



6.1 **67-69 BUCKHURST STREET, SOUTH MELBOURNE**

LOCATION/ADDRESS: **67-69 BUCKHURST STREET, SOUTH MELBOURNE**

EXECUTIVE MEMBER: **BRIAN TEE, ACTING GENERAL MANAGER, DEVELOPMENT, TRANSPORT AND CITY AMENITY**

PREPARED BY: **PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER**

1. PURPOSE

1.1 To provide a Council position on a planning permit application to the Minister for Planning C/- Department of Environment Land, Water and Planning (the Department) for Planning Permit Application Number PA2101152, 67-69 Buckhurst Street, South Melbourne.

2. EXECUTIVE SUMMARY

WARD / FBURA PRECINCT:	Gateway / Montague Precinct
TRIGGER FOR DETERMINATION BY COMMITTEE	A building exceeding four storeys in the Fishermans Bend Urban Renewal Area
ADDRESS:	67-69 Buckhurst Street, South Melbourne
APPLICATION NO.	DELWP Ref: PA2101152 CoPP Ref: 2/2021/MIN
APPLICANT	Incore Developments Pty Ltd C/- proUrban Advisory Planning & Management
EXISTING USE:	Two-storey office building
ABUTTING USES:	Buckhurst Street, Rosherville Place and Ann Street (island site) with predominantly two-storey commercial and warehouse buildings with vacant land opposite.
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Design and Development Overlay (DDO30) Special Building Overlay (SBO2) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Infrastructure Contributions Plan Overlay (ICO1)
ABORIGINAL CULTURAL HERITAGE	The land is in an 'area of Cultural Heritage Sensitivity' under the Aboriginal Heritage Regulations 2018.
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	24 September 2021

- 2.1 This report is to consider an application to the Minister for Planning, through the Department of Environment, Land, Water and Planning (DELWP) (the Department), to demolish the existing building and construct a 16-level office building at 67-69 Buckhurst Street, South Melbourne.
- 2.2 The application site is in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).



2.3 The Minister is the responsible authority for the application.

Application Matters

2.4 This application was lodged with the Minister, through DELWP, on 13 April 2021.

2.5 The application proposes to demolish the existing building on the approximately 900m² site and construct a 16-level office building comprising a six-level (25.39m) podium and a 10-level (64.44m) tower above (including roofed plant area).

2.6 The land is to be used for office (5,788sqm) including an ancillary café at ground floor level), and an ancillary 'wellness' area (197sqm) at first floor for the exclusive use of building occupants and an ancillary 'co-working' space (89.5sqm).

2.7 The proposal would provide a total of 544sqm of communal open space including 357.5sqm at Level 6, the podium rooftop and a further 186sqm at Level 15 (roof).

2.8 A 3.0m wide setback is proposed to the rear / south-eastern boundary to accommodate a new a 6.0m wide east-west laneway from George Street to Montague Street. The other 3.0m width of the wide laneway will be delivered by other abutting properties when they are re-developed. A copy of the proposed architectural plans and photomontages are included at **Attachment B and C** of this report respectively.

2.9 DELWP requested further information from the permit applicant and raised preliminary concerns regarding the proposal on 10 May 2021.

2.10 The application was referred to Council as a recommending referral authority on 13 May 2021 pursuant to Section 55 of the *Planning and Environment Act 1987* and Clause 66.04 of the Port Phillip Planning Scheme.

2.11 On 28 May 2021 an on-line meeting was held with the permit applicant and government agencies with officers from DELWP, the Fishermans Bend Task Force (DJPR) and Council.

2.12 On 04 June 2021 Council officers provided written advice to DELWP on additional items of information and concerns following on from the meeting.

2.13 The applicant provided a response to the request for further information and this was provided to Council on 27 July 2021. These amended plans form the basis of this report.

2.14 The subject site is located within the Capital City Zone (CCZ1). Map 1 of Schedule 1 to the Capital City Zone outlines the urban structure for the precinct and more specifically the following designations for the site:

- The site is in the core area of the precinct.
- The site frontage to Buckhurst Street (north-west) is designated as a Primary Active Frontage requiring 80% permeability.
- A linear park is designated to the southern side of Buckhurst Street with no crossovers permitted.
- The rear of the site (south-east) is designated as a future 6m wide laneway running between George Street in the north-east to Montague Street to the south-west. The subject site is required to deliver 3m of the laneway width with the balance delivered by other abutting properties.



- A new public open space is located to the south-east of the site where the above- laneway would terminate.
- 2.15 Design and Development Overlay (DDO30) sets out built form and design objectives for the Montague Precinct. The following controls apply to the site:
- Map 1 - Building Typology Precinct Area M5 - 'Hybrid (predominantly mid-rise)' building typologies are encouraged. Design and Development Overlay (DDO30) describes the future character of the M5 precinct as:
'Predominantly mid-rise developments with some high-rise forms on larger sites where well-spaced, slender towers can be demonstrated to provide sunlight access to streets with a particular focus on Buckhurst Street, incorporating a tooth and gap typology.'
 - Map 2 – Building Heights: A 43m (12 storey) preferred height limit applies to the site.
 - Map 3 – Active Street Frontages: A Primary Active Frontage requiring 80% permeability and a future 6m wide laneway traversing the rear / south-eastern site boundary.
 - Map 4 – Overshadowing: Future public open space to the north-western corner of George Street and Thistlethwaite Street as an area which must not be overshadowed between 10am and 2pm on 22 September.
- 2.16 The site benefits from an exemption under the Infrastructure Contributions Overlay at Clause 45.11 of the Port Phillip Planning Scheme, which allows for a planning permit to be granted for this proposal, as the existing use of the land as an office use would continue and the site coverage would not increase.
- 2.17 The proposed use and development of the site is generally acceptable with the primary concerns relating to the extent of and access for on-site car parking and design matters including height, façade materials, flood levels and active street and lane frontages.
- 2.18 The proposal would meet the built form requirements outlined in the DDO30 in terms of podium height, site boundary setbacks and upper level setbacks but for the encroachment of a pergola structure to the podium rooftop. This variation is supported.
- 2.19 The proposal was internally referred, and officers generally supported the building typology and architectural forms. Improvements to the ground floor layout are considered necessary to improve accessibility, street activation, flooding protection and integration with the future vision for Buckhurst Street.
- 2.20 The architectural concept of high arches to the podium levels is considered to be out of context with the industrial character of the area and to not present a human scale of the street.
- 2.21 The light coloured, and slender profile of the façade brickwork is also considered to be a departure from the industrial heritage of the area. Darker brickwork and reuse of the existing brickwork on site is recommended to provide a stronger connection to place.
- 2.22 Council's traffic engineers recommended the number of car parking spaces be reduced. The proposed 39 spaces in car stackers would not exceed the Parking Overlay rate, but the site constraints are considered unsuitable for the extent of car parking proposed. This is due to the flow-on effects of the number of vehicular movements coupled with tight access arrangements. It is recommended the number of



car spaces be reduced to a maximum of one floor or 13 car parking spaces in a stacker arrangement, including one DDA compliant car parking space. The deletion of all car parking on site is preferable as the site is well placed to public transport hubs.

- 2.23 The traffic report did not consider the cumulative traffic impact of the proposal with other approvals or potential approvals along Buckhurst Street. Council's Traffic Engineers questioned whether the consultant's traffic movement rates to and from the site during peak hours are too low and underestimate the impacts on the immediate road networks.
- 2.24 The access arrangements would not facilitate two vehicles passing with adequate clearance from opposing vehicles and surrounding structures. There is a concern this would require vehicles to queue beyond the site boundaries onto Ann Street and Buckhurst Street which may impact safety of pedestrian and cyclists along the future linear and strategic cycling corridor.
- 2.25 Other traffic related matters including the clearance distances associated with the car lifts, the size of the proposed car stacker system, ramp gradients to raised floor levels required by Melbourne Water and the number of electric vehicle charging points also need to be resolved.
- 2.26 Minimising or eliminating carparking would reduce the extent of services along the ground and podium elevations and increase opportunities for laneway activation.
- 2.27 The ground floor level of the building needs to be raised above the existing footpath and laneway levels to meet Melbourne Water floor level requirements.
- 2.28 A number of other designs, operational and amenity concerns with the proposal could be addressed by conditions.
- 2.29 It is recommended that the Statutory Planning Committee resolve to advise the Minister for Planning through the Department of Environment, Land, Water and Planning that the Council supports the application subject to conditions to address the matters set out in Sections 9 and 11 of this report.

3. RECOMMENDATION

RECOMMENDATION – PART A

- 3.1 That the Planning Committee advise the Minister of Planning C/- the Department of Environment, Land, Water and Planning that the Committee:
 - 3.1.1 Supports the application subject to conditions to address areas of concern set out in Sections 9 and 11 of this report including:
 - 1. Ground floor and podium layouts to improve accessibility, street activation, architectural integration of services, flooding protection and future integration with the future vision for Buckhurst Street.
 - 2. Execution of architectural concept and stronger link to place through improved façade articulation to present a more human scale at street level, use materials typically found within the area and reference the industrial heritage of the place.
 - 3. Reconsideration of proposed access arrangements from Ann Street and resultant traffic generation and queuing onto Buckhurst Street in the



context of a linear park and strategic cycling corridor to be delivered along Buckhurst Street.

RECOMMENDATION – PART B

3.2 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors to lodge an application for review to VCAT if the matters set out in sections 9 and 11 of this report are not satisfactorily addressed by conditions on any Notice of Decision to Grant a Permit or Permit that may issue.

RECOMMENDATION – PART C

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

4. RELEVANT BACKGROUND

4.1 Planning permit 748/1990 was issued on 13 January 1991 to allow the use of the land for an office. There is no other relevant planning permit history for this site.

5. PROPOSAL

5.1 The application proposes to:

- Demolish the existing building on the land in the Capital City Zone (Schedule 1).
- Construct a 16-level building (including roofed plant area and storage) comprising a six-level podium and a 10-level tower above in the Capital City Zone (Schedule 1), Design and Development Overlay (Schedule 30) and Special Building Overlay (Schedule 2).

5.2 More particularly, the application proposes:

- A six-level (25.39m high) podium constructed to the title boundary but for a 3m wide setback to the rear / south-eastern boundary. This setback will accommodate the future delivery of part of a new 6m wide laneway from George Street to Montague Street. The balance of the 6m wide laneway will be delivered as other abutting properties are developed.
- A 10-level (62.85m to top of architectural frame and 64.44m to top of plant screening) tower above the podium. The tower will be setback 5m from the Buckhurst Street boundary and 5m from the centreline of the existing side and future rear laneway boundaries.
- Use of the land for office (5,788sqm over 16 levels) including ancillary café at ground floor level, ancillary 'wellness' area (197sqm) at first floor for the exclusive use of building occupants, ancillary 'co-working' space (89.5sqm).
- Pedestrian access to the building via Buckhurst Street and secondary access via Rosherville Place.
- 39 car-parking spaces within a car-stacker system at Levels 01, 02 and 03 accessed via a car lift from Ann Street.



- 52 bicycle parking spaces, bicycle workshop area and end of trip facilities at ground floor level to the rear of the building accessed off Rosherville Place and via the main lobby area of the building.
 - A total of 544sqm of communal open space including 357.5sqm at Level 6, the podium rooftop and a further 186sqm at Level 15 (roof).
 - The podium finished in a light-coloured brick with a bull nosed corner expression with extruded arched glazing elements extending across all podium levels, black powder coated metal elements extending horizontally within the 'arches', street canopies between the ground floor level and Level 01 to the Buckhurst Street and Rosherville Street facades and black powder coated metal finishes to the underside of the ground floor windows.
 - Services visible to the street to be screened by a black powder coated perforated screen and car parking levels treated with a dark steel mesh.
 - The tower finished with a clear glazed curtain wall framed with darker glazed horizontal spandrel and column panels. All corners of the tower would have curved corners referencing the existing brick building on site. A pergola structure is proposed to the area of communal outdoor space at Level 06 (podium rooftop terrace). Level 15 would feature an architectural structure continuing the fenestration pattern of the lower tower levels.
 - The façade to Rosherville Place includes a recess at podium level to the secondary entry and the tower levels the side profile of the stairs expressed as dark coloured brickwork with planters either side.
- 5.3 A copy of the proposed architectural plans and photomontages are included at **Attachment B and C** of this report.

Figure 1: Photomontages from Buckhurst Street and new public open space to the corner of George Street and Thistlethwaite Street



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

Table 1: Application Summary

Address	67-69 Buckhurst Street, South Melbourne
Plans assessed	<p>Architectural Plans, prepared by CHT Architects and titled 67-69 Buckhurst Street, South Melbourne, Job No: 20072 and Drawing No's: TP0.00 Rev P2 dated 21/06/2021; TP0.02 Rev P1 dated 01/03/2021; and TP0.03 Rev P2; TP1.00 Rev B; TP1.01 Rev B; TP1.02 Rev B; TP1.03 Rev B; TP1.04 Rev B; TP1.06 Rev B; TP1.07 Rev B; TP1.15 Rev P2; TP2.00 Rev P2; TP2.01 Rev P2; TP2.02 Rev P2; TP2.03 Rev P2; TP2.04 Rev P2; TP2.05 Rev P2; TP3.00 Rev P2; TP3.01 Rev P2; TP4.00 Rev P2; TP4.01 Rev P2; TP5.01 Rev P1; TP5.02 Rev P1; TP5.03 Rev P1 ; and TP5.04 Rev P1 all dated 21/06/2021;</p> <p>Architectural Report, prepared by CHT Architects and titled 67-69 Buckhurst Street, South Melbourne, Job No: 20072, including Introduction; Site Location - 02.01 Site Location, 02.02 Future & Existing Development; Site Analysis - 03.01 Planning Overlay, 03.02 Fishermans Bend Framework, 03.03 Opportunities & Constraints; Design Response - 04.01 Design Response, 04.02 Design Principle; and Artists Impressions - 05.01 Render - View from Buckhurst Street and 05.02 Render - View from Proposed Park 05.03 Render - View from Rosherville Place.</p>
Site area / Title particulars	<p>Area: 903sqm (0.0903 ha) Land contained within Volume 07372 Folio 270, commonly known as Crown allotment 11 Section 56A City of South Melbourne Parish of Melbourne South (PARENT TITLE Volume 00364 Folio 766).</p>



<p>Minimum plot ratio not used for Dwelling (Core areas) Clause 22.15-4.1 <i>Note: Clause 73.01: Plot ratio: The GFA of all buildings on a site divided by the area of the site.</i> <i>(Includes any proposed road, laneway and pos.)</i></p>	<p>Montague Core area ratio = 1.6:1 x 903sqm = 1,444.8sqm Proposed GFA (whole tenancies): 6,075qm 6,075sqm / 1,444.8sqm = 4.2 Proposed plot ratio: 4.2:1</p>
<p>Non-residential floor area</p>	<p>Office: 5,788sqm Wellness area: 197sqm Co-working area: 90sqm Total: 6,075sqm</p>
<p>Building Typology</p>	<p>Podium and tower</p>
<p>Street wall (podium) height</p>	<p>Preferred: <i>Buckhurst Street: Preferred 4-storeys. Maximum 6-storeys.</i> Where a new building is on a corner, the taller Maximum street wall height applies to the frontage with the lower Maximum street wall:</p> <ul style="list-style-type: none"> • On streets wider than 9 metres for a distance of 60 metres. • On laneways for a distance of 25 metres. <p><i>Rosherville Place, Ann Street and New Laneway: Preferred 4-storeys. Maximum 6-storeys.</i> Non-habitable architectural features not more than 3m may exceed the preferred height</p> <p>Proposed: Six (6) storeys: 25.39m RL 27.2m) to podium parapet. A 3.6m high pergola structure would not meet the definition as a permissible encroachment. Any permit issued should require the height of the pergola structure be reduced to a maximum height of 3m. The proposed podium height would comply subject to a condition requiring the proposed pergola height to be reduced to 3m. Note: NGL = 1.85m AHD to Buckhurst St, 1.91m AHD to Rosherville Place, and 1.96m AHD to Ann St (all to mid-point)</p>
<p>Maximum height (Tower)</p>	<p>Preferred: 12 levels / 43m Proposed: 16 levels: 64.44m (RL 66.25) roof, 62.85m (RL 64.66) top of architectural structure. Note: The Roof plant and storage area along with architectural features exceed a height of 3.0m and therefore do not meet the exemption set out at Section 2.5 of Schedule 30 to the Design and Development Overlay (DDO30) and fall within the planning scheme definition of a storey.</p>



Street wall (podium) Setbacks	Buildings should include a street wall (built to the boundary) of the Preferred street wall height specified below.			
		Preferred and Minimum Setbacks	Title Boundary	Centreline
	Buckhurst St (NW front)	Built to the boundary	Complies - 0m	
	Rosherville Place (NE side)	Built to the boundary	Complies - 0m	
	New laneway (SE rear)	Built to the boundary	Complies 3m setback to the south-east with 123-135 Thistlethwaite Street. The building will be setback 3m from this title boundary and 3m from what would become the centre line of the new laneway (as set out in the Fishermans Bend Framework and Map 1 - Montague Urban Structure at CCZ1 and Map 3 – Active Street Frontage of DDO30)	
	Ann Street (SW side)	Built to the boundary	Complies - 0m	
Tower Setbacks	Setbacks above the street wall for a building between 8-storeys but less than or equal to 20-storeys have a preferred setback of 10m and a minimum setback of 5m. Where the setback from a street is less than 9m wide must be measured from the centreline of the street. A negative value must be interpreted as a zero setback.			
	Rosherville Place, the New Laneway and Ann street all have a street width of less than 9m and therefore setback requirements must be measured from the centreline for these interfaces.			
		Preferred and Minimum Setbacks	Title Boundary	Centreline
	Buckhurst St (NW front)	Preferred: 10m Minimum: 5m	5m A pergola structure encroaches into this setback at Level 06 to provide a 1.74m setback from the title boundary. A condition of permit requiring the height to be a maximum of 3m is required to consider this a permissible encroachment.	-
	Rosherville Place (NE side)	Preferred: 10m Minimum: 5m	-	5m A pergola structure encroaches into this setback at Level 06 to provide a 3.52m setback from the centreline. A condition of permit requiring the height to be a maximum of 3m is required to consider this a permissible encroachment.



	New laneway (SE rear)	Preferred: 10m Minimum: 5m	-	5m from what would become the centreline of the new laneway. A pergola structure encroaches into this setback at Level 06 to provide a 2.96m setback from the centreline. A condition of permit requiring the height to be a maximum of 3m is required to consider this a permissible encroachment.
	Ann Street (SW) side	Preferred: 10m Minimum: 5m	-	5m A pergola structure encroaches into this setback at Level 06 to provide a 2.86m setback from the title centreline. A condition of permit requiring the height to be a maximum of 3m is required to consider this a permissible encroachment.
Car parking	39 car-parking spaces (including 3 EV charging spaces) within a car-stacker system at Levels 01, 02 and 03 and accessed via two (2) car lifts off Ann Street.			
Motorcycle parking	zero			
Bicycle parking	52 bicycle parking spaces, bicycle workshop area and end of trip facilities at ground floor level to the rear of the building accessed off Rosherville Place and via the main lobby area of the building.			
Loading bay	Loading and waste collection is proposed to be undertaken on-street due to the restricted dimensions of the site to provide for a dedicated loading bay. A bin room is located towards the rear of the site on the ground floor with direct pedestrian access to Ann Street. Waste collection to be by a private contractor who will prop on Buckhurst Street during collection.			
Communal Open Space	357.5sqm at Level 6, the podium rooftop 186sqm at Level 15 (roof) Total: 544sqm			
Communal facilities	A 'wellness' area: 197sqm at Level 01 A 'co-working' space: 89.5sqm at Level 01			

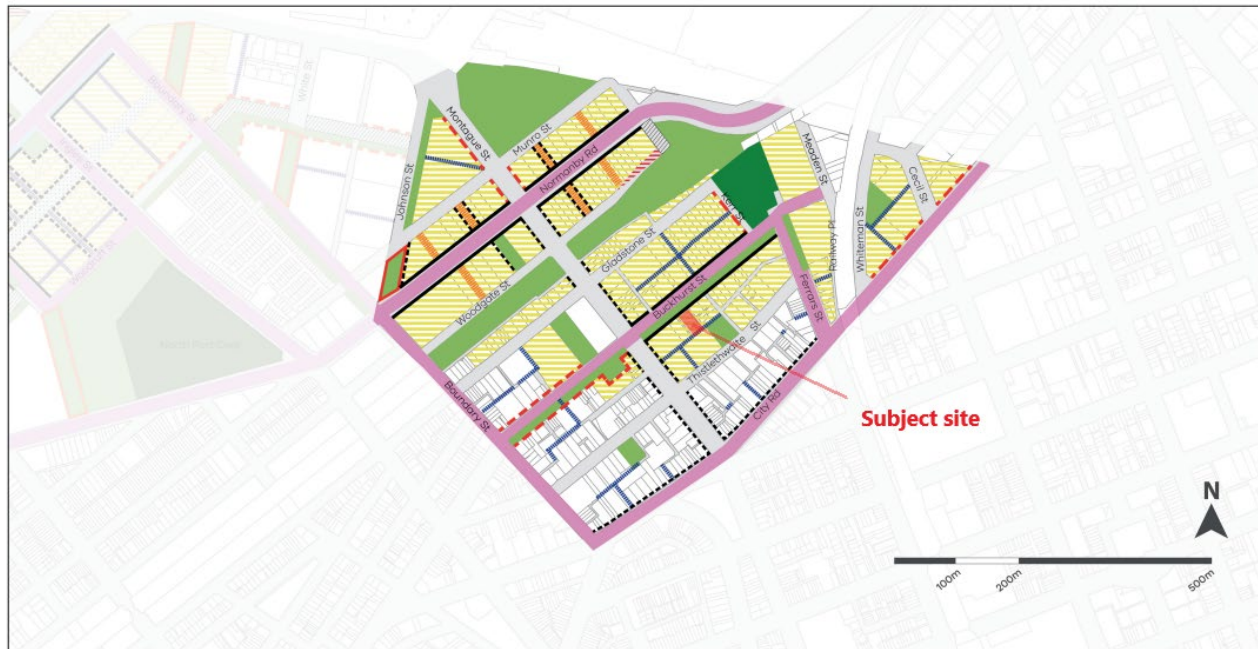


	Total: 286.5sqm
Community (public) facilities	None
New Roads / Laneways	<p>A 3m wide strip of land to the south-eastern rear boundary is designated as 50% of the width of a future 6.0m wide laneway between George Street in the north-east to Montague Street to the south-west (approximately 130m long). The other 3.0m width of the laneway would be delivered by the abutting properties to the rear when they redevelop.</p> <p>The rear property boundary is 20.12m long and a 3m wide setback would set aside 60.36sqm for the laneway and reduce the developable site area to 542.64sqm.</p>
Vehicle access	<p>Access to off-street parking is proposed off Ann Street.</p> <p>At the entrance to the car lifts, the accessway will be widened to provide a passing area.</p> <p>The car lifts will provide access to the first, second and third levels. On each level will be two-level car stacker, each of which contains 13 spaces, for a total of 39 spaces.</p>
Office/commercial access	<p>Primary access via Buckhurst Street – universal (DDA compliant) access</p> <p>Secondary access via Rosherville Place via stairs, not DDA compliant.</p>

6. SUBJECT SITE AND SURROUNDS



Figure 2: Site location (Source: NearMaps November 2020). Indicative location of Buckhurst Street Linear Park and new open space (green) and new laneways (blue) as per the Fishermans Bend Framework Plans



LEGEND

Active frontages			
— Primary (80% permeability)	----- Secondary Type 1 (60% permeability)	----- Secondary Type 2 (20% permeability)	
Core area	Road closure	New laneway - 6m wide (Location indicative)	New road - 12m wide
Existing public open space	No crossovers permitted	New laneway - 9m wide (Location indicative)	New road - 22m wide
New public open space*	*Open space designation on the site at 400 - 430 City Road is indicative, subject to site design.		

Figure 3: Extract of Map 1 to Schedule 1 to Clause 37.04: Montague Urban Structure.

6.1 Existing conditions are as follows:

Table 2: Site Context

<p>Site description and area</p>	<p>The subject site is located on the east side of Buckhurst Street, between Montague Street and Kerr Street. The site is regular in shape and forms an island site bounded by Buckhurst Street to the north-west, Rosherville Place to the north-east and Ann Street to the south-west. The south-east (rear) boundary abuts the rear of 123-135 Thistlethwaite Street. The Framework Plan proposes a future 6m wide laneway along this boundary.</p> <p>The site has an area of 903sqm with a frontage width of 20.12 to Buckhurst Street and 44.88m to both Rosherville Place and Ann Street. The title boundary extends for 20.12m to the rear of 123-135 Montague Street.</p> <p>The land is generally flat with no discernible slope in any direction. Plans show only minor differences of 0.38m in the natural ground level (NGL) from the Buckhurst Street frontage to the rear of the site.</p>
<p>Existing building & site conditions</p>	<p>The land is developed with two storey commercial building with red brick bullnose corners and glazing between. All remaining elevations feature the same red brick finish with high level windows and a roller door access off Rosherville Place.</p> <p>The Buckhurst Street nature strip is approximately 4.2m wide and features two street trees, a Lilly Pilly tree (closest Rosherville Place) and a Desert Ash (closest to Ann Street).</p>



	<p>The nature strip also accommodates two Telstra Pits, a gas post, parking meter and a pit. Extensive overhead powerlines extend across the Buckhurst Street frontage.</p>
<p>Surrounds / neighbourhood character</p>	<p>Surrounding land to the sides and rear is mostly developed for one or two-storey commercial / industrial buildings, used for offices, car dealership, light industry, warehousing and the like.</p> <p>Land opposite across Buckhurst Street is vacant with a planning permit to allow the demolition of buildings and construction of four towers (27, 29, 30 and 30 levels) and a 4 level childcare centre containing 1,004 dwellings, 1,383sqm retail floor space, 1,167sqm office floor space and 697 car spaces. To date, demolition works have commenced but construction works are yet to commence.</p> <p>More particularly, land immediately surrounding the subject site is developed as follows:</p> <ul style="list-style-type: none"> • North-east (side interface): Rosherville Place separates the subject site from small-scale single and double storey premises. Burgerlove Lane provides access from Rosherville Place to George Street. • South-east (rear interface): 123-135 Thistlethwaite Street occupied by a self-storage facility. A portion of this site is earmarked for a future public open space to the north-western corner of the of Thistlethwaite Street and George Street. • South-west (side interface): Ann Street separates two storey warehouse. <p>The high frequency Route 109 City to Port Melbourne light rail line runs along an embankment on the southeast side of Woodgate Street which is approximately 210m from the subject site and the 96 tram route is located approximately 280m to the north-east of the subject. Site.</p> <p>Limited bus services run along Normanby Road (235 service) with more frequent services operating along City Road (234 service).</p> <p>A bike path runs parallel to the Route 109 light rail line connecting Port Melbourne with the CBD.</p> <p>Vehicle access to the Westgate Freeway is approximately 600m from the site via Montague Street.</p> <p>The South Melbourne Activity Centre including South Melbourne Market is located approximately 500m to the southeast of the site, providing a wide range of employment, shopping opportunities and community services.</p>
<p>Fishermans Bend Framework October 2018</p>	<p>The Fishermans Bend Framework and the Planning Scheme propose:</p> <p>For the subject site:</p> <ul style="list-style-type: none"> • Buckhurst Street linear park running from Ferrars Street to Boundary Street. • Buckhurst Street designated as a strategic cycling corridor (Bay Street to City bike connection). • A 6.0m (w) new laneway to the rear boundary running from George Street to Montague Street <p>For the surrounding area:</p> <ul style="list-style-type: none"> • Buckhurst / Montague Street intersection upgrade. Long term (2025+) • New public open space to the north-west of Thistlethwaite Street and George Street. • Montague Street route 109 (Stop 126) tram stop upgrade to the north west of the subject site.

6.4 Applications, permits, commencements and completions abutting or near the subject site are as follows:



Table 3: Applications and permits with in the area

Map No.	Address	Reference	Description	Status
1	6-78 Buckhurst Street	DELWP Ref: 2013005499-1 CoPP Ref: 10/2013/MIN	Demolition of the existing buildings and construction of a four (4) staged multi-storey mixed-use buildings comprising towers of 27, 29, 30 and 30 levels storeys comprising a mix of uses including a childcare centre.	Permit issued 01/02/2014 Permit Expiry: 1 September 2020 (Commencement). 1 September 2027 (Completion). Development commenced (demolition only).
2	15-87 Gladstone Street (formerly known as the MAB site [now BPM Corp])	DELWP Ref: 2013005951-1 CoPP Ref: 11/2013/MIN	Demolition of existing car park and structures; use of the land for the purpose of dwellings; staged construction of three residential towers (28-level tower with a six-level podium, and two 26 level towers including a six level podiums) and associated works including public realm.	Permit issued 01/09/2014. Development commenced (demolition only).
3	89-103 Gladstone Street (Gravity Tower)	DELWP Ref: 2013002601 CoPP Ref:	Demolition of the existing building and use and development of the land of a 30-storey building comprising dwellings and ground floor retail (other than Adult Sex Bookshop, Hotel and Tavern) and a waiver of the loading and unloading requirements of clause 52.07 of the port Phillip Planning Scheme	Permit issued 1/09/2014. Construction completed in July 2017.
4	91-95 Montague Street	DELWP Ref: PSA C184 port Council Ref: 14/2015/MIN/A	Demolish the existing buildings and construct a 25 level (inc. 5-storey podium) Retail premises and Office building and associated bicycle parking and construct and/or carry out works in the Capital City Zone (CCZ1) and Design and Development Overlay (DDO30) and Special Building Overlay (SBO2).	Currently at assessment.
5	11-41 Buckhurst Street	DELWP Ref: Planning Scheme Amendment C190port.	Demolish the existing buildings on all lots, construct and carry out works for a mixed-use	Incorporated Document was gazetted into the planning scheme on 5 March 2021.



		CoPP Ref: 1/2020/MIN	building comprising two towers of 12 and 20-storeys in the Capital City Zone and Design and Development Overlay.	Development has not commenced.
6	12-14 Thistlethwaite Street	DELP Ref: Planning Scheme Amendment C175port CoPP Ref: 3/2019/MIN	Demolish existing buildings and construction of a 16-storey mixed use building.	Incorporated Document was gazetted into the planning scheme on 20 May 2021. Development has not commenced.
7	134-142 Ferrars Street	DELWP Ref: 201300088 CoPP Ref: 3/2013/MIN	Demolish the existing building, construct an 18-storey mixed use building.	Permit issued at the direction of VCAT on 10/04/2017. Development nearing completion.
8	163-169 Ferrars Street	DELWP Ref: 2015/35690 CoPP Ref: 1/2015/MIN	Demolish existing buildings and construction of an 18-storey mixed use building.	DELWP issued a Notice of decision to Refuse on 23-06-2021. Final decision is pending.
9	144-148 Ferrars Street	CoPP Ref: 951/2017	Demolish existing building and construct a five-storey building (retail and commercial).	Development in final stages of construction completion.
10	15-35 Thistlethwaite Street	CoPP Ref: P0277/2015/A	Demolish existing building and construct an eight-storey mixed use building.	Permit issued at the direction of VCAT on 14/12/2015. Development is nearing completion.
11	51-59 Thistlethwaite Street and 476-486 City Road	CoPP Ref: P0039/2015	Demolish existing buildings, construct a mixed use 4, 6 and 8 level development and alteration of an access to a Road Zone Category 1 (remove crossing on City Rd).	Council permit issued on 19/02/2016. Development is nearing completion

7. PERMIT TRIGGERS

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

Table 4: Planning Permit Triggers

Planning Scheme Provision	Why is a planning permit required?
Clause 37.04: Capital City Zone (CCZ1)	Pursuant to Clauses 37.04-1 and 37.04-2 of the CCZ1 and the Table of uses at Clause 1 of the Schedule to the CCZ1. An office use is listed as a Section 1 use, no permit required. A planning permit is not required to use land for an office.



	<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>A planning permit is required to construct a building.</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>A planning permit is required to demolish the existing building on site.</p> <p>An application for the use of land, subdivision, demolish or remove a building, construct a building or construct or carry out works, or construct and display a sign is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p>
<p>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend - Montague Precinct (DDO30)</p>	<p>The land is in Precinct Area M5 of DDO30 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 43 metres (12-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>A planning permit is required to construct a building.</p> <p>Pursuant to Clause 62.02-3, this excludes the construction of or putting up for display of a sign unless a permit is specifically required.</p> <p>An application to construct a building or construct or carry out works or subdivide land in DDO30, 32 and 33 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>
<p>Clause 44.05: Special Building Overlay - Schedule 2 (SBO2)</p>	<p>Pursuant to Clause 44.05-2, a permit is required to construct a building or construct or carry our works. This does not apply if specifically exempted including, to a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The proposal does not fall within the ambit of this exemption as it does not meet the required flood level requirements</p> <p>A planning permit is required under this clause.</p>



	<p><i>An application under this overlay 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.</i></p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is not required under this clause.</p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>Pursuant to Clause 45.09-1, the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Table 1 of Schedule 1 to the Parking Overlay specifies maximum rather than minimum parking rates for an office.</p> <p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1.</p> <p>The application proposes to provide car parking for dwellings less than the Parking Overlay rates and therefore a planning permit is not required under this clause.</p>
<p>Clause 45.11: Infrastructure Contribution Overlay (IC01)</p>	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> • A non-government school; • Housing provided by or on behalf of the Department of Health and Human Services; • Any other land or development of land specified in a Schedule to the ICO. <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. • Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81. • Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose



	<p>A planning permit can be granted for the proposal as the existing use of the land as an office would continue and the site coverage would not increase.</p>
<p>Clause 52.06: Car Parking</p>	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the Parking Overlay operates in conjunction with the requirements of Clause 52.06.</p> <p>Uses not listed in the Parking Overlay must provide car parking at the rates specified in the Table to Clause 52.06.</p> <p>For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area.</p> <p>Car parking plans must meet the design requirements of Clause 52.06-9 unless the responsible authority agrees otherwise.</p> <p>A permit is not required under this clause, but any development should meet the required design standards.</p>
<p>Clause 52.34: Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>The proposal would provide the required number of bicycle parking and end of trip facilities therefore a planning permit <i>is not</i> required under this clause.</p>

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks (PPF)

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

Clause 11: Settlement, including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity, including:

Clause 13.01: Climate Change Impacts

Clause 13.03: Floodplains

Clause 13.07: Amenity

Clause 15: Built Environment and Heritage, including:

15.01-1: Built Environment

15.01-1R: Urban design - Metropolitan Melbourne

15.01-2S: Building Design

15.01-4R: Healthy neighbourhoods - Metropolitan Melbourne



- 15.01-5S: Neighbourhood character
- 15.02-1: Sustainable development
- 15.02-2S: Aboriginal cultural heritage
- Clause 18: Transport, including:
 - Clause 18.02-4S: Car parking
- Clause 19: Infrastructure, including:
 - Clause 19.01: Energy
 - Clause 19.01-1S: Energy supply
 - Clause 19.01-2R: Renewable energy - Metropolitan Melbourne
 - Clause 19.01-3S: Pipeline infrastructure
 - Clause 19.03-1S: Development and infrastructure contributions plans
 - Clause 19.03-4S: Stormwater

8.2 Local Planning Policy Framework (LPPF)

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

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

8.3 Local Planning Policy Framework (LPPF)

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

- Clause 22.12: Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13: Environmentally Sustainable Development
- Clause 22.15: Fishermans Bend Urban Renewal Area Policy

8.4 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 65: Decision Guidelines, including:
 - Clause 65.01: Approval of an Application or Plan



9. REFERRALS

9.1 External referrals

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

Melbourne Water

9.1.1 The applicant referred the draft proposal to Melbourne Water in August 2020.

Melbourne Water provided the following advice on that proposal:

The site is subject to flooding Sea Level Rise riverine flooding associated with climate change. The predicted year 2100 1% Annual Exceedance Probability (AEP) flood level for tidal storm surge is t

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Asset Management and Property	<ul style="list-style-type: none"> Support, subject to conditions
Building Department	<ul style="list-style-type: none"> Support, subject to conditions
City Design – Urban Design	<ul style="list-style-type: none"> Support, subject to conditions
City Design -Landscaping	<ul style="list-style-type: none"> Support, subject to conditions
City Strategy	<ul style="list-style-type: none"> Support, subject to conditions
Development Engineer	<ul style="list-style-type: none"> Support, subject to conditions
Heritage	<ul style="list-style-type: none"> No Heritage issues.
Open Space and Recreation (Arborist)	<ul style="list-style-type: none"> Support, subject to conditions.
Sustainable Design	<ul style="list-style-type: none"> Support, subject to conditions.
Traffic Engineers	<ul style="list-style-type: none"> Not supported. Access arrangements, traffic impacts and car stackers specifications are not acceptable.
Waste Management	<ul style="list-style-type: none"> Support, subject to conditions.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 The Department has given notice of the proposal to the City of Port Phillip, relevant persons including landowners and occupiers, and referral authorities.

10.2 The Council had 20 business days from the date of receiving notice to provide a written response. Council requested and was granted an extension of time to 24 September 2021 to accommodate the Planning Committee meeting.

11. OFFICER'S ASSESSMENT

11.1 Local Policy

Clause 21.06-8 – Fishermans Bend Urban Renewal Area

Clause 21.06-8 details the key planning challenges, vision and strategies that relate to Fishermans Bend Urban Renewal Area. The vision for the Montague Precinct is:

“Mixed use development with shops and businesses providing active street edges and a high quality public realm throughout. Fine grain built form and laneways and through block links



provide permeability and connectivity through street blocks. Heritage buildings are retained and integrated into development. The Route 109 tram line defines two distinctive neighbourhoods, Montague North and Montague South.”

The site is located in Montague South and Buckhurst Street is designated as “*the heart of the neighbourhood and the primary focus of commercial and civic amenity. Buckhurst Street is anchored by community hubs and creates a high amenity, linear green spine through the precinct, which accommodates the Bay Street to City bike connection.*”

The proposal would respond to the General Strategies for Fishermans Bend by contributing to a concentration of commercial uses and employment targets within the core area, in proximity to existing public transport routes, proposed cycle routes and residential land uses which supports the vision to reduce car dependency.

The development would support small-medium sized businesses, co-working spaces and flexible floorplate arrangements all of which would contribute to the identity sought for the area. The development, whilst exceeding the preferred building height of 43m / 12 levels, is in an area where a variation to the preferred height can be contemplated, Section 11.2 of this report discusses these considerations in detail.

Importantly the development would also contribute a portion of land to the delivery of a new laneway to complete ‘missing links’ between primary and secondary active frontages/retail streets and provide rear/side lane access to buildings and the new park envisaged to the north-west corner of Thistlethwaite Street and George Street.

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Table 6: FBURA Policy Summary

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Assessment
<p>22.15-4.1 Providing for employment floor area Development in a Core area <u>should</u> provide a minimum floor area ratio not used for dwelling of: Montague: 1.6:1</p>	<p>Achieved: Recommended: 903sqm (0.0903 ha) site area x 1.6:1 = 1,444.8sqm min. floor area ratio not used for dwelling. Proposed: 6,075sqm (Office: 5,788sqm, Wellness area: 197sqm and Co-working area: 90sqm).</p>
<p>22.15-4.4 Design Excellence <u>Encourage</u> varied built form that aligns with precinct character areas in DDO.</p>	<p>Achieved in part – Variation supported: Recommended: Precinct character area M5 encourages predominantly mid-rise developments (i.e. 7 to 15 levels) with some high-rise forms (i.e. 16 storeys and taller) on larger sites where well-spaced, slender towers can be demonstrated to provide sunlight access to streets with a particular focus on Buckhurst Street, incorporating a tooth and gap typology Proposed: 16-level building (including architectural feature and plant) comprising a six-level podium and a ten-level tower.</p> <ul style="list-style-type: none"> • Podium: Six (6) levels / 25.39m (RL 27.2) to podium parapet • Tower: 16 levels / 64.44m (RL 66.25) roof, 62.85m (RL 64.66) top of architectural feature. <p>At one level above the upper limit of the preferred character precinct height limit (owing to the height of the roofed plant and storage area exceeding 3m), the proposal has the potential to</p>



	<p>contribute to a “<i>varied and architecturally interesting skyline</i>” subject to an amended resolution to the uppermost level of the tower. As illustrated in the Architectural Report provided by the project architect at Drawing No: TP5.02, <i>Future Built Form Studies</i>, the proposed building height would introduce a massing that is comparable with recent approvals along Buckhurst Street and Thistlethwaite Street to the east and would contribute to the built form outcomes outlined at Clause 2.4 and 2.5 of DDO30.</p>
<p>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community</p> <p><u>Energy</u>: Assess against:</p> <ul style="list-style-type: none"> • <u>Should</u> achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes, lighting and building services. 	<p>Achieved in part – Condition required:</p> <p>The Sustainable Management Plan (SMP) references the Green Star Design and As Built v1.3 rating tool in order to demonstrate that the project is able to achieve a 5-star outcome. However, the SMP refers to benchmarking the development against the Green Star rating tool. The project must commit to achieving a certified rating via the Green Building Council of Australia, as required by mandatory permit requirements at Clause 4.3 of the CCZ1.</p> <p>The SMP must be amended to clearly commit to achieving a certified 5* Green Star rating.</p> <p>Evidence that the project is registered with the GBCA, targeting a 5-star rating should be provided.</p>
<ul style="list-style-type: none"> • Developments <u>should</u> incorporate renewable energy generation, on-site energy storage and opportunities to connect to a future precinct wide or locally distributed low-carbon energy supply. 	<p>Achieved in part – Condition required:</p> <p>The SMP demonstrates that five points could be achieved via the NABERS pathway for greenhouse gas reduction under the energy section of Green Star, plus an additional two points via a commitment to off-site renewables.</p> <p>The SMP commits to purchase of off-site renewable offsets for a period of ten years. A permit condition should require that the associated power purchase agreement, with a minimum duration of ten years, be provided to the Responsible Authority for endorsement.</p> <p>The Sustainable Management Plan commits to 20kW solar PV but these are not detailed on, and need to be shown on the roof plan.</p>
<p><u>Urban heat island</u>: Assess against:</p> <ul style="list-style-type: none"> • At least 70% of total site <u>should</u> comprise building or landscape elements that reduce impact of urban heat island effect including: <ul style="list-style-type: none"> - Vegetation, green roofs and water bodies; - Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index. 	<p>Achieved in part – Condition required:</p> <p>The SMP commits to reducing the urban heat island (UHI) effect through a combination of vegetation and materials with low solar absorbance, for 75% of the site area, in order to claim the associated Green Star credit (25). If achieved, this would meet the requirements of Clause 22.15-4.5.</p> <p>A site plan should be provided demonstrating how at least 75% of the site area would consist of vegetation or appropriate materials to reduce UHI in accordance with the submission guidelines of Green Star credit 25.</p>
<ul style="list-style-type: none"> • Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorbance. 	<p>Achieved in part – Condition required:</p> <p>As noted above, the SMP commits to using materials with low level absorbency however Council’s ESD officer has raised concerns about that the dark colour of materials around the tower staircase</p>



	<p>on the east/ Rosherville Place elevation and those of the roof level plant screening will contribute to urban heat island effect. Lighter coloured materials are preferable. Council planners note this needs to be achieved in combination with materials which are characteristic of the area.</p> <p>A permit condition should require any amended material schedule to have an acceptable Solar Reflectance Index (SRI), importantly any amended materials should not introduce glare into the office areas.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u></p> <p>Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p>Achieved in part – Condition required:</p> <p>The design proposes to raise internal floor levels above street level with the level transition to occur within the building. The Entry Foyer includes steps and a platform lift with and 1:20 ramp to the main lift core. The secondary access of Rosherville Place does not provide universal access.</p> <p>Correspondence from Melbourne Water advises the finished floor level for all office areas should be 3.0 AHD therefore further amendments to the ground floor programming, including car lift and associated pit need to be considered.</p> <p>As part of the delivery for the Buckhurst Street Linear Park, cycling corridor and overall public realm works there is the potential to increase the level of Buckhurst Street and therefore reduce / remove the need for such level changes. This would improve street activation and allow for universal access.</p> <p>The ground floor layout should be amended in a similar way to that required for the recent approval for Amendment C190port for 11-41 Buckhurst Street to:</p> <ul style="list-style-type: none"> a) allow for universal access from both entries to the building based on current street levels; b) limit the extend of retrofitting works should the footpath levels be raised; and c) require the landowner to enter into a S173 to raise the finished floor levels of the interior of the building at ground level to align with the future increased height of Buckhurst Street footpath levels at the direction and to the satisfaction of the Responsible Authority. <p>See section 11.3.7 of the report for further discussion.</p>
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> • Design elements and materials <u>should</u> be resilient inc. water proof doors and windows, elevated power outlets and the like. 	<p>Not Achieved – Condition required:</p> <p>The architectural package and accompanying documentation do not provide details of flood resilient materials.</p> <p>See section 11.3.7 of the report for further discussion.</p>
<ul style="list-style-type: none"> • Land uses at ground level <u>should</u> be able to easily recover from temporary flooding. 	<p>Not achieved – Condition required:</p> <p>As outlined above, the areas of the proposal would not meet the minimum flood level of 3.0m AHD outlined by Melbourne Water. The plans generally show the Buckhurst Street and Rosherville Street corner of the building incorporating a 2-2.4m wide sacrificial edge external to the building at Ground floor level. Council officers consider this to be unsuccessful in managing the level differences</p>



	<p>associated with flood mitigation and also to be detrimental to street level activation, passive surveillance and commercial floor area in the core area.</p> <p>See section 11.3.7 of the report for further discussion.</p>
<ul style="list-style-type: none"> Any level changes required between street level and internal ground floor <u>should</u> be integrated into the building design to maintain good physical and visual connection between street and interior. 	<p>Not achieved – Condition required:</p> <p>As per the above comments, the proposed ground floor layout does not facilitate a well activated or engaging frontage.</p> <p>Buckhurst Street is designated as a Primary Active Frontage (80% permeability), while the Montague South vision is also clear in encouraging activation of laneways, particularly those branching off main thoroughfares such as Buckhurst Street. It is difficult to address level changes of circa 1.2m to meet (if Melbourne Water's flood floor level of 3.0m AHD) and street activation. However if Melbourne Water were to support a lower floor level in the region of 2.4m AHD resulting in a level difference of 0.6m, street activation could be achieved through the use of seating areas and adaptive furniture to the external facade of the building would provide for improved integration with the street.</p>
<ul style="list-style-type: none"> Essential services such as power connections, switchboards and other critical services <u>should</u> be located to address flooding impacts. 	<p>Not achieved – Condition required:</p> <p>The plan and elevation drawings do not show details of this.</p>
<ul style="list-style-type: none"> Developments and public realm layout and design <u>should</u> integrate best practice WSUD. 	<p>Achieved:</p> <p>It is proposed to capture stormwater from non-trafficable areas and store it on site for reuse. MUSIC modelling results provided in the SMP demonstrate that the stormwater quality of the proposed WSUD treatment would comply with (exceed) the requirements of Clause 22.12 and would achieve 2 Green Star points (Green Star column B pollutant reduction targets).</p>
<p>22.15-4.6 Communal open spaces</p> <p><u>Encourage</u> developments to landscape all public, communal and private open space.</p>	<p>Achieved in part – Condition required:</p> <p>The design includes indicative planters to the edge of communal open space terraces at Level 06 and 15. Planters are also proposed at Level 01, atop the street canopies.</p> <p>It is unclear how the latter planters will be accessed and maintained; further Council considers any structures over the footpath other than canopy cover should be setback to be within the title boundary to accord with relevant local laws.</p> <p>An amended landscape should be required as a condition of permit to include a maintenance plan for all hard to reach places including trained vines to tensioned stainless steel mesh</p>
<p>Landscape areas <u>should</u>:</p> <ul style="list-style-type: none"> Contribute to creation of sense of place and identity and preferred character for the precinct. 	<p>Achieved in part – Condition required:</p> <p>Applicable flood mitigation, stormwater run-off, and best practice WSUD is achieved but information provided does not include any innovative approaches sought by this policy. The communal open spaces within this development and landscaped elements of this</p>



	proposal would provide a shared space for the development, but would not appreciably contribute to any sense of particular place or identity or the preferred character for the precinct. Upon the establishment of the Buckhurst Street linear park there is the potential for the landscaped elements of this proposal to complement the 'greening' of the streetscape.
<ul style="list-style-type: none"> • Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. 	<p>Achieved in part – Condition required: Applicable flood mitigation is not achieved in an innovative manner. Stormwater run-off, and best practice WSUD is achieved but information provided does not include any innovative approaches sought by this policy</p>
<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. 	<p>Not achieved – Variation supported: No community garden is proposed. This is considered satisfactory for an office building.</p>
<ul style="list-style-type: none"> • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	<p>Not applicable: No public open space is proposed.</p>
<p>Plant selection <u>should:</u></p> <ul style="list-style-type: none"> • Support complex and biodiverse habitat including native and indigenous flora and fauna. 	<p>Achieved in part – Condition required: The landscape plan primarily features exotic plantings. A condition of permit should require a mixture of native and indigenous floor and fauna that are tolerant to the environmental conditions of the area including potential for future overshadowing as neighbouring properties are developed.</p>
<ul style="list-style-type: none"> • Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity. 	<p>Not achieved – Condition required: As per the above comments.</p>
<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not applicable: The site is not proximate to an area of biodiversity and the existing and proposed buildings cover the whole of the land A</p>
<p>Buildings <u>should:</u></p> <ul style="list-style-type: none"> • Include deep soil zones of at least 1.5m or planter pits for canopy trees. 	<p>Not achieved – Condition required: There are no canopy trees proposed on the communal open spaces at Level 06 and Level 15. Any requirement to provide canopy trees would need to be carefully managed with wind mitigation measures.</p>
<ul style="list-style-type: none"> • Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions. 	<p>Achieved in part – Condition required: The landscape plan proposes partial green façade element and rooftop landscaping to the podiums. The plans do not detail whether the landscape areas are water efficient, or located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.</p>



<p>22.15-4.9 Sustainable transport Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes.</p>	<p>Achieved: The development would not compromise the delivery of future public transport including new tram, train and bus routes.</p>
<p>Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes.</p>	<p>Not achieved – Condition required: The site does not abut a pedestrian or public transport priority route. Buckhurst Street is identified as a future strategic cycling corridor. Council’s Traffic Engineer has raised concerns regarding access to the car lift and any resultant queuing on Ann Street and Buckhurst Street as a result. Council’s Traffic Engineer notes, <i>“Given the number of traffic movements generated along Ann Street and the site’s proximity to South Melbourne Primary School and a childcare centre opposite the site (approved at 6-78 Buckhurst Street), I have concerns of pedestrian (cyclist) and vehicle conflict given the number of movements from the proposal. The site is proposed to be constructed up until the south – west property boundary. Drivers egressing from the site will not have a view of pedestrians (and cyclists) travelling south-west on Buckhurst Street. I have concerns for the number of movements generated along Ann Street and the south-west corner of the site being constructed up to the property boundary”</i>. See section 11.4 and 11.5 for further discussion.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p>Achieved in part – Condition required: The plans show bicycle parking facilities (52 bicycle parking spaces) and change rooms, showers and lockers but do not detail the design and dimensions of bike parking spaces and associated areas / enclosures. These can be required as a condition of any permit issued. Access to end of trip facilities is considered acceptable on approach from Rosherville Place. Access via the building lobby is poor and requires cyclists to negotiate single width doors and stairs / platform lift. See section 11.5.2 for further discussion.</p>
<p>Encourage developments to provide less than preferred max. no. car spaces.</p>	<p>Achieved in part - Condition required: 39 car-parking spaces (including 3 EV charging spaces) within a car-stacker system are proposed at Levels 01, 02 and 03. The proposal seeks to provide less than the preferred maximum number of car spaces for (maximum rate 57 car parking spaces) and as such would be technically compliant. The proposed car parking areas are well resolved with the external façade articulation but Council’s Traffic Engineer has raised concerns that the proposed number of car parking spaces would result in queuing outside the site boundary in an area designated as a future linear park. Council officers therefore recommend a maximum of one level of car parking i.e. 13 spaces, or zero car</p>



	<p>parking provision on site given the site's core location and convenience to public transport services. See sections 11.4 and 11.5 for further discussion.</p>
<p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p>Achieved: Podium car park floor-to-floor levels are proposed at 4.05m and would exceed the 3.8m height limits specified at Table 9 – Adaptable buildings of DDO30.</p>
<p>22.15-4.10 Land use transition Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p>Achieved: The expansion of the current office use would confirm with the vision outlined for the urban renewal of the area.</p>
<p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p>Achieved: The subject site is outside the amenity buffer areas outlined at Map 4 of CCZ1. The subject site is located within 50m of the South- Melbourne – Brooklyn pipeline buffer area and within 450 of the Port Melbourne – Symex Holdings pipeline. The Schedule to Clause 66.06 <i>Notice of Permit Applications Under Local Provisions</i> does not direct notice to Operators and Licencees authorised under the respective pipeline licence where the use and development is for an office.</p>

11.2 Clause 37.04: Capital City Zone (CCZ1)

1.1.1 Use of **Land**

The use of the land for office does not require a permit. We note this is a continuation of the existing use.

The ancillary uses are acceptable, subject to conditions for management of amenity impacts such as noise emissions and / or protection from nearby sources of noise etc. such as by the building including noise attenuation measures in its construction.

1.1.2 Buildings **and Works Requirements**

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

Map 1: Urban Structure seeks proposals to have a primary active frontage with 80% permeability facing Buckhurst Street, no crossover overs permitted and a linear open space beyond. A 6.0m (w) lane is denoted along the rear site boundary (Location indicative) running from George Street and Montague Street.

The site is located within the core area of the Montague Precinct.

Map 4: Amenity buffers do extend to the subject site.



Map 5: Pipeline buffers 50m of the South- Melbourne – Brooklyn pipeline buffer area and within 450 of the Port Melbourne – Symex Holdings pipeline. As noted above, the Schedule to Clause 66.06 *Notice of Permit Applications Under Local Provisions* does not direct notice to Operators and Licencees authorised under the respective pipeline licence where the use and development is for an office.

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

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

(Note: See also assessment at 11.5.1 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).

As the development provides for less than 10,000sqm (6,075sqm) of non-residential floor area there is no requirement to provide any bicycle, motorcycle or spaces allocated to a car share scheme under this clause.

Notwithstanding this, bicycle requirements at Clause 52.34 require bicycle facilities, these are discussed at Section 11.5.2 of this report.

1.1.4 **Conditions on Permits**

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

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

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

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

1.1.5 **Building Typologies**

The land is in Precinct Area M5 of DDO30 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 43 metres (12-storeys).

The Preferred precinct character is *Predominantly mid-rise (i.e. 7 to 15 storeys) developments with some high-rise (i.e. 16 storeys or higher forms on larger sites where well-spaced, slender towers can be demonstrated to provide sunlight access to streets with a particular focus on Buckhurst Street, incorporating a tooth and gap typology.*

Assessment

The 6-storey podium complies with the maximum street wall height for the site. The 16 storey / 64.44m tower would be 4 storeys / 21.44m higher than the preferred maximum building height and 1 storey higher than the preferred maximum precinct height.

The top-most-most level comprising plant, storage and architectural features does not meet the exemptions at Clause 2.5 of Schedule 30 to the Design and Development Overlay (DDO30) and constitutes a storey and is required to be included in the overall height calculation.

Council's Urban Designers commented that whilst the heights of the podium and the overall building would be beyond those anticipated by the DDO they could be supported as long as there are no adverse wind or overshadowing impacts on the public realm.

A variation is supported because:

- The increase of one level above the preferred maximum precinct height would be minor;
- The height would contribute to an interesting and varied skyline in combination with the 12 and 20 level approval at 11-41 Buckhurst Street;
- The height would provide a transition in height down from taller (up to 30 storey) developments approved to the south along Thistlethwaite Street

(see section 6.4 of this report for application details).

Figures 4, 5 and 6 below illustrate the context of approved and potential massing of future developments within the area.

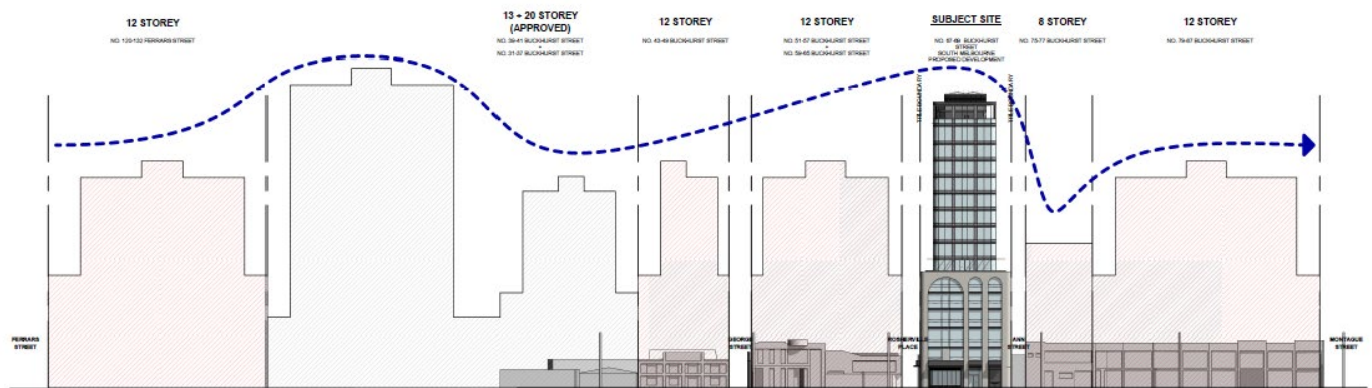


Figure 4: Eastern side of Buckhurst Street

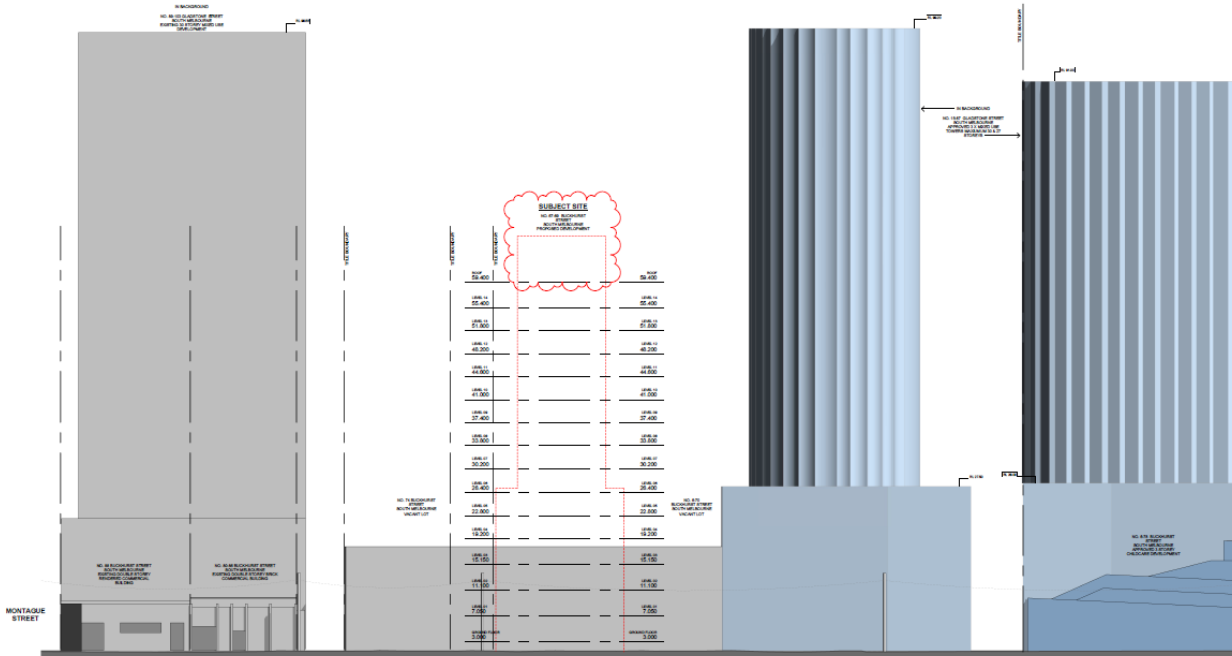


Figure 5: Western side of Buckhurst Street

Views to the roof top services are to be concealed by continuation of the framing elements of the tower façade beyond the parapet. The success of the additional massing contributed by this element is questionable. The design response would not fully obscure views of the plant equipment. It is considered the extent of facilities on this level could be rationalised by the removal of storage areas, WC facilities and the reconfiguration of services centrally to the site along with the deletion of the covered structure to reduce the dominance of services at this level.

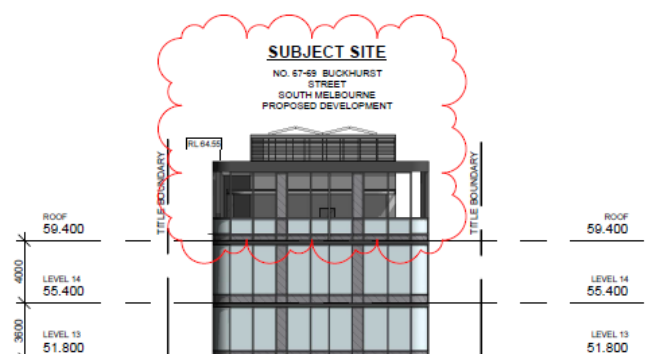


Figure 6: Roof top Services.

The proposed tower floorplate, setbacks and separation via existing and proposed laneways to all boundaries would allow the proposal to achieve the preferred precinct character of predominantly mid-rise buildings with the opportunity for some high-rise towers.



1.1.6 Overshadowing

Buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over:

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

Assessment

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

The land to the south-east rear of the site abutting George Street and Thistlethwaite Street is designated as new public open space on Map 4 to the schedule.

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

1.1.7 Building Height

Street Wall Height

See Table 1 of this report.

Buckhurst Street: Preferred 4-storeys. Maximum 6-storeys.

Where a new building is on a corner, the taller Maximum street wall height applies to the frontage with the lower Maximum street wall:

- On streets wider than 9 metres for a distance of 60 metres.
- On laneways for a distance of 25 metres.

Rosherville Place, Ann Street and New Laneway: Preferred 4-storeys. Maximum 6-storeys.

Assessment

The street walls would be consistent in height to all four elevations and broken up with a series of variably spaced, light coloured brick columns topped by arches over clear glazed fenestration in dark metal frames to the office tenancies and dark steel mesh for natural ventilation to the car park levels.

The six storey street wall height is supported subject to design refinements outlined at Section 11.3.9 of this report. The pergola structure to the podium rooftop terrace at 3.6m high would not be a permissible encroachment into the street wall height and therefore a condition of permit must be included to require its height to be reduced to a maximum of 3m. The pergola can be supported in at a height of 3m as its lightweight structure does not unreasonably impact the massing of the building and provide a supporting structure for vegetation.

Tower Height

The preferred building height for the precinct is mid-rise 7-15 storeys and preferred maximum building height is 12 storeys.

Assessment

The proposal is for a 16-level building with an overall height of 64.44m including a storey of building plant and the lift overrun.

As noted under the assessment at section 11.3.1 Building Typologies the proposed tower height is generally considered acceptable. One additional level above the upper limit of the preferred mid-rise height definition can be supported in the context of recent approvals and would provide for a transition in height from approved taller forms along Buckhurst Street. The proposed tower height would not result in adverse wind or overshadowing impacts on the public realm.

1.1.8 Street wall setbacks

Street walls should be built to the boundary.

The podium would be constructed to all site boundaries except the south-east rear boundary with 123-135 Thistlethwaite Street where it is proposed to be setback 3m to provide 50% of the width of a new laneway (as set out in the Fishermans Bend Framework and Map 1 - Montague Urban Structure at CCZ1 and Map 3 – Active Street Frontage of DDO30). The rear wall of the podium would consequently form a street wall to the new laneway, including ground level windows for street activation.

1.1.9 (Tower) Setbacks Above the Street Wall / Side and Rear Setbacks

Refer to Table 1 for proposed tower setbacks.

The preferred setback is 10m and the minimum setback of the tower above the street wall is 5m. Policy directs that where the setback is from a street less than 9m wide, the distance must be measured from the centreline of the street. All tower walls would meet the minimum setback requirements of 5m measured from the street frontage and the centreline of the side and rear lanes. A pergola structure at Level 06 / podium rooftop would encroach into this setback. The pergola can be supported subject to a condition requiring its height to be reduced to a maximum of 3m and for the reasons previously discussed.

1.1.10 Wind Effects on the Public Realm

A Wind Impact Assessment prepared by Vipac Engineers and Scientists Ltd was submitted with the application. The report was not based on wind tunnel testing. The report concluded:

- The development would be expected to generate wind conditions in the ground level footpath areas within the walking comfort criterion.
- The footpath areas outside the ground floor tenancy are expected to have wind conditions within the standing comfort criterion or be similar to existing wind conditions.
- The development would be expected to generate wind conditions in the building entrance areas within the standing comfort criterion.



- The Level 06 terrace would be expected to have wind conditions within the recommended walking criterion.
- The rooftop terrace would be expected to have wind conditions within the recommended walking criterion.

Assessment

Officers have concerns regarding the findings of the report as follows:

- The desktop wind assessment is not acceptable for the following reasons:
 - It does not address how the proposal will achieve the mandatory wind safety requirements
 - It does not address all developments in the assessment area that are proposed (under assessment), approved and under construction. Figure 6 is not current.
 - It does not respond to the function and use of the proposed linear park along Buckhurst Street (not just a 'nature strip') and the new park to the southeast. These public open space areas will be heavily used by residents, workers and visitors and high amenity is needed, including meeting sitting wind comfort conditions. I don't agree that these areas are only intended for 'fair weather days' and that people be able to use them in most wind conditions. The wind comfort criteria in DDO30 already include exemptions for extreme conditions. Similarly, outdoor seating for the proposed café should be addressed
 - It does not respond to the intended function and use of the Level 06 terrace areas, which includes outdoor seating (refer to landscape plans). These areas should achieve sitting wind comfort conditions. Wind assessment and management needs to reflect whether the pergolas will remain.

Any approval should be subject to conditions requiring an updated wind report to address these concerns.

1.1.11 Ground Floor Layout, Active Street Frontages and Flooding

It is a requirement that Melbourne Water's Planning for Sea Level Rise Guidelines (February 2017) and Melbourne Water's Guidelines for Development in Flood-Prone Areas (October 2008) be applied to the Fisherman's Bend Urban Renewal Area.

Resolution of the required finished floor levels, accessibility and a high level of activation and engagement with the public realm is inherently difficult.

Melbourne Water recommend a minimum finished floor level of 3.0m AHD (i.e. 600mm above the applicable sea level rise flood level of 2.4m AHD) to all office floors and lifts and services and any entry point that could allow water entry to a basement. A lesser finished floor of 2.4m AHD can be considered for retail areas and commercial lobbies.



Land Use	Floor Level metres AHD
Habitable Residential and Office	3.0
External entry to individual dwellings	1.9 to 2.1
Commercial Lobbies/Retail	2.4
Lifts/Services	3.0
Garage/Car Parking entry	2.4 plus 600mm mechanical freeboard
On street parking spaces	1.9 to 2.1

Assessment

Only the ground floor café (2.55m AHD), part of the entry lobby and associated lifts and the substation (3.00m AHD) meet Melbourne Water's requirements.

The majority of the entry foyer (1.86m to 2.55m AHD) and building services (1.86m to 2.00m AHD) and the car lifts (2.55m AHD) need to be raised.

Any transition on site would therefore need to generally accommodate up to a 1.15m level change from the footpath level to the required internal floor level.

The plans have sought to address the required level changes within the building footprint by use of stairs, platform lifts, ramps and a 2.0-2.4m wide sacrificial edge to the Buckhurst Street / Rosherville Place corner.

The success of the ground floor level transitions as it relates to streetscape activation and universal accessibility however must be improved. While a secondary entry to the office with café and 'sacrificial zone' at street level could be positive it does not deliver a high level of activation to a street as currently designed and it further erodes the architectural expression of bullnose corners with a void behind and a 0.72m high brick edge further impedes interaction with the streetscape.

Consideration should be given to reducing the finished floor level of the ground floor office to a maximum of 2.4m AHD being 600mm lowered than the designated flood level and the introduction of more engaging building edge treatments such a seating, planters or other tactile measures to add visual interest.

Officers recommend the façade be brought forward to the street wall and a furnishable sacrificial edge be adopted *internally* to the building, being at least 4.0m from the Buckhurst Street boundary to allow for usable areas. Such areas should incorporate design elements and materials that are water resilient including waterproof doors and windows, elevated power outlets and the like. Such a design response would allow an at grade entry at footpath level with internal steps and DDA access via internal ramp in main public entry foyer.

The proposed lobby area should be redesigned to remove the steps and platform lift, the lobby area is of a sufficient length to allow for the provision of ramps only for incriminatory universal access with reception / office areas to be accessed from flat transitional areas.

It is important to note that the above is based on consideration of existing site conditions but as detailed in this report, the proposed vision for Buckhurst Street will deliver upgrade works to deliver a strategic cycling corridor and a linear park. These works will provide opportunities to raise the street and footpath level which would allow an at grade or shallower level transition the street and



building. At present there is not an adopted profile for how Buckhurst Street would look and operate but it is requested any permit issued includes a condition to require a detailed Streetscape Interface Design. Such a plan must demonstrate a suitable transition from the internal floor layouts to the Buckhurst Street footpath which must be generally in accordance with the Montague Precinct Plan or as otherwise approved to the satisfaction of the responsible authorities.

Any level changes required between street level and internal ground floor should be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior

Any amended design response proposed by the permit application should ensure that the final layout can be easily retrofitted. Recent approvals issued for Buckhurst Street have required the owner to enter into a S173 agreement to raise the finished floor levels of the interior of the building at ground level to align with the future increased height of Buckhurst Street footpath levels.

It is considered that the above amendments, subject to being determined as an acceptable design response by Melbourne Water should be included as a condition of any permit issued.

Ground Floor Layout and Accessibility

The ground floor layout is not supported. Council's Urban Designers raised the following concerns:

- The location of the column at the Buckhurst Street entry partially obscures and constrains access to the front door of the building. This creates a pinch point potentially obstructing access for those using mobility devices, as part of amendments recommended at section 11.3.9 of this report, any façade redesign should ensure open sight lines to the main entry.
- The role and purpose of the setback of the office/café space is unclear. The office w/café should be constructed to the street corner to maximise floor space and activation to the respective streets. The position of the door on Rosherville Place to this space, whilst contributing to some activation of the laneway, is unusual and should reconsidered. The layout creates a 'blind' space in which a person is not observable from the street. Eliminate all spaces where people can hide.

Step free access to the co-working space/café is only provided from the main entrance. Requiring a mobility impaired person to use an alternate entrance is a poor level of service and does not provide dignity to all.

- The fire stair access onto Rosherville Place has the potential to create activation to the laneway but this is not well executed and would not allow for access for those with a mobility impairment. This lobby area should present as a more defined space and provide a clearer line of sight to the lift core and adjoining office with café.

Staircase

There is a missed opportunity to improve the appearance of the staircase facing Rosherville Place, particularly at podium levels. Council's ESD officer has raised concerns regarding the dark materiality and Council's Urban Designer

has raised concerns about the internal and external space regarding compromised personal safety and security.

A more visible stair that sits more equal with the lifts would facilitate their use at least within the podium levels but importantly also between levels where tenants occupy more than one level. The placement of the stairs offset from the central recessed element and variably spaced brick columns of the podium, switch room and the secondary entry lobby off Rosherville Place is jarring and should be reconsidered. The recess to the secondary entry lobby should be brought forward to provide a consistent building line.

Council's Building Department noted that stair pressurisation must be allowed for in the fire-isolated stairways and be fully enclosed with no openings unless a fire-engineered solution is proposed.

Services

Buckhurst Street is identified as a 'Primary Active Frontage Street' where at least 80% of the ground level frontage should be clear glazing to a height of 2.5m (excluding any solid plinth or base. The café tenancy and lobby entry glazing extends across only approx. 59% of the frontage, with the remainder taken up by building services and a stair adjacent to Rosherville Place. As this is an island site with a limited site frontage, the provision of an activated frontage to Buckhurst Street is arguable more important here than other sites. Limiting the extent of services in the street frontage would make a better contribution to streetscape activation.

Considering the site has three frontages the appropriate placement can and should be resolved with the relevant service authorities. Removing on-site car parking would not only address traffic safety and accessibility concerns but would also provide an opportunity for the water meters and booster cupboards to be relocated to Ann Street, a largely services laneway where views to services are to be expected.

The current integration of the booster cupboard into the Buckhurst Street Façade is not well resolved with the architecture of the building, the services sit forward of the lobby entry and when read in conjunction with the column restricting views to the entry foyer, fail to provide an adequate sense of address. The applicant is encouraged to explore more creative design options in response to this matter

All services cupboards must be designed / located to avoid doors opening over laneways and footpaths.

Any permit that may be granted for the proposal must include conditions for detailed plan and elevation drawings including detailed façade strategy.

1.1.12 Adaptable Buildings

Adaptable buildings should incorporate elements detailed at Table 7.

Table 7: Adaptability Assessment



Building element	Adaptability opportunity	Compliance
Lower levels up to the height of the street wall	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	Achieved in part: Ground level floor-to-floor height: 4.05m* Podium levels 1 to 3 floor-to-floor height: 4.05m Podium levels 4 to 6 floor-to-floor height: 3.6m *Height measured from the required flood level (3.0 ADH)
Car parking areas	In areas not in a basement: <ul style="list-style-type: none"> • Level floors. • A floor-to-floor height at least 3.8m. Mechanical parking systems to reduce the area required for car parking	Achieved: Car parking provided on Levels 1-3. Podium levels 1 to 3 floor-to-floor height: 4.05m Car parking is provided in mechanical stackers with access via a car lift allowing level floors.
Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	Achieved The principle load bearing elements would be the building floors and beams and the perimeter columns, allowing internal spaces back to the service cores to be altered and adapted.

Assessment

The building meets the adaptability standards and is appropriately designed for its proposed office uses. The upper level floorplates are considered adaptable and can be easily be retrofitted with stud walls or similar to partition the floorspaces to meet specific requirements which is particularly important in a 'COVID normal' workplace setting social distancing and high levels of natural ventilation are reported as important features of workplaces.

Council's Building Department advise that male and female sanitary facilities need to be separated throughout the office floors which would marginally encroach into the commercial floor space of the upper levels.

1.1.13 Building Finishes

The proposed materials and finishes are outlined at Table 1.

Assessment

Podium

Each face of the podium presents with a series of inconsistently spaced, light coloured brick columns topped by arches over clear glazed fenestration in dark metal frames and dark mesh for natural ventilation to the car park levels.



There is no in-principle objection to the arched expression and light-coloured brickwork of the podium but there is little connection to the industrial character of the place. The architectural concept of high arches seems without context and is not well carried through with inconsistent spacing of arches on the façades. The resultant built form at podium level is one with a vertical emphasis and when combined with a relatively narrow site frontage (emphasised by the site's location between Rosherville Place and Ann Street) undermines the finer grain expression and human scale of the street (and approved developments yet to be constructed).

It is recommended that the columns be limited to a maximum of two storeys in height with upper levels featuring a clear horizontal break beyond that provided by the black powder coated horizontal window framing such as that denoted at Figure 6.

The proposed light coloured, and slender profile of the brickwork / face brick would create a pristine / fresh finish which does not create a strong reference to the industrial heritage of the area. A design response incorporating materiality such as darker brickwork to 'earth' the building. Should be adopted to connect the building to the place.

The existing building to be demolished offers a contemporary architectural cue and while the applicant is commended for incorporating a reference to the existing bullnose corners of the site, it is recommended that any amended facades draw a stronger link with the existing building and area by the reuse of the brickwork which offers visual interest, tactility and sustainability. Council officers would support existing brickwork being supplemented with other recycled brick if there are insufficient quantities for the podium level.

If the reuse of the brick is not supported, a commitment to a red brick and a hand laid brick is critical. The materials palette needs to be clear, specific and committed.

The use of dark steel mesh to the car parking areas is generally considered acceptable and whilst a standard design response to such issues has been adopted instead of an architecturally resolved finish, given the narrow street widths, view lines are limited. As per the discussion at sections 11.4 and 11.5 of this report it is considered necessary to significantly reduce the car parking provisions on-site.

The exterior glazing to the end-of-trip facilities are supported due to activation of the adjoining laneways. The extent of proposed clear glazing has been raised as a safety and privacy concern. The change room areas are not visible from the street and it is considered the accessway and the proposed design response is acceptable and will maintain a sense of activation and passive surveillance in the laneways, particularly on the south and west elevations.



Figure 6: Recommended design response Moxo project, Glebe NSW, by Chofri architects

Tower

The tower presents with a clear glazed curtain wall framed with darker glazed horizontal spandrel and column panels. All corners of the tower have curved corners referencing the podium and existing brick building on site.

The architectural expression of the building with the solid, textured podium framing and supporting the visually lighter glazed elements of tower are generally supported however the execution of materiality choices and the horizontal expression at the upper levels result in a disjointed presentation and the reverse approach to the architectural expression should be adopted to create the appearance of slender towers.

The extent of servicing (in addition to that podium levels) is significant and officers recommend these matters to be more successfully resolved within the design expression of the building.

Any permit that may be approved for the proposal must include conditions for detailed elevation drawings including detailed façade strategy elevations for the podium levels and a coloured schedule of all external building materials and finishes. Confirmation must be provided that all external façade material and



finishes must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

11.4 Clause 45.09: Parking Overlay and Clause 52.06: Car Parking

(Note: See also assessment at 12.2.3 of this report).

11.4.1 Car Parking

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

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

Table 8: Car parking rates and provision

MAXIMUM CAR PARKING RATE	MAXIMUM CAR PARKING PROVISION	PROPOSED CAR PARKING PROVISION
Office: Max. 1 space / 100sqm gross floor area (Clause 45.09)	Based on a gross office floor area of 5,878sqm (office: 5,788sqm and co-working area: 90sqm) a maximum of 58 car parking spaces can be provided on site before requiring a planning permit. * Given the wellness floor space is ancillary to the primary use as an office, it will not generate any additional car parking requirements.	39 car-parking spaces are proposed (including 3 EV charging spaces) within a car-stacker system at Levels 01, 02 and 03)

Assessment

The Fishermans Bend Framework Plan sets out Sustainability goals including A connected and liveable community where, *“... people will be connected through integrated walking, cycling public transport links that will make choosing Sustainable transport options easy....Activity cores will be located near public transport and include community services and public spaces to ensure the people can access their daily needs close to where they live and work. These reliable and sustainable transport options will mean fewer than one in five trips will be made by private car.”*

General strategies for Fishermans Bend at Clause 21.06 Section 6.8.7 seeks to, *“Encourage the highest concentration and mix of uses in the defined core areas, located on public transport nodes and routes to increase public and active transport use, reduce car dependence and promote multi-purpose trips”*.

A key target of the Fishermans Bend Framework is to deliver a network where 80 per cent of trips are made via sustainable transport.

The subject site is close to light rail and bus routes and is within walkable distance to convenience shops and services popular with office workers in South Melbourne in the short term until the strategic vision set out for Buckhurst Street and the Montague core area are realised.

The proposed number of car-parking spaces would not exceed the preferred rate and the external presentation of the car parking levels is generally well

resolved in the architecture of the podium levels, these rates alone however do not direct acceptability of the proposed car parking rate.

The site constraints and the future vision for the area means the extent of car parking proposed is inappropriate for this site. A combination of restricted access arrangements due to the narrow profile of Ann Street and a reliance on queuing outside the site boundary means the proposed level of car parking is excessive and gives rise to safety hazards for pedestrian / cyclist conflict once the vision for the urban structure of the area is realised.

It is recommended that car parking should be reduced to not more than one level or 13 car parking spaces in a car stacker system, including one DDA compliant space as required under Building Regulations. A zero-car parking provision on-site would also be supported given the site's ease of access to public transport options, the strategic cycle corridor earmarked and good on-site bicycle facilities. Any car parking demand should instead be met by the provision of car parking available within the surrounding street network.

Section 11.5.3 discusses the cumulative impact of traffic arising from the proposed level of car parking.

11.4.2 Design standards for car parking

As per the internal referral comments included at **Attachment D** to this report, Council's Traffic Engineers raised concerns regarding the car park design noting:

Car parking and access

- Proposed access to off-street parking facilities is via a proposed crossover to Ann Street. Council's Traffic Engineer has concerns regarding the proposed access arrangements specifically:
 - The ability of two vehicles to pass one another with adequate clearance from the opposing vehicle and surrounding structures. Two B85 vehicles have been shown. Swept path diagrams should be updated to ensure a B99 and B85 vehicle can adequately pass one another. The propping of vehicles along Ann Street is not supported. All queuing should be contained within the site.
 - SPA101 fails to provide adequate clearance from the wall adjacent to the accessway
 - SPA202, SPA203, fails to provide adequate clearance from the column
 - Car parking bay dimensions based on the stacker specifications will provide a clear platform width of 2.4 metres on upper levels and 2.17 metre width for the entry level. Based on the current design 18 bays will have a width of 2.17 metres. This cannot be supported and is well below both Australian Standards and Planning Scheme parking bay dimensions. It is recommended the applicant redesign the site to provide an acceptable width for parking bays and consider at least one DDA bay accommodated via an empty platform.
 - Car lift:

- Vehicles fail to maintain adequate clearance from when egressing and entering the lift. Can the applicant amend the design to ensure adequate clearance is maintained?

Ramps

- Ramp grades and transition changes will need to be redesigned to accommodate an approx. additional 0.44m rise to meet Melbourne Water's required 3.0m AHD level to the base of the car lift(s). An access grade of not steeper than 10% within 5 metres of the frontage must be adhered to in any revised. This needs to be provided for by a condition of any approval that may issue.

Bicycle Facilities

- See section 11.5.2 of this report

Loading and Waste area

- See sections 1.6 and 1.7 of this report.

Car Share

- A car share scheme is not required or proposed as part of the development. Officers would encourage the voluntary provision of some car share spaces onsite.

Other

- Three electric car charging spaces is considered low.
- At least 50% of all car spaces on all car park levels should have access to an electric vehicle charge point, having regard to:
 - The economic life of the building;
 - Existing and pending legislation for car manufactures to end new internal combustion engine (ICE) vehicle sales from 2025 (Norway), 2030 (Sweden, Denmark, Ireland, Israel, Netherlands and Slovenia England, Wales and Northern Ireland), 2032 (Scotland), 2035 (California), 2040 (France and Sri Lanka), and China (tba);
 - Major global car manufactures announcing they will cease production of ICE vehicles by 2025 (Jaguar), 2030 (Ford - Europe), 2035 (General Motors)

Other Matters

11.5 Transport Matters

11.5.2 Motorcycle Parking

Developments with over 10,000m² non-residential floor space - Provision of 1 space per 100 car parking spaces.

The development is for less than 10,000m² therefore motorcycle parking is not required or proposed.

11.5.3 Bicycle facilities



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

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

For this assessment, officers have elected to:

- Use the bicycle parking rates specified at Table 1 of Clause 52.34-5 as it provides for preferred rate in the absence of the development meeting the threshold floor areas outlined at Clause 4.2 of the Schedule to the Capital City Zone.
- Use the shower and change room requirements at Clause 52.34-5 and the Design of bicycle spaces and Bicycle signage requirements at Clauses 52.34-6 and 52.34-7 because Clause 4.2 of the Schedule to the Capital City Zone does not set out alternative requirements for these matters.

An assessment of the bicycle facilities for the proposal is outlined at Table 9

Table 9: Bicycle parking and end of trip facilities

Bicycle Facility	Rate	Requirement	Proposed
	Table 2 of Section 4.2 of Schedule 1 to the Capital City Zone		
Bicycle Parking	Developments with over 10,000m² non-residential floor space <ul style="list-style-type: none"> • 1 space per 50 m² of net non-residential floor area • 1 visitor space over 100 m² of net non-residential floor area. 	N/A	N/A
Bicycle Parking	Use listed in Table 1 of Clause 52.34 Office: <ul style="list-style-type: none"> • 1 employee space to each 300m² of net floor area if the net floor area exceeds 1000m² • 1 visitor space to each 1000m² of net floor area if the net floor area exceeds 1000m² 	Requirement Office: 5,878sqm (office: 5,788 sqm and co-working area: 90sqm) <ul style="list-style-type: none"> • Total employee spaces required: 20 • Total visitor spaces required: 6 Total: 26	Proposed bicycle parking spaces: 52 (+26).
Showers:	If 5 or more employee bicycle spaces are required, 1 employee/resident shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	2 employee showers are required	9 (+7) 4 male, 4 female and 1 DDA compliant
Change rooms:	1 employee/resident change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	2 employee change rooms are required or one with direct access.	3 (+1) 2 changes rooms with direct access from shower facilities comprising one male and female and one DDA compliant.

The plans generally show details of bicycle facilities required by Clause 52.34-5 and a cycle repair area / workshop. The plans will need to be amended to clarify dimensions of bicycle spaces and distinguish between visitor and staff bicycle parking and to confirm corridor widths for turning and passing spaces in this area.

A redesign to provide improved ease of access and visibility via the lobby area is important for visitors to the site and necessary wayfinding signs will be required. Ramps instead of platform lifts and stairs and would improve bicycle-parking accessibility.

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

11.5.4 Cumulative traffic impacts

Policy directs that 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 Map 1 – Montague Urban Structure CCZ1 unless no other access is possible.

The proposal would not introduce any new crossovers to Buckhurst Street but would rely on vehicular access via Ann Street (3.98m wide) which is considered too narrow for the volume of traffic generated by the proposed number of car parking spaces.

The One Mile Grid Traffic Report submitted in support of the application notes, *"It is generally accepted that traffic generation of office uses is a function of the car parking provision, with around 50% of spaces filling during the AM peak hour and 50% of spaces being vacated during the PM peak hour. A counter peak flow of 10% of the peak direction volume will be conservatively applied for the purposes of this assessment. It is expected that all 39 spaces will be allocated to office staff."*

Application of the above rates to the 39 spaces allocated to the office gives the projected traffic generation of 20 vehicle movements during each peak period, comprising 18 arrivals and 2 departures during the AM peak and 2 arrivals and 18 departures during the PM peak."

The report states that a maximum of 20 vehicle movements per hour are expected, equivalent to one vehicle trip every three minutes and that this rate is considered very low and expected to be easily absorbed into the surrounding road network.

Council's Traffic Engineer advises:

- Given the number of spaces proposed, there are concerns about the assumption that only 50% of bays will be filled during AM peak periods. Given the size of the office, it would be expected that more than 50% of bays will be occupied during AM peak. Similarly, more than 50% of vehicles are likely to leave the site in PM peak given the office use. The applicant should provide some evidence to support the 50% used or alternatively re-undertake the queuing and conflict assessment using a more appropriate number.



- Given the number of traffic movements generated along Ann Street and the site's proximity to South Melbourne Primary School and an (approved) childcare centre opposite the site, there are concerns pedestrian and vehicle conflict given the number of movements from the proposal. The site is proposed to be constructed up until the south – west property boundary. Drivers egressing from the site will not have a view of pedestrians travelling south-west on Buckhurst Street. I have concerns for the number of movements generated along Ann Street and the south-west corner of the site being constructed up to the property boundary.

Council's traffic engineers raised concerns about the cumulative traffic impact of this proposal and other approved and potential approvals along Buckhurst Street and nearby. Typical traffic generation rates for office use are generally higher than that considered in the traffic report.

It is considered that in the absence of a wider assessment on these issues to direct otherwise, the proposed level of car parking to be delivered on this site would result in unreasonable impacts on the future delivery of the linear park and safe movements long any future strategic cycling corridor on this side of Buckhurst Street and as per above, the number of parking spaces should be reduced and/or all car parking be deleted.

11.6 Waste Management

The Waste Management Plan (WMP) prepared by One Mile Grid proposes:

- A private contractor to manage the collection and disposal of all waste streams associated with the development.
- Collections will be scheduled to occur in the morning (outside of business hours). The required collection methodology (including distance to move bins) will be established prior to engaging in a contract with a private contractor.
- Shared bins will be stored within a waste room on the ground level of the development. Table 10 details the proposed waste provisions.
- The waste contractor will prop their vehicle on Buckhurst Street, collecting bins directly from the waste room on the specified collection days, with the contractor replacing the bins immediately following collection.

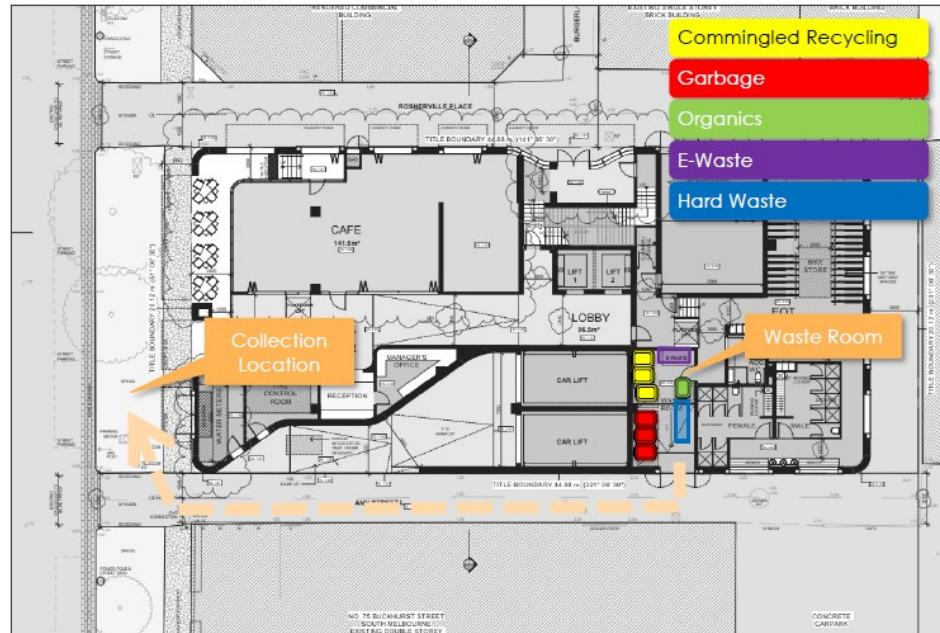


Figure 7: Proposed waste allocation streams

Table 10: Proposed waste provisions.

Waste type	Totals Waste per week (L)	Bin size / number required	Frequency of collections per week
Garbage	5,150	1,110 x 3	2
Organic	573	660 x 1	1
Recycling	4,690	1,100 x 3	2

There are additional areas proposed for hard waste and e-waste.

- Responsibility of waste collection within the site
 - Office Floors – Contracted Cleaners responsible for disposing waste
 - Common Space – Contracted Cleaners responsible for disposing waste
 - Ancillary café – Staff responsible for disposing waste
 - Wellness – Staff responsible for disposing waste

The WMP and the Architectural Drawings are inconsistent. Officers note:

The Architectural Drawings and Waste Management Plan are generally acceptable subject to clarification of the matters outlined below:

- WMP has 3x1100L waste bins and 3x1100L recycling bins (collected twice a week) but floor plans only detail 2x1100L bins for both streams.
- Require more information about bin collection time to ensure compliance with Council’s Local Laws requirements.
- Would highly recommend installing dual chute system.

- Waste truck will potentially block the parking bay/s outside the building or may block the Ann Street access (if a vehicle is already parked on the bay) due to a meter parking area in front of the building as this is a busy street (and will get busier), also possible OH&S hazard for having to transport the number of skip-bins this distance for collection.

Concerns raised by Council's Waste Manager Officer relating to the on-street waste collection provisions and possible conflicts with pedestrians, cyclists and other vehicles align with the concerns raised by the Traffic Engineer regarding general access to the site and how it is to be managed.

It is preferable for waste collection to occur within the site. When on-site collection is not possible, an appropriately managed service must be provided. It is recommended that waste collection occur from Ann Street using a rear-mini loader to prop between the entry to the car lift and the bin storage room while a spotter collects and replaces the bins from the waste collection room.

It is preferable that the waste vehicle perform a 3-point turn onto the accessway or use a turntable to allow entry and egress onto Buckhurst Street in a forward direction. Traffic Engineer notes further amendment to the car lift entry is required to allow sufficient area for vehicles to pass, this however is unlikely to facilitate a three-point-turn for a rear-mini-loader vehicle which is typically 6.4m long, 2.1m high and 2.26m wide (with mirrors out). It is therefore recommended that any condition of permit require a spotter to direct the rear-mini-loader to reverse into Ann Street and ensure pedestrian and cyclist safety during the manoeuvre. The waste collection vehicle can then exit the laneway in a forward direction.

It is recommended that any waste collection services occur between 10am and 2pm, being outside of peak traffic times within the area. Council's Waste Manager Officer advises the proposed number of collections per week is acceptable. Reducing the number of vehicular traffic movements on site would assist to minimise conflict with cars entering and existing as discussed at section 11.5.3 of this report.

These matters are included as recommended conditions at **Attachment 6**.

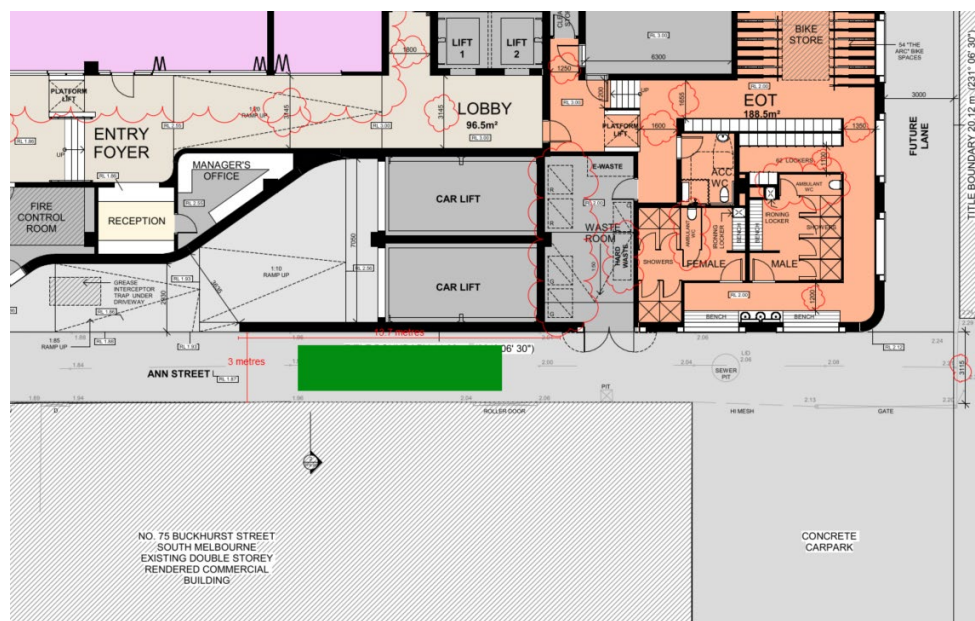


Figure 8: Proposed waste collection –green area denotes waste collection / loading area.

Council’s Environmental Sustainability officer has also raised concerns regarding the waste reduction targets that are claimed in the Green Star scorecard. Refer to section 11.10 of this report for further detail.

An updated Waste Management Report addressing the above issues should be conditioned as part of any permit and approved to the satisfaction of Council.

11.7 Loading

It is proposed to accommodate all loading (with the exception of waste) within the existing Loading Zone located on Buckhurst Street, approximately 40 metres southwest of the site, which provides for exclusive loading use between 8:00am and 6:00pm, Monday to Saturday.

The One Mile Grid Traffic Report notes that, “... deliveries to office developments are typically from small vans and trucks, the provision for loading is therefore considered appropriate for the proposed use.”

The above conclusion is generally acceptable but it does not consider the increase in vehicles utilising the Ann Street crossover, the linear park and the strategic cycling corridor combined with the general increase in pedestrian movements. It is considered that on-street loading could continue based on small to medium sized vans being used for deliveries, but this would need to be appropriately managed with any conflicts arising from any on-site car parking and peak times during the day. Any larger deliveries must be managed with vehicles propping in the same general location as that discussed for waste collection.

11.8 Existing and Future laneways

Existing Lanes

Council’s Development Engineer advised if Ann Street was to provide vehicle access to the building, it would need to be upgraded including the installation of drainage and lighting infrastructure. The existing laneway paving is not suitable for increased traffic and needs to be upgraded.

Rosherville Place would also require lighting and drainage infrastructure upgrades.

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

Future Laneway

Map 1 (Montague Urban Structure) of Schedule 1 of the CCZ, and the Fishermans Bend Framework (October 2018) show a new 6.0m wide new laneway to be constructed from George Street in the north-east to Montague Street to the south-west. Fifty percent of the laneway width is to be provided by setting the proposed building back 3.0m from the rear boundary. The balance of the 6.0m wide laneway will be delivered by properties to the south when they are developed.

Conditions of any approval need to:

- set out the design and engineering requirements for the new laneway;
- require the applicant / landowner to enter into an agreement under Section 173 of the Planning and Environment Act 1987 with Council to fully construct the new laneway at no cost to Council.



The agreement should include an option for the owner to deliver an interim construction standard initially and bond the final construction until the other half width of the lane is to be constructed, at which time they (or Council using the bond) would need to jointly -deliver the final configuration of the laneway as per any final design specifications.

- Require the new lane to be transferred to or vested in the relevant road authority (i.e. Council) as a public road at no cost to the relevant road authority.

11.9 Sustainable design

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

The Sustainable Management Plan prepared by Ark Resources is dated 10 March. The report is based on a previous version of the proposal and has not been updated to reflect amendments to the current scheme. The proposed amendments to plans do not have any significant impact on the commitments in the SMP however.

The report states that the proposed development can achieve a Green Star 5 Star Rating, which is defined as an Australian Excellence standard by the Green Building Council of Australia.

The report also states that the following sustainable design initiatives have been incorporated into the proposed development:

- High-performance glazing and energy efficient building services, appliances and fixtures
- Rainwater harvesting system for toilet flushing and irrigation
- 20kWp solar photovoltaic array
- Electric vehicle charging infrastructure
- Shared electric bikes for staff
- Environmentally preferable internal finishes.

An assessment of sustainable design outcomes of the proposed development has been undertaken with Green Star Design & As Built and MUSIC benchmarking tools. The information presented in the report concludes that:

- The development can achieve a Green Star 5 Star Rating which is defined as an Australian Excellence standard by the Green Building Council of Australia
- The development can achieve a NABERS Energy 5.5-star rating, which is defined as 'Excellence', or an equivalent number of Green Star Energy points under GHG Emissions reference building pathway 15E.
- The development meets 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 that the SMP relating to the following aspects. A detailed discussion of each aspect is outlined in the referral responses at Appendix D of this report.

- Commit to certification with GBCA
- Address inconsistency in SMP and NABERS report regarding hot water system type



- Fully address energy objectives of Clause 22.15-4.5
- Provide appropriate rainwater tank size to meet mandatory sizing at Clause 4.3 of CCZ1
- Commit to connecting rainwater tank to all non-potable outlets
- Update WELS ratings of taps to 6*
- Provide site plan addressing Green Star Urban Heat Island credit. The dark colour of materials around the tower staircase on the east/ Rosherville Place elevation and those of the roof level plant screening will contribute to urban heat island effect. Lighter colour materials are preferable.
- The Green Star Design and As Built Scorecard shows that credit 8A is targeted requiring a specialist Waste Management Plan to be prepared. In order to claim this credit, the site specific waste management plan must set waste reduction targets and include strategies to achieve those targets, in accordance with the Green Star Submission Guidelines. The submitted Waste Management Plan (WMP) does not address waste reduction or include waste reduction targets or strategies. This credit cannot be claimed and should be removed from the Green Star scorecard, unless the WMP is updated appropriately.

These matters could be provided for by conditions of any permit that may be issued for the proposal.

11.10 Landscaping

On-site vegetation

The landscape plan primarily features exotic plantings. A condition of permit should require a mixture of native and indigenous flora and fauna that are tolerant to the environmental conditions of the area including potential for future overshadowing as neighbouring properties are developed.

There are no canopy trees proposed on the communal open spaces at Level 06 and Level 15. Any requirement to provide canopy trees would need to be carefully managed with wind mitigation measures.

The proposed landscaping plan is generally acceptable but should be supplemented with a maintenance management plans including details on how hard to reach areas will be accessed.

Council is not supportive of planter boxes at first floor level that extend outside the title boundary. Any provision of planters on this level should be incorporated into the façade treatment.

Street Trees

Council's Arborist has noted the following:

- The inclusion of an awning over the footpath conflicts with the canopy of the Lilly Pilly on the nature strip (tree closest Rosherville Place). Pruning of the tree for clearance will render the tree unviable, therefore the applicant will be required to pay Council the amenity value of the tree, removal and replacement costs. If these plans are approved and tree removal is required, I will inspect the tree to calculate the costs to be paid by the applicant.



- The second street tree, a Desert Ash, is a stunted specimen with decay in the trunk. The tree is currently healthy and structurally sound and so does not meet our tree removal policy; however, removal of both trees prior to construction will provide a better long-term outcome and allow for greater construction access. As the development is not in conflict with the tree and the tree has reduced vigour I will waive the amenity value charge and only charge removal and replacement costs for this one.
- If the applicant would prefer to retain the Desert Ash they will be required to protect it through all phases of the development. A Tree Protection and Management Plan (TPMP) will be required for endorsement and form part of the permit. The TPMP must detail how the tree will be protected in accordance with AS4970-2009 (Protection of Trees on Development Sites).

Council officers note that any replacement replanting would occur once an established street profile for the future vision of Buckhurst Street is finalised. Council officers also strongly recommend that the developers underground (or at least bundle) the power lines outside the property. Council officers note that the power lines will likely need to be bundled or rerouted during construction.

11.11 Noise

The proposed use on site will not result in adverse noise impacts to existing and emerging developments within the area. The SMP awards a credit for provide an appropriate and comfortable acoustic conditions for the future occupants.

11.12 Environmental Audit

An environmental audit has not been undertaken for the land.

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

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

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

The use is not classified as sensitive therefore an Environmental Audit would not be required for uses and construction (excluding demolition) on this site. To ensure the use of future adaptability of the building and its use, the owner is encouraged to undertake an appropriate level of environmental assessment as directed by the *Potentially Contaminated Land Planning Practice Note July 2021* and any recommended land remediation as to not prevent any future sensitive uses on site.

11.13 Infrastructure Contribution Overlay (ICO1)

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



One of the exemptions afforded by the ICO1 is to allow a permit to be granted to construct a building or construct or carry out if a proposal relates to the existing use of land provided the site coverage is not increased. As the proposal would continue the existing office use and would not increase the site coverage, the development can be considered as a planning permit application.

11.14 Aboriginal Cultural Heritage

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

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

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

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

The application material referred to Council remains silent on this matter. Council is generally satisfied that as the activity is associated with a purpose for which the land was being lawfully used for prior to 28 May 2007 (an office building as per Planning Permit 748/1990 was issued on 13 January 1991) and works would relate to land that has been significantly been disturbed, the Regulations would not require the preparation of a CHMP. Council recommends that a voluntary plan be prepared. Notwithstanding this advice, DELWP as the responsible authority for this permit application would need to be satisfied that the requirements of the *Aboriginal Heritage Regulations 2018* have been satisfied before issuing a planning permit.

12. COVENANTS

12.1 A review of the Titles for the sites confirms they are not encumbered by a restrictive covenant or Section 173 Agreement or building envelope or easement.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

14.1 Provide comments to the Minister for Planning c/- the Department as recommended.

14.2 Provide changed or additional comments to the Minister for Planning c/- the Department to those recommended.

14.3 Refuse to provide comments.



15. CONCLUSION

- 15.1 The proposal is generally consistent with the vision for the Montague Precinct and urban structure outlined for the area. The proposal would be largely compliant with the built form controls outlined in the CCZ1 and DDO30.
- 15.2 Improvements outlined in the sections 9 and 11 of this report relate to:
- Ground floor and podium layouts to improve accessibility, street activation, flooding protection and future integration with the future vision for Buckhurst Street.
 - Execution of architectural concept and stronger link to place through improved façade articulation to present a more human scale at street level, use materials typically found within the area and reference the industrial heritage of the place.
 - Recognition of site constraints relating to the proposed extent and delivery of car parking on site. Access arrangements from Ann Street are difficult owing to the narrow street width, inability for vehicles to pass each other and resultant vehicle queuing onto Buckhurst Street. This must be reconsidered in the future context of the site along Buckhurst Street which will be defined by a linear park and strategic cycling corridor.
- 15.3 It is recommended that the Planning Committee resolve that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Council supports the application subject to conditions pertaining to the matters set out above and in Sections 9 and 11 of this report.

That the Planning Committee advise the Department of Environment, Land, Water and Planning that in the event that the Minister determines to grant a permit for the applications, any permit issued should incorporate the recommended conditions.

ATTACHMENTS

1. Site Location
2. Architectural Plans
3. Photomontages
4. Internal Referral Comments
5. Recommended Conditions