



**6.3** 207-211 AND 215-217 NORMANBY ROAD, SOUTHBANK

**LOCATION/ADDRESS:** 207-211 AND 215-217 NORMANBY ROAD, SOUTHBANK

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

**PREPARED BY:** SIMON GUTTERIDGE, PLANNING TEAM LEADER FISHERMANS BEND

**1. PURPOSE**

- 1.1 To provide a formal Council position on an application to the Minister for Planning for Planning Permit Application 2015/35840 for a 40-level mixed-use tower and 6-storey office building at 207-211 and 215-217 Normanby Road, Southbank.

**2. EXECUTIVE SUMMARY**

**WARD / FBURA PRECINCT:** Gateway / Montague

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

**ADDRESS:** 207-211 and 215-217 Normanby Road, Southbank

**APPLICATION NO.** **DELWP Ref:** 2015/35840

**CoPP Ref:** 7/2015/MIN

**APPLICANT** SJB Planning for Chandin Pty Ltd and Rosewood Manor Pty Ltd

**EXISTING USE:** Two-storey concrete and glass commercial building with at-grade front forecourt car parking accessed via two crossings off Normanby Road.

**ABUTTING USES:** Surrounding land in all directions is mostly developed for one or two-storey commercial / industrial buildings, used for offices, car sales and repairs, light industry, warehousing and the like, with the exception of two x 40 storey towers nearing completion at 199-201 Normanby Road, Southbank (two sites to the north side) and 202-214 Normanby Road, Southbank (diagonally opposite).

**ZONING (2015 and 2021):** Capital City Zone (CCZ1)  
Abuts Road Zone Category 1 (RDZ1) (Normanby Road)

**OVERLAYS (2015):** Parking Overlay (PO1)  
Development Contributions Plan Overlay (DCPO2)

**OVERLAYS (2021):** Design and Development Overlay (DDO30)  
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 MEETING**

28 days 29-09-2021

- 2.1 This report is to further consider an application to the Minister for Planning (the Minister) for a 40-level mixed-use tower and a six (6) storey office building at 207-211 and 215-217 Normanby Road, Southbank and to provide a formal response to the Minister pursuant to Clause 55 of the Act.
- 2.2 The application was lodged with the Minister on 28 June 2016 and was informally referred to Council on 31 July 2016.
- 2.3 Council's Planning Committee considered the proposal at its meeting of 17 May 2016 and resolved to advise the Minister it did not support the application because of concerns about the lack of diversity in building height, cumulative density, traffic and wind impacts, the limited provision of affordable housing, a shortfall in motorcycle/scooter parking, car park design, loading bay design and accessibility, sustainable design, waste management including poor large vehicle access to and from the site off Montague Street because of the bridge, the lack of provision of community infrastructure, and detail design, operational and amenity matters.
- 2.4 The Committee's advice was forwarded to the Minister on 19 May 2016.
- 2.5 The Minister did not make a decision on the application.
- 2.6 On 21 February 2018, the Minister called in the application (and 24 other live Ministerial planning permit applications in the Fishermans Bend Urban Renewal Area (FBURA) on the grounds that:
  - The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance.
  - The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan having regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved.
- 2.7 Twenty-one of the called in applications were in the City of Port Phillip and five were in the City of Melbourne.
- 2.8 In October 2018, the Minister:
  - Released a revised Fishermans Bend Framework and;
  - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA
- 2.9 In particular, Amendment GC81
  - Made Council and Melbourne Water recommending referral authorities for planning permit applications where the Minister is the responsible authority.



This change meant that FBURA referrals to Council became formal rather than informal and Council gained assured standing if a matter went to VCAT or Planning Panels Victoria, whereas previously Council had to seek leave to be heard at VCAT or at Panels, and on occasion was limited in the extent of submissions that could be made.

- Replaced the Development Contributions Plan Overlay (DCPO) with a new Infrastructure Contributions Overlay and Schedule (ICO1). The ICO included what was intended to be a temporary restriction (with a few minor exceptions) on the grant of new permits to construct a building until an infrastructure contributions plan had been incorporated into the scheme.

At the time of writing, an infrastructure contributions plan has not been finalised or incorporated into the scheme and the temporary restriction on new permits still applies.

- 2.10 The Minister, through the Department of Environment, Land, Water and Planning (DELWP) (the Department) invited the proponents of the called in applications to revise their designs having regard to the amended Planning Scheme controls and new Strategy.
- 2.11 Revised proposals were required to be submitted as an application for the Minister to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) (i.e. an Amendment for which exhibition and notice is not undertaken) of the *Planning and Environment Act* (the Act) so as to circumvent the ICO restriction on granting new permits.
- 2.12 The proponents for the subject site did not respond to the Minister's invitation and has not responded to subsequent approaches from the Department and so has been inactive for more than five (5) years.
- 2.13 The Department wants to determine the application.
- 2.14 Before it can refuse the application, it must, because of the GC81 changes to the planning scheme, formally refer the application to Council.
- 2.15 The Department has written to Council stating:

*A copy of the above application is referred for your consideration and advice as required by Section 55 of the Planning and Environment Act 1987 and Clause 66 of the Port Phillip Planning Scheme. Please note that you are a recommending referral authority on this application.*

*You may respond to the application by:*

- *Not objecting to a permit being granted.*
  - *Not objecting to a permit being granted provided conditions you specify are included.*
  - *Objecting to a permit being granted for any reason you specify.*
- 2.16 Council must provide a response within 28 days of the referral (i.e. by 29 September 2021).
  - 2.17 The design has not changed since Council provided an informal response in 2016.
  - 2.18 The planning scheme has changed since 2016, most significantly by:
    - Reducing the preferred maximum height for the land from 40 storeys to 20 storeys;



- Introducing mandatory conditions for Green Star rating, Third pipe and rain tanks, Roads and laneways, and development near the gas pipelines and the future Metro 2 underground railway alignment.
- New Policy and/or planning scheme provisions for diversity in dwelling sizes, minimum commercial floor area, affordable and social housing, communal areas, car share, motorbike and bicycle parking and bicycle end-of-trip facilities

2.19 The proposal does not meet the present-day planning policy and planning scheme provisions for the site.

2.20 It is considered the extent of change necessary to bring the application into or reasonably close to compliance with present day planning policy and controls is too great to be achieved by conditions. The extent of changes to the commercial, residential and affordable housing offer alone to meet present day standards would require a full internal and external redesign.

Such a substantial redesign should be made by an applicant lodging S50 amended plans to a current application or lodging a new application.

2.21 As noted above, the applicants have declined invitations to amend the proposal.

2.22 It is recommended that the Planning Committee advise the Minister c/- the Department that:

2.22.1 Council reaffirms its 2016 concerns with the proposal about lack of diversity in building height, cumulative density, traffic and wind impacts, the limited provision of affordable housing, a shortfall in motorcycle/scooter parking, car park design, loading bay design and accessibility, sustainable design, waste management including poor large vehicle access to and from the site off Montague Street because of the bridge, the lack of provision of community infrastructure, and detail design, operational and amenity matters.

2.22.2 Council notes the proposal would not comply with present-day planning policy and planning scheme provisions for the site including:

- Diversity in dwelling sizes;
- Minimum non-residential floor area;
- Affordable and social housing;
- Communal areas and facilities;
- Car share, motorbike and bicycle parking and bicycle end-of-trip facilities;
- Green-star rating sustainable design; and
- Water Sensitive Urban Design including third pipe and rain-water tank(s).

2.22.3 That in the event that the Minister determines to support the application, any approval should include conditions to address Council's concerns.



### 3. RECOMMENDATION

**3.1** That the Planning Committee advise the Minister for Planning, C/- the Department of Environment, Land, Water and Planning that the Committee:

3.1.1 Does not support the application in its current form based on the matters set out in Sections 7 and 9 of its report to the Planning Committee on 17 May 2016.

3.1.2 Reaffirms its 2016 concerns with the proposal about lack of diversity in building height, cumulative density, traffic and wind impacts, the limited provision of affordable housing, a shortfall in motorcycle/scooter parking, car park design, loading bay design and accessibility, sustainable design, waste management including poor large vehicle access to and from the site off Montague Street because of the bridge, the lack of provision of community infrastructure, and detail design, operational and amenity matters.

3.1.3 Notes the proposal would not comply with present-day planning policy and planning scheme provisions for the site including:

- Diversity in dwelling sizes;
- Minimum non-residential floor area;
- Affordable and social housing;
- Communal areas and facilities;
- Car share, motorbike and bicycle parking and bicycle end-of-trip facilities;
- Green-star rating sustainable design; and
- Water Sensitive Urban Design including third pipe and rain-water tank(s).

3.1.4 That in the event that the Minister determines to support the application, any approval include conditions to address Council's concerns.

### **3.2 RECOMMENDATION – PART B**

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

### 4. RELEVANT BACKGROUND

**4.1** There are no relevant previous planning permits recorded for the site.

**4.2** Council records show five (5) previous permit applications recorded for the site dating back to 1991 for signs, and car sales, automotive, spare parts and motor vehicle servicing.

**4.3** The application for 207-217 Normanby Road was originally lodged with the Minister on 16-09-2015 as part of a group of six applications for six separate and individually owned sites along Normanby Road. The applications were designed by the same architects (Hayball) in an attempt to optimise development opportunities for each owner.

**4.4** The applicants designated the properties Sites 01 to 06 as follows:



- Site 01 - 264-270 Normanby Road, South Melbourne
- Site 02 - 256-258 & 260-262 Normanby Road, South Melbourne
- Site 03 - 248-250 & 252-254 Normanby Road South Melbourne
- Site 04 - 240 - 246 Normanby Road, South Melbourne
- Site 05 - 207-211 & 215-217 Normanby Road, Southbank
- Site 06 - 203-205 Normanby Road, Southbank

**4.5** The applications originally proposed 5 x 40 storey towers and 1 x 41 storey tower (Site 05). These were later amended to 3 x 40 storey towers (including Site 05) and 2 x 39 storey towers.

#### **Site 04**

**4.6** The proponents for Site 04 at 240-246 Normanby Road (Cnr. Montague Street) withdrew from the joint application and requested their proposal be considered separately. Council's Statutory Planning Committee considered Site 04 at its meeting of 16 February 2016 and resolved to advise the Minister it did not support the proposal because of concerns about building height, tower setbacks, tower separation, inequitable development, streetscape and amenity impacts, and overdevelopment.

**4.7** The Minister did not make a decision on the application.

**4.8** On 24 August 2020, the owners of Site 04 lodged a request to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for a 34 level building (later amended to 32 levels).

**4.9** On 25 March 2021, Council's Statutory Planning Committee considered the 34 level proposal for Site 04 and resolved to advise the Minister it did not support the proposal because of concerns about building height, tower setbacks, tower separation, inequitable development, streetscape and amenity impacts, and overdevelopment.

**4.10** That application is with the Department and the Minister to determine future process.

#### **Sites 01, 02, 03, 05, 05**

**4.11** On 17 May 2016, Council's Statutory Planning Committee considered Sites 01, 02, 03, 05 and 06. The Committee resolved to advise the Minister it did not support the applications because of concerns about a lack of variety in building height, tower setbacks, building mass and bulk, cumulative density, traffic and wind impacts, the limited provision of affordable housing, the lack of provision of community infrastructure, and detail design, operational and amenity matters.

**4.12** The Minister did not make a decision on the applications.

**4.13** On 12 November 2017, the owners of Sites 01, 02 and 03 lodged applications for review at the Victorian Civil and Administrative Tribunal (VCAT) against the Minister's failure to decide the applications in the statutory time frame.

**4.14** On 21 February 2018, all six of the Normanby Road sites were called in by the Minister (together with other live applications in the FBURA).

**4.15** Sites 01, 02, 03 and 06 subsequently elected to revise their designs to 20, 20, 20 and 36 levels respectively and apply to the Minister to prepare a Planning Scheme Amendment (PSA) and have their proposals assessed by the Advisory Committee.

- 4.16** Site 05 at 207-217 Normanby Road, Southbank did not submit amended plans or a request for a PSA.
- 4.17** Panels were conducted for Sites 02 and 06 and planning scheme amendments for both sites were subsequently approved by the Minister as follows:
- Site 02: 272-280 Normanby Road, South Melbourne. Approved at 20 levels.
  - Site 06: 203-205 Normanby Road, Southbank. Approved at 36 levels. A variation to exceed the 20 storey preferred height was supported because the land abutted an atypical 40-storey building at 199-201 Normanby Road which was under construction to the shared side boundary. It was considered the taller structure would present a superior appearance to the street than the tall windowless wall of the adjacent tower.
- 4.18** Sites 01 and 03 were referred to Panel but deferred multiple times before the applications for planning permits and planning scheme amendments for these sites were withdrawn.

## 5. PROPOSAL

**5.1** The application proposes to:

- Demolish the existing buildings on the land.
- Construct 1 x 40 storey (inc. a 6 storey podium and one basement level) mixed use commercial and residential tower and a separate five (5) level office building at the south-east rear corner facing Woodgate Street (and abutting the east side boundary). and associated car, motorbike and bicycle parking and construct and/or carry out works.
- Use land for Accommodation (Dwellings, Office and Retail premises including Restaurant and Shop) in the CCZ1.

**5.2** The six (6) level office pavilion would have maximum heights of 21.4m.

**5.3** The 40-level tower would have a maximum height 124.725m to rooftop level and 131.83m to the top of the roof plant and associated screen.

**5.4** A through block pedestrian lane is proposed between Normanby Road and Woodgate Street generally along the northerly side boundary with 203-205 Normanby Road (Site 06 in the group application).

**5.5** More particularly, the proposal comprises:

### **Building 1 (tower)**

#### **Basement**

A fire tank, rain tank and associated service areas, stairs, residential stores, and lifts and lobby to access the levels above.

#### **Level 1 (Ground floor level)**

Seven retail tenancies (718m<sup>2</sup>) facing Normanby Road, Woodgate Street and the west side through-block link, 2 x SoHo dwellings facing Woodgate Street, northern dwelling lobby off Normanby Road, southern dwelling lobby off east side through block line (twin core building), bicycle parking, building services, vehicle access off Woodgate Street.

#### **Levels 2 - 6 (Podium)**



Car and motorcycle parking, stores, building services, 29 dwellings (inc. upper level of 2 SoHo dwellings).

**Level 8**

Communal podium rooftop outdoor amenities and landscaped open space, communal lounges, dining room w/kitchen, library, gym, and games room.

**Levels 9 - 39 (Tower)**

383 dwellings.

**Roof top**

Lift overrun and screened roof plant area.

**Building 2 (Office)**

**Levels 1 to 5**

Five commercial tenancies (one per floor) (1,043m<sup>2</sup>)

**Roof top**

Communal outdoor terrace.

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

**Table 1: Application Summary**

	<b>207-211, 215-217 Normanby Road, Southbank (Site 05)</b>
<b>Site area / Title particulars</b>	3,715m <sup>2</sup> (0.37ha.) 60.36m (w) x 62.06m (d)
<b>Minimum plot ratio for non-res floor area</b>	Montague Core area ration = 1.6:1 x 3,715m <sup>2</sup> = <b>5,944m<sup>2</sup></b>
<b>Non-residential floor area</b>	Proposed = <b>1,761m<sup>2</sup></b> (inc. 718m <sup>2</sup> retail)
<b>CCZ1 Dwelling Density</b>	Montague Core area @ 450 dw/ha x 0.37ha = <b>166 dwellings</b> <b>Not achieved:</b>
<b>No. dwellings</b>	<b>412</b> (2 x SoHo, 68 x 1BR inc. 2 affordable housing, 300 x 2BR, 42 x 3BR)
<b>Affordable Housing</b>	<b>2 x 1BR proposed</b> Note: 6% of 166 dwellings = 9 (9.56); 6% pf 412 dwellings = 24 (24.72)
<b>Social Housing</b>	412 dwellings – 166 dwelling density = 246 dwellings @ 1 per 8 = <b>30 (30.75) social housing dwellings required for uplift.</b> <b>Proposed: Nil</b>
<b>Podium height</b>	Normanby Rd: 5 levels (20.7m); Woodgate St: 6 levels (21.4m)
<b>Tower height</b>	40 levels: 124.725m to rooftop, 131.83m to roof plant
<b>Podium street setbacks</b>	Normanby Rd: min. 0.0m Woodgate St: min. 2.97m (min. 0.0m for office pavilion)
<b>Podium side setbacks</b>	East min.12.2m (min. 0.0m for office pavilion) West - 0.0m
<b>Tower street setbacks</b>	Normanby Rd min. 8.0m; Woodgate St min. 7.79m
<b>Tower side setbacks</b>	East - Min.19.1m; West - Min. 7.2m
<b>Tower separation</b>	East: 24.91m, West: N/A
<b>Car spaces</b>	203 (16 comm, 187 dwellings - 0.45/ dwelling)
<b>M'cycle spaces</b>	1 space





<b>Bicycle spaces</b>	123 (0.3/ dwelling)
<b>Stores</b>	421 (1.0+/ dwelling)

5.7 The buildings are proposed in a contemporary flat roofed style.

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
<b>Site description and area</b>	Site 05 - 207-211 & 215-217 Normanby Road, Southbank is rectangular and has a frontage width to Normanby Road (and Woodgate Street) of 60.36m, a maximum depth of 62.06m, and an overall area of 3,715m <sup>2</sup> approx.
<b>Existing building &amp; site conditions</b>	The land is developed with a two-storey concrete and glass commercial building with at-grade front forecourt car parking accessed via two crossings off Normanby Road.  Land surrounding the subject site is predominantly developed with contemporary one and two storey showroom, industrial and warehouse buildings.
<b>Surrounds / neighbourhood character</b>	Site conditions are generally the same as described in the report to the Planning Committee in 2016.  Surrounding land in all directions is mostly developed for one or two-storey commercial / industrial buildings, used for offices, car sales and repairs, light industry, warehousing and the like.  Exceptions to this are: <ul style="list-style-type: none"> <li>• A four-storey warehouse (with two-storeys of apartments on the roof) at 223-229 Normanby Road (south-east corner of Montague Street);</li> <li>• 199-201 Normanby Rd where the previous buildings have been demolished and a 40-level podium and tower is nearing completion;</li> <li>• 202-214 Normanby Road, Southbank diagonally opposite where the previous warehouse building has been demolished and a 40-storey serviced apartment building is nearing completion.</li> <li>• A five-storey former wool store at 179-185 Normanby Road to the north-east of the subject sites.</li> </ul> The first and last buildings noted above are heritage graded.
<b>Fishermans Bend Framework October 2018</b>	The Fishermans Bend Framework and the Planning Scheme propose: <b>For the subject site:</b> <ul style="list-style-type: none"> <li>• A primary (80% permeable) active frontage to Normanby Road.</li> <li>• No vehicle crossings from Normanby Road.</li> <li>• A 6.0m (w) new laneway between Normanby Road and Woodgate Street) (indicative location).</li> </ul> <b>For the surrounding area:</b> <ul style="list-style-type: none"> <li>• Woodgate Street extended to the north via Doran Street to link with Normanby Road.</li> <li>• Two (2) new 6.0m (w) lanes between Munro Street and Normanby Road.</li> <li>• New Montague North Public Open Space (across Munro Street) (Long term (i.e. 2025+) project).</li> </ul>



	<ul style="list-style-type: none"> <li>• Upgrading the Montague Street light rail stop (Long term (i.e. 2025+) project).</li> <li>• The tram depot redeveloped as open space (Long term (i.e. 2025+) project).</li> </ul>
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Council records show a number of major planning permit applications and approvals for the Montague precinct.

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

- **272-280 Normanby Road (Cnr Johnson and Munro Streets), South Melbourne (Site 00): Approval of Planning Scheme Amendment C177port for a 24-level tower.**
- **256-258 & 260-262 Normanby Road, South Melbourne (Site 02): Approval of Planning Scheme Amendment C166port for a 20-level tower.**
- 240-246 Normanby Road (Cnr. Montague Street), South Melbourne (Site 04): Application for a planning permit for a 32-level tower.

**To South-East (across Normanby Road)**

- **253-257 Normanby Road (Cnr Boundary and Woodgate Streets), South Melbourne: Permit for 2 x 28 and 40 level towers. Development started (demolition).**
- **245-251 Normanby Road, South Melbourne: Permit for 1 x 40-level tower. Not started.**
- **228-238 Normanby Road (Cnr. Montague Street), Southbank: Permit for 2 x 39 and 49 level mixed use towers. Not started. Permit lapsed.**
- **202-214 Normanby Road, Southbank: Permit for a 40-level tower. Construction almost complete.**
- **199-201 Normanby Road, Southbank: Permit for 1 x 40-level mixed use tower. Construction almost complete.**
- 179-185 Normanby Road, Southbank (Laconia): Called-in application for 1 x 26-level mixed use tower.

**To south-east of light rail line embankment**

- **15-87 Gladstone Street, South Melbourne: Permit for 3 x 27, 30 and 30-level mixed use towers. Started (demolition and site works for Tower 1).**
- **89-103 Gladstone Street (Cnr Montague St), South Melbourne: Permit for 1 x 30-level mixed use tower. Completed.**
- **6-78 Buckhurst Street, South Melbourne: Permit for four x 27, 29, 30 and 30-level mixed use towers and 4 level childcare centre. Started (demolition) (for Childcare centre).**
- 91-95 Montague Street: Application for a Planning Scheme Amendment for a 25-level tower.



## 7. PERMIT TRIGGERS

Since the application was considered in 2016, Amendment GC81 has changed the Planning Scheme to include the land in three (3) new overlays as follows:

- Design and Development Overlay (DDO30)
- Environmental Audit Overlay (EAO)
- Infrastructure Contributions Plan Overlay (ICO1)

These changes do not materially change the relevant matters for assessment.

Prior to GC81, building height and setback provisions etc. now in the DDO and the Environmental Audit provisions were located in the Schedule to the Capital City Zone and the Infrastructure Contributions Plan Overlay was similar in intent to the Development Contributions Plan Overlay (DCPO). It is noted that in the interim whilst waiting for the ICO to be finalised, the Department is using the rates from the DCPO to determine and require developer contributions.

## 8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 The application is exempt from notice.
- 8.2 The Department has referred the application to Council as a recommending referral authority pursuant to S55 of the Act.
- 8.3 Council had 28 days from the date of the notice to provide a written response (i.e. 29 September 2021).

## 9. OFFICER'S ASSESSMENT

### 9.1 Responding to Local Policy

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

The proposal does not comply wholly or in part with present day policy for the FUBRA including:

- Clause 22.15-4.1 Providing for employment floor area;
- Clause 2.15-4.2 Community and diversity (No. of 3BR dwellings);
- Clause 22.15-4.3 Providing for Affordable (and Social) housing
- Clause 22.15-4.4 Design Excellence
- Clause 22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community
- Clause 22.15-4.6 Communal open spaces
- Clause 22.15-4.8 New streets, laneways and pedestrian connections
- Clause 22.15-4.9 Sustainable transport

### 9.2 Dwelling Density

The proposed 412 dwellings would exceed the CCZ1 dwelling density for the site of 166 dwellings by 246 dwellings (which would equate to a social housing obligation of 30 dwellings under the planning scheme uplift provisions).

### 9.3 Bicycle, Motorcycle and Car Share Parking

The proposal does not meet present day requirements for bicycle or motorcycle parking or provision of car share and would require considerable redesign to comply.

#### **9.4 Building Typologies and Height**

The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise i.e. 7 to 15 storey) building typology and a preferred maximum building height of 68 metres (20-storeys).

The preferred precinct character is mid (i.e. 7 to 15 storeys) to high-rise (i.e. 16 storeys or higher) developments, including on larger sites, a hybrid of perimeter blocks with some slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.

##### **Assessment**

The 40 storey 124.72m height to rooftop level and 131.83m to roof plant height of the tower would be twice the preferred maximum height and up to three to four times the preferred precinct height and would not achieve the preferred precinct character of predominantly mid-rise buildings with the opportunity for some towers.

The extent of non-compliance cannot be supported.

The almost completed construction of two 40 storey towers nearby at 199-201 Normanby Road and 202-214 Normanby Road and approvals for other tall towers under the pre GC81 planning controls is not justification to allow the proposal to not respond to the new Framework and Planning Controls.

Further, the site is not constrained in any way from complying with the present day controls and nor does it have an atypical site interface such as is the case with its neighbour at 203-205 Normanby Road which has approval for 36 levels because the additional height will ameliorate some of the impact of the windowless wall of the nearly completed 199-201 Normanby Road tower (which was approved in 2014 under even older Fishermans Bend planning controls).

#### **9.5 Street wall and Tower setbacks**

The proposal would not wholly or in part meet present day street wall (podium) or tower setbacks.

#### **9.6 Wind Effects on the Public Realm**

A Pedestrian Wind Environment Study including wind tunnel assessment was prepared for the 2016 plans. That report concluded that walking wind conditions would generally be met around the site and on the podium, and some additional structures such as podiums may assist.

The proposal should meet sitting criteria on the podium and along the pedestrian path in areas where public seating and / or café dining will / may occur.

#### **9.7 Adaptable Buildings**

The proposed floor to floor heights would not meet requirements for future adaptability of levels, particularly at ground floor and the parking levels in the podium.



## 10. COVENANTS

**10.1** A review of the Titles for the site indicates it is not encumbered by a restrictive covenant or Section 173 Agreement or a building envelope but is encumbered by party wall easements in favour of the site.

## 11. OFFICER DIRECT OR INDIRECT INTEREST

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

## 12. OPTIONS

**12.1** Object to a permit being granted.

**12.2** Not object provided conditions to address Council's concerns are included.

**12.3** Object to a permit being granted on key issues

## 13. CONCLUSION

**13.1** It is recommended that the Planning Committee advise the Minister c/- the Department that:

**13.1.1** Council reaffirms its 2016 concerns with the proposal about lack of diversity in building height, cumulative density, traffic and wind impacts, the limited provision of affordable housing, a shortfall in motorcycle/scooter parking, car park design, loading bay design and accessibility, sustainable design, waste management including poor large vehicle access to and from the site off Montague Street because of the bridge, the lack of provision of community infrastructure, and detail design, operational and amenity matters.

**13.1.2** Council notes the proposal would not comply with present-day planning policy and planning scheme provisions for the site including:

- Diversity in dwelling sizes;
- Minimum non-residential floor area;
- Affordable and social housing;
- Communal area and facilities;
- Car share, motorbike and bicycle parking and bicycle end-of-trip facilities;
- Green-star rating sustainable design; and
- Water Sensitive Urban Design including third pipe and rain-water tank(s).

**13.1.3** That in the event that the Minister determines to support the application, any approval should include conditions to address Council's concerns.

## ATTACHMENTS

1. Location Plan
2. Architectural Drawings (Rev 1 23-03-2016)
3. Planning Committee Report 17-05-2016