



6.5 **11-41 BUCKHURST STREET, SOUTH MELBOURNE**
LOCATION/ADDRESS: 11-41 BUCKHURST STREET, SOUTH MELBOURNE
EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT
PREPARED BY: PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER

1. PURPOSE

1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on a request for 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 11-41 Buckhurst Street, South Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE	Accommodation (dwellings) in the Fishermans Bend Urban Renewal Area
APPLICATION NO.	CoPP Ref: 1/2020/MIN DELWP Ref: Planning Scheme Amendment C190port.
APPLICANT	Tract Consultant Pty Ltd (on behalf of Alpha 14 Pty Ltd)
EXISTING USE:	Offices, commercial and light industrial. Some buildings are currently vacant.
ABUTTING USES:	Offices, commercial and light industrial.
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Design and Development Overlay (DDO30) Parking Overlay (PO1) Infrastructure Contributions Overlay (ICO1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Within 20 day referral time period

- 2.1 This report is to consider an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme (PSA) for use and development at 11-14 Buckhurst Street, South Melbourne.
- 2.2 The application seeks consent to demolish the existing buildings on all lots to facilitate the construction of a mixed-use building comprising two basement levels and two towers of 12 and 20 levels atop (and including) a four and five storey podium.



- 2.3 The development generally includes:
- 1,405 square metres of retail space;
 - 4, 765 square metres of commercial space;
 - 145 apartments;
 - 125 car parking spaces; and
 - 218 bicycle spaces.
- 2.4 If this application were made subject to the requirements of the Port Phillip Planning Scheme, the following planning permit triggers would apply:
- Buildings and works (including demolition) in the Capital City Zone, Schedule 1.
 - Buildings and works in the Design and Development Overlay, Schedule 30.
 - Building and works in a Special Building Overlay, Schedule 2.
 - Use of land for dwellings and retail premises within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne Pipeline in the Capital City Zone, Schedule 1.
- 2.5 Several pre-application meetings throughout 2019 and 2020 were held with government stakeholders including, the Department of Environment, Land, Water and Planning (DELWP), the City of Port Phillip, the Fishermans Bend Taskforce and Melbourne Water.
- 2.6 The proposal considered in this report generally responds to feedback and concerns raised by Council officers.

Application Matters

- 2.7 On 23 January 2020, the permit applicant applied to the Minister to prepare a PSA and have the proposal assessed by the Advisory Committee.
- 2.8 Pursuant to Item 29 of the Fishermans Bend Standing Advisory Committee Terms of Reference, the Department has notified Council of the request for site-specific planning controls.
- 2.9 Council and the Department requested further information which was received on 11 May 2020.
- 2.10 The site is located within Precinct Area M5 of Design and Development Overlay, Schedule 30 (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).
- 2.11 The preferred precinct character is mid-rise (i.e. 7 to 15 storeys) with some high-rise forms (i.e. 16 storeys or higher) 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.
- 2.12 The proposal is generally considered to meet the preferred precinct character with compliant street wall heights, setbacks from the street and side boundaries and



suitable separation within the site between the towers. The proposed 20 storey tower however would exceed the maximum heights for the precinct character area and the discretionary maximum height.

- 2.13 The proposal was internally referred, and officers raised concerns primarily relating to the proposed tower heights and resultant wind impacts to the public realm and areas of communal open space for future residents.
- 2.14 Council's Urban Designers also raised concerns in respect of the proposed ground floor layout including activation to both street frontages, legibility of retail and residential entries including the pedestrian links between Buckhurst Street and Lane. Concerns regarding DDA access compliance were also raised. A revised design response to these concerns need to be considered in context of a suitable design response to flooding within this area.
- 2.15 It is a Melbourne Water requirement that *Planning for Sea Level Rise Guidelines (February 2017)* and *Guidelines for Development in Flood-Prone Areas (October 2008)* be applied to the Fisherman's Bend Urban Renewal Area.
- 2.16 A recent Design Sprint with government stakeholders in Fishermans Bend workshopped how flooding risks could be appropriately managed and still maintain good urban design principles such as activation at street level and accessibility. This application has been identified as a working example as to how the interface to the Buckhurst Streetscape could be improved, particularly as the street is identified for future public realm works associated with Buckhurst Street Linear Park.
- 2.17 Government stakeholders have been in discussion with the proponent as to how the proposed design could be amended accordingly. As part of the Montague Precinct Plan, government departments are investigating the option of raising the footpath and verge for the Buckhurst Street frontage. Discussion are currently ongoing for these matters with all relevant government stakeholders
- 2.18 In the absence of a detailed strategy for public realm works at this stage, Council will need to be satisfied that the proposed interface with the streetscape is acceptable within the current streetscape. Equally, Council will need to ensure any approvals issued for this site do not unreasonably compromise future public realm works. As the application progresses to a Standing Advisory Committee Hearing a clearer direction on proposed streetscape strategies will be known and will facilitate more informed discussions and detailed recommendations for any Incorporated Document.
- 2.19 All other aspects of the proposal including traffic, car parking, sustainable environmental design, open space and waste management are acceptable subject to minor changes. A number of these design and operational concerns could be addressed by recommendations.
- 2.20 The proposal includes the provision of 7 apartments as Affordable Housing and 5 apartments for Social Housing. The affordable housing is proposed to be delivered via a Rent to Buy or Shared Equity model. Upon clarification with the proponent regarding the terms of the offer including affordability timeframes, the proponent has amended their offer as follows:



- 7 affordable housing apartments initially offered to a Registered Housing Association (RHA) or provider at a discount of 10% for a period of 90 days.
 - If not taken up, they will continue to market via Rent to Buy or Shared Equity.
- Shared Equity - Affordability time period increased from 20 to 25 years.
- Rent to Buy – Tenant has the right to purchase the property at the price agreed at the start of the rental period.
 - If, after 5 years, they have not exercised this option, the dwelling will offered for sale to a RHA (or provider) for a period of 90 days at that same price that was agreed with the tenant.
 - If not purchased by RHA, it will proceed to market (again at that same price) to be sold to a qualifying buyer (subject to an income test).

Council’s Housing Officer recommends the initial offer of sale to a the RHA (or provider) be provided at a minimum discount of 15% and the timeframe increased to 180 days to facilitate the RHA securing the necessary funds. The same time periods are recommended to increase as part of the Rent to Buy model. It is also recommended that greater diversity in the number of bedrooms is provided for both affordable and social housing offers.

Subject to the recommended changes, the proposal is considered a satisfactory response to the Fishermans Bend Local Policy.

- 2.21 It is recommended that the Planning Committee resolve that a letter be sent to the DELWP advising that the Council supports the application subject to amendments responding to the matters set out in Sections 9 and 11 of this report.

3. RECOMMENDATION

3.1 RECOMMENDATION – PART A

That the Planning Committee advises the Fishermans Bend Standing Advisory Committee c/ the Department of Environment, Land, Water and Planning that Council:

- 3.1.1 Supports the application in its current form based on the matters set out in Sections 9 and 11 of this report.

3.2 RECOMMENDATION – PART B

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 On 16 February 2016, Council considered planning application 2015/3593 for 31-41 Buckhurst Street. The application sought to demolish existing buildings and construct an 18-level building with a five-level podium, comprising basement car parking, ground



floor level retail and dwelling entry, and dwellings above, and waive the requirement for a loading bay for the retail uses.

- 4.2 Council determined to advise the Minister it did not support the application.
- 4.3 On 06 November 2016, the Minister refused to grant a planning permit.
- 4.4 On 14 November 2016, Amendment GC50 to the Planning Scheme introduced new mandatory controls which meant the proposed development was now prohibited.
- 4.5 On 29 December 2016, the applicant lodged an application for review (VCAT Ref: P2720/2016).
- 4.6 Given that the proposal was deemed prohibited as a result of Amendment GC50 the applicant withdrew their application for review.
- 4.7 Other historical planning permits for these sites relate to use of the land for wholesaling and minor buildings and works.

Background / Strategic Planning Matters

- 4.8 The application site is located in the Montague precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 4.9 The Minister for Planning is the Responsible Authority for the application pursuant to Section 2.0 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme as the proposal is for development with a building height of 4 storeys or greater and use and development of 60 or more dwellings.
- 4.10 In February 2016, the Minister for Planning (the Minister) announced a review of the Strategy and Planning Controls for the Fishermans Bend Urban Renewal Area (FBURA).
- 4.11 On 19 December 2017, and then on 21 February 2018, the Minister) called in all 26 live Ministerial planning permit applications in the FBURA on the grounds that:
 - The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance.
 - The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan having regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved.
 - Twenty-one of the called in applications are in the City of Port Phillip and five are in the City of Melbourne.
- 4.12 In October 2018, the Minister:
 - Released a revised Fishermans Bend Framework;
 - Approved Amendment GC81 to change the Planning Scheme controls for the FBURA; and



- Appointed the Fishermans Bend Standing Advisory Committee (the SAC) to advise on site specific planning controls to facilitate proposals within Fishermans Bend, prior to the introduction of an Infrastructure Contributions Plan for the called in applications and new proposals.
- In particular, Amendment GC81 deleted the Development Contributions Plan Overlay (DCPO) and introduced a new Infrastructure Contributions Overlay and Schedule (ICO1) which forbade (with a few minor exceptions) the grant of a permit to construct a building until an infrastructure contributions plan had been incorporated into the scheme. At the time of writing, the infrastructure contributions plan has not been finalised or incorporated into the scheme.

4.13 The Terms of Reference for the Advisory Committee sets out the process for consideration of Planning Scheme Amendment (PSA) applications. On 29 April 2020, the Terms of Reference were updated as follows:

- The Fishermans Bend Standing Advisory Committee (SAC) is now to advise the Minister on only unresolved issues between the Proponent and other parties.
- Before referral to the SAC, proponents must submit their proposal to the Office of the Victorian Government Architect (OVGA) for a Design Review. The OVGA will provide a response within 5-10 business days to all parties.
- The Proponent will respond to OVGA issues and provide a final application to DELWP who will distribute to all parties.
- All parties will meet to discuss the final application and prepare a short report that provides a statement of agreement and contentions', outlining the remaining issues in dispute.
- The Advisory Committee must commence a public hearing no later than two months after receipt of a Ministerial referral.
- Council would typically be allocated one day to present to the Advisory Committee but may be allowed additional time if calling evidence.
- The Advisory Committee must submit its report to the Minister no later than 20 business days from the completion of the round table or other forum.
- The Minister must then determine whether to approve the proposal and PSA.

4.14 Any approved PSA would then be listed in the Schedule to Clause 72.04 of the Planning Scheme, in the same manner as for example:

- Amendment C9 for the St Kilda Station Redevelopment, July 1999;
- Amendment C110 for the Stokehouse, 30 Jacka Boulevard, St Kilda, July 2014; and
- Amendment Port C149 for the Victorian Pride Centre Incorporated Document 2018.

4.15 Developments could then proceed in accordance with plans and conditions referenced in the Incorporated Document.



4.16 Once the infrastructure contributions plan is finalised and incorporated into the scheme, applications for planning permits in the FBURA could revert to the standard procedure.

5. PROPOSAL

5.1 It is proposed to:

- Demolish the existing buildings on all lots.
- Construct a multi-level mixed use building comprising two towers of 12 and 20 storeys atop and including a 4 and 5 storey podium.
- The building comprises:
 - Basement 2: Car parking (82 resident spaces including 7 tandem spaces and 3 electric vehicle charging spaces), 103 resident storage cages and services.
 - Basement 1: Car parking (43 commercial spaces including 4 tandem spaces, 1 DDA space, 3 car share spaces, and 3 electric vehicle charging spaces), motorcycle parking (7 spaces), 73 bicycle spaces (32 commercial spaces and 31 visitor spaces and 10 shared spaces), end-of-trip facilities, 18 resident storage cages, substation, bin rooms and services.
 - Ground: Retail premises (GFA 1,405sqm), residential and commercial lobbies, bicycle parking (145 residential spaces), services, loading bay and car parking entrance.
 - Levels 1-3: Commercial premises (GFA 3,465sqm) and dwellings (five two-bedroom; and five two-bedroom plus study).
 - Level 4: Indoor double-height communal facility (88sqm), commercial premises (GFA 915sqm), outdoor communal terraces and link (282sqm), commercial premises (741.6sqm) and dwellings (two one-bedroom; one one-bedroom plus study; and two two-bedroom).
 - Level 5: Dwellings (three one-bedroom; two one-bedroom plus study; three two-bedroom; and two three-bedroom).
 - Level 6-11: Dwellings (one one-bedroom; two one-bedroom plus study; three two-bedroom and four three-bedroom per level).
 - Level 12-19: Dwellings (one one-bedroom; one one-bedroom plus study; one two-bedroom; and two three-bedroom per level).
- The podium levels at 4 and 5 storeys are proposed to be finished in a mix of brick (of varying shades), glazing, perforated metal screens and glazing. Both podiums are to be articulated differently. The towers above, at 12 and 20 storeys are rectangular in shape and finished with glazing and precast concrete panels.

5.2 A table summary of the application is as follows:

Address	11-41 Buckhurst Street, South Melbourne
Planning Scheme Amendment	PSA Port C190



(PSA) No.											
Plans assessed	Drawings prepared by Hayball, Project No. 2091, Drawing No: TP00.01 to TP10.12 all Rev D, dated 6 May 2020 and Council date stamped 11 May 2020.										
Site area / Title particulars	<p>Area: 2,365m² (0.2365 ha.) approximately</p> <p>Site boundary to:</p> <p>Buckhurst Street 81.92m, Buckhurst Lane 83.27m, 120-132 Ferrars Street:21.81m 43 Buckhurst Street: 35.35m</p> <p>11-15 Buckhurst – There is an electricity easement which passes through lot 2, but it appears to service a substation on the common property.</p>										
Minimum plot ratio for non-res floor area Clause 22.15-4	<p>Montague Core area ratio = 1.6:1 x 2365m² = 3,784m²</p> <p>Proposed:</p> <p>1405 (Retail) + 4765 (Commercial) = 6170m²</p> <p>6170 m² / 2365 m² = 2.61</p> <p>Proposed plot ratio = 2.61:1</p>										
Non-residential floor area	<p>Development Summary: 2,365 m²</p> <p>Commercial: 1,405m² (12 tenancies)</p> <p>Retail: 4,765m² (6 tenancies)</p>										
CCZ1 Dwelling Density	<p>Montague Core area @ 450 dw/ha x 0.2365 = 106.425 dwellings</p> <table border="1"> <thead> <tr> <th>Precinct</th> <th>Core Area</th> <th>Non-core area</th> <th>Site area m²</th> <th>Max. / Proposed dwelling density</th> </tr> </thead> <tbody> <tr> <td>Montague</td> <td>450 dw/ha</td> <td>296 dw/ha</td> <td>2365</td> <td>106.425 / 145</td> </tr> </tbody> </table>	Precinct	Core Area	Non-core area	Site area m ²	Max. / Proposed dwelling density	Montague	450 dw/ha	296 dw/ha	2365	106.425 / 145
Precinct	Core Area	Non-core area	Site area m ²	Max. / Proposed dwelling density							
Montague	450 dw/ha	296 dw/ha	2365	106.425 / 145							
No. dwellings	<p>Policy:</p> <p>Policy states, proposals of > 100 dwellings <u>should</u> provide 3BR dwellings. For the Montague Precinct 25% should be three bed dwellings i.e. 36.25 apartments.</p> <p>Requirement: 37 apartments</p> <p>Total number of apartments proposed: 145 (42 (29%) x 1BR, 61 (43%) x 2BR, 42 (29%) x 3BR),</p> <p>Proposed: 42 x 3 bed dwellings = 29%</p>										
Affordable housing	<p>Policy:</p> <ul style="list-style-type: none"> 6% of dwellings permitted under the dwelling density requirements 6% of 106 dwellings = 6.36 dwellings <p>Requirement: 7</p> <p>Proposed: 7</p> <ul style="list-style-type: none"> 3 x 1-bedroom 4 x 2-bedroom <p>Dwelling numbers: A1403, A1503, A1603, B605, B705, B805, B1005.</p> <p>Either Rent to Buy or Shared Equity models.</p>										



<p>Social housing</p>	<p>Policy: encourage development to provide Social Housing, in addition to the provision of 6% Affordable housing, by allowing a Social housing uplift of 8 additional private dwellings of equivalent size for each Social housing unit provided.</p> <p>Requirement: 145 dwellings - 106 dwelling density = 39 dwellings @ 1 per 8 = 5 (4.875) social housing dwellings required for uplift.</p> <p>Proposed: 5</p> <ul style="list-style-type: none"> • 5 x 1-bedroom • Dwelling numbers: A404, A504, A903, A1203 and A1303 • <p>Note: Pursuant to FBSAC Terms of Reference, Social Housing provisions do not formally apply.</p> <p>It is considered the dwellings nominated should represent greater diversity in typology.</p>
<p>Basement</p>	<p>Two levels:</p> <p>B2: 82 residential spaces (7 tandem, 24/48 stackers, 3 electric charging spaces), 103 x 6m³ storage cages and services</p> <p>B1: 43 commercial spaces (4 tandem, 1 DDA space, 3 car share, 3 electrical charging), 18 x 6m³ storage cages and services.</p>
<p>Street wall (podium) height and Maximum Height (Tower)</p>	<p>Preferred: 4 storeys</p> <p>Mandatory maximum: 6 storeys</p> <p>Proposed: 4 + 5 storeys, see below.</p> <p><u>Tower A (North-eastern - adjacent to No. 120-132 Ferrars Street)</u></p> <p>Podium: 4 storeys 17.3m (AHD 19.00)</p> <p>Tower: 20 storeys / 67.3m (AHD 69.00)</p> <p><u>Tower B (South-western - adjacent to No. 43-49 Buckhurst Street)</u></p> <p>Podium: 5 storeys / 21.5m (AHD 22.2)</p> <p>Tower: 12 storeys / 41.7m (AHD 43.4)</p>
<p>Street wall (podium) Setbacks</p>	<p>Policy: where building height is >8 storeys and ≤ 20 storeys the following applies:</p> <ul style="list-style-type: none"> • Preferred setback: 10m • Minimum setback: 5m <p>Proposed:</p> <p><u>Buckhurst Street:</u></p> <ul style="list-style-type: none"> • Tower A: 6m • Tower B: 5m <p><u>Buckhurst Lane:</u></p> <p>As Buckhurst Lane is less than 9m wide (approximately 6.5m), the setback must be measured from the centerline of the street. A negative value setback = 0m setback.</p> <ul style="list-style-type: none"> • Tower A: 6m (2.75m from title boundary). • Tower B: 5m (1.80m from title boundary. Balcony constructed to the boundary at Level 5)
<p>Tower Setbacks</p>	<p>Policy:</p> <p>Up to and including 6 storeys (if not on boundary)</p>



	<ul style="list-style-type: none"> • Preferred: 9m • Mandatory Minimum: 6m <p>7 Storeys and above</p> <ul style="list-style-type: none"> • Preferred: 10m • Mandatory Minimum: 5m <p>Proposed: <u>Tower A (North- eastern / adjacent to 120-132 Ferrars St):</u> 10m <u>Tower B (South-western / adjacent to 43-49 Buckhurst St):</u> 10.22m (3.2m setback to Balcony at Level 5)</p>
Tower separation	<p>Policy: Up to and including 6 storeys</p> <ul style="list-style-type: none"> • Preferred: 12m • Mandatory Minimum: 6 <p>7 Storeys and above</p> <ul style="list-style-type: none"> • Preferred: 20m • Mandatory Minimum: 10m <p>Proposed: 10m</p>
Loading bay	Ground Floor: One loading bay (6.15m (w) x 7.96m (l) x 4.3m (approx.) (h))
Car parking	<p>Policy:</p> <ul style="list-style-type: none"> • Not more than 93 residential spaces • Not more than 61 commercial spaces <p>Proposed: <u>Basement B2 (Lower level):</u> 82 residential <u>Basement B1(Upper level):</u> 43 commercial</p>
Motorcycle parking	<p>Policy: 1 per 50 apartments Requirement: 2.9 Proposed: 7 spaces</p>
Bicycle parking	<p>Policy:</p> <ul style="list-style-type: none"> • 1 residential space per apartment • 1 visitor space per 10 apartments <p>Requirement: 159.5 Proposed: 218</p> <ul style="list-style-type: none"> • 145 Residential • 32 Commercial • 31 Visitor, • 10 Shared Spaces
Open space	<p>Policy: Minimum balcony size for one and two bed apartments: 8.0m² and 1.8m wide</p>



	Maximum balcony size for three bed apartments: 12m ² and 2.4m wide Proposed: All apartments meet minimum dimensions
Stores / Storage	Policy: <ul style="list-style-type: none"> • 1 bed: 10m³ total and 6m³ internally to apartments • 2 bed: 14m³ total and 9m³ internally to apartments • 3 bed +: 18m³ total and 12m³ internally to apartments Proposed: All apartments are provided with storage in accordance with the above minimums.
Communal Open Space	Policy: 2.5m ² per apartment or 250m ² , whichever is the lesser. Required: 250m ² Proposed: 335m ²
Community (public) facilities	Level 04 (Podium rooftop) includes a resident lounge, dining room, kitchen, gym, outdoor terrace.
New Roads / Laneways	Covered pedestrian link from Buckhurst Street to Buckhurst Lane ranging in width from 6m to 3m and ranging in height from 5.9m to 4.3m.
Vehicle access	Car parking and loading bay access off Buckhurst Lane via new 6.6m (w) vehicle crossing.
Dwelling access	Lobby access off Buckhurst Street. Access to residential lobby also provided via pedestrian link to Buckhurst Lane.
Retail / commercial access	Access via Buckhurst Street and Buckhurst Lane.

6. SUBJECT SITE AND SURROUNDS

- 6.1 The Site is located at 11-41 Buckhurst Street, South Melbourne and comprises seven parcels:
- 11-15 Buckhurst Street - Lot 1 and Lot 2 PS 336133;
 - 23 Buckhurst Street - Lot 1 TP 870714Q;
 - 25-27 Buckhurst Street - CP168916;
 - 29 Buckhurst Street - Lot 1 TP 677064;
 - 31-37 Buckhurst Street - CP 100545; and
 - 39-41 Buckhurst Street - Crown Allotment 16 - TP425556S.
- 6.2 The subject site is currently occupied by six buildings of single or double storey height and brick or concrete render finish. All buildings are constructed to the Buckhurst Street title boundary and side boundaries with varied rear setbacks to Buckhurst Lane.
- 6.3 Uses currently occupying the site include small offices, commercial, and light industrial operations. Some of the buildings are currently vacant.
- 6.4 The site is irregular in shape and has a total area of approximately 2,365 square metres. The site frontage to Buckhurst Street is 81.92 metres and 83.27 metres to



Buckhurst Lane. The depth of the site increases from 21.81 metres adjacent to 120-132 Ferrars Street to 35.13 metres adjacent to 41 Buckhurst Street.

- 6.5 The land generally falls from Buckhurst Lane (rear / south-east) to Buckhurst Street (frontage / north-west) and towards the junction of Kerr Street in the order of 0.3 metres.
- 6.6 The South Melbourne – Brooklyn gas pipeline is located within the Buckhurst Street road reserve.
- 6.7 The site shares the following interfaces:

Boundary	Notable features:
North-west	<ul style="list-style-type: none"> Buckhurst Street is located to the immediate north-west. The street is a two-way carriageway, approximately 30 metres wide with on-street angled parking, footpaths, trees, and overhead powerlines. Two of the buildings (31-37 and 39-41 Buckhurst Street) are accessible via crossovers to Buckhurst Street. On the northern side of Buckhurst Street is 6-70 Buckhurst Street, a former factory and now a construction site. This site has a planning permit for the construction of a four-staged multi-storey mixed-use buildings (27, 29, 30 and 30 storeys) with office and ground floor retail premises, childcare centre and use of the land for dwellings. 6-78 Buckhurst Street shares an interface with Kerr Street which leads to Gladstone Street beyond. The northern side of Kerr Street is Kirrip Park.
North-east	<ul style="list-style-type: none"> 120-132 Ferrars Street, a single storey brick warehouse building occupies the entire site. Ferrars Street lies immediately to the north of this property with South Melbourne Primary School located beyond and
South-east	<ul style="list-style-type: none"> All current buildings on site are accessible via Buckhurst Lane which defines the site's south-eastern boundary. Buckhurst Lane is a two-way carriageway approximately 6.5m wide. There are low narrow footpaths on either side of the lane. Buckhurst Lane connects Ferrars Street to George Street and provides access to several lots interfacing with the lane. Further south-east of the Site is a double storey brick building at 134-142 Ferrars Street. This site has a planning permit for an eighteen-storey mixed use development.
South-west	<ul style="list-style-type: none"> 43 Buckhurst Street is a double storey brick warehouse building. This building is constructed to its boundaries.



	<ul style="list-style-type: none"> George Street lies immediately to the south of this property and provides access through to Thistlethwaite Street.
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- 6.8 The site is located in Area M5 of the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA). The area comprises predominantly low scale factory/warehouse buildings which are occupied by light industrial, warehousing, office and motor vehicle retailing type land uses. However, the character of this area is changing as the realisation of high density, mixed use, commercial, office and residential uses start to emerge within the area as a result of urban renewal within this area.
- 6.9 Many sites within the immediate area have been demolished pending commencement of construction for high-density mixed-use development. These sites are interspersed with existing one to two storey light industrial built forms.
- 6.10 The site and the immediate surrounding area are well serviced by both public transport and the road network, including bus services, tram routes (within 200m-300m) and a bicycle path connecting Port Melbourne with the CBD.
- Buckhurst Street is a local road connecting Boundary Street to the southwest with Ferrars Street to the northeast and allows traffic in both directions. Vehicle access to the Westgate Freeway is approximately 800m from the sites via Montague Street.
- 6.11 The South Melbourne Activity Centre is located approximately 700m to the southwest of the site, providing a wide range of employment, shopping opportunities and community services.
- 6.12 There are several approved medium to high rise development within proximity of the site, along with various sites currently under planning consideration, which represent an emerging built form character within this part of the Fishermans Bend Urban Renewal Area. The below table summarises the most relevant applications and permits:

Address	Reference	Description	Status
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 office and ground floor retail premises, childcare centre and use of the land for dwellings.	Permit issued 01/02/2014 Amended permit granted via VCAT process. EOT granted Permit Expiry: 1 September 2020 (Commencement). 1 September 2027 (Completion). An appeal pursuant to Section 80 was set aside by VCAT who directed it is fair and reasonable to require the applicant to bear the full cost of the protective concrete slabbing works



			<p>over the gas pipeline required by condition 52</p> <p>(Little Lane Early Learning Hawthorn Pty Ltd v Minister for Planning [2020] VCAT 103).</p> <p>Development commenced.</p>
134-142 Ferrars Street	<p>DELWP Ref: 201300088</p> <p>CoPP Ref: 3/2013/MIN</p>	<p>Demolish the existing building, construct a building of 18 storeys and construct and carry out works, and use the land for Accommodation in the Capital City Zone and Design and Development Overlay.</p>	<p>Permit issued at the direction of VCAT 10/04/2017.</p> <p>Development commenced.</p>
2-14 Thistlethwaite Street	<p>DELWP Ref: PSA C175 port</p> <p>Council Ref: 3/2019/MIN</p>	<p>Demolish existing buildings and construct a 15 level (inc. a 5 level podium) Retail premises and Office building and associated car and bicycle parking and construct and/or carry out works in the Capital City Zone (CCZ1), Design and Development Overlay (DDO30) and Special Building Overlay (SBO2).</p>	<p>Currently at assessment.</p>
15-87 Gladstone Street (formerly known as the MAB site [now BPM Corp])	<p>DELWP Ref: 2013005951-1</p> <p>CoPP Ref: 11/2013/MIN</p>	<p>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.</p>	<p>Permit issued 01/09/2014.</p> <p>Development commenced.</p>
89-103 Gladstone Street (Gravity Tower)	<p>DELWP Ref: 2013002601</p> <p>CoPP Ref:</p>	<p>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</p>	<p>Permit issued 1/09/2014.</p> <p>Construction completed in July 2017.</p>



		waiver of the loading and unloading requirements of clause 52.07 of the port Phillip Planning Scheme	
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.

7. PERMIT TRIGGERS

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

Planning Scheme Provision	Why is a planning permit required?
Clause 37.04: Capital City Zone (CCZ1)	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) if it does not meet the following conditions:</p> <ul style="list-style-type: none"> • Must not be in a Non-core area. • Must not be within an Amenity buffer shown on Map 4. • Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. • Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p><i>The land is in a Core Area and within 50m of the South Melbourne to Brooklyn pipeline and 450m of the Dandenong to West Melbourne pipeline and thus requires a permit under this clause.</i></p> <p>The proposed use of the land for retail does not require a planning permit for the use if the following conditions are met:</p> <ul style="list-style-type: none"> • Must not exceed 1000 square metres gross leasable floor area and be located in a Core area. • Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.



	<ul style="list-style-type: none"> • Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p><i>The proposed retail floor area is located within a Core Area and 1405 square metres gross floor area. As previously noted, the site is located within 50m of the South Melbourne to Brooklyn pipeline and 450m of the Dandenong to West Melbourne pipeline and thus requires a permit under this clause.</i></p> <p><i>The use of the land for an Office does not require a planning permit.</i></p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> • An application lodged before the approval of Amendment VC136 (02-Feb-2017). • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136. <p><i>A planning permit is required to construct a building under this clause. This application was lodged in February 2020 and must meet the requirements of Clause 58.</i></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><i>All buildings and structures on all sites are proposed to be demolished and as such requires a planning permit.</i></p> <p>An application for the use of land for dwellings and retail and to demolish or remove a building, construct a building and construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p>
<p>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><i>The proposal requires a planning permit pursuant to this clause.</i></p>



	<p>An application to construct a building or construct or carry out works in DDO30 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 out works.</p> <p><i>The proposal requires a planning permit pursuant to this clause.</i></p> <p><i>Note: 39-41 Buckhurst Street is not affected by SBO2.</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><i>A planning permit is not required under this clause but the aforementioned requirements must be satisfied before the commencement of development.</i></p>
<p>Clause 45.09: Parking Overlay (P01)</p>	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay.</p> <p><i>The proposed number of car parking spaces does not exceed the rates and as such a permit is not required under this clause.</i></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.



	<ul style="list-style-type: none"> 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><i>A planning permit cannot be granted for the proposal.</i></p> <p><i>The application for a Planning Scheme Amendment allows consideration of the application by an alternative process whilst the Infrastructure Contributions Plan is being prepared.</i></p>
<p>Clause 52.06: Car Parking</p>	<p>Pursuant to Clause 52.06-5A, where a use is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, car parking must be provided to the satisfaction of the responsible authority.</p> <p><i>The proposed uses are subject to the maximum car parking rates in the Parking Overlay.</i></p> <p>Car parking should meet the design requirements of Clause 52.06-8. A permit may be granted to vary any dimension or requirement of Clause 52.06-8 (Design standards for car parking).</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><i>A permit is not required under this clause.</i></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
 - 15.03: Heritage
 - 15.03-1S: Heritage conservation
 - 15.02-2S: Aboriginal cultural heritage
- Clause 16: Housing, including:
 - Clause 16.01: Residential development
 - Clause 16.01-3R: Housing diversity - Metropolitan Melbourne
- Clause 18: Transport, including:
 - Clause 18.02-4S: Car parking
- Clause 19: Infrastructure, including:
 - Clause 19.01: Energy
 - Clause 19.01-1S: Energy supply
 - Clause 19.01-2R: Renewable energy - Metropolitan Melbourne
 - Clause 19.01-3S: Pipeline infrastructure
 - Clause 19.03-1S: Development and infrastructure contributions plans
 - Clause 19.03-4S: Stormwater

8.2 Local Planning Policy Framework (LPPF)

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

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

8.3 Local Planning Policy Framework (LPPF)



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

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

8.4 Other relevant provisions

- Clause 58: Apartment Developments
- Clause 59.05: Buildings and Works in an Overlay
- Clause 59.10: Car Parking
- Clause 65: Decision Guidelines, including:
 - Clause 65.01: Approval of an Application or Plan

8.5 Relevant Planning Scheme Amendments

Given the relatively recent submission of this application, there is no relevant planning scheme amendments applicable to this application, however the details of Planning Scheme Amendment GC50 and GC51 are outlined below to provide context relating to the previous planning permit application on site and changes sought to mandatory controls which this this planning scheme amendment application

14 November 2016: Amendment GC50:

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

05 October 2018: Amendment GC81:

- Amends MSS at Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods) to update references to FB and include a refined vision for Montague, Sandridge and Wirraway precincts.
- Introduces new local planning policy at Clause 22.15 (Fishermans Bend) to provide guidance and assist with the exercise of discretion in the assessment of planning permit applications in FB.



- Introduces a new Schedule 1 to Clause 37.04 (CCZ) to ensure land use and development outcomes implement the FB Vision, September 2016 and FB Framework, September 2018.
- Introduces new precinct specific Schedules 30, 32 and 33 to Clause 42.03 (Design and Development Overlay) to align built form controls with preferred character and vision for Montague, Sandridge and Wirraway precincts, respectively.
- Introduces new Schedule 1 to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking.
- Deletes Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay).
- Inserts Clause 45.11 (Infrastructure Contributions Overlay) and Schedule 1 (ICO1) and applies it to land to enable implementation of an Infrastructure Contributions Plan when prepared.
- Applies Environmental Audit Overlay (EAO) to Montague, Sandridge and Wirraway precincts.
- Applies Environmental Significance Overlay - Schedule 1 (ESO1) to Wirraway precinct near PoM.
- Amends Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as a recommending referral authority for planning permit applications where the Minister for Planning is the responsible authority and makes minor corrections to existing provisions.
- Amends Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria.
- Amends Schedule to Clause 72.03 to reflect the deletion of Planning Scheme Map 1DCPO and insertion of new Planning Scheme Maps 1EAO, 1ICO, 2ICO and 3ICO.
- Amends Schedule to Clause 72.04 to reflect the deletion of the Fishermans Bend Strategic Framework, July 2016 (amended September 2016) which is outdated.

9. REFERRALS

External referrals

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

Internal referrals

- 9.2 The applications were internally referred for comment.

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

A summary of responses is as follows:



Internal Department / Referral Officer	Internal Referral Comments (summarised)
<p>Housing Development Officer</p>	<ul style="list-style-type: none"> • It is still unclear if the Rent to Buy affordable housing option (alternative to the Shared Equity Housing) involves a mechanism to enable renters to transition to buying, and at what discount, based on a discounted rent arrangement using the PRADS model - in this case the discount being 80% of market rent / not exceeding 30% of income. • It is unclear what happens under the Shared Equity proposal after the 20 years duration of affordability - whether the equity held by the household remains if they have not increased equity to 100%. • I consider the 20 years period of affordability to be inadequate for the reasons given below, and recommend it be 30 years. • The affordable housing report refers to the need for affordable OC fees for the affordable and social housing, but does not elaborate on how that is to be achieved. While I appreciate that any clarification on this needs to be compliant with the Owners Corporation Act, this to be an issue that should be clarified. • The proposal does not indicate the Registered Housing Association or Registered Housing Provider that the developer wishes to partner with. This should be clarified. <p>Planner comments: A meeting held with all stakeholders held on 15 May 2020 clarified the above queries and the proposed terms and conditions of the Affordable Housing offers. Subject to minor amendments, Council's Housing Officer confirms the acceptability of the proposal and notes this represents a good contribution to the affordable housing goals of the Montague Precinct.</p>
<p>Environmental Sustainable Design</p>	<ul style="list-style-type: none"> • The updated SMP has been produced to a high standard. It addresses the FBURA specific requirements for ESD and it responds to the queries raised in the previous Sustainable Design referral response. There are a few outstanding queries, listed below, which should be resolved before a decision is made. There are also a few matters needing additional input that can be addressed prior to endorsement. <p><u>Outstanding query:</u></p> <ul style="list-style-type: none"> • The catchment for the rainwater tank should be enlarged to include trafficable areas and the tank size increased accordingly to respond to the 0.5m³ per 10m² of catchment area requirement (CCZ1). The current proposed catchment falls well short of the site area. The rain tank requirements in the CCZ1 primarily serve a flood mitigation function, which has been modelled for the entire FBURA precinct. If undersize tanks are built into any individual sites then the precinct-wide flood mitigation model will be ineffective. Hence the CCZ1 requirements specify that catchment areas should include podiums, with the intention that almost the entire site area would be captured to large-capacity tanks, providing capture and storage during storm events. • The updated plans have not responded to the previous Sustainable Design referral advice in relation to the lack of sun shading to north-



	<p>west facing glazing. This is particularly a concern for the tower windows in the Buckhurst Street elevation. These apartment windows will be exposed to high solar heat loads throughout summer and external shading should be designed into the façade to mitigate the resulting heat gain. Appropriate solar shading will enhance occupant comfort and reduce energy use for cooling.</p> <ul style="list-style-type: none"> Some apartment bedrooms within the podium appear to have poor access to natural daylight due to the apartment configuration. I note that a daylight analysis is provided in Appendix E. It's not clear from the information provided, whether the living rooms and bedrooms marked "Living/bed rooms do not achieve auto-pass criteria and are assessed using BESS built in cal" are acceptable or not. I couldn't see any results from BESS built-in calc in the SMP. This needs to be confirmed clearly. <p><u>To clarify in endorsed version of SMP/Plans</u></p> <ul style="list-style-type: none"> Some of the building management credit commitments in the Green Star credits list do not have a nominated responsible person for the operation stage of development, even though the intent of the credit relates to building operation, such as Commissioning and Tuning, Commitment to Performance and Building Information. This should be updated in the final version of the SMP. Updated SMP states that domestic hot water will be via either electric heat pump or gas centralised system. The heat pump option is strongly preferred over natural gas. If gas is not used the development will not be reliant on off-sets to achieve net-zero greenhouse gas emissions from building operations in future, noting that net-zero operating GHG emissions is an overarching goal for 2050 by the latest, by which time the proposed building will still be in use. Updated SMP commits to allocating at least 5% of all car parking spaces to electric vehicle charging spaces. This is demonstrated in the proposed plans with 6 spaces being provided.
<p>Drainage / Assets</p>	<ul style="list-style-type: none"> In Section 5 & 7 of the SMP, a 50,000 L rainwater tank is proposed based on the rooftop area of 1,450m². As per FBURA's conditions (the tank sizing requirement of 0.5m³ per 10m² of roof catchment) the tank should be at least 72,500 litres. In addition, the calculated rooftop area of 1,450m² does not provide a breakdown of the areas that are included the calculation e.g. podium included? Currently the Legal point of discharge for each of the existing buildings is to the kerb. The nearest Council stormwater pit is at the intersection of Buckhurst and Kerr St, near the northern boundary of 120-132 Ferrars St. The LPD for the development may need to be constructed to connect to the Council stormwater pit.
<p>Urban Design</p>	<p>1. Tower Height and Massing</p> <ul style="list-style-type: none"> This urban design review concurs with the detailed conclusions of the Precinct Planning referral, which is that the proposed height and setbacks of the towers do not achieve the built form outcomes of DD030, as well as the recommendations, which is that the building



	<p>envelope of the towers be reduced to present either the mid-rise development (i.e. 7-15 storeys) or the 'well-spaced slender tower' outcomes sought in DDO30.</p> <ul style="list-style-type: none"> In addition, it is critical that a safe and pleasant pedestrian environment is achieved which means that further changes to the towers may be required to adequately manage wind impacts resulting from the development. <p>2. Ground Floor Design</p> <ul style="list-style-type: none"> The changes to the ground level plan (TP01.03 Rev D) appear fairly minimal and have still not achieved a high quality design response to this site. In particular, the plan does not satisfactorily resolve the competing requirements of managing flood risk, providing an active street frontage and achieving equitable DDA access. The alternative ground floor scheme provided (TP07.13 Rev D) is also not supported because the ramps shown between the two main entries would compromise the viability of the associated tenancy by pushing its frontage a long way in-board and creating an unnecessarily "blank" area at the main entry. The proposal should be revised to demonstrate equitable DDA access to all public areas as well as to and within future tenancies (as indicated by notional tenancy divisions). Compared with ramps and enclosed lifts, accessible platform lifts are a less preferred DDA solution in the main building entries, as they are more time consuming and less dignified to use. As noted below, it is understood that platform lifts may be necessary for DDA access on the constrained Buckhurst Lane frontage but they appear to be entirely avoidable on the main Buckhurst Street frontage because of the opportunity to raise the public footpath level. The opportunity to raise the Buckhurst Street footpath would also benefit the tenancies on that frontage. Single level tenancies are inherently preferred to split-level ones for their superior public accessibility, adaptability and commercial viability. Where split-level tenancies are proposed, every effort should be made to minimise the vertical transition height within the space. For these reasons, it is suggested that a main retail FFL of AHD 2.4m offers a number of benefits over the proposed FFL of AHD 2.6m.
<p>Fishermans Bend Strategy / Strategic Planning</p>	<p>1. Both towers of the proposal exceed the 43m / 12 storey maximum height sought in DDO30 – the eastern tower has a maximum height of 71m / 20 storeys and the west tower has a 45.2m / 12 storey maximum height [1]. Both towers comply with the minimum setbacks above the street wall (including side boundary setbacks), except for the encroachments discussed in Item 2 below. There may be strategic planning justification for a 'high-rise' building with a building height greater than the 43m / 12 storey maximum height sought in DDO30,</p>

[1] The roof plant and enclosure on both towers is to be included in height calculations (in metres, not storeys), as they are not set back at least 3m behind the building façade (refer Clause 2.5 of DDO30).



	<p>due to the heights of existing and approved buildings in the immediate area.</p> <ul style="list-style-type: none"> • It is considered that the proposed height and setbacks of the towers do not achieve the built form outcomes in Clauses 2.5, 2.8 and 2.9 of DDO30: • The proposal does not adequately respond to the preferred precinct character of Area M5, which is; <i>“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”</i>. The tower forms and proposed building separation will not result in ‘well-spaced slender towers’. Associated with this outcome is that the tower elements of the proposal do not achieve the following built form outcomes. • The proponent’s Town Planning Report refers to the Fishermans Bend Urban Design Strategy for a definition of ‘slender’ towers to help justify the proposed tower floorplates and setbacks (p.39). The reference, however, relates to the built form assumptions that were used in 3D testing, and is not a discussion on how ‘slender’ towers sought in DDO30 should be designed (refer to Table 14 of the Urban Design Strategy (p.98). The footnote of Table 14 states that; “A slenderness ratio of maximum 10:1 has generally been adopted for towers”, which infers that the Urban Design Strategy considered that the slenderness of a building is determined more by the relationship of the width and height of the building, rather than the floorplate dimensions presented by the proponent. For comparison with the 10:1 maximum slenderness ratio used in the Urban Design Strategy, the proposed east and west towers have slenderness ratios of 2.4:1 and 2:1 respectively. [2] • Another indicator of the apparent slenderness of a building would be the proportion of building mass along the site’s frontage against the proportion of space / separation between buildings. The proposed towers take up 63% of the Buckhurst Street site frontage [3] (as illustrated by the diagram below – the towers have light blue shading and the podium has dark blue shading). This outcome is also evident in the architectural renders in the architectural plans (particularly Drawing Nos. TP08.01, 02, 04, 05, 10 and 12). • There is concern that the proposal will not <i>“limit impacts on the amenity of the public realm as a result of wind”</i>. The amended wind assessment discussed in item 2 is required to respond to this matter. • <u>It is recommended that the building envelope of the towers be reduced to present either the mid-rise development (i.e. 7-15 storeys) or the ‘well-spaced slender tower’ outcomes sought in DDO30.</u> Further changes to the towers may be required to adequately manage wind impacts resulting from the development, subject to the amended wind assessment recommended in Item 3 below. This matter should be addressed through amended plans prior to a decision being made.
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^[2] Based on (1) 71m height and 30m width of east tower, and (2) 45.2m height and 21.7m width of west tower. Widths exclude the 1.2m deep vertical fins on the east and west façades (refer to Item 2 below).

^[3] 66% if the 1.2m deep vertical fins on the east and west façades are included (refer to Item 2 below).



	<p>2. The floor plans for Levels 05-19 and the Roof (Drawing Nos. TP01.06-TP01.10) indicate that the vertical 'fins' on the east and west tower facades (MT02) encroach approximately 1.2m into the 10m mandatory side boundary setbacks (Clause 2.9 of DDO30). Similarly, horizontal 'sills' (MT01) encroach approximately 400mm into the 5m mandatory setbacks above the street wall (Clause 2.8 of DDO30). Whilst there is no strategic planning objection to this articulation, there is no provision in DDO30 for exemptions to the mandatory upper level setbacks (unlike the exemptions for building and street wall heights). On this basis, the proposal does not comply with these mandatory DDO30 requirements. Under the Terms of Reference of the Standing Advisory Committee (SAC), the proposal needs to meet the requirements of DDO30. In this regard, it would be expected that the SAC will establish a standard approach to varying mandatory requirements.</p> <p>3. The wind assessment by Windtech (<i>Pedestrian Wind Environment Study</i>; dated 11 May 2020), and the resultant built form outcome, does not comply with the policy requirements of DDO30. Clause 2.11 requires development to; "<i>Maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing</i>". This requirement is reiterated in Clauses 2.5 and 2.8, relating to building height and upper level setbacks. The following issues need to be addressed in an amended wind assessment:</p> <ul style="list-style-type: none"> (a) The proximity model needs to take into account developments in the area that are under construction or approved, particularly the approved development at 6-70 Buckhurst Street; (b) The assessment area shown in Figure 5a of the report does not align with the assessment distance required in Clause 2.11 of DDO30. An assessment distance of approximately 42m is required, based on half the longest width of the building. This area would include a greater extent of the pedestrian areas on Buckhurst Street (northern footpath and new linear park on southern side), George Street, Tates Place and the northeast portion of the new park on the corner of George and Thistlethwaite Streets. (c) The mandatory wind safety criteria in DDO30 must be achieved. Where the safety criterium is already exceeded, the development must not increase the extent of non-compliance. The current proposal results in exceedance or worsening of safety criteria in 3 test locations (# 1, 2 and 15); (d) The assessment criteria for pedestrian comfort need to be revised. The wind speed criteria used applies only to walking (5m/s) and not sitting or standing. As required in Clause 22.15-4.4, developments should contribute to a "<i>high quality public realm and deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax</i>". This outcome is particularly relevant for sites located in within the Montague Core Area (such as the subject site) where a "<i>high quality, high amenity public realm is to be delivered</i>" (Clause 21.06-8). Further, Buckhurst Street is to be "<i>a high amenity, linear green spine through the precinct</i>" (Clause 21.06-8). On this basis, the following areas within the assessment distance should meet the wind comfort criteria outlined in Clause 2.11 of DDO30:
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	<ul style="list-style-type: none"> ▪ <u>Sitting</u> – new Buckhurst Street linear park and new park on the corner of George and Thistlethwaite Streets; ▪ <u>Standing</u> – northern footpath of Buckhurst Street, George Street, new laneway through site and outside the retail tenancies and building entry fronting Buckhurst Lane; and ▪ <u>Walking</u> – remaining publicly accessible areas. <p>The diagram below illustrates the different wind comfort criteria against the current directional plot for Point 01 (from Appendix C of the report). It indicates the extent of non-compliance with the DDO30 requirements and the level of intervention that may be required by the proposed development.</p> <p>(e) Any proposed wind treatments need to be located within the development (not on public land);</p> <p>(f) Any proposed changes to the built form and/or wind treatments need to be qualified to demonstrate how an amended proposal will achieve the policy requirements in Clause 2.11 of DDO30; and</p> <p>(g) Reference to the wind assessment requirements of DDO30, not those of Amendment GC81 to the Port Phillip Planning Scheme;</p> <p><u>It is recommended that an amended wind assessment should be prepared that complies with the relevant planning scheme requirements. The required wind treatments will need to be incorporated into the proposal plans. It is preferred that this change be addressed through amended plans prior to a decision being made.</u></p> <p>4. The approach to manage the flood risk to the proposed retail tenancies, whilst seeking to provide active frontages to Buckhurst Street and Buckhurst Lane is supported in principle. The street level presentation and activation of the building, however, could be improved to “<i>maintain good physical and visual connection between the street and internal ground floor</i>”, as required by Clause 22.15-4.5.</p> <p><u>The following changes are recommended:</u></p> <p>(a) Firstly, the level difference within the tenancies should be minimised as much as possible. Melbourne Water should be consulted for the minimum allowable floor level requirements – it is understood that floor levels of 2.4m may be supported for retail tenancies, rather than 2.6m as currently proposed. In addition, an opportunity to raise the height of the footpath along Buckhurst Street should be explored.</p> <p>(b) Reconfiguration of the Buckhurst Street / Buckhurst Lane frontages of some retail tenancies, by (1) consolidating and/or minimising entry transition areas for each tenancy (blue arrows and outlines) and (2) extending retail floorspace to the façade (orange shading). It is considered that the level difference will still allow interaction with the public realm, particularly if openable windows and/or balconies are provided that overlook the street.</p> <p>5. It is considered that the design outcomes for the retail tenancies fronting Buckhurst Street and Buckhurst Lane could be improved to better achieve the following development outcomes:</p> <ul style="list-style-type: none"> ▪ Create activated building façades with windows and legible entries (Clause 2.12 of DDO30 – built form outcome);
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	<ul style="list-style-type: none"> ▪ Encourage opportunity for social interaction at interfaces between the public and private realms (Clause 21.05-3); and ▪ Provide openable windows and balconies within the street wall along streets and laneways (Clause 2.12 of DDO30 – built form requirement). <p>On this basis, <u>the following changes are recommended</u>:</p> <ul style="list-style-type: none"> (a) Greater legibility of individual tenancy entries. (b) Provision of openable windows and balconies / outdoor seating areas along street frontages. <p>City Design may provide further advice on this matter.</p> <p>6. The proposed pedestrian connection through the site between Buckhurst Street and Buckhurst Lane achieves the requirements of Clause 21.15-4.8 for an additional north-south connection midway in the block bounded by Buckhurst Street, Ferrars Street, Buckhurst Lane and George Street. The current design of the pedestrian connection, however, does not provide the high connectivity sought in this precinct by policy, though lack of legibility, equitable access and safety.</p> <p>On this basis, <u>the following changes are recommended</u>:</p> <ul style="list-style-type: none"> (a) Increase the width of the southern portion of the connection to at least 5m to provide a legible path of travel and to enable a clear line of sight through the street block (as illustrated in the diagram at right – increased width indicated in red dashed outlines). The width could be maintained where lift cores and stairs cannot be relocated. A recess above floor level could be provided above the basement ramp (e.g. bench seat or planter box) (refer to insert at right); (b) Provide disabled access at the Buckhurst Lane (southern) entry; (c) Increase the width of the void areas above the Buckhurst Street (northern) entry (Levels 01-04) to align with the full width of the entry (e.g. 5m); (d) Increase the height of the connection to be greater than its width (e.g. greater than 5m) and preferably a double storey height; (e) Provide a more legible entry at the Buckhurst Lane (southern) end (as illustrated in the diagram below); (f) Increase clear glazing and maintain openings of adjoining retail tenancies onto the connection; (g) Maintain full height glazing at both entries; (h) Avoid entrapment spaces and areas with limited passive surveillance; and (i) Provide details of high quality material and finishes to all surfaces and lighting. <p>7. The provision of DDA lifts only at the Buckhurst Street frontage of the site do not provide equitable access to the retail tenancies fronting Buckhurst Lane for people with limited mobility and prams, and even delivery people. The orange dashed lines in the diagram below illustrate the route these people will need to take to access these tenancies. In addition, the potential tenancies identified with a red disabled symbol do not have any provision for disabled access. The</p>
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	<p>building design should provide for flexible tenancies without requiring new tenants to invest in significant changes to comply with legislative requirements for DDA, etc. <u>The proposal should be amended to address these issues.</u></p> <p>8. The green dashed lines in the diagram below illustrate the route that residents will need to take to access the bicycle parking area on the Ground Floor. These circuitous routes and potential for conflict in the lobby area and service aisle will likely discourage people from using active transport. <u>The proposal should be amended to provide a more direct and useable route between the streets and bicycle parking area.</u></p> <p>Issues that could be included as recommendation of any Incorporated Document</p> <ol style="list-style-type: none"> 1. Large expanses of blank wall are proposed to the east and west walls of the podium. These walls abut potential future development sites at 120-132 Ferrars Street and 43-49 Buckhurst Street, however the timeframe and building enveloped of any future development is unknown. Architectural treatment should therefore be provided to these walls to reduce the visual bulk of this component of the development. <u>This change could be conditioned.</u> 2. The areas of the building and retail tenancies that may be impacted by floodwater (e.g. transition areas) will need to be designed and operated to manage flood risk during the life of the development. <u>Conditions should be included</u> to ensure the development complies with the following requirements of Clause 22.15-4.5: <ol style="list-style-type: none"> (a) <i>Design elements and materials should be resilient including waterproof doors and windows, elevated power outlets and the like.</i> (b) <i>Land uses at ground floor level should be able to easily recover from the impacts of temporary flooding.</i>
<p>Recreation and Open Space Planning</p>	<p>Open space planning generally supports the proposed landscape plans however would like clarity over the developers intentions for accessibility to the public spaces at ground level. It would be our preference that the publicly accessible space for this to be guaranteed through an s173 or similar.</p> <p>For consideration at the detailed design phase, we recommend to:</p> <ul style="list-style-type: none"> • Ensure planters around the water feature are designed to encourage sitting and respite. • Water feature elements should create talking points, making the pocket park a desirable destination and encourage longer stays. <p>The space should be flexible, allowing users the opportunity to utilize the space in different ways. A suggestion would be to make space wide enough to allow for movable furniture.</p>
<p>Waste Management</p>	<ul style="list-style-type: none"> • Bin room for commercial and residential bins must be separate • There are two sets of chute outlets on the plan, this may change as the bin rooms for commercial and residential rooms are separated • Highly recommend to reduce the collection frequency to reduce the traffic amenity impact in the area



Traffic Engineers	<ul style="list-style-type: none"> • Number of car parking spaces proposed and allocation for each type of bedroom apartments, retail and office spaces should be provided. • Entrance ramp grades does not satisfy Clause 52.06. One Mile Grid reference AS 2890.1 2004 to provide a 1:8 ramp gradient. It is preferred the site provides a 1:10 ramp grade for the first 5m of the site. • The carpark layout has been modified. <ul style="list-style-type: none"> - Small car bays have been removed. - All parking spaces dimensions and clearance to walls/columns needs to satisfy CI 52.06. • The proposed roller door near the entrance is setback and is considered acceptable. I suggest the Applicant install a warning system (such as light) to alert drivers of entering/exiting the site. • Given the location of the roller door can the Applicant confirm if this will impact service/loading vehicle entering/exiting the loading area? • Can the Applicant confirm the size of the service vehicle swept path assessment? Diagram of the service vehicle indicate it is 8.8m long. Noting an 8.8m long service vehicle will overhang onto the accessway aisle. • Access to bike storage areas are not convenient or direct from building entrances. I also recommend the accessway aisle leading to the bike storage area widen to 1.5m and replace staircase with an acceptable ramp gradient. • I suggest visitor bike racks are installed on-site close to the building's entrance and on Ground Level.
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10. PUBLIC NOTIFICATION/OBJECTIONS

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

10.2 The Council has 20 business days from the date of receiving notice to provide a written response. Council is currently within the 20-day timeframe.

11. OFFICER'S ASSESSMENT

11.1 Fishermans Bend Standing Advisory Committee Terms of Reference

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

11.1.1 Responding to Local Policy

Clause 22.15: Fishermans Bend Urban Renewal Area Policy

Clause 22.15 Fishermans Bend Urban Renewal Area Policy	Officer Assessment
22.15-4.1 Providing for employment floor area	Achieved: Recommended: 2,365m ² (0.23ha.) site area x 1.6:1 = 3,784m² min. floor area ratio not used for dwelling.



<p>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>Proposed: 6,170m² (Retail 1405m² and Commercial 4,765m²)</p>
<p>22.15-4.2 Community and diversity. Proposals of > 100 dwellings <u>should</u> provide 3BR dwellings: Montague: 25%</p>	<p>Achieved: Recommended: 25% of 145 dwellings = 37 x 3BR Proposed: 29% / 42 x 3BR.</p>
<p>22.15-4.3 Providing for Affordable housing Affordable housing Developments <u>should</u> provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the policy objectives can be met by a lesser provision; or • It can be demonstrated meeting the objective would render the proposal economically unviable 	<p>Achieved in part: Recommended: 6% of 106 dwelling density = 7 (6.36) dwellings. Proposed: 7 Rent to Buy or Shared Equity models = 6.6% of 106 dwellings</p>
<p>Affordable housing <u>should</u> be mix of 1, 2 and 3BR, internally match other dwellings, be externally indistinguishable from other dwellings.</p>	<p>Achieved in part: Proposed: 7 dwellings</p> <ul style="list-style-type: none"> • 3 x 1-bedroom A1403, A1503, A1603 • 4 x 2-bedroom B605, B705, B805, B1005. <p>Note: The provision of at least one 3 bed apartment should be considered.</p>
<p>Social housing <u>Encourage</u> Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Achieved: Recommended: 145 dwellings - 106 dwelling density = 39 dwellings @ 1 per 8 = 5 (4.875) social housing dwellings required for uplift. Proposed: 5</p> <ul style="list-style-type: none"> • 5 x 1-bedroom A404, A504, A903, A1203 and A1303 <p>Note: Pursuant to FBSAC Terms of Reference, Social Housing provisions do not formally apply. It is considered the dwellings nominated should represent a higher level of diversity in typology.</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:</p>



	<p>Recommended: Precinct character area M5 encourages a hybrid (predominantly mid-rise 7-15 level) building typology and maximum 43m (12 storey) building height.</p> <p>Proposed: 2 x podium/towers Tower: 20 storeys / 67.3m and 12 storeys / 41.7m</p>
<p>22.15-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community Energy: 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: The SMP notes 'Reduced overall operational energy consumption by 20%.</p> <p>Note: SMP commits to targeting certified 5-Star Green Star Design and As-Built rating</p>
<ul style="list-style-type: none"> • Residential development <u>should</u> achieve an average 7 star NatHERS rating for each building. 	<p>Achieved: The SMP notes a minimum average NatHERS rating of 7.5 stars.</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: 10kW of rooftop solar photovoltaic system are provided 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: The SMP confirms that the project can meet the energy efficiency requirements and the urban heat island reduction requirements set out in the FBURA planning policy at Clause 22.15.</p>
<ul style="list-style-type: none"> • Non-glazed façade materials exposed to summer sun <u>should</u> have a low solar absorptance. 	<p>Achieved: The materials commitments in the SMP are commended, such as for concrete and steel, to reduce the embodied energy of the development.</p>
<p><u>Sea level rise, flooding and water recycling and management:</u> Raise internal floor levels above street level as a last resort, except where other measures and evidence / risk management necessitates it.</p>	<p>Achieved in part: The design proposes to raise internal floor levels above street level.</p> <p>Note: The proponent is working with the Council, Department of Environment, Land, Water and Planning, Melbourne Water and the Fishermans Bend Task Force in preparing a suitable design response to align with future public realm works proposed for Buckhurst Street.</p> <p>These discussions will continue to progress prior to the SAC Hearing. It is proposed to include a requirement within the Incorporated Document to require the design to be amended upon finalisation of the Precinct Plan to direct a preferred design response to flooding and sea level rises within the area.</p>



	Floor levels to Buckhurst Lane provide for suitable transitional and sacrificial areas within the premises which is considered acceptable.
<p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> • Design elements and materials <u>should be</u> resilient inc. water proof doors and windows, elevated power outlets and the like. 	<p>Achieved in part:</p> <p>The plan and elevation drawings and application documentation do not provide details of flood resilient design and materials but it is considered this can easily be addressed as a requirement of any Incorporated Document.</p>
<ul style="list-style-type: none"> • Land uses at ground level <u>should</u> be able to easily recover from temporary flooding. 	<p>Achieved:</p> <p>The plan and elevation drawings generally show ground floor levels above the designated flood levels for the site.</p>
<ul style="list-style-type: none"> • Any level changes required between street level and internal ground floor <u>should be</u> integrated into the building design to maintain good physical and visual connection between street and interior. 	<p>Achieved in part:</p> <p>The proposed floor plans generally propose a layout and design which facilitates mitigation measures within the building design and a visually permeable presentation to both Buckhurst Street and Lane.</p> <p>Council’s Urban Designers have recommended amendments to further improve the proposed ground floor layout. Such amendments can be addressed as a requirement of any Incorporated Document.</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>Achieved in part:</p> <p>The floor plans, elevations and application documentation do not provide details of flood resilient design and materials but it is considered this can be addressed as a requirement of any Incorporated Document.</p>
<ul style="list-style-type: none"> • Developments and public realm layout and design <u>should</u> integrate best practice WSUD. 	<p>Achieved in part:</p> <p>The catchment for the rainwater tank should be enlarged to include trafficable areas and the tank size increased accordingly to respond to the 0.5m³ per 10m² of catchment area requirement (CCZ1). The current proposed catchment falls well short of the site area. It is considered this can be addressed as a requirement of any Incorporated Document.</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:</p> <p>The design includes a communal podium with perimeter landscaping.</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:</p> <p>The landscaped communal podium and through block pedestrian link to a lesser extent 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, rather for the development itself.</p> <p>Council’s Urban Designers have provided commentary on how these design aspects could be improved.</p>



<ul style="list-style-type: none"> • Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. 	<p>Achieved in part:</p> <p>The landscape plan and SMP do not propose innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD for the landscaped areas however as noted above, this is being explored in greater detail as part of wider public realm works to Buckhurst Street.</p>
<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. 	<p>Not achieved:</p> <p>A community garden is not proposed.</p>
<ul style="list-style-type: none"> • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	<p>Not applicable:</p> <p>Public open space is not proposed as part of the application, only the pedestrian link which is recommended to remain in private ownership but open to the public via a Section 173 Agreement.</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:</p> <p>The landscape plan features a small mixture of native and indigenous and exotic plantings.</p>
<ul style="list-style-type: none"> • Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity. 	<p>Achieved in part:</p> <p>The plan does not detail exotic climate resilient plants but can be required as a condition of any Incorporated Document.</p>
<ul style="list-style-type: none"> • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not achieved:</p> <p>A vegetation link is not proposed but it noted that Buckhurst Street is planned to accommodate a future linear park.</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>Achieved in part:</p> <p>Basements beneath the whole of the site preclude deep soil zones of at least 1.5m depth; the landscape plan notes raised planters for small trees, but only to 800 mm depth.</p> <p>Existing street trees are proposed to be retained with some additional planting. Retention of existing trees may change as part of future public realm works noted above.</p> <p>If street trees are to be retained as part of the future public realm works, suitable tree protection measures will be required as part of any Incorporated Document.</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:</p> <p>The landscape plan proposes some landscaping to the podiums with some vegetation overflowing from the edges to the Buckhurst Street Façade</p> <p>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. Such requirements can be included as part of any Incorporated Document.</p>



<p>22.15-4.8 New streets, laneways and pedestrian connections New streets, laneways and pedestrian connections <u>should</u> be spaced:</p> <ul style="list-style-type: none"> • Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block. • Non-core areas: not more than 100m apart and orientated in the preferred direction. <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>Achieved: The land is in the Core area and has a frontage width of 81.92m to Buckhurst Street and 83.27m to Buckhurst Lane.</p> <p>The proposed new pedestrian link between Buckhurst Street and at ground level would comply with the recommended number of connections.</p> <p>The site orientation does not facilitate a north-south alignment.</p> <p>For reasons noted later in this report, it is considered that increased height to this link and width, particularly at the Buckhurst Lane side would facilitate an improved pedestrian environment, particularly leading to Buckhurst Linear Park.</p>
<p>Sites >3000m2 <u>should</u> provide new streets, laneways or paths to create mid-block through links and define and separate buildings.</p>	<p>Not applicable as the site area is 2,365m2.</p> <p>As noted above, a new pedestrian link is proposed between Buckhurst Street and Lane.</p>
<p>New streets, laneways and pedestrian connections <u>should</u>:</p> <ul style="list-style-type: none"> • Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1. 	<p>Achieved: The pedestrian link would facilitate pedestrian permeability to the future Buckhurst Street Linear Park and generally aligns with Tates Place. It is acknowledged the legibility of the pedestrian connected to Buckhurst Lane should be improved.</p>
<ul style="list-style-type: none"> • Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space. 	<p>Achieved: The new lane and corridor would provide reasonable access to existing public transport routes, and existing or proposed public open space.</p>
<p>New shared streets or lanes <u>should</u> prioritise pedestrian movement and safety.</p>	<p>Achieved in part: The pedestrian link would facilitate pedestrian movement in part. The steps to the Buckhurst Laneway does not facilitate DDA compliant access whilst the relatively narrow (3m) should be revised improve desire lines, legibility and views of the end destination.</p>
<p>New streets and lanes <u>should</u> be designed to: Enable views through the street block; Have active frontages in a core area; Be open to the sky; Allow for canopy tree planting.</p>	<p>Not applicable as these elements are not required by policy and are not proposed.</p> <p>Notwithstanding this, concerns regarding the pedestrian link could be improved as noted above.</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>Achieved: The northern side of Buckhurst Street is designated as a Strategic Cycling corridor (Bay Street to City bike connection).</p> <p>The proposal would remove all crossovers to Buckhurst Street and reduce the number of vehicle crossings on</p>



	<p>Buckhurst Lane to one 6.6m wide crossover which would appreciably reduce pedestrian/vehicle conflict points.</p> <p>Council’s Traffic Engineer has recommended amendments to the proposed visibility splays which can be included as recommendation of any Incorporated Document.</p>
<p>Design internal connections to give priority to pedestrians and bicycles.</p>	<p>Achieved in part:</p> <p>The internal connections give priority to pedestrians with bike ramp adjacent to pedestrian and commercial access points. Such bike ramps are notably absent from the nearest external door to the ground floor access off Buckhurst Lane. This can be easily addressed as a recommendation of any Incorporated Document.</p>
<p>Provide high levels of and easy access to bicycle parking facilities, inc. change rooms, showers and lockers.</p>	<p>Achieved:</p> <p>The plans detail the proposal of 8 showers and lockers within 2 change rooms and a separate DDA compliant change room at Basement Level 1. The dimensions of bike parking spaces and associated areas / enclosures are not detailed.</p> <p>Access to the Basement 1 would be relatively unobstructed for workers however it is considered the location of the visitor / shared bike spaces should be relocated to a more legible location such as the ground floor level.</p>
<p>Encourage developments to provide less than preferred max. no. car spaces.</p>	<p>Achieved:</p> <p>Proposal seeks to provide less than the preferred maximum number of car spaces for the dwellings, retail and commercial uses.</p>
<p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p>Not applicable – car parking is proposed within two basement levels.</p>
<p>22.15-4.10 Land use transition</p> <p>Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p>	<p>Achieved: The proposed uses would not prejudice the urban renewal of Fishermans Bend.</p>
<p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p>Achieved: The application documentation included an Acoustic Report which generally provide an acceptable level of internal amenity for future occupiers of the building.</p>

11.2 Clause 37.04: Capital City Zone (CCZ1)

11.2.1 Use of Land

Use for **dwellings (accommodation)**, requires a permit because the land is in the Montague Core area and within 450m of the South Melbourne to Brooklyn and Dandenong to West Melbourne gas pipelines.



Use for a **Retail premises (other than Hotel, Shop and Tavern)** (including **Restaurant**) requires a permit because the land is in the gas pipeline buffer and the gross floor area exceeds 1,000m².

Use for **offices** does not require a permit.

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

11.2.2 Dwelling Density

Pursuant to the Fishermans Bend Standing Advisory Committee Terms of Reference, the dwelling density provisions of the CCZ do not apply to the application.

11.2.3 Buildings and Works Requirements

Buildings and works must be generally in accordance with the Urban Structure, Amenity Buffer, Pipeline Buffer and Transport and Infrastructure maps of Schedule 1 to the CCZ. This does not apply to a new road or laneway marked as indicative.

Map 1: Urban Structure seeks proposals to have an active frontage with 80% permeability facing Buckhurst Street. A new linear public open space area is proposed to the immediate north-west boundary of the site and will extend from Ferrars Street to Boundary Street. No crossovers are permitted from Buckhurst Street. Indicative locations for new 6m wide laneways are proposed between Buckhurst Street to Gladstone Street and from Gladstone Place to Kerr Street.

To the south-west of the site, a new public open space is proposed to the south-western corner of Thistlethwaite Street and George Street. Buckhurst Lane is proposed to be extended

Map 4: Amenity buffers the site lies outside any amenity buffers noted on Map 4.

Map 5: Pipeline buffers includes the land in the 50m buffer of the South Melbourne to Brooklyn gas pipeline and within the 450m buffer of the Dandenong – West Melbourne pipeline. As above, the proposed developments would be satisfactory subject to conditions for any protection measures required by the gas pipeline operators. It is noted the Planning Permit 2013/005499-2 issued for land at 6-78 Buckhurst Street requires concrete protective slabbing of the gas pipeline to the satisfaction of APA VTS (Operations) Pty Ltd is the relevant pipeline licensee.

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

11.2.4 Bicycle, Motorcycle and Car Share Parking

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

A summary of the requirements and provision (based on the Development Schedule) is set out below (Note: The bicycle parking allocation and floor areas in the Traffic Engineering Assessment differs from that in the Development Schedule):



(Note: See also assessment at 11.4 of this report).

Table 1: Bicycle, Motorcycle and Car share parking

Measure	Bicycle Spaces Required	Bicycle Spaces Proposed	Motorcycle Spaces Required	Motorcycle Spaces Proposed	Car Share Spaces Required	Car Share Spaces Proposed
Development of more than 50 dwellings	1 space per dwelling x 145 dwellings = 145 spaces	145	1 per 50 dwellings x 145 dwellings = 2	7 spaces* (*shared with dwellings - see above)	2 spaces + 1 per 25 car spaces x 82 residential car parking spaces = 5 spaces	3
	1 visitor space per 10 dwellings x 145 = 14 spaces	41 (10 spaces *shared with non-res floor space -see below)	None specified	N/A	None specified	N/A
Sub total:	159 spaces	186 spaces*	2 spaces	7 spaces*	5 spaces	3
Development with > 10,000m2 non-residential floor space	1 per 50m2 of net non-residential floor space. Total non-residential floor area = 6170m2 therefore no spaces required.	32	1 per 100 car parking spaces x 43 non-res car parking spaces = 0 (0.43 spaces)	12 spaces* (*shared with dwellings - see above)	1 per 60 car parking spaces x 43 non-res car spaces = 0 spaces	N/A
	1 visitor space per 1000m2 of net non-residential floor space. Total non-residential floor area = 6170m2 therefore no spaces required.	10* (*shared with dwellings - see above)	None specified	N/A	None specified	N/A
Sub total:	0 spaces	42 spaces*	0 spaces	7 spaces*	0 spaces	N/A
Total:	Bicycle spaces required 159 spaces	Bicycle spaces proposed 218 spaces	Motorcycle spaces required 2 spaces	Motorcycle spaces proposed 7 spaces	Car share spaces required 5 spaces	Car share spaces proposed 3 spaces

Bicycle parking

The development would provide more resident and resident and non-residential visitor bicycle parking than required. It is considered that some of the retail and commercial



spaces / visitor spaces at Basement Level 1 should be relocated to Ground Floor level to accommodate ease of access for those people visiting the site for short time periods. This is particularly given the northern side of the Buckhurst Linear Park is noted in the Fishermans Bend Framework as the Bay Street to City bike connection. More accessible bicycle parking at ground floor level should be considered in conjunction with future public realm works to Buckhurst Street.

Motorcycle parking

The development would provide more than required number of motorcycle spaces for the dwellings.

Car share spaces

The plans specify 3 car share spaces at Basement Level 1, a shortfall of 2 spaces.

The One Mile Grid memo and report dated 30 April 2020 states,

'The applicant has had discussions with FlexiCar a car share provider. FlexiCar undertook a review of the development and indicated that 3 car spaces would be commercially viable on this site. Any more pods in the single location would not receive the required take up and could remain dormant. The concern is that as all spaces are located in the one location, there is not flexibility for other users to access the space and a distribution of pods into the area is more appropriate to be an option for other users outside of the development. A copy of the FlexiCar letter is provided.'

In this regard, it is considered that the provision of share car pods on-site is appropriate.'

Officers would support an initial reduction in the number of car share spaces on the basis of demand monitoring and review and conditions requiring the number of spaces to be increased if there is demonstrated demand. The proponent accepts this as a satisfactory approach.

11.2.5 **Conditions on Permits**

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

- Green star rating;
- 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**

The requirements of DDO30 applications to vary discretionary requirements must achieve the relevant built form outcomes which include, *responding to the preferred precinct character and typology statements and providing an appropriate transition and relationship to heritage buildings and existing lower scale neighbourhoods of South Melbourne and Port Melbourne*



11.3.1 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 mid (i.e. 7 to 15 storeys) with some high-rise forms (i.e. 16 storeys or higher) 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.

The planning scheme does not provide guidance or define 'hybrid' building typology or 'slender towers'.

Assessment

The proposed podium and tower forms at part 12 and part 20 storeys falls outside the aforementioned numerical definition of a 'mid-rise' development with the 20-storey element being 8 storeys taller than the preferred maximum height for the land.

Council's Urban Designers commented that the tower heights and massing was not supported because it does not achieve the built form outcomes of DDO30 and the building envelope of the towers should be reduced to present either mid-rise (7-15 storeys) or well-spaced slender towers.

They also raised concerns regarding the tower height in respect of the wind assessment to ensure a safe and pleasant pedestrian environment is achieved.

Council's Strategic Planners acknowledge there may be strategic justification for 'high-rise' under the DDO30 policy but do not agree with the proponent's assessment that the proposal adequately meets the built form outcomes in relation of setbacks above the street wall and side and rear setbacks. The Urban Designers agreed with this advice.

Local context includes sites with planning permits issued for 4 towers between 27 and 30 storeys in height at 6-78 Buckhurst Street to the northern side of the street and an 18-storey tower at 134-142 Ferrars Street to the north-east of the site with a 15-storey tower currently under construction at 2-14 Thistlethwaite Street.

In its wider context, land to the northern side of Buckhurst Street facilitates built form heights of 68 metres (20 storeys) and land to the southern side of Thistlethwaite Street steps down to maximum building heights of 30m (8 storeys). The site is located in a transition area between these high and lower built form areas.

To provide an interesting and varied skyline, a departure from the upper numerical definition of mid-rise (being 15 storeys) is acceptable and contemplated by policy to achieve the built form outcome sought for this area, particularly on a large site such as this which is located within the core area of the Montague Precinct (an area where greater intensity of development can be



accommodated). The proposed heights at 12 and 20 storeys will result in an appropriate transition within the emerging development patterns of the area.

It is noted that the proposed separation of 10 metres between the towers and 10 metre setback to adjoining title boundaries generally comply with policy requirements. Noting that a reduction in the width of the presentation in the towers will have limited impact in appreciating the 'slenderness' measure as any increased separation between the towners on site and from adjoining title boundaries are unlikely to be appreciated in isolation due to the 80 metre + site frontages to both Buckhurst Street and Lane and emerging developments within the area restricting views to the proposed development.

The proposed tower floorplates, setbacks and separation between towers in the context of site area is considered acceptable when read in conjunction with the emerging character of the area. The simplicity of the architectural language is supported and the proposed variation in the tower heights will contribute to a variation in the skyline as encouraged by policy.

The proposal achieves the preferred precinct character of predominantly mid-rise buildings with the opportunity for some high-rise towers.

11.3.2 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.

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

Land to the south-west corner of George Street and Thistlethwaite Street is designated as a new public open space on Map 4 to the schedule.

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

11.3.3 Building Height

Street Wall Height

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

A four and five storey street wall is proposed to both Buckhurst Street and Lane.

Assessment



The street wall is varied in height with a five-storey built form adjacent to 43-49 Buckhurst Street. The five-storey podium occupies approximately 20m of the site frontage. The podium is modularised and finished in light brown brick and glazing. Fenestration incorporates recesses, angled framing and shadow lines to a variety of windows adding depth and visual interest.

The entrance to the commercial lobby and void at first floor level and above, is proposed to be glazed. This treatment introduces a break with the four-storey podium which defines the remainder of the Buckhurst Street Frontage.

The four-storey podium adopts a different architectural expression to that of the five-storey podium. The four-storey podium is again modularised into four 'sections' with each section bookended with charcoal metal shrouds with glazed voids setback approximately 2.5 metres and extending from first-floor to third floor level. Further interest to the façade is created by vertical framing of windows with metal and dark brown brickwork.

The choice of materials in the treatment to the podium levels is considered a contemporary nod to the industrial history of the area. The proposed articulation and the juxtaposition with the simpler lines of the towers above is considered to assist in grounding the building to ensure the human scale at street level is maintained and responsive to the tooth and gap typology.

Tower Height

The proposed podium and tower forms at part 12 storeys / 41.7m and part 20 storeys / 67.3m falls outside the numerical definition of a 'mid-rise' development with the 20-storey element being 8 storeys taller than the preferred maximum height for the land (being 43m / 12 storeys).

Assessment

Council's Urban Designers recommended:

- Tower heights be reduced to align more closely with the preferred 12-storey maximum; and
- Tower footprints be reduced and / or an increase in tower separation.

As noted under the assessment at section 11.3.1 Building Typologies of this report, the proposed tower heights are generally considered acceptable. In addition to this assessment, it is also acknowledged that the proposal includes an offer of Affordable Housing (7 dwellings) plus an offer of 5 Social Housing dwellings in return for 39 additional dwellings, which, based on the typical floor plan yields of 5 dwelling per floor in both towers, equates to four additional floors between the two towers.

Four additional levels above the maximum 15 storeys for mid-rise character would result in a 19-storey tower. Alternatively, four additional levels above the 12-storey discretionary preferred maximum building height for the site would be 16 storeys.

It is considered that the tower heights proposed generally align with the above, but for the variation of one additional storey. Given the built form outcomes call



for an interesting skyline, the proposed part 12 storeys and part 20 storeys is a preferable design response rather than two 16 storey towers for example.

The proposal provides for a reasonable transition in height from existing taller approvals along Buckhurst Street and the lower built form approvals to Ferrars Street and Thistlethwaite Street as previously discussed.

11.3.4 **Street wall setbacks**

Street walls should be built to the boundary.

The Buckhurst Street and Lane street walls meet this standard being built to the boundary at all levels, except for openings for the pedestrian link and corridor, entry lobbies and driveways, and rebates to break up the building mass.

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

The preferred setback of towers above the street wall and from side and rear boundaries is 10.0m and the minimum setback is 5 metres.

Eastern built form:

- Buckhurst Street setback - 6m
- Buckhurst Lane setback - 6m

Western built form:

- Buckhurst Street setback - 5m
- Buckhurst Lane setback - 5m

All the towers meet the minimum required setbacks for the street wall setback. The proposed setbacks are considered acceptable in defining the built forms and the fine grain materiality of the podium, particularly on a site depth between 21m and 35m.

In respect of the side setbacks, the minimum 10m side setbacks are proposed with 1.2m wide fins encroaching into these setbacks. The proposed setbacks ensure the towers presents as slender in form and also maintain equitable development opportunities for properties to and to allow for sunlight and sky views from Buckhurst Lane.

11.3.6 **Building Separation**

Tower

Up to and including 6 storeys (if not on the boundary), the preferred tower separation is 12m with a mandatory minimum of 6m. For 7 storeys and above the preferred separation is 20m with a mandatory minimum of 10m.

The proposed 10m tower separation meets the minimum mandatory separation between the towers. The separation (along with the street setbacks) facilitates communal open space for recreational use. The proposed separation of the towers within the site are considered acceptable and facilitate an appropriate design response to provide slender towers and provide for fast moving shadows as detailed in Section 11.3.2 of this report.



11.3.7 Wind Effects on the Public Realm

A Pedestrian Wind Environment Study including wind tunnel assessment was prepared in support of the proposed development. That report concluded that some trafficable outdoor ground floor locations within and around the development will experience strong winds which will exceed the relevant criteria for comfort and/or safety. Wind amelioration treatments are required to achieve satisfactory wind conditions within and around the development including:

- Inclusion of a 30 to 35% porous vertical screen joining the broken awning over the commercial entry to make the awning continuous, along Buckhurst Street.
- Modification of the vertical drop of the awnings over the residential and commercial entries along Buckhurst Street to be 30 to 35% porous. This is an optional treatment.

Since the time of the wind tunnel study, it is noted that the above suggested treatments have been incorporated into the design of the proposed development as per the architectural drawings that are the subject of this assessment. The results of this study indicate that wind conditions for all outdoor trafficable ground floor areas within and around the development are expected to be suitable for their intended uses.

It is noted the effect of vegetation and some forms of wind ameliorating devices such as screens, balustrades, etc. were excluded from the testing.

Council's Urban Designers raised the following omissions / concerns:

- The proximity model needs to take into account developments in the area that are under construction or approved, particularly the approved development at 6-78 Buckhurst Street;
- The assessment area shown in Figure 5a of the report does not align with the assessment distance required in Clause 2.11 of DDO30. An assessment distance of approximately 42m is required, based on half the longest width of the building. This area would include a greater extent of the pedestrian areas on Buckhurst Street (northern footpath and new linear park on southern side), George Street, Tates Place and the northeast portion of the new park on the corner of George and Thistlethwaite Streets.
- The mandatory wind safety criteria in DDO30 must be achieved. Where the safety criterium is already exceeded, the development must not increase the extent of non-compliance. The current proposal results in exceedance or worsening of safety criteria in 3 test locations (# 1, 2 and 15 – all to Buckhurst Street);
- The assessment criteria for pedestrian comfort will need to be revised. The wind speed criteria used applies only to walking (5m/s) and not sitting or standing. As required in Clause 22.15-4.4, developments should contribute to a "high quality public realm and deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax". This outcome is



particularly relevant for sites located in within the Montague Core Area (such as the subject site) where a “high quality, high amenity public realm is to be delivered” (Clause 21.06-8). Further, Buckhurst Street is to be “a high amenity, linear green spine through the precinct” (Clause 21.06-8). On this basis, the following areas within the assessment distance should meet the wind comfort criteria outlined in Clause 2.11 of DDO30:

- Sitting: new Buckhurst Street linear park and new park on the corner of George and Thistlethwaite Streets;
- Standing: northern footpath of Buckhurst Street, George Street, new laneway through site and outside the retail tenancies and building entry fronting Buckhurst Lane; and
- Walking: remaining publicly accessible areas.

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

- Further wind reports, including wind tunnel testing to be prepared for each Stage to confirm that the proposal would satisfy the relevant sitting, standing and walking wind criteria of DDO30 abutting each site and for pedestrian areas within the site and at podium rooftop level.
- The depth of any awning over any adjacent footpath must not impact on any existing street tree or proposed street tree plantings – as to be agreed as part of the design response to future public realm works.

11.3.8 **Active Street Frontages**

Montague Street is designated a Primary active frontage which seeks at least 80% clear glazing along the ground level frontage to a height of 2.5m, excluding any solid plinth or base. Buckhurst Lane is not designated as an active frontage.

The floorplans, elevations and renders feature glazing in excess of 2.5m height (approximately 3.8m). The elevation to Buckhurst Lane is also treated with a similarly high level of permeability and activation which is a positive design response given Buckhurst Lane is designated as extending through to Montague Street and will likely become more active as new developments emerge.

Further discussion in relation to street activation in the context of flooding requirements is discussed at Section 11.7 of this report.

Notwithstanding the general support for the proposal, it is considered the ground floor layout could be improved to resolve the competing requirements of managing flood risk, providing an active street frontage and achieving equitable DDA access.

Council’s Urban Designer has noted, *“The ramps shown between the two main entries would compromise the viability of the associated tenancy by pushing its frontage a long way in-board and creating an unnecessarily “blank” area at the main entry. The proposal should be revised to demonstrate equitable DDA access to all public areas as well as to and within future tenancies (as indicated by notional tenancy divisions). Compared with ramps and enclosed lifts,*



accessible platform lifts are a less preferred DDA solution in the main building entries, as they are more time consuming and less dignified to use. As noted below, it is understood that platform lifts may be necessary for DDA access on the constrained Buckhurst Lane frontage but they appear to be entirely avoidable on the main Buckhurst Street frontage because of the opportunity to raise the public footpath level. The opportunity to raise the Buckhurst Street footpath would also benefit the tenancies on that frontage. Single level tenancies are inherently preferred to split-level ones for their superior public accessibility, adaptability and commercial viability. Where split-level tenancies are proposed, every effort should be made to minimise the vertical transition height within the space. For these reasons, it is suggested that a main retail FFL of AHD 2.4m (as supported by Melbourne Water) offers a number of benefits over the proposed FFL of AHD 2.6m.”

Other suggestions to improving the ground floor layout include:

Street Frontage: Preliminary investigations are testing grading the front footpath at 5% (1:20) from the east and west site boundaries to meet, or almost meet, the main entry levels of AHD 2.4m and thus remove the need for internal platform lifts. This option would also substantially reduce the flood risk on this frontage by elevating all building entries above the AHD 1.9m stormwater flood level.

It is envisaged that the public realm works will reconfigure the existing nature strip and street trees as part of creating a new linear park and improved pedestrian environment. It is also desirable to underground existing overhead cables to provide improved conditions for street tree establishment.

Lane Frontage: Design changes are required to improve DDA access to all public areas as well as the design and commercial viability of the tenancies. Having large vertical transitions and circulation spaces within small tenancies is a poor outcome. A platform lift inside the Buckhurst Lane’s pedestrian link could also provide DDA access to the two adjoining tenancies, which may free-up useable space within those tenancies. There is the option to replicate a similar strategy at the separate Fire Egress door to Buckhurst Laneway, which could also be expanded to a secondary/service entrance that provides better access arrangements to the Residential Bicycle store. In any case, provisions for external entries and DDA access should be demonstrated for all future tenancy subdivisions. Other options include reconfiguring tenancies and bike store facility to create a dual-frontage tenancy that links the street to the lane at the eastern end of the site. A larger tenancy is better able to accommodate an internal ramp or platform lift. If necessary as part of this option, extending the Residential Bicycle Store to a small section of Buckhurst Lane frontage would be appropriate, particularly if it improves access to the store.

Internal Circulation: The provision of a link connection between the two street frontages is supported, however the space needs to achieve a suitably high quality public standard such as an arcade through improvements in areas such as: increasing the legibility of the entries, improving sightlines through the space (by avoiding narrowing at southern end), increasing vertical proportions



(preferably double-height for some or all of the space) and increasing surveillance and activation from adjoining tenancies.

The internal circulation arrangements for servicing the commercial units and accessing the Residential Bicycle Store are complex and inefficient. One option that could improve some of this circulation would be moving Residential Entrance to the east (e.g. to be centred on Lobby) which would allow the access corridor behind the eastern lifts could connect directly to the lobby (behind DDA WC and FCR).

11.3.9 Adaptable Buildings

Adaptable buildings should incorporate elements as follows:

Building element	Adaptability opportunity	Compliance
Lower levels up to the height of the street wall	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	Achieved in part: Ground level floor-to-floor height: 4.6m Podium levels 1 to 4 floor-to-floor height: 3.2m and 3.8m
Car parking areas	<ul style="list-style-type: none"> In areas not in a basement: Level floors. A floor-to-floor height at least 3.8m. Mechanical parking systems to reduce the area required for car parking	Achieved: Car parking proposed within basement levels Mechanical parking system proposed for 24 spaces (yield of 48 car parking spaces).
Dwelling layout	The ability for one and two-bedroom dwellings to be combined or adapted into three or more-bedroom dwellings	Achieved: Apartment adaptation plans show some one and two-bedroom dwelling could be combined into 3 or more-bedroom dwellings
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. Notional tenancy divisions are shown on the floor plans.

Assessment

The adaptability of the buildings is compromised by the 3.2m floor-to-floor heights within the podiums. Notwithstanding this, given the floor area of these floors is primarily for residential uses and is generally considered acceptable. It is acknowledged that the ground floor, floor to floor heights may be altered as part of the future discussions to provide an acceptable design response in consultation with the on-going public realm works discussions outlined at Section 11.7 below.



11.3.10 Building Finishes

Building façade materials and finishes are described and assessed in part at Paragraph 11.3.3 of this report.

It is however noted that the areas of the building and retail tenancies that may be impacted by floodwater (e.g. transition areas) will need to be designed and operated to manage flood risk during the life of the development.

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

- Design elements and materials should be resilient including waterproof doors and windows, elevated power outlets and the like.
- Land uses at ground floor level should be able to easily recover from the impacts of temporary flooding.

Further discussion on these matters are outlined in discussions at section 11.7 - Flooding / Street Interface and Future Public Realm Works.

11.4 Clause 45.09: Parking Overlay

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) and Office. 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 2: Car parking rates and provision

Use	Rate	Requirement	Proposed
Dwellings	Max. 0.5 spaces per 1 or 2 BR dwelling, Max. 1 space per 3 BR dwelling	Proposed: 42 x 1BR + 61 x 2BR + 42 x 3BR Max = 93	82 spaces - complies
Retail	Max. 1 space / 100m ² gross floor area	1405m ² Max = 14	43 spaces - complies
Office	Max. 1 space / 100m ² gross floor area	4765m ² Max = 47	
Total		154	105

Assessment

The proposal provides an adequate number of car spaces to cater to residents (82 spaces) and employees (43 spaces) at the site. This is less than the maximum car parking rate of 154 spaces under the Parking Overlay.



Included within the car parking areas are opportunities for electric vehicle charging (6 EV charging stations) and ride share (3 spaces), acknowledging the monitoring of car sharing usage may result in further spaces in future.

11.4.2 Design standards for car parking

As per the internal referral comments section of this report, Council's Traffic Engineers raised concerns regarding the car park design and the level of detail in the drawings noting:

Access ways

- Installation of a warning system (such as light) to alert drivers of entering/exiting the site.
- Confirm the roller door will not impact service/loading vehicle entering/exiting the loading area.
- Full sight splays provided to the Buckhurst Laneway access point.

Car park Layout

- Plans need to clearly show car spaces dimensions, clearance from walls/columns/obstruction, aisle width, etc. to confirm compliance.
- A swept path assessment for critical parking spaces on the lower level of the car stacker systems (the assessment should show the outline of the car stacker system too)
 - The spec sheet indicates the system is 2.64m wide. Architectural drawings show each system bays are 2.6 wide.
 - It is recommended to install a warning system (such as light) when the stacker system is being used.
- Plans need to show details of access arrangements / restrictions (eg: swipe card access or similar) for the two basement levels if they are going to be used for a mix of public and private parking.
- Plans need to show dimensions of disabled person space(s) and confirm headroom clearance.
- Plans should show staff/visitor/resident parking.

Ramps

- Plans need to show ramp lengths, widths and RLs. Recommend drawings include a longitude cross section for each ramp.
- Entrance ramp grades do not satisfy Clause 52.06. One Mile Grid reference AS 2890.1 2004 to provide a 1:8 ramp gradient. It is preferred the site provides a 1:10 ramp grade for the first 5m of the site.

Bicycle Facilities

- Access to bike storage areas are not convenient or direct from building entrances. It is also recommend the accessway aisle leading to the bike



storage area widen to 1.5m and replace staircase with an acceptable ramp gradient

- Plans need to clearly show bike rack spacing and aisle width, and which racks/areas are visitor/resident/staff spaces.

Loading and Waste area

- Confirmation of the size of the service vehicle swept path assessment. Diagrams of the service vehicle indicate it is 8.8m long. Noting an 8.8m long service vehicle will overhang onto the accessway aisle.

Car Share

- Condition to require on-going monitor of car sharing demand from within the site.

Other

- The number of electric car charging spaces should be increased.

The Sustainability Management Plan commits to providing 5% of electric vehicle charging spaces, the current plans achieve this. However it is considered the number of electric car charging points should be significantly increased to at least 50% of all car spaces and be provided on both car park levels, having regard to likely construction time for the proposal, the economic life of the building, and existing and pending legislation for car manufactures to increase production of electric vehicles.

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

11.5 Other Matters

11.5.1 Fishermans Bend Framework October 2018

The Advisory Committee Terms of Reference note proponents will be encouraged, but not required to meet the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018)

It is considered the proposal generally aligns with the vision Setout for the Montague Precinct.

11.6 Clause 58 – Better Apartments Design Standards

- 11.6.1 As detailed at **Attachment 5**, the proposal demonstrates full compliance with the requirements of Clause 58.

11.7 Flooding / Street Interface and Future Public Realm Works

- 11.7.1 It is a Melbourne Water 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.

- 11.7.2 A recent Design Sprint with government stakeholders in Fishermans Bend workshopped how flooding risks could be appropriately managed and still



maintain good urban design principles such as activation at street level and accessibility. This application has been identified as a working example as to how the interface to the Buckhurst Streetscape could be improved, particularly as the street is identified for future public realm works associated with Buckhurst Street Linear Park.

- 11.7.3 Government stakeholders have been in discussions with the proponent as to how the proposed design could be amended in response to such works. As part of the Montague Precinct Plan, government departments are investigating the option of raising the footpath and verge for the Buckhurst Street frontage. Discussion are currently ongoing regarding these matters by all relevant government stakeholders
- 11.7.4 In the absence of a detailed strategy for public realm works at this stage, Council will need to be satisfied that the proposed interface with the streetscape is appropriate to the current streetscape. Equally, Council will need to ensure any approvals issued for this site do not unreasonably compromise future public realm works. As the application progresses to a Standing Advisory Committee Hearing a clearer direction on proposed streetscape strategies will be known and will facilitate more informed discussions and detailed recommendations for any Incorporated Document.
- 11.7.5 The proponents has stated the following in respect of these discussions, “We note that discussions regarding the potential re-grading of the Buckhurst Street footpath as on precinct-wide response with all parties are ongoing. We support and encourage the change as we see it greatly benefiting all the developments fronting Buckhurst Street, and we look forward to continuing to explore options. We understand that resolution of these matters will take some time, and that outcomes are likely to remain indicative only. We therefore respectfully request ask that our application be assessed as currently proposed, with discussions to continue on a without prejudice basis.”
- 11.7.6 Amendments incorporated into the proposed plans in response to the discussions thus far include:
- Ground floor redesigned to minimise the width of stairs running through tenancies and adopting a minimum 3.5m width for sacrificial areas fronting Buckhurst Lane.
 - Indicative retail layouts are provided to demonstrate usability/functionality of the retail spaces.
 - DDA lifts are provided to the two Buckhurst Street entries allowing for equal access to retail tenancies.
 - The finished floor Levels for tenancies fronting Buckhurst Lane are proposed at AHD 2.6 to maintain consistency with the levels required for the tenancies facing Buckhurst Street by Melbourne Water. Melbourne Water have confirmed the finished floor levels to the retail tenancies could be reduced to 2.4m AHD.



11.7.7 It is recommended any requirement of the Incorporated Document should include:

"Prior to the endorsement of plans, the applicant must submit a detailed Streetscape Interface Design demonstrating a suitable transition from the internal floor layouts to the Buckhurst Street footpath. The plans submitted must:

- *Be in accordance with the Montague Precinct Plan or as otherwise approved to the satisfaction of the responsible authorities at the time of endorsement;*
- *Detail finished floor levels to demonstrate the minimum finished floor levels as required by Melbourne Water being:*
 - *2.4m AHD to retail uses,*
 - *3.0m AHD to entry points that could allow entry of floodwaters to the basement, including stairwells, windows, openings and vents;*
 - *3.0m AHD to residential uses;*
 - *or as otherwise agreed in writing by Melbourne Water,*
- *Any level changes required between street level and internal ground floor be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior;*
- *Design elements and materials be resilient including water proof doors and windows, elevated power outlets and the like;*
- *Essential services such as power connections, switchboards and other critical services be located to address flooding impacts;*
- *Include cross-sections;*
- *Trees to be retained / removed;*
- *Treatment of level changes (e.g. batters, retaining walls)*
- *DDA compliant pedestrian accesses; and*
- *Details on staging works including flexibility in construction to facilitate transition in finished flood levels to integrate public realm works.*

and be to the satisfaction of Department of Environment, Land, Water and Planning, Fishermans Bend Task Force, Melbourne Water and the City of Port Phillip.'

11.7.8 Details of costs and payment will be a matter for relevant government parties to advise on.

11.7.9 As public realm works are not proposed to Buckhurst Lane it is considered the best approach in this location is to permit floodable transition areas at doorways generally in accordance with those the proposed layout.

11.8 Transport Matters

11.8.1 Motorcycle Parking



Motorcycle parking is assessed at Section 11.2.4 of this report.

11.8.2 Bicycle Facilities

Bicycle Facilities are assessed under Section 11.2.4 of this report under the assessment of Clause 22.15-4.9 (Sustainable Transport).

11.8.3 Cumulative Traffic Impacts

Council’s Traffic Engineers raised a concern the traffic report did not sufficiently consider the cumulative traffic impact of the proposals and other approvals and potential approvals along nearby streets.

The traffic report indicates the expected traffic generation as follow:

Residential Apartments daily rate: Four (4) movements per day per dwelling allocated with a car space (82 dwellings), equating to 328 movements per day, inclusive of 33 vehicle movements during the morning and afternoon peak hours. The distribution of inbound / outbound during AM peak hour are 20%/80% and PM peak hour are 60%/40%.

Retail: one movement during each AM and PM peak hour for each allocated retail car space (11 spaces presumed given there are 11 retail tenancies).

Office: Anticipated that 50% of allocated parking spaces will be filled and vacated during each AM and PM peak hour (29 spaces presumed).

Table 3: Peak Hour Traffic Movements

Use	Inbound	Outbound	Two-Way
AM Peak Hour			
Residential	7	26	33
Retail	11	0	11
Office	15	2	17
TOTAL	33	28	61
PM Peak Hour			
Residential	20	13	33
Retail	0	11	11
Office	2	15	17
TOTAL	22	39	61

Council’s Traffic Engineer has raised the following concerns:



- One Mile Grid has undertaken a Probability of Conflict for the subject site and current traffic conditions in Buckhurst Lane. The assessment has not included other properties that may have access via Buckhurst Lane in the future. The results are not indicative of the traffic volume in Buckhurst Lane in the future.
- Buckhurst Lane can carry up to 300 vehicle movements per day. The site proposal will generate more traffic than the laneway can carry safely being 328. This has not included future developments traffic generation.
- There has not been a cumulative traffic generation/impact assessment for other/future developments.
- Given the width of Buckhurst Lane I have concerns of vehicle conflict given the width of laneway and lack of passing area. This will be an issue in the long term. Consideration should be provided to widen the laneway to safely accommodate two-way traffic and not compromise other road users safety.

In response to the above traffic concerns, it is noted the area surrounding the subject site is planned for extensive urban renewable. With no access permitted to Buckhurst Street access must be via Buckhurst Lane for the subject site and the immediate surrounding properties.

Options for motorists accessing the proposed entry include Tates Place, opposite the site access which provides direct access to Thistlethwaite Street, and either direction on Buckhurst Lane through to George Street or Ferrars Street. Therefore, the level of traffic that can be carried by Buckhurst Lane is higher than typical laneways.

Access to the site is via Buckhurst Lane which is 140m long and has a carriageway width of approximately 4.5m, increasing in width from west to east between approximately 5.48m and 5.7m (including the additional width provided by roll-over bluestone swale gutters).

The probably of two vehicles meeting on Buckhurst Lane is low as detailed in the Peak Hour Analysis at Table 4 below.

Table 4: Probability Analysis of two opposing vehicles meeting on Buckhurst Lane during Peak Hour

AM Peak Hour				
	West Via George Street (30m stretch of Buckhurst Lane)	East via Ferrars Street (110m stretch of Buckhurst Lane)	% of vehicles travelling in both directions west of the site access	% of vehicles travelling in both directions east of the site access
Vehicular movements	17 arrivals and 14 departures	16 arrivals and 14 departures	0.52%	3.68%
Outbound	8.97%	19.99%		
Inbound	5.95%	14.8%		
PM Peak Hour				



Vehicular movements	11 arrivals and 20 departures	11 arrivals and 19 departures	0.48%	3.61%
Outbound	12.56%	28.56%		
Inbound	3.85%	12.65%		

Refer to Table 3 for source of number of arrivals and departures.

It is unlikely that two cars would meet along Buckhurst Lane, however in the event this occurs there is suitable area for vehicles to prop and pass based on the width of Buckhurst Lane. Furthermore, this site has access to Tates Place approximately 4.5m in width which was not considered in the analysis which further distributes traffic and reduces the likelihood of traffic conflicts. It is noted both Tates Place and George Street have few crossovers and are not long street lengths which facilitates traffic dispersing quickly onto higher capacity roads including Thistlethwaite Street and Buckhurst Street.

With the introduction of appropriate management techniques such as those proposed on the subject site, two-way site access providing opportunity to allow cars to pass is considered a reasonable outcome whilst meeting the policy direction for development in the area.

11.8.4 Pedestrian connectivity

A through block pedestrian link in the form of a corridor is proposed between Buckhurst Street and Buckhurst Lane at ground level.

Whilst these links are supported in principle, Council’s Urban Designers raised concerns relating to legibility, equitable access and safety and recommends the following changes:

- Increase the width of the southern portion of the connection to at least 5m to provide a legible path of travel and to enable a clear line of sight through the street block. The width could be maintained where lift cores and stairs cannot be relocated. A recess above floor level could be provided above the basement ramp (e.g. bench seat or planter box);
- Provide disabled access at the Buckhurst Lane (southern) entry;
- Increase the height of the connection to be greater than its width (e.g. greater than 5m) and preferably a double storey height;
- Provide a more legible entry at the Buckhurst Lane (southern) end;
- Increase clear glazing and maintain openings of adjoining retail tenancies onto the connection;
- Maintain full height glazing at both entries;
- Avoid entrapment spaces and areas with limited passive surveillance; and
- Provide details of high quality material and finishes to all surfaces and lighting.



- Subject to revisions to address these matters, the link would provide mid-block pedestrian access directly opposite Tates Place, which would enhance connectivity in the neighbourhood.
- The links would not constitute public open space and would not be vested in Council. The links should remain in private ownership, but need to be:
- Accessible to the general public at all times; and
- Maintained by the owners.
- These matters could be provided for by conditions of any Incorporated Document that may issue for the proposal.

11.9 Waste Management

The Waste Management Plan (WMP) states:

- Waste collection will be carried out by a private contractor.
- Two garbage chutes and two recycling chutes are located at each residential level (one within each tower), adjacent the lift cores.
- Two bin stores are located within Basement Level.
- Waste separation is provided for with separate collection bins for garbage, recycling, food organics, hard waste (including e-waste) and charity.
- Garden organics are to be collected and disposed of by the landscape maintenance contractor.
- Waste collection vehicles are to drive down the ramp to Basement Level when waste collection is taking place. Vehicles will enter and exit the site in a forward direction. The basement ramp and height clearances can accommodate a mini-loader waste vehicle subject to amendments as per the traffic discussion.

Council's Waste Management Co-ordinator has raised concerns with the number of heavy vehicle collections that would be generated per week and has recommended that waste and recycling compaction units should be provided to reduce the number of collections needed.

Council's Waste Management Co-ordinator has also recommended that the bin room for commercial and residential bins be separated.

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

11.10 Loading

Loading is assessed at Section 11.2.4 of this report.

11.11 Open Space

No public open space is proposed. This is appropriate given the FBSFP Design Guidance encourages buildings to be constructed to the boundary a linear park designated along Buckhurst Street.



Open space for the proposals would be best provided by an 8% cash contribution in accordance with Schedule 1 to Clause 53.01 (Public Open Space and Subdivision) Planning Scheme, which could then be used to purchase or develop parkland in the neighbourhood.

11.12 Sustainable Design

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

Council's ESD officer notes the SMP has been produced to a high standard and it addresses the FBURA specific requirements for ESD. There are a number of outstanding matters that should be clarified as follows:

- The catchment for the rainwater tank should be enlarged to include trafficable areas and the tank size increased accordingly to respond to the 0.5m³ per 10m² of catchment area requirement (CCZ1). The current proposed catchment falls well short of the site area. The raintank requirements in the CCZ1 primarily serve a flood mitigation function, which has been modelled for the entire FBURA precinct. If undersize tanks are built into any individual sites then the precinct-wide flood mitigation model will be ineffective. Hence the CCZ1 requirements specify that catchment areas should include podiums, with the intention that almost the entire site area would be captured to large-capacity tanks, providing capture and storage during storm events.
- Sun shading to north-west facing glazing should be provided. This is particularly a concern for the tower windows in the Buckhurst Street elevation. These apartment windows will be exposed to high solar heat loads throughout summer and external shading should be designed into the façade to mitigate the resulting heat gain. Appropriate solar shading will enhance occupant comfort and reduce energy use for cooling.
- Some apartment bedrooms within the podium appear to have poor access to natural daylight due to the apartment configuration. It is not clear from the information provided, whether the living rooms and bedrooms marked "Living/bed rooms" achieve auto-pass criteria and are assessed using BESS built in calculations" are acceptable or not.
- Some of the building management credit commitments in the Green Star credits list have not a nominated responsible person for the operation stage of development, even though the intent of the credit relates to building operation, such as Commissioning and Tuning, Commitment to Performance and Building Information. This should be updated in the final version of the SMP.
- The SMP states that domestic hot water will be via either electric heat pump or gas centralised system. The heat pump option is strongly preferred over natural gas. If gas is not used the development will not be reliant on off-sets to achieve net-zero greenhouse gas emissions from building operations in future, noting that net-zero operating GHG emissions is an overarching goal for 2050 by the latest, by which time the proposed building will still be in use.

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



11.13 Community Facilities

No community infrastructure is proposed the site.

Given the proximity of the community facilities located at the South Melbourne Primary School and within the immediate site context, it is considered that there is no requirement of the proposal to incorporate a community facility.

11.14 Affordable and Social Housing

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

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

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

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

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

Affordable Housing

11.14.3 The State Government's Homes for Victorians position paper provides the following definition of affordable housing:

Affordable housing is housing that is appropriate for the needs of a range of very low to moderate income households, and priced (whether [through] mortgage repayments or rent) so these households are able to meet their other essential basic living costs.

11.14.4 The application proposes to provide 7 affordable housing units comprising either Shared Equity Housing or Rent to Buy. The proposed housing offer comprises:

- 3 x 1-bedroom apartments being A1403, A1503, A1603;
- 4 x 2-bedroom being B605, B705, B805, B1005; and
- Tenure blind.
- The developer will engage with Registered Housing Associations on being the shared equity holder for purchasers, alternatively the developer will hold the equity.



11.14.5 The Urban Xchange Affordable Housing report notes that affordable housing should be provisioned for 20 years with the value of any properties that are discounted on completion to Investors and Housing Associations via the Planning Scheme and should remain within the Port Phillip Municipality. The same report also notes that longevity to the site cannot be in perpetuity as financial institutions will not finance projects with this clause or in some instances of tenure type will they consider beyond 20 years.

11.14.6 Council's Housing Officer has noted the following:

- It is unclear if the Rent to Buy affordable housing option (alternative to the Shared Equity Housing) involves a mechanism to enable renters to transition to buying, and at what discount, based on a discounted rent arrangement using the PRADS model - in this case the discount being 80% of market rent / not exceeding 30% of income.
- It is unclear what happens under the Shared Equity proposal after the 20 years duration of affordability - whether the equity held by the household remains if they have not increased equity to 100%.
- For either Shared Equity and Rent to Buy, 20 year affordability periods for affordability are proposed. I recommend that affordability be maintained for 30 year periods to:
 - create longer-term affordability rather than shorter terms that will more rapidly expire and create a new affordability problem
 - be more consistent with the intent of the PRADS model for long-term affordability that equates with the economic life of buildings - which is considered to be between 30 - 40 years.
 - be consistent with the minimum general benchmark / consensus used for defining longer-term affordability.
- The affordable housing report refers to the need for affordable OC fees for the affordable and social housing but does not elaborate on how that is to be achieved. While I appreciate that any clarification on this needs to be compliant with the Owners Corporation Act, this to be an issue that should be clarified.
- Recommendation that there be an option for the 7 affordable housing units to be offered at a discounted sale to the partner agency, and where this is not taken up within an agreed period, it revert to the currently proposed affordable housing.
- It is recommended there is provision of at least one 3 bed apartment to reflect the overall dwelling composition of the building.

11.14.7 It is noted that the in Affordable Housing Report indicates that the applicant is open to considering an extended period of affordability. Subject to resolution of the Rent to Buy and Shared Equity models proposed to the satisfaction of Council's Housing Officer, the proposed affordable housing option is considered satisfactory in principle. Such requirements could be provided for



by conditions of any Incorporated Document that may be approved for the proposal.

11.14.8 A meeting with the proponent and government stakeholders on 15 June 2020 discussed the above concerns. The proponent has since amended their offer as follows:

- 7 affordable housing apartments initially offered to a Registered Housing Association (RHA) or provider at a discount of 10% for a period of 90 days.
 - If not taken up, they will continue to market via Rent to Buy or Shared Equity.
- Shared Equity - Affordability time period increased from 20 to 25 years.
- Rent to Buy – Tenant has the right to purchase the property at the price agreed at the start of the rental period.
 - If, after 5 years, they have not exercised this option, the dwelling will be offered for sale to a RHA (or provider) for a period of 90 days at that same price that was agreed with the tenant.
 - If not purchased by RHA, it will proceed to market (again at that same price) to be sold to a qualifying buyer (subject to an income test).

Council's Housing Officer recommends the initial offer of sale to a RHA (or provider) be provided at a minimum discount of 15% and the timeframe increased to 180 days to facilitate the RHA securing the necessary funds. The same time periods are recommended to increase as part of the Rent to Buy model. It is also recommended that greater diversity in the number of bedrooms is provided for both affordable and social housing offers.

Subject to the recommended changes, the proposal is considered a satisfactory response to the Fishermans Bend Local Policy and can be secured by a S173 Agreement.

Social Housing

11.14.9 The application proposes to provide 5 social housing units comprising:

- 5 x 1-bedroom apartments being A404, A504, A903, A1203 and A1303 and are externally tenure blind; and
- It is the proponent's intention to negotiate with a Housing Association for the provision of the dwellings

11.14.10 The proposed social housing uplift will have acceptable consequences having regard to the preferred character of the area, the existing and future public transport and community infrastructure, noting its location within a Core area of the Fishermans Bend Montague Precinct is within a walkable catchment of a range of services and employment opportunities. It is noted further that the proposed uplift does not adversely affect the provision of employment generating land uses.

11.14.11 Whilst generally supported, it would be preferable if a greater level of diversity in the dwelling typology is provided to require greater diversity in the



housing offer, including families who typically require two or more bedrooms. Such requirements could be provided for by conditions of any Incorporated Document that may be approved for the proposal.

11.15 Wind impacts

11.15.1 Wind Impacts are assessed at Section 11.3.7 of this report.

11.16 Environmental Audit

11.16.1 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.*

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

11.17 Infrastructure Contribution Overlay (ICO1)

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

11.17.2 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.

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

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

11.18 Aboriginal Cultural Heritage

11.18.1 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.

11.18.2 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.



11.18.3 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.

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

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

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 a building envelope, but are subject to easements as follows:

- 11-15 Buckhurst Street, South Melbourne (Lot 1 and Lot 2 PS 336133) There is encumbered by an electricity easement which passes through Lot 2 but appears to service a substation on the common property

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 Advisory Committee c/- the Department as recommended.

14.2 Provide changed or additional comments to the Advisory Committee c/- the Department to those recommended.

14.3 Refuse to provide comments.

15. CONCLUSION

<insert text>

15.1 The proposal is generally considered to meet the preferred precinct character with compliant street wall heights, setbacks from the street and side boundaries and suitable separation within the site between the towers. The proposed 20 storey tower however would exceed the maximum heights for the precinct character area and the discretionary maximum height.

15.2 The proposal was internally referred, and officers raised concerns primarily relating to the proposed tower heights and resultant wind impacts to the public realm and areas of communal open space for future residents.

15.3 Council's Urban Designers also raised concerns in respect of the proposed ground floor layout including activation to both street frontages, legibility of retail and residential entries including the pedestrian links between Buckhurst Street and Lane. Concerns regarding DDA access compliance were also raised. A revised design response to



these concerns needs to be considered in context of a suitable design response to flooding within this area.

- 15.4 A recent Design Sprint with government stakeholders in Fishermans Bend workshopped how flooding risks could be appropriately managed and still maintain good urban design principles such as activation at street level and accessibility. This application has been identified as a working example as to how the interface to the Buckhurst Streetscape could be improved particularly as the street is identified for future public realm works associated with Buckhurst Street Linear Park.
- 15.5 Government stakeholders have been in discussions with the proponent as to how the proposed design could be amended in response. As part of the Montague Precinct Plan, government departments are investigating the option of raising the footpath and verge for the Buckhurst Street frontage. Discussions are currently ongoing for these matters from all relevant government stakeholders.
- 15.6 As the application progresses to a Standing Advisory Committee Hearing, a clearer direction on proposed streetscape strategies will be known and will facilitate more informed discussions and detailed recommendations for any Incorporated Document.
- 15.7 All other aspects of the proposal including traffic, car parking, sustainable environmental design, open space and waste management are acceptable subject to minor changes. A number of these design and operational concerns could be addressed by conditions.
- 15.8 The numerical offer of 7 apartments as affordable housing and 5 apartments for social housing is considered a satisfactory response to the Fishermans Bend Local Policy. However further clarification was sought on the proposed Rent to Buy and Shared Housing Equity Models proposed for Affordable Housing and the applicant has now amended their offer as follows:
 - 7 affordable housing apartments initially offered to a Registered Housing Association (RHA) or provider at a discount of 10% for a period of 90 days.
 - If not taken up, they will continue to market via Rent to Buy or Shared Equity.
 - Shared Equity - Affordability time period increased from 20 to 25 years.
 - Rent to Buy – Tenant has the right to purchase the property at the price agreed at the start of the rental period.
 - If, after 5 years, they have not exercised this option, the dwelling will be offered for sale to a RHA (or provider) for a period of 90 days at that same price that was agreed with the tenant.
 - If not purchased by RHA, it will proceed to market (again at that same price) to be sold to a qualifying buyer (subject to an income test).
- 15.9 Council's Housing Officer recommends the initial offer of sale to a RHA be provided at a minimum discount of 15% and the timeframe increased to 180 days to facilitate the RHA securing the necessary funds. The same time periods are recommended to increase as part of the Rent to Buy model. Under the Shared Equity model, the increase in the affordability period from 20 years to 25 years will create longer-term



affordability, is more consistent with the economic life of the building and minimum benchmarks. This amendment is supported.

It is also recommended that greater diversity in the number of bedrooms is provided for both affordable and social housing offers.

Subject to the recommended changes, the proposal is considered a satisfactory response to the Fishermans Bend Local Policy and can be secured by a S173 Agreement.

- 15.10 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 amendments to matters set out in Sections 7 and 9 of this report.

TRIM FILE NO:	PF20/3818
ATTACHMENTS	1. Floor Plans
	2. Elevations
	3. Photomontages
	4. Referral Responses
	5. Clause 58 Assessment