None specified	N/A	None specified	N/A
(Sub total)	160 spaces	167 spaces	Nil spaces	1 space	Nil spaces	Nil
Total:	252 spaces	259 spaces	1 space	3 spaces	5 spaces	Nil

Bicycle parking

11.3-3.1 The number of bicycle parking spaces would exceed the minimum number of spaces required for the dwellings and non-residential floor space.

The layout of the bicycle parking spaces including a mix of wall mounted, multi-tier racking systems (E3DT-GP model by Cora) and horizontal bike racks per AS 2890.32015 would be satisfactory with the exception of the bicycle parking entry via the loading bay off the side lane. This would be unsatisfactory when the loading bay was in use (such as during waste collection). A separate door entry should instead be provided directly off the side lane.

Motorcycle parking

11.3-3.2 The number of motorcycle spaces would exceed the minimum number of spaces required for the dwellings and non-residential floor space and would be satisfactory.

Car share spaces

11.3-3.2 The plans do not specify car share spaces.

The Traffic Engineering Assessment (TEA) for the proposal calculated 7 car share spaces would be required. Officer assessment is 5 car share spaces are required for the dwellings.

The TEA states

‘Whilst the plans currently do not identify any car spaces for a car share scheme, we are satisfied that car spaces could be allocated for car share vehicles if there is a demand for such use or if deemed necessary by the responsible authority. Similarly, commercial car spaces could easily be allocated to company shared ‘pool’ vehicles if required.’

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

This can be provided for by a condition.



11.3-4 Conditions on Permits

Since the original permit was approved in 2015, Schedule 1 to the CCZ has been amended to require conditions to be included on permits (as relevant). The listed conditions for:

- Green star rating; and
 - Third pipe and rain tank,
- need to be added to the amended permit.

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

11.4.1 Buildings and Works

The height and setback controls for the land have materially changed since the original application was approved pursuant to Amendment GC81

In particular the new controls set out preferred and mandatory built form requirements and allow discretion to grant a permit to vary a preferred requirement, but not to vary a mandatory requirement.

Pursuant to Clause 2.2 of DDO33, the requirements of GC81 do not apply to an application to amend an existing permit granted prior to GC81, **provided it does not increase the extent of non-compliance with the requirements of DDO33.**

Officers raised concerns that the 10 May 2019 amended plans only partly complied with the preferred and/or mandatory height and setback requirements of DDO33 and increased the extent of non-compliance compared to the original approval, particularly at Levels 3 and 4, and generally regarding the proposed new lane along the northern side of the site.

The March 2020 amended plans seek to resolve these concerns.

The table below sets out an assessment of the original (current) permit and the March 2020 amendment application against the current Design and Development Overlay planning controls.

Table 11.4-4.1: DDO33 Requirements Summary

Measure	DDO33 requirement	2015 Permit	March 2020 Amended Plans
Street wall height (Street > 22m wide)	At least 4 storeys (preferred) 6 storeys (maximum)	13.1m (16.75m AHD) (4 storeys)	22.41m (26.06m AHD) (6 storeys) - complies
Street wall setback	0.0m (preferred)	0.0m	0.0m - complies
Building Height	30.0m (8 Storeys) (preferred)	Max. 37.5m (41.15m AHD) (12 storeys) Note: No height limit when originally approved	Max. 41m (44.65m AHD) (12 Storeys) - variation required



Setback above street wall (Tower)	10.0m (preferred) 5.0m (minimum - unless a lesser setback is required to deliver a building typology other than tower-podium)	Min. 5.0m	Min. 5.0m to 6.3m - complies
Side and rear setbacks below max street wall height (Non-core) (Podium)	0.0m or within 300mm of boundary (preferred). If not on or within 300mm of boundary: • 9.0m (preferred) • 6.0m (minimum)	Min. 0.0m / within 300mm	North (side): Min. 6.0m to 6.3m (north) - complies South (side): Min. 0.0m to 5.4m - complies in part West (rear): 0.0m - complies
Side and rear setbacks above max street wall height (Non-core) (Tower)	10.0m (preferred) 5.0m (minimum)	Min. 5.0m	North (side): Min. 8.5m to 8.9m - complies South (side): Min. 5.0m to 5.4m - complies West (rear): Min. 5.0m - complies
Primary active frontages	80% clear glazing	90% clear glazing	84% clear glazing - complies
DDO33 - Adaptable buildings requirements (Clause 2.14)	DDO33 requirement	Original Approval	Current Proposal
Ground level	Min. 4.0m floor to floor	3.0m	4.0m - complies
Other levels in podium (inc. parking)	Min. 3.8m floor to floor	3.0m	3.6m and 4.0m - complies

11.4.2 Building Typologies

Pursuant to Amendment GC81, the land is in Precinct Area W1 of DDO33 which encourages generally mid-rise (i.e. 7 to 15 storeys) development and a preferred maximum building height of 30 metres (8-storeys).

The preferred precinct character is mid-rise that:

- Have the potential for commercial uses, including campus style developments and smaller scale commercial spaces that support creative industries, north of Woolboard Road.
- Include block (such as courtyard and perimeter block developments), hybrid and narrow lot developments, south of Woolboard Road extension.
- Retain and adaptively reuses heritage and character buildings.
- Provide landscaped spaces at ground level through the provision of lanes and through block links, plazas, courtyards and communal open space to provide high levels of amenity for residents and workers.



- Create a sense of address for properties fronting the Woolboard Road Linear Park and new Wirraway North Park.

Assessment

The amended plans respond to the relevant character criteria including providing retail and office commercial uses, a lane along the north-side of the site and a sense of address opposite the proposed new Wirraway North park.

11.4.3 Building Height

The existing approved 12 storey building and the proposed amended 12 storey building fall within the 7 to 15 storey range of mid-rise development but exceed the preferred 30m (8 storey) height for the site and surrounds.

The amended proposal is also 5.0m taller to roof top level compared to the existing approved 12 storey building.

Assessment

A variation to exceed the preferred 30m (8 storey) height for the site and the height of the existing approved building is supported because:

- Part (2.6m) of the additional height is a result of the amended plans increasing floor to floor heights in the podium levels to meet new adaptable building requirements.
- The remaining additional height is a result of increased floor to floor heights at Levels 3, 4 and 5 because of the change from Dwelling use to Office use (Noting typical commercial floor to floor heights are greater than typical dwelling floor to floor heights because of the need to accommodate building services above false ceilings).
- The variation is not significant and would not be generally discernible compared to the existing approval.
- The building would still fall within the preferred mid-rise heights of 7 to 15 storeys.

11.4.4 Overshadowing

The Fishermans Bend Framework and the Planning Scheme show two open space areas near the subject site comprising:

- The Wirraway North Open Space directly opposite across Salmon Street; and
- A 6.0m wide linear park along the northern side of Rocklea Drive to the South.

The Scheme specifies the Wirraway North open space must not be overshadowed (more than the shadow cast by a building built to the maximum street wall height and existing buildings) between 11.00am and 2.00pm on 22 September, but does not specify overshadowing controls for the linear open space.



The amended proposal would not overshadow the Wirraway North park, but would cast some shadow over the linear park, and so would comply with the Scheme.

11.4.5 Street Wall Height

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

Assessment

The proposed six-storey street wall complies and would be satisfactory.

11.4.6 Setbacks above the Street Wall

The current permit plans set the tower back 5.0m from Salmon Street above the podium street wall.

DDO33 specifies a preferred setback of 10.0m and a minimum setback of 5.0m, unless a lesser setback is required to deliver a building typology other than tower-podium. As a podium-tower building typology is proposed, this exemption does not apply.

Assessment

The amended plans set the building back 6.3m at Levels 6 and 7, and 5.0m at Levels 8, 9, 10 and 11. These setbacks fall within the ambit of discretion under DDO33 and do not increase the extent of non-compliance with DDO33 compared to the existing approval and are considered an acceptable outcome having regard to the existing approval and the DDO33 requirements.

11.4.6 Side and Rear Setbacks

Podium

The original permit provided for a four-level podium constructed to all four boundaries with some minor rebates along the north and south side for light and possible landscaping.

The amended plans proposed a six-level podium at the front of the site, reducing to three levels to the centre and rear, constructed to the front, south side and rear boundaries, and setback 6.3m and 6.0m from the north side boundary to allow for a vehicle accessway including 50% width of a new 6.0m wide lane.

At level three, the amended plans propose only the front part of the building on the boundary as per the original plans, and otherwise sets the centre and rear of the building back 5.4m from the south side boundary and 5.0m from the rear boundary.

Assessment

Whilst the setbacks of the amended plans do not fully comply with the requirements of DDO33, they do not increase the extent of non-compliance with DDO33 and are considered an acceptable outcome having regard to the existing approval and the DDO33 requirements.



Tower

The original permit provided for an 8-level tower setback the minimum permissible 5.0m (preferred 10.0m) from north and south side and the rear boundaries, with some rebates (predominantly from the north side to provide open space).

DDO33 specifies a preferred setback of 10.0m and a minimum setback of 5.0m, unless a lesser setback is required to deliver a building typology other than tower-podium. As a podium-tower building typology is proposed, this exemption does not apply.

The amended plans propose to set the building back 8.5m and 8.9m from the north side boundary, 5.0m and 5.4m from the south side boundary, and 5.0m from the rear boundary.

Assessment

The proposed setbacks fall within the ambit of discretion under DDO33 and do not increase the extent of non-compliance with DDO33 and are considered an acceptable outcome having regard to the existing approval and the DDO33 requirements.

The existing permit and proposed side and rear setbacks above and below the street wall are set out in the table below.

Table 11.4-6.1: Side and rear setbacks (Non-core areas)

DDO33 Requirement (Clause 2.9)	North (side)	South (side)	West (rear)
Below max. street wall: 0.0m or within 300mm of boundary (preferred). If not on or within 300mm of boundary, <u>should</u> be setback 9.0m, and <u>must</u> be setback at least 6.0m.			
Level 0 (Ground) and Level 1	Existing permit: 0.0m Proposed: Min. 6.3m – complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 0.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 0.0m - complies (does not increase extent of non-compliance with DDO33)
Level 2	Existing permit: 0.0m Proposed: Min. 6.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 0.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 0.0m - complies (does not increase extent of non-compliance with DDO33)
Level 3	Existing permit: 0.0m Proposed: Min. 6.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 0.0m (pt) and 5.4m (pt) - complies (does not increase extent of non-compliance with DDO33)	Existing permit: 0.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)
Level 4 and 5	Existing permit: Min. 5.0m Proposed: Min. 6.0m – complies (does not increase	Existing permit: Min. 5.0m Proposed: 0.0m (pt) and 5.0m pt - complies (does	Existing permit: Min. 5.0m



	extent of non-compliance with DDO33)	not increase extent of non-compliance with DDO33)	Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)
Above max. street wall: 10.0m (preferred), 5.0m (minimum)	North (side)	South (side)	West (rear)
Level 6	Existing permit: Min. 5.0m Proposed: Min. 8.9 - complies	Existing permit: Min. 5.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: Min. 5.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)
Level 7	Existing permit: Min. 5.0m Proposed: Min. 8.9 - complies	Existing permit: Min. 5.0m Proposed: 5.4m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: Min. 5.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)
Level 8, 9, 10 and 11	Existing permit: Min. 5.0m Proposed: Min. 8.5m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: Min. 5.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)	Existing permit: Min. 5.0m Proposed: 5.0m - complies (does not increase extent of non-compliance with DDO33)

11.4.7 Other Setback Matters

At Level 1, an awning is proposed to extend 2.75m over the Salmon Street nature strip and have an underside clearance of 7.235m. The awning would be setback approximately 0.6m to 3.0m from the (angled) Salmon Street kerb.

The awning would be satisfactory noting its design would satisfy Condition 1(c) of the current permit which requires:

‘The proposed street canopy awning redesigned to not impact on the mature height and breadth of the existing street trees, be setback at least 500mm from the face of the kerb and have an underside clearance of at least 2.7m.’

11.5 Interior Layout, Amenity and Diversity.

Dwelling Design

11.5-1 Clause 58 apartment standards do not apply to the proposed amendment because the original permit application was lodged before the approval date of Amendment VC136 on 13-04-2017.

11.5-2 The size, layout and amenities of the dwellings have been improved over that originally approved, with internal floor areas, and open space provision increased to:

- One-bedroom dwellings of 64m² with a minimum 19m² balcony.
- Two-bedroom dwellings with floor areas ranging from 78 to 96m² and balcony or terrace open space ranging from 11m² to 89m²;
- Three-bedroom dwellings with internal floor ranging from 102m² to 125m² and open space provision ranging from 15m² to 115m².

These floor and open space areas all exceed the benchmark provisions of Clauses 58.05 and 58.07 eg: Min. open space areas of 8m² within min.



dimension of 1.8m, 8m² with min dimension of 2m and 12m² with min. dimension of 2.4m for 1, 2 and 3BR dwellings respectively.

11.6 Resident Communal Facilities

- 11.6-1 The original application incorporated a common property area of 318m² at Level 3, which provided outlook for the north facing dwellings and had landscaping opportunities.
- 11.6-2 The amended plans propose no resident communal facilities or open space. Whilst Clause 2.12 of DDO33 recommends a minimum of 30% of the net developable area be provided as communal open space, this does not apply because the original application was lodged before the approval of Amendment GC81.

11-7 Car Parking

- 11.7-1 The subject site is within the Parking Overlay which specifies maximum rather than minimum car parking rates.

The Parking Overlay provisions and rates have been amended since the original permit was granted to increase the maximum rate for 3BR or more dwellings from 0.5 to 1.0 space per dwelling.

The rates for 1 and 2BR dwellings remains 0.5 spaces per dwelling and the rates for offices and retail premises remain at 1 space per 100m² of gross floor area.

A Planning Permit is required to exceed these rates.

- 11.7-2 The existing approval provides residential car parking at a rate of 0.94 spaces per dwelling.
- 11.7-3 The Parking Overlay rates and proposed number of spaces is as follows:

Use	Parking Rate	Maximum No. spaces without a permit	Proposed No. spaces
Commercial	1 space / 100m ² Gross Floor Area (GFA)	7,353m ² gross leasable floor area (GFA) at 1 space/100m ² GFA = 73 spaces	76 spaces
Retail premises	1 space / 100m ² Gross Floor Area (GFA)	317m ² GFA at 1 space/100m ² GFA = 3 spaces	2 spaces
Sub total:		73 spaces	78 spaces
Dwelling	0.5 spaces / 1 or 2BR dwelling 1 space per 3BR+ dwelling	62 (3 x 1BR and 59 x 2BR) x 0.5 spaces dwelling = 31 spaces + 22 x 3BR x 1 space / dwelling = 22 spaces = 53 spaces	79 spaces
Total		129 spaces	157 spaces

- 11.7-4 The seventy-eight (78) car spaces proposed to be allocated to the commercial uses exceeds 1 per 100m² GFA and requires a permit under the Parking



Overlay. The five spaces in excess of the rate should be deleted, and/or reallocated to address the shortfall in car share spaces.

- 11.7-5 One car space is proposed to be allocated to each of the 22 x 3BR dwellings which would comply.

The remaining 57 residential spaces are proposed to be allocated to the 62 (3 x 1BR and 38 x 2BR) dwellings which equates to a rate of 0.92 rather than 0.5 spaces per dwelling.

- 11.7-6 Whilst this is higher than present day standards, it is slightly less than the existing permits 0.94 rate for the dwellings and so is considered acceptable in this instance.

Design Standards for Car Parking

- 11.7-7 Car parking should meet the dimensions and design requirements of Clause 52.06-8. An assessment of the application confirmed the March 2020 amended plans would meet the standards.

- 11.7.8 Council's Traffic Engineers had raised concerns with the September 2019 plans. The March 2020 amended plans revised the access, parking and loading design to address their concerns including:

- Reducing the number of vehicle entries off the side lane from three to two.
- Amending internal accessways and providing swept path diagrams to show two vehicles can pass.
- Redesigning car parking spaces and structural walls and columns to remove obstructions.
- Changing the car stackers from dependent models to independent models.
- Providing sight splays at the car park, loading bay and internal access ramp exits.
- Ramp grades and changes in grade revised to meet Clause 52.06 design standards.

The March 2020 amended plans access, parking and loading design are satisfactory.

11.8 Loading / Waste Management

Loading

The March 2020 plans revise the loading bay design to incorporate sightlines at the exit to the lane and allow vehicles to reverse in and thus leave in a forward direction. Swept path diagrams in the updated Traffic Assessment confirm a collection vehicle can satisfactorily enter and leave the loading bay. The revised design is satisfactory.

Waste Management



An updated Waste Management Plan (WMP) was submitted with the March 2020 amended plans. A private contractor is proposed to manage the waste system. Waste is proposed to be stored and collected within the development (hidden from external view). Residents / tenants would be required to sort their waste and dispose garbage and recyclables via chutes and/or directly into collection bins.

As noted above, the March 2020 plans revise the loading bay design to incorporate sightlines at the exit to the lane and allow collection vehicles to reverse in and thus leave in a forward direction. Swept path diagrams in the updated Traffic Assessment confirm a collection vehicle can satisfactorily enter and leave the loading bay.

Council's Waste Management Officer reviewed the WMP and plans and recommended:

- Commercial and residential bin storage area must be separated.
- Recommend space for organic/food waste bin for future council services.

These matters could be provided for by conditions of any approval.

11.9 Wind Impacts

The documentation for the existing permit included a wind tunnel assessment of the proposal.

The amendment application included a consultant Wind Impact Assessment desk top review of the amendment plans without any wind tunnel testing. The assessment concluded:

- Wind conditions at the ground level footpath near the NE corner would be expected to be close to or above the walking comfort criterion. Porous windscreens along the northern boundary are recommended wind control treatments.
- Wind condition in the building entrance areas would be expected to be within the standing comfort criteria, considering the proposed canopy over these areas.
- Wind conditions at some areas of the high level large terraces would be expected to be within or on the recommended walking comfort criteria.

The applicant's wind consultants noted that the assessment lacked experimental validation and may not account for all complex flow scenarios in the vicinity. They recommended wind tunnel testing be conducted at the detail design stage to verify the assessment predictions and determine appropriate wind control measures.

The existing permit does not include a condition requiring wind testing. Any approval of the amendment application should be subject to conditions requiring wind tunnel testing of the design, and modifications of the design as necessary to meet wind impact criteria.

11.10 Sustainable Design / Water Sensitive Urban Design

A Sustainable Management Plan (SMP) was submitted with the application. The SMP proposed the following key sustainable design measures:



- High-performance glazing and energy efficient building services, appliances and fixtures;
- Rainwater harvesting system for toilet flushing and irrigation;
- A 100kWp rooftop photovoltaic solar array;
- Electric vehicle charging infrastructure;
- Shared electric bikes for staff;
- Environmentally preferable internal finishes.

The SMP does not address the National Construction Code or NatHERS (other than the cooling load provision) standards recommended in the Fishermans Bend Local Policy at Clause 22.15 of the Planning Scheme, alternatively stating the development would achieve:

The SMP states the proposal would achieve:

- A FirstRate 5 energy rating of 7.0 stars
- A maximum annual cooling load of 30MJ/m² in accordance with the Victorian Better Apartment Design Standards (December 2016) - Climate Zone 21
- A Green Star 5 Star Rating.
- A NABERS Energy 5 Star rating, which is defined as 'Excellence'
- The Best Practice standard for stormwater quality in accordance with Clause 22.12 (WSUD) of the Planning Scheme

Council's Sustainable Design Officer raised concerns (Refer Section 9.1 of this report) with the building design and SMP and recommended both be revised.

Any approval that may issue for the proposal should include conditions for plan and SMP changes to address the above matters.

11.11 Public Open Space

No public open space is proposed.

11.12 Landscaping

A detailed landscape plan was not provided with the amendment application.

A condition of any approval should require a landscape plan and schedule.

11.13 Community Facilities

No community facilities or places are proposed as part of the development.

11.14 Development Contributions

The construction proposed as part of the permit application triggers a requirement for a development contribution.



The amendment is still subject to Condition 5 of the original permit which requires (indexed) payment of \$15,900 per dwelling, \$180 per sqm of gross commercial floor area, and \$150 per sqm of gross retail floor area.

The application documentation includes a draft S173 Agreement to satisfy Condition 5 of the existing permit.

11.15 Environmental Audit

The construction proposed as part of the permit application triggers a requirement for a certificate of environmental audit prior to the development associated with a sensitive use is commenced. The amendment is still subject to condition 28 of the original permit which requires the provision of a certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 (EPA Act), or a statement under Section 53Z of the EPA Act.

The owner of the land to be developed must pay all reasonable legal costs and expenses associated with the preparation of the above documents

11.16 Melbourne Water Floor/Flood Levels

Melbourne Water has recommended minimum floor levels for the FBURA to protect buildings from predicted flooding and sea level rise impacts as follows:

Land use	Floor level (m. to Australian Height Datum [AHD])
On-street parking spaces; External entry to individual dwellings	1.9 to 2.1m
Commercial Lobbies / retail	2.4m
Garage / Car parking entry	2.4m plus 600mm mechanical freeboard
Habitable Residential; Office; Lifts/Services	3.0m

The plan, elevation and section drawings show the ground floor lobbies, retail floor area, services and car park at 3.65m and services at min. 3.47m and otherwise 3.65m which would exceed Melbourne Water’s recommendations and would be satisfactory.

A condition of any approval that may issue for the proposal should require floor levels to be confirmed on all drawings to AHD rather than Reduced Levels (RLs).

11.17 Aboriginal Cultural Heritage

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

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

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two



dwelling, 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.

11.18 Permit changes assessment

An assessment of the proposed changes to the permit preamble and conditions is as follows (deleted text shown with ~~strike through~~; new text shown underlined):

Applicant requested changes	
Existing Preamble	Proposed Preamble
Construction of a mixed-use development and waiver of loading bay requirements	<p><i>Construction of a mixed-use development and waiver of loading bay requirements <u>(including use of the site for 'dwellings' and 'retail premises')</u>, and <u>provision of more than the maximum rate of carparking specified in the Parking Overlay</u></i></p> <p><u>Officer Comment:</u> The proposed changes are necessary because of changes to the planning controls and are satisfactory.</p>
Existing Permit conditions to be modified	Proposed conditions
<p>Condition 1</p> <p>1(b). Where 'saddleback' apartments are shown, the minimum width of the light corridor should be no less than 1200mm.</p>	<p>The application requests deletion of Condition 1(b).</p> <p><u>Officer Comment:</u> The amended plans do not include any 'saddleback' apartments. Consequently, Condition 1(b) is not required. The deletion of Condition 1(b) is supported.</p>
<p>1(c). The proposed street canopy awning redesigned to not impact on the mature height and breadth of the existing street trees, be setback at least 600mm from the face of the kerb and have an underside clearance of at least 2.7m.</p>	<p>The application requests Condition 1(c) be amended to read:</p> <p><i>Installation of a porous wind screen at least 2.5m high at the north-east boundary of the site, in accordance with the Wind Impact Assessment Report dated May 2019.</i></p> <p><i>The responsible authority may consent to vary or waive this requirement if further wind tunnel testing demonstrates this wind control treatment is not required.</i></p> <p><i>The porous wind screen should be integrated into the urban art strategy required by this permit and be designed to enable temporary or permanent relocation.</i></p> <p><u>Officer Comment:</u> Condition 1(c) relates to ensuring the design of the street canopy does not encroach on existing street trees and has satisfactory setback from the kerb and underside clearance. It remains relevant and should be retained as is. The requested replacement condition relates to Wind Impacts which is a different issue which should be</p>



	<p>addressed by a new condition using the above wording or alternative wording.</p> <p>Refer to assessment regards recommended new Condition 34 for Wind impact management below.</p>
<p>1(k). New condition requested for details of planter box landscaping</p>	<p>The application requests Condition 1 be amended to include a new condition (k):</p> <ul style="list-style-type: none"> <i>dimensions and details of planter boxes and accompanying planting and maintenance schedule that provides for planting of native indigenous planting, with opportunity for incorporation of ‘food plants’ within communal areas, as appropriate.</i> <p><u>Officer Comment:</u></p> <p>The existing permit does not include a condition requiring a landscape plan. It is considered it would be better that a separate landscape plan by a qualified landscape designer be prepared rather than adding to the Architectural Drawings. Refer below.</p>
<p>Condition 4. Materials and finishes Except with the written consent of the Responsible Authority, the materials and finishes must be in accordance with those identified in the Architectural Plans (June 2014) prepared by Carabolt Holt Turcinov submitted with the application.</p>	<p>The application requests Condition 4 be amended to change the reference date of the Architectural Plans from June 2014 to May 2019.</p> <p><u>Officer Comment:</u></p> <p>The amendment of the reference date of the plans is satisfactory and is supported, but should refer to the most recent plans and the Architects revised name as follows:</p> <p><i>Except with the written consent of the Responsible Authority, the materials and finishes must be in accordance with those identified in the Architectural Plans (30-01-2020) prepared by CHT Architects submitted with the application.</i></p>
<p>Condition 6. Environmentally Sustainable Design (ESD) Sustainability arrangements must be in accordance with the Sustainability Management Report prepared by Ark Resources dated 4 June 2014. The submitted plan must not be modified or altered without prior consent of the Responsible Authority.</p>	<p>The amendment application requests Condition 6 be amended to change the reference date of the Sustainability Management Report from 04 June 2014 to 16 May 2019.</p> <p><u>Officer Comment:</u></p> <p>The amendment of the reference date of the plans is satisfactory and is supported but should refer to the final Sustainability Report submitted to address Council’s Sustainable Design officers concerns.</p> <p>The title of the report referenced in the condition should also be amended to match the report submitted with the amendment application, so the condition would read as follows:</p> <p><i>Sustainability arrangements must be in accordance with the <u>Sustainable Management Plan and Water Sensitive Urban Design Response Sustainability Management Report</u> prepared by Ark Resources dated (tba). The submitted plan must not be modified or altered without prior consent of the Responsible Authority.</i></p>



<p>6(b). New condition requested for Green Star rating</p>	<p>The application requests a new Condition 6(b) be added as follows:</p> <p>(b) Green Star rating</p> <ul style="list-style-type: none"> • <i>Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.</i> • <i>Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).</i> <p><u>Officer Comment:</u></p> <p>The condition is required to be included on permits pursuant to Clause 4.3 of Schedule 1 to Clause 37.04 Capital City Zone and is satisfactory and is supported.</p>
<p>Condition 7. Waste Management</p> <p>The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 29 May 2014. The submitted WMP must not be modified or altered without the prior consent of the Port Phillip City Council.</p>	<p>The application requests Condition 7 be amended to change the reference date of the Waste Management Plan from 29 May 2014 to 01 May 2019.</p> <p><u>Officer Comment:</u></p> <p>The amendment of the reference date of the report is satisfactory and is supported but should refer to the update report submitted with the 2020 amended plans so the condition would read:</p> <p><i>'The waste storage and collection arrangements must be in accordance with the Waste Management Plan prepared by Leigh Design dated <u>05-02-2020</u>. The submitted WMP must not be modified or altered without prior consent of the Port Phillip City Council.'</i></p>
<p>33. New condition requested for Right of way easement for proposed laneway</p>	<p>The application requests a new Condition 33 be added for a right of way easement for the proposed laneway, noting:</p> <p><i>'It is accepted that the permit be amended to include a new Condition 33 to the effect of requiring a right of way easement of a strip of land 3m wide adjacent to, and for the full length of, the northern property boundary. This will form the southern half of the proposed 6m wide laneway.'</i></p> <p>The amendment application does not propose suggested wording for the new condition.</p> <p><u>Officer Comment:</u></p> <p>The setting aside of a 3.0m wide strip of land along the north side of the property for a new lane would be consistent with the Framework Plan and Planning Scheme and is supported.</p> <p>The reservation of the 3.0m strip as an easement of way however is considered to overly complicate the creation and future maintenance of the lane, noting its' alignment</p>



	<p>crosses four separate properties. It would be better that the land be vested in Council so it can ultimately be consolidated into a single public road.</p> <p>Clause 4.3 of Schedule 1 to Clause 37.04 Capital City Zone sets out standard conditions for FBURA permits including a condition for roads and laneways.</p> <p>Whilst the road/laneway condition is not mandatory for the proposed lane because it is marked indicative on the Framework and Planning Scheme map, it is considered the wording is well suited to the circumstances of this application and the Council’s desired outcome for the new lane and it would be desirable to include it as follows:</p> <p><u>Roads and laneways</u> <u>An agreement under section 173 of the Act must be entered into between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:</u></p> <ul style="list-style-type: none"> • <u>Construction of the new road or laneway to the satisfaction of the responsible authority and the relevant road management authority; and</u> • <u>Transfer of the new road or laneway to, or vesting in the relevant road authority as a public road at no cost to the relevant road authority.</u> <p>An additional sub clause allowing deferral of full construction of the lane till re-development of the adjacent site to the north side would assist in facilitating the amendment application. The additional sub-clauses could read as follows:</p> <ul style="list-style-type: none"> • <u>Full construction of the new road or laneway to be deferred until re-development including setting aside of a corresponding 3.0m wide road or laneway on the adjacent site to the north side.</u>
<p>Council recommended changes</p>	
<p>Amend Condition 1 to require changes to plans to address officer concerns and/or existing, amended or new permit conditions</p>	<p>Officers have identified redundant text in the preamble or conditions which should also be changed. Additional conditions should also be added for changes recommended by officers and to ensure requirements of reports and other matters set out in other conditions of the permit are correctly shown on the plans.</p> <p>The recommended changes are as follows (deleted text shown with strikethrough; new text shown underlined):</p> <p>Amended Plans</p> <p>1. <u>Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided,</u></p>



	<p>as well as an electronic version. The plans must be generally in accordance with the plans submitted with the <u>amendment application (Garabott Holt Turcinev, dated 4-6-14) (CHT Architects dated 3101-2020)</u> but modified to show:</p> <ul style="list-style-type: none"> (a) <u>Appropriate storage for rooftop runoff, equipped with power and water management telecommunications, as per Objective 7.1, Guideline 2 and Objective 7.2, Guideline 4 of the Fishermans Bend Strategic Framework Plan, the Sustainable Management Plan and Water Sensitive Urban Design Response in the corresponding condition below;</u> (b) Where ‘saddleback’ apartments are shown, the minimum width of the light corridor should be no less than 1200mm. (c) <u>The proposed street canopy awning redesigned to not impact on the mature height and breadth of the existing street trees, be setback at least 600mm from the face of the kerb and have an underside clearance of at least 2.7m and not more than 5.0m.</u> (d) The door to the bin room and adjacent corridor to be of sufficient size to accommodate the largest bins proposed to be used and the doors to the ground floor level bin chute room to be of sufficient size to accommodate a 660 litre bin. (e) At least one level of the car parking, including the loading bay area if applicable, to have level floors and a floor to ceiling height of at least 3.0m to provide for future conversion from car parking to of the uses. Level(s) to be chosen at the discretion of the applicant. (f) Details of structural column locations, showing any column located adjacent to a car space should be located between 0.25m and 1.25m from the open aisle end of the parking spaces to ensure that car door opening is not obstructed, or if this cannot be achieved, long term (resident and staff) spaces widened to 2.7m (g) Each dwelling to be provided with an individual secure store of at least 6m³. (h) <u>All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.</u> (i) Relocated power pole on Salmon Street in accordance with Condition 15. (j) <u>All plans and elevation drawings fully dimensioned, including ground level, floor levels, and incremental and total wall and building heights and lengths, with heights expressed to Australian Height Datum (AHD) and/or reduced levels.</u>
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	<p>(k) <u>Changes to the vehicle entry, car and bicycle parking and loading bay design to show:</u></p> <ul style="list-style-type: none"> • <u>Access to the bike parking from the loading bay deleted and alternate direct access provided from the shared zone.</u> • <u>Details of the immediate and any future design of the lane along the north side, with any grade change required contained wholly within the site.</u> • <u>Two (2) parking spaces allocated to a car share scheme and three (3) further spaces notated 'possible future car share space'.</u> <p>(l) <u>Any changes needed to meet the requirements of the Sustainable Management Plan and Water Sensitive Urban Design Response in the corresponding condition below, including:</u></p> <ul style="list-style-type: none"> • <u>Notations on the roof plan for 100kWp solar PV system and solar pre-heat for domestic hot water system (as committed to in SMP).</u> • <u>Eight electric vehicle parking bays to be nominated on floor plans (as committed to in SMP).</u> • <u>Ground floor plan end of trip area to include notation for showers.</u> • <u>Floor plan to nominate connection point to precinct-wide third pipe system (as committed to in SMP) and Condition 12.</u> • <u>The ground floor plan to show a 95kL rainwater harvesting tank and changes to the roof catchment area in m2 above level 11 to accord with the SMP.</u> • <u>A tank for fire system test water shown.</u> • <u>Details for each of the innovation credits claimed.</u> • <u>Six electric bicycle parking spaces and charging infrastructure.</u> <p>(m) <u>Any changes needed to meet the requirements of the Acoustic Report in the corresponding condition below.</u></p> <p>(n) <u>Any changes needed to meet the requirements of the Landscape Plan in the corresponding condition below.</u></p> <p>(o) <u>Plan notations for the development to include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority to meet the requirements of the corresponding condition below.</u></p> <p>(p) <u>A new footpath along the building's frontage constructed and aligning with the existing footpath.</u></p>
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	<p>(q) <u>The side lane footpath widened to at least 1.2m.</u> (r) <u>Separate commercial and residential bin stores.</u> (s) <u>Space for organic/food waste bin(s) for future Council services.</u></p>
<p>Amend Condition 12 to include update mandatory condition for third pipe and rain tank per Clause 4.3 of Schedule 1 to Clause 37.04 Capital City Zone.</p>	<p>Condition 12 of the permit states: <i>'The development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network unless otherwise agreed by South East Water and the Responsible Authority.'</i></p> <p>Since the permit was issued, Amendment GC81 has amended Clause 4.3 of Schedule 1 to Clause 37.04 Capital City Zone to require a different and expanded condition for third pipe and rain tank as follows:</p> <p><i>'A third pipe must be installed for recycled and rain water to supply all non-potable outlets within the development for toilet flushing, irrigation and washing machine unless otherwise agreed by the relevant water authority.</i></p> <p><i>An agreed building connection point must be provided from the third pipe, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.</i></p> <p><i>A rainwater tank must be provided that:</i></p> <ul style="list-style-type: none"> - <i>Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums);</i> - <i>Is fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.</i> <p><i>Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or, controlled release.'</i></p>
<p>Delete Condition 15</p>	<p>Condition 15 required relocation of an existing power pole on Plummer Street to ensure clearance from the original street crossing to the south side of the site. The crossing is now proposed to the north side of the site and the condition is not required.</p> <p><i>15. The existing power pole at the location of the entry crossover must be relocated to the satisfaction of CitiPower.</i></p>
<p>New Condition #34 for Amended Wind Report</p>	<p>The existing permit does not include a condition for a wind report. The applicant's consultant wind engineers recommend that further wind assessment including wind tunnel testing be carried out. Officers concur.</p>



	<p>The amendment application proposed a new Condition 1(c) for installation of a wind screen at the NE boundary of the site as follows:</p> <p><i>Installation of a porous wind screen at least 2.5m high at the north-east boundary of the site, in accordance with the Wind Impact Assessment Report dated May 2019.</i></p> <p><i>The responsible authority may consent to vary or waive this requirement if further wind tunnel testing demonstrates this wind control treatment is not required.</i></p> <p><i>The porous wind screen should be integrated into the urban art strategy required by this permit and be designed to enable temporary or permanent relocation.</i></p> <p>Officers believe the requirements of the condition are premature and potentially incomplete given the need for wind tunnel testing to determine what if any wind mitigation measures may be required.</p> <p>It is recommended that an alternative wind condition be added as follows:</p> <p><u>34. Amended Wind Report Required</u></p> <p><u>Before the development starts, excluding demolition and site preparation works, an amended comprehensive wind tunnel test and environmental climate assessment report to assess the development plans, generally in accordance with the report prepared by Vipac Engineers and Scientists, dated 08 May 2019, must be undertaken and submitted to the Responsible Authority in consultation with the City of Port Phillip. The amended report must be modified to address all changes required under Condition 1 of this permit and:</u></p> <p>a) <u>Include wind tests taken at various points within the surrounding road network, including the proposed laneway and outdoor open space terraces and balconies, carried out on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm and on-site open space;</u></p> <p>b) <u>Demonstrate how the proposal would not cause unsafe wind conditions in publicly accessible areas within the assessment distance from all facades, and the comfortable wind conditions on the public realm at Clause 2.11 of DDO33 of the Port Phillip Planning Scheme;</u></p> <p><u>Any further modifications required to the development in order to ensure acceptable wind conditions to the surroundings streets and public areas must be carefully developed as an integrated high-quality solution with the architectural design and must not rely on street trees or</u></p>
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	<p><u>wind amelioration screens within the public realm to the satisfaction of the Responsible Authority.</u></p> <p><u>The recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority prior to the occupation of the development.</u></p>
<p>New Condition #35 for Landscape Plan</p>	<p>The existing permit does not include a condition requiring submission and approval of a landscape plan. It is desirable that a landscape plan be prepared and implemented. A suitable condition is as follows:</p> <p><u>Landscape Plan</u></p> <p><u>Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:</u></p> <ul style="list-style-type: none"> <u>(a) All street trees and/or other trees on Council land;</u> <u>(b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;</u> <u>(c) Water sensitive urban design;</u> <u>(d) Irrigation in accordance with the endorsed Sustainability Management Plan.</u> <u>(e) 2.5% of site containing native planting, as per commitment in the Ecology section of the SMP.</u> <u>(f) No siting of trees over easements.</u>
<p>New Condition #36 for Affordable Housing</p>	<p><u>Affordable Housing</u></p> <p><u>Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner must:</u></p> <ul style="list-style-type: none"> <u>(a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority;</u> <u>(b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and</u> <u>(c) Provide the Responsible Authority with the dealing number confirming the registration on the title.</u> <p><u>The agreement must be in a form to the satisfaction of Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must</u></p>



	<p><u>contain covenants to be registered on the title of the property so as to run with the land, and must provide the following:</u></p> <p>(i) <u>The provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as affordable housing one or two-bedroom dwellings in the building.</u></p> <p>(ii) <u>The dwellings to be tenure blind.</u></p> <p>(iii) <u>Title to the dwellings to be transferred in one single transaction to one single Housing Trust or registered Housing Association or Housing Provider approved by Port Phillip City Council.</u></p> <p>(iv) <u>Managed as affordable housing by a single Housing Trust or registered Housing Association or Housing Provider.</u></p> <p>(v) <u>Be set aside for occupation by very low or low income households to the satisfaction of Port Phillip City Council.</u></p> <p>(vi) <u>Dispersed throughout the development to the satisfaction of the Responsible Authority.</u></p> <p>(vii) <u>Allocated one bicycle space per dwelling.</u></p>
<p>New Condition #37 for Car Share</p>	<p><u>Car Share</u></p> <p><u>Before the building allowed by this permit is occupied, the developer must:</u></p> <p>a) <u>Allocate two (2) parking spaces to a car share scheme;</u></p> <p>b) <u>Reserve three (3) further spaces for ‘possible future car share parking’.</u></p> <p><u>If, on the basis of demand monitoring and review, there is demonstrated demand for additional car share parking, the owner must, at the request of the Responsible Authority, provide one or more car share spaces up to a maximum of five spaces.</u></p>

11.19 Subject to the above changes, the modifications to the permit preamble and permit conditions are supported.

12. COVENANTS

12.1 The whole of the land is subject to Covenant AC663719J (registered 12/02/2004) which requires:

- Any setback area on the land from streets not be used except as paved walks or driveways, car parks or lawn or landscape areas.
- No building to be erected other than a building with walls generally of brick, masonry, finished concrete or glass.
- Goods and materials not be stored on the land unless screened from view.
- Specified uses including manufacture of chemicals, explosives, petroleum or metal products, tanning, sawmilling, scrap metal collection motor vehicle dismantling or



panel beating, or any process likely to cause offensive emissions must not occur on the site.

The amended proposal would not breach the covenant.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

14.1 Advise the Minister that the Council supports the application as lodged.

14.2 Advise the Minister that the Council supports the application subject to conditions for changes to the design.

14.3 Advise the Minister that the Council does not support the application for the reasons set out in this report, and/or any other concerns of Council.

15. CONCLUSION

15.1 The 2020 amended plans propose a 12-storey mixed use building, with an increase in podium height from four to six storeys and an increase in overall height of 5.0m, changes to setbacks and car and bicycle parking and access off a new side lane.

15.2 The proposed 84 dwellings would exceed the dwelling density specified for the site in the Wirraway non-Core area, however the mix of one, two and three-bedroom dwellings would meet the dwelling diversity objectives for Fishermans Bend.

15.3 The amended apartment layouts would exceed the minimum requirements of Clause 58, and the size, layout, open space and amenities of the dwellings are an improvement to the original designs.

15.4 Whilst the subject site is not in a preferred area for employment floor area, the proposed increase in commercial floor area (and reduction in number of dwellings) is supported as being consistent with the emerging mixed-use character of the Wirraway precinct.

15.5 The proposed number of car parking spaces would exceed the Parking Overlay rates. The number of commercial spaces should be reduced to the Parking Overlay rate and / or reallocated to address a shortfall in car share spaces. A variation is supported for the dwelling spaces because whilst the number of spaces would be higher than present day rate, it would be slightly less than the existing permits rate for the dwellings.

15.6 The Fishermans Bend Framework and the Planning Scheme as amended since the original permit was issued recommend a new 6.0m wide lane be created along the north side of the site, with 50% of the width to be provided on the subject site and 50% to be provided on the adjacent lot to the north when that site is developed.

The plans set aside the necessary 3.0m width of the lane, plus an additional 3.3m shared zone to provide interim two-way vehicle entry /exit to the car park levels.



15.7 The amendment application proposes three (3) (2 x 1BR and 1 x 2BR) dwellings be provided at no cost to Women’s Housing Limited. This would meet policy for affordable housing in Fishermans Bend.

15.8 The amendment application seeks changes (including deletions) to the permit conditions to update them to reference the amended plans and associated reports and/or provide for new matters arising from the amended plans and changes to planning controls since the original permit was approved.

Officers have identified other text and conditions in the existing permit which should also be changed.

15.9 It is considered that subject to conditions to address design matters as detailed in this report, the March 2020 amended plans are satisfactory and should be supported.

TRIM FILE NO: PF19/17929

ATTACHMENTS

- 1. Plans**
- 2. Elevation & Sections**
- 3. Shadow Plans**
- 4. Render #1**
- 5. Render #2**
- 6. Render #3**
- 7. 2014 Application Plans & Elevations**