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17 September 2019

Shobhna Singh
Senior Planner
Department of Environment, Land, Water & Planning
8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Shobhna,

PLANNING SCHEME AMENDMENT C176PORT 2-28 MONTAGUE STREET & 80 MUNRO STREET, SOUTH MELBOURNE RESPONSE TO REQUEST FOR FURTHER INFORMATION

Urbis Pty Ltd continues to act on behalf of Gurner 2-28 Montague Street Pty Ltd in relation to Planning Scheme Amendment C176port which is applicable to the land at 2-28 Montague Street & 80 Munro Street, South Melbourne.

Pursuant to Section 20(4) of the *Planning and Environment Act 1987* Planning Scheme Amendment C176port was lodged with the Department of Environment, Land, Water and Planning (DELWP) on 9 July 2019. On 19 August 2019, DELWP issued a Request for Further Information (RFI) which this letter seeks to respond to.

To assist DELWP's ongoing assessment of Planning Scheme Amendment C176port, please find enclosed the following documents:

- Landscape Plan prepared by Jack Merlo Design and Landscape (dated 2 September 2019)
- Apartment Adjustment Mix prepared by Cox Architecture (dated 13 June 2019)
- Amenity Buffer and Impact Plan prepared by SLR Consulting (dated August 2019)
- Waste Management Plan prepared by Leigh Design (dated 21 August 2019)
- Pedestrian Wind Environment Study prepared by Windtech (dated 23 August 2019)
- Referral Comments prepared by Melbourne Water (dated 17 November 2017)
- Preliminary 'Without Prejudice Comments' issued by DELWP (dated 25 October 2018)
- 3D Model and 3D Model Setout Plan Prepared by Cox Architecture

Appendix A of this letter is a Response to the Standard Advisory Committee 'Terms of Reference' and Appendix B includes a timeline of discussions and comments pertaining to building height throughout the assessment of the application.



REQUIRED INFORMATION

Required Information	Applicant Response
<p>1. Provision of a digital 3D Model compatible with DELWP's Urban Circus platform as per the attached specifications.</p>	<p>Digital 3D Model compatible with DELWP Circus Platform is enclosed.</p>
<p>2. A landscape plan providing details of publicly accessible laneways and communal open areas, including the proposed materials and finishes. We recommend you design all publicly accessible spaces in accordance with Councils specifications.</p>	<p>A Landscape Plan has been prepared by Jack Merlo Design and Landscape.</p> <p>The Landscape Plan includes details of accessible laneways, communal open space areas, materials and finishes. Publicly accessible spaces have been designed in accordance with City of Port Phillip specifications.</p>
<p>3. Provision of an amenity and buffer impact plan which includes, as appropriate:</p> <ul style="list-style-type: none"> • A site plan identifying the type and nature of the existing use (within proximity of the subject site) as identified in Map 4 of Schedule 1 to the Capital City Zone, • An assessment of impact of the proposed sensitive use on the existing use identified in Map 4 of Schedule 1 to the Capital City Zone, • Measures to mitigate potential amenity impacts from the existing use in Map 4 of Schedule 1 to the Capital City Zone, • Incorporation of noise attenuation measures within the development as appropriate. • Any mitigation measures required to address impacts to and from the major gas transmission pipelines reflected in Map 5 to Schedule 1 to the Capital City Zone. 	<p>An amenity and buffer impact plan, which includes the items listed in the left-hand column, has been prepared by SLR Consulting and is enclosed.</p> <p>With respect to the acoustic details, this information has been addressed previously in the Acoustic Report prepared by ADP Consulting (dated 24 June 2019).</p> <p>Should the requirement for noise attenuation measures arise from the assessment of this proposal, appropriate requirements can be included in the approval control.</p>



<p>We note that an amenity buffers plan (drawing AB – 1) was included within the architectural package, however, there is limited information by way of impact assessment that accompanies this plan.</p>	
<p>4. A Waste Management Plan which considers the functional needs of the proposal and any resultant design changes as appropriate.</p>	<p>A Waste Management Plan has been prepared by Leigh Design and is enclosed.</p>
<p>5. Please provide a written response to the Standing Advisory Committee 'Terms of Reference' which articulates all areas of 'compliance' and 'non-compliance', where relevant. This includes information regarding the provision of appropriate development contributions in the form of monetary contribution, land contribution, works in kind or a combination of these and the extent to which they are consistent with the Fisherman's Bend Framework.</p>	<p>A written response to the Standing Advisory Committee 'Terms of Reference' was included in Section 4.2 of the Town Planning Report prepared by Urbis (dated 9 July 2019) which was lodged as part of the Planning Scheme Amendment submission.</p> <p>Please refer to the Appendix A of this letter. Beyond dispute is that this process is intended to facilitate proposals that respond to local policy, that meet the requirements of the Capital City Zone (Schedule 2), Design and Development Overlay (Schedule 30) and Parking Overlay in circumstances where, inter alia, the proposed is not required to be generally in accordance with the Fishermans Bend Framework (September 2018).</p> <p>The proposal demonstrates a high level of compliance.</p>

PRELIMINARY ASSESSMENT

<p>6. A proposal for a development comprising three towers of 26-34 storey buildings of significant width above a uniform street wall configuration continues to be a concern. The site is located within a 24 storey discretionary height control area with a M1 building typology and preferred character area designation. Buildings within this area are intended to be 'hybrid' buildings and predominately mid-rise in scale. Mid-rise buildings are defined under Schedule 30 to the Design and Development Overlay as having heights in the range of 7 to 15 storeys.</p>	<p>As discussed in the Town Planning Report, the proposed building heights are appropriate for a site of this scale and context. The subject site is an island site and is 9,720 square metres in size and is absent from sensitive interfaces, making it an ideal location for increased height and density.</p> <p>The proposal adopts a varied building form across the three towers, Whilst the podium height is consistent at five levels (and complies with DDO30), the podium is broken up by urban corridors, recesses</p>
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Contextually it is considered that the site's relatively large size coupled with its 'island' characteristic lends it to accommodate varied perimeter block development with the potential for slender towers as envisaged under the planning controls.

and changes in the design response, particularly at the podium top.

It is reminded that the building height applicable to the site under DDO30 is discretionary. Whilst the broader precinct is seeking predominantly mid-rise development, this is a site whereby it is recognised through the discretionary height controls, that additional building heights could be contemplated.

Given the size of the site, three towers have been proposed in order to break down the mass. As per previous feedback from DELWP and the OVGA, the design and height of the towers has been modulated and articulated to create sufficient visual differentiation and ensure that the development is read as three distinct tower developments, particularly from distant views.

In addition to the above, the proposal has undergone a significant reduction in height since the permit application was lodged in October 2017. Across the entire development, a total of 25 levels have been removed. As the building height has decreased over the duration of the application, the community benefits proposed have significantly increased. The proposal now includes a combined total of 6% Affordable and Social Housing Units. The 20 Social Housing Units will be **gifted** to Women's Housing Limited.

This generous donation, along with the proposed open space and community infrastructure, will provide a significant net community benefit and counter any difficulty with the additional building height sought.

There can be no dispute that the proposal is architecturally excellent, that the community infrastructure to be delivered is equally excellent, and this proposal will deliver a significant community benefit.

	<p>It is important to reiterate if the height cannot be realised on the site as proposed, the 20 Social Housing Units currently proposed to be gifted to Women’s Housing Limited, may become not feasible for the project.</p> <p>Further to the information above, there have been a series of ongoing discussions with DELWP pertaining to building height. Appendix B of this letter includes a timeframe and summary of comments received. In the early stages of the application, height was not identified as an issue by DELWP, CoPP or the OVGA. However, as the assessment of the application progressed and controls under GC81 were introduced, discussions shifted towards building height, in which the applicant responded to accordingly. Please refer to Appendix B for further discussion.</p>
<p>7. Confirmation is required that the proposed development complies with the wind criteria stipulated in Table 7 – Clause 2.11 of Clause 43.02 (Design and Development Overlay Schedule 30) of the Port Phillip Planning Scheme.</p>	<p>A Pedestrian Wind Environment Study has been prepared by Windtech and is enclosed. The revised report has been updated to incorporate the advice prepared by Windtech (dated 1 July 2019) and make explicit reference to Section 2.11 within Clause 43.02 (Design and Development Overlay Schedule 30).</p> <p>Please refer to Section 7.1 of the Study for a detailed assessment, confirming compliance with stipulated wind criteria.</p>
<p>8. Pursuant to Clause 22.15-4.1 of the Port Phillip Planning Scheme, the site should be provided with employment generating non-residential floor area of 15,552sqm (based on a ratio of 1.6:1 for a site area of 9720sqm). It is noted that the scheme shows the provision of 12,028sqm, which is approximately a ratio of 1.2:1 (excluding serviced apartments).</p>	<p>Use of the land as Serviced Apartments is an employment generating use. Serviced Apartments require significant numbers of employees to manage the day to day operations of the Serviced Apartments (total 180). These tasks typically include cleaning and concierge. In addition to front of house operations, there are several back of house operations associated with Serviced Apartments such as building maintenance and security, not to mention the employment opportunities that will occur remotely at with bookings etc.</p>



	<p>On a broader scale, the Serviced Apartments complement the diversity of uses that are encouraged within the Fishermans Bend Area. Such proposed land use will be required to accommodate visitors to Fishermans Bend, particularly for those visiting the Employment Precinct of Fishermans Bend. Not only is the use of the land appropriate for generating employment, it is thus also appropriate in supporting employment growth within Fishermans Bend by providing accommodation for visitors.</p> <p>Therefore, it is considered that Serviced Apartments are an employment generating use and should be included in the floor area calculations. It is submitted that the proposal is contributing to the employment objectives of the policy in an obvious and measurable way.</p>
<p>9. Clause 22.15-4.2 of the Port Phillip Planning Scheme requires the provision of 25% three bedroom dwellings for the Montague precinct. The proposal includes 120 x 3 bedrooms dwellings which equates to 21%. Please provide details on how many dwellings can be converted into three bedroom product at a later date and provide empirical evidence to demonstrate that the demand does not currently exist for three bedroom dwellings (i.e sales evidence, supply and demand evidence) relative to the site and surrounding area.</p>	<p>With reference to DELWP’s feedback (dated 20 February 2019) a minimum 20% three-bedroom dwellings have been provided. 21% has in fact been proposed.</p> <p>Cox Architecture have also prepared a plan, identified as Apartment Adjustment Mix, which demonstrates how the proposed apartments could be converted from two to three-bedroom apartments should the demand for three-bedroom apartments increase.</p> <p>21% is considered to be an acceptable amount of three bedroom apartments given that there is limited demand for such a product at this current time. Research carried out by Urbis’s Property and Economic Research Team has confirmed that over the last four years (2015 – 2019) three-bedroom apartments have consistently represented between 6-10% of the inner Melbourne apartment sales. In South Melbourne specifically, research provided by Macroplan suggests that three-bedroom apartments between 2011 and 2017 comprised 10.9%.</p> <p>Based on this information, it is considered that 21% is not only appropriate in this context but substantially</p>



	exceeds market trends at this current time. There is a significant commitment to social housing, community infrastructure and a quality architectural proposal, noting the adaptable floor plates, as Cox Architecture has identified.
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OTHER CONSIDERATIONS

<p>10. The site is located within the 450m buffer of the South Melbourne - Brooklyn pipeline (see Map 5, Schedule 1 of Clause 37.04 – Pipeline buffers). Please note that should the Minister for Planning refer your project to the Standing Advisory Committee, the APA Group will be invited to comment on your proposal. APA's main objective is to ensure that developments do not affect the integrity of pipeline infrastructure and should there be any unforeseen rupture of the pipelines in the future, what mitigation methods will be deployed to ensure that the safety of residents/users of the development is not compromised.</p>	<p>Noted. Discussions with the APA Group have been held and this body has confirmed that the development of this site is of no consequence to the pipeline.</p>
<p>11. It is recommended that you contact the APA Group to discuss any requirements or issues that should be resolved in the early planning stage of the project.</p>	<p>As per the above.</p>
<p>12. Please be advised that should the Minister for Planning refer your project to the Standing Advisory Committee, Melbourne Water will be invited to comment on the proposal. Melbourne Water have an interest in finished floor levels relative to applicable flood levels and the type of uses which occupy the ground floor.</p>	<p>Noted. Melbourne Water referral comments were obtained on 17 November 2017. The recommendations made by Melbourne Water have been addressed in the Architectural Plans prepared by Cox Architecture, which were submitted as part of the Planning Scheme Amendment Submission.</p> <p>For convenience, the referral comments from Melbourne Water has been provided.</p>
<p>13. Please note that the information requested in this letter and the issues raised are not exhaustive and do not represent the views of</p>	<p>Noted.</p>



the Minister for Planning. Any issues raised by other government agencies will be relayed to you as soon as these are known.

Should the information submitted in whole or part be deemed not to satisfy DELWPs request for further information, please consider this submission as an extension of time pursuant to Section 54A of the *Planning and Environment Act 1987*.

Should you have any questions or comments please do not hesitate to contact the undersigned on 8663 4847 or email rlyons@urbis.com.au. Alternatively, you may also contact my colleague Madison Sztefek on 8663 4996 or email msztefek@urbis.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Lyons". The signature is stylized and cursive.

Rebecca Lyons
Associate Director



APPENDIX A – RESPONSE TO STANDING ADVISORY COMMITTEE ‘TERMS OF REFERENCE’ DOCUMENT

Item 14 - The appointment of this Advisory Committee provides an opportunity for consideration of a site specific planning control to facilitate a proposal for land use and development within Fishermans Bend, subject to the proposal:

a) Responding to Local Planning Policy

The planning and statutory framework for the site is established by the planning controls and policies contained within the Port Phillip Planning Scheme, associated reference documents and other relevant strategic reports and objectives that are discussed below.

It is not the intention of this response to exhaustively recite and restate all of the finer details of this framework, as they are well known and understood by those assessing the merits of this proposal. Accordingly, this section of the report provides a succinct overview of the relevant aspects of the planning framework.

Local Planning Policy Framework

There is strong Local Planning Policy support for mixed use development within the City of Port Phillip, specifically within the Fishermans Bend Urban Renewal Area (FBURA).

Clause 21.06 (Neighbourhoods) of the Port Phillip Planning Scheme stipulates that one of the key planning challenges for Fishermans Bend is managing the transition of Fishermans Bend, which is principally an industrial area, towards a genuine mixed-use environment that provides for co-location of jobs with new dwellings.

It is considered that the proposed development addresses this challenge effectively, by proposing a truly mixed-use development that co-locates employment and residential land uses, whilst delivering a high-quality built form that responds to the existing and evolving neighbourhood context (Clause 21.04 – Land Use and Clause 21.05 – Built Form). Importantly, it seeks to preserve the industrial character of Fishermans Bend by retaining the existing Mazda Car and Servicing Dealership.

The design of the proposed development provides a unique spin on the typical podium and tower-built form, which integrates strongly with the evolving neighbourhood character of Fishermans Bend. The public realm has been a key component of the design, which incorporates pedestrian spaces and thoroughfares. The street level frontages further enhance the quality of the public realm by increasing passive surveillance, safety and visual interest (Clause 22.06 – Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development).

The development holds a strong focus on delivering environmentally sustainable design initiatives in accordance with Clause 22.13 (Environmentally Sustainable Development). Specifically, the proposed development will achieve a ‘best practice’ rating. Where applicable, Stormwater Management (Water Sensitive Urban Design) measures have been taken to improve the quality of stormwater drainage into natural waterways (Clause 22.12 – Stormwater Management (Water Sensitive Urban Design)).

Clause 22.15 (Fishermans Bend Urban Renewal Area Policy) stipulates that Fishermans Bend will provide for 50,000 jobs and a range of well-serviced, high density housing options for 80,000 people. The area will strive to be Australia’s largest Green Star Community, with each development striving for a 6 Star Green Star Community Rating.



The proposed development will support this growth by providing a genuine mixed-use development that incorporates 1, 2 and 3-bedroom apartments, affordable housing and employment opportunities.

The City of Port Phillip, amongst other municipalities, is leading the way in delivering affordable housing for its residents. It has long been recognised in the City of Port Phillip that affordable housing is fundamental to ensuring a vibrant and liveable city, and the health and wellbeing of its community. Although not being formally adopted into the planning scheme, the strategic document *Growing Affordable Housing in Port Phillip 2015-2025* seeks to 'support the delivery of affordable housing to meet community housing needs' and 'advocate to and partner with others, to address factors impact on health and wellbeing'. It is considered that the dwellings dedicated to Affordable Housing support this vision.

Based on the information above, it is evident that the proposed development strongly aligns with the values and directions stipulated in the Local Planning Policy of the Port Phillip Planning Scheme.

Clause 22.15 (Fishermans Bend Urban Renewal Area Policy)

Clause 22.15 (Fishermans Bend Urban Renewal Area Policy) was introduced as part of Amendment GC81. It is considered that the proposed development accords strongly with this Local Policy and supports the key objectives for Fishermans Bend through addressing the key policy directions, summarised as follows:

Providing for Employment Floor Area

As the subject site is located within the Core Area of the Montague Precinct the minimum plot ratio not used for a Dwelling is 1.6:1.

Based on this plot ratio, and a site area of 9,720 square metres, the proposal is required to generate a GFA a 15,552 square meters.

The proposal exceeds this requirement significantly and provides a GFA of 12,028 square meters of employment generating land uses, which are comprised of retail, food and drink premises, childcare centre, serviced apartments and hotel.

Should demand for certain land uses change in the future, the proposed design consists of adaptable floor plates to facilitate the future conversion of employment generating floor space.

Community and Diversity

Developments within Fishermans Bend are encouraged to provide a diversity of housing typologies and sizes, which the proposed development adheres to.

A total of 623 apartments are proposed across the masterplan area, which comprise of the following typologies:

- 108 x 1-Bedroom Apartments (18%)
- 36 x 2-Bedroom and 1-Bathroom Apartments (6%)
- 321 x 2-Bedroom and 2-Bathroom Apartments (55%)
- 120 x 3-Bedroom Apartments (21%)
- 38 x Social and Affordable Apartments (6%)



As demonstrated above, there is a strong mix of dwelling typologies proposed throughout the development, with the vast majority (82%) being two or three-bedroom apartments.

It is noted that the proposed development presents a shortfall in three-bedroom apartments, in which, the Montague Precinct requires 25% of dwellings to be three-bedroom. There is a minor shortfall in meeting the preferred requirement and the floor plates are adaptable for converting smaller apartments into larger apartments, should demand dictate.

The proposed development provides a series of services such as communal open space, swimming pool and community services such as childcare, for its future residents.

Providing for Affordable Housing

The proposed development is committed to providing a combined total of 6% of Affordable Housing and Social Housing Units as part of the development.

The Affordable Housing Units will be located across all three towers, while Social Housing Units will be agglomerated within Tower 3 at the request of the housing provider. These units are a mix of one and two-bedroom apartments, which afford high levels of internal amenity for residents and are indistinguishable from other dwellings.

An agreement is currently being finalised between the proponent and Women's Housing Limited (WHL) which would involve the developer **gifting** 20 Social Housing Units to WHL.

This mix of both Affordable and Social Housing Units within this development responds to the broader spectrum of the community and provides housing for key-workers (i.e. nurses and teachers) and for those who may have fallen on hard times.

Design Excellence

The architectural scheme, designed by Cox Architecture, is of high architectural merit and responds positively to its surrounding environment. Being an island site, the proposed scheme must ensure that it responds positively to all interfaces, which is successfully achieved through the creation of a fine grain, pedestrian scale environment and differentiation in architectural expression.

The overall design demonstrates a high level of compliance with Schedule 30 of the Design and Development Overlay and provides a Town Square, which includes open space for people to meet, gather, socialise and relax.

The proposal provides variations in height and massing to create an aesthetically pleasing environments that is not overwhelmed by bulk and massing.

Sustainable Design Initiatives

Achieving sustainable design outcomes has been a key driver of the overall design of the development.

Where possible, the proposed development has incorporated landscaping to assist in the reduction of heat and adopted appropriate glazing measures to ensure an appropriate level of thermal comfort is achieved.

Water sensitive urban design principles have been adopted to mitigate any potential for flooding to occur. Stormwater collection measures are also proposed, with a series of water tanks proposed to collect and recycle water.



Appropriate measures of waste collection have been considered to ensure separate collection for recycling, hard waste, food and green waste is achieved. Waste collection areas are also combined (where practicable) to optimise waste storage and enable efficient collection methods.

The development will comply with 5 Star Green Star requirements.

Communal Open Space

A key feature of the proposed development, which serves an important role of tying the development together, is the communal open space. The connections provided go one step further than what is recommended under Clause 22.15 (Fishermans Bend Urban Renewal Policy) and creates greater connectivity through multiple pathways, all of varying sizes.

Communal open space is delivered in the form of a Town Square and urban corridors, which is located at the Ground Floor and is 1,761 square metres in size. The Town Square will be equipped with activated retail spaces, as well as landscaping and street furniture, making it an ideal location for social interaction and cohesion.

The Town Square is incredibly permeable, with many entries and exit points to enable users of the space to find their own way through the space. The Town Square will not be restricted to users of the development, but also the wider Fishermans Bend community. It will serve as not only a destination, but an important link that ties Fishermans Bend together.

Landscaping

Landscaping is proposed throughout the Town Square and also at the podium levels of each of the three towers. Landscaping will not only serve an aesthetic purpose and assist in softening the built form, but importantly will create a sense of place and identity within the Montague Precinct, which is lacking in landscaping.

Plant species have been carefully selected to ensure optimum growth and limited maintenance. Plant species consist of a mix of native and indigenous species that are climate resilient.

Opportunities for deep soil planting are considered through the incorporation of planting throughout the podium and facades, and is an appropriate solution.

Streets, Laneways and Pedestrian Connections

The proposal provides multiple connections throughout the Town Square, which assist in linking the development to the wider Fishermans Bend area.

The widths of the pedestrian paths vary in size throughout the Town Square to create visual interest and scale, but also adaptability to accommodate those who have limited mobility. The connections enable views throughout the Town Square and are largely open to the sky to allow for maximum daylight access.

Pedestrian paths surrounding the development along Montague Street, Munro Street and Johnson Street will continue to be maintained.

Sustainable Transport

It is acknowledged that sustainable transport should be encouraged in all developments where possible, which this proposal seeks to do by providing a total of 994 bicycle spaces (including end of trip facilities) across the masterplan area.



The proposed development seeks to provide a total of 675 car parking spaces, which exceeds the statutory requirements. The demand for such car parking is required at this stage given that public transport is limited within this area of Fishermans Bend. It is acknowledged that public transport options will increase overtime, but not in the immediate future.

With this being said, car parking proposed within the podium levels of the development consist of adaptable floor to ceiling heights, therefore, should the demand for car parking no longer be required in the future, there is an opportunity to convert these levels into alternate land uses.

Land Use Transition

The proposed development includes a variety of land uses, which will assist in the areas transition from what was typically an industrial area to a mixed-use environment.

The Mazda Dealership, which is currently located on site, will be retained as part of the proposed development, paying tribute to the industrial heritage of the area.

In accordance with the requirements of Clause 22.15 (Fishermans Bend Urban Renewal Policy) an Amenity Impact Plan, which includes measures to mitigate adverse amenity impacts should be prepared as a condition of the Incorporated Document. Nonetheless, advice from Acoustic Consultants and Wind Consultants to date suggest the proposal is most capable of mitigating any adverse amenity.

- b) Meeting the requirements of the DDO, the PO and the CCZ other than:**
- i. The dwelling density requirement;**
 - ii. The requirement to be generally in accordance with the Fishermans Bend Framework (September 2018); and**
 - iii. The permit condition requirement to enter a Section 173 agreement to provide a new road or laneway;**

Design and Development Overlay Schedule 30 (DDO30)

Pursuant to Schedule 30 of the Design and Development Overlay (Fishermans Bend – Montague Precinct) the following parameters apply to the subject site:

- Subject site is located with Precinct M1 in which, a hybrid (predominantly mid-rise) building typology is encouraged.
- A discretionary building height of 24 storeys / 81 metres is identified for the subject site.
- The Montague Street interface should adopt a Secondary Type 2 (20%) active frontage and a new laneway within the site is encouraged.

The proposed development demonstrates a high level of compliance with Schedule 30 of the Design and Development Overlay (Fishermans Bend – Montague Precinct) as outlined below:

Built Form

The subject site presents a unique opportunity for redevelopment. The subject site is an island site, presenting to three frontages and has an area greater than 9,720 square metres, which is a rarity given its close proximity to the Central City. The site is also closely located to the Westgate Freeway and the current built form on site is underwhelming and is in much need of rejuvenation. For these reasons, it is evident that the site presents an excellent opportunity to provide for a greater intensity development.



The built form design presents a balanced response to the existing conditions and will contribute to the revitalisation of the site and improved amenity for the wider Fishermans Bend area. The Urban Context Report prepared by Cox Architecture illustrates how the proposal fits within the broader landscape.

The design and massing of the development is reflective of a sculptural form, which carefully responds to key urban design elements such as views, solar access, setbacks and wind. The design objectives stipulated under Schedule 30 of the Design and Development Overlay have been adhered to, along with local policy objectives, which have been discussed in Section 4 of the Town Planning Report.

Building & Podium Heights

The proposed development comprises three (3) towers. Each of the towers are of varying heights, with the maximum tower (Tower 1) reaching 125.25 metres in height. The proposal exceeds the discretionary height limit of 81.00 metres, which is considered acceptable in this instance, given the following:

- Three (3) towers vary between 96.56 – 125.25 metres (including plant) in height and will provide the diversity of mass from both immediate and distant views, creating a varied skyline that achieved the intent of the hybrid building typology which is encouraged for sites located in M1 Areas.
- Given that the site is an island site and is 9,720 square metres in size, and within close proximity to the freeway, the site is highly capable of accommodating a high-density development without resulting in detriment to the public realm.
- Each building adopts a podium and tower form, which again does not overwhelm the subject site. The design of the development does not seek to dominate the wider public realm, but rather complement it, and set a positive precedent in terms of architectural merit, sustainability and urban design.
- In the context of existing approvals, the proposed development will maintain a positive rhythm in the skyline and provide views from numerous vantage points.
- The building height can also be supported through the provision of Social Housing Units which will be **gifted**. A minimum of 20 Social Housing Units are required for successful management efficiencies by the housing provider.

The podium height is in accordance with the mandatory requirements stipulated under Schedule 30 of the Design and Development Overlay. The podium height allows the development to maintain the hard street edge of the built form, which is common throughout existing and emerging developments within Fishermans Bend, while ensuring that the development presents at a human scale when viewed from the streetscape.

The podium will be activated to ensure that the public domain will be enriched, inviting and a welcoming place for pedestrians, that conveys a sense of human scale, comfort and activity.

Setbacks

The building setbacks have been designed in accordance with the mandatory requirements stipulated under Schedule 30 of the Design and Development Overlay. For each tower, the podium has been built to the boundary, ensuring a hard street edge is achieved. Above the podium, each of the towers are setback 10 metres from the street.



Above the podium, the separation between the towers varies between 20 – 33 metres. This is an acceptable separation as it assists in mitigating wind impacts, increases daylight access to the site, and also reduces the opportunity for overlooking into the adjacent towers.

Building Separation

Care and consideration has been taken to ensure the positioning of the tower envelopes optimises outcomes pertaining to permeability, spacing and outlook. Buildings are sited and designed to create a hierarchy of spaces throughout the development. The building locations and planned tower envelopes work in terms of wind and shadows, diversity of height and orientation, and provides for strong amenity outcomes.

Spacing between the towers achieve a 20 metres separation, consistent with the Schedule 30 of the Design and Development Overlay. This has allowed for greater access to natural light and also mitigates wind impacts at the street level. The spacing between the towers breaks up the mass of the development, enabling views in between towers, so that the project will not appear as a continuous wall of built form.

At podium level, areas that have less separation are presented with the opportunity for more fine grain details to emerge. This can provide for positive variation throughout the public realm.

The skinning of the podium car park can ensure that an activated podium and passive surveillance is achieved. It is also worth noting that the floor to ceiling heights of the car park in the podium level have been designed to enable adaptable future use should demand for car parking change.

Based on the proposed envelopes, all residential apartments will enjoy mid to long range views through and beyond the perimeter of the site which points to the successful tower positioning strategy. Indeed, part of the logic of placing accommodation uses to Munro Street is to maximise the scope and breadth of residential outlook towards the Central City and the Yarra River.

Parking Overlay

The proposal exceeds the car parking requirement associated with Schedule 1 of the Parking Overlay.

It is understood that less car parking is preferred amongst many inner-city municipalities. However, for the development to be feasible, the proposed 675 car parks are required to attract tenants and investors, which is particularly important in the early stages of development in Fishermans Bend. It is also important to note that there is limited public transport infrastructure within Fishermans Bend at this current time, so for the development to be viable car parking must be provided until suitable public transport infrastructure is in place.

The proposed car parking has been designed to allow for future adaptability in the event the demand for car parking spaces is no longer required.

Capital City Zone Schedule 1 (Fishermans Bend Urban Renewal Area)

The proposed development is consistent with the purpose of the Zone, which is to create a thriving urban renewal area that leads by example in terms of design excellence, environmental sustainability, liveability, connectivity, diversity and innovation. The proposed development responds to the requirements of Schedule 1 of the Capital City Zone as follows:

Land Use



In keeping with the mixed-use environment, the proposed development consists of various land uses all of which, are permissible under the Zone. Where a permit is triggered, this is due to the conditional requirements under Section 1 not being able to be met.

Dwelling Density Requirements

It is noted that under the Terms of Reference, that the dwelling density requirement does not apply. It is noted however, that the provision of Social Housing is a requirement under the dwelling density requirement, and this too does not strictly apply.

Notwithstanding, a total of 20 Social Housing Units are proposed as part of the development, which exceeds the requirements of at least 1 Social Housing Unit for every 8 Dwellings provided above the number of Dwellings otherwise allowable under the specified Dwelling Density Requirement.

Bicycle, Motorcycle and Car Share Parking

The proposed development provides a total of 994 bicycle spaces across the masterplan area. This requirement exceeds the requirements applicable under the Zone, as well as Clause 52.34 (Bicycle Facilities).

In terms of Motorcycle Parking and Car Share Parking, the proposed development presents a shortfall in this regard. However, it is noted that should additional Motorcycle Parking be required in order to comply with the requirements, this can be accommodated on site.

In terms of Car Share Parking, it is considered that such high demand is not applicable at this point in time. As Fishermans Bend continues to progress with more public transport options, the demand for Car Share Parking will increase. The proposed development would be able to respond to this demand appropriately but converting existing car spaces into Car Share Parking, if thought necessary or desirable above and beyond what might be provided by Council and the like.

Montague Urban Structure

As mentioned throughout the Town Planning Report, the subject site is located within the Montague Precinct. In accordance with Montague Urban Structure the subject site is located in a Core Area and is required to provide a new laneway and public open space.

The proposed development responds to these requirements positively, by providing public open space in the form of a Town Square, which is centrally located within the site, and a series of laneway connections throughout the Town Square to achieve a highly permeable and connected landscape.

Sensitive Uses

The subject site is located within an Amenity Buffer and given that the proposed development includes a range of sensitive land uses, an Amenity Impact Plan is required.

The western boundary of the subject site is partially affected by a 250 metres amenity buffer. It is considered that the proposed development has addressed potential issues relating to wind, dust and acoustics accordingly and, should there be any outstanding items, these can be addressed via a condition on approval.

c) Making appropriate development contributions

As discussed throughout the report, Fishermans Bend is one of the largest urban renewal areas in Australia, therefore, the opportunity to offer benefit to the community is significant. The proposal seeks



to provide this by way of Affordable and Social Housing and Community Infrastructure, which is complemented by an activated and lively public realm.

Open Space Offer

The Master Plan proposes publicly accessible open space as part of the development in the form of a Town Square and pedestrian street, equating to a total area of 1,761 square metres.

The key design intention to skin the ground floor of the buildings with active uses will provide a strong and positive base for activation of the public realm. Safer design principles are addressed by the proposed Master Plan, such as surveillance, activity, access, movement and sightlines.

These active uses combined with the aforementioned community uses and publicly accessible open space, will provide an interconnected network of activity that can be easily accessed and enjoyed by visitors, residents and the broader Fishermans Bend area.

The internal movement network created by podium spacing provides adequate sunlight penetration at ground and combined with the proposed landscape and activated facades, will create pleasant urban environments. The varying widths and lengths of the pedestrian linkages will also create a hierarchy of spaces, which can be enjoyed in various ways.

It is envisaged that this open space will connect and create a network of linkages, specifically to the recently approved development north-west of the subject site and also the development south-east of the site, which is currently under planning assessment. The proposed development seeks to create more local and neighbourhood-friendly streets with Munro and Johnson, which will provide a positive contrast to the 'hustle and bustle' of Montague Street.

The Town Square will be mainly comprised of hard surfaces, with landscaping to assist in softening the appearance of the built form. The widths of the pedestrian thoroughfares vary in size, to allow for different events and experiences to take place.

The open space will be slowly undulating, which provides topographical interest for residents and visitors. It is a unique and interesting design which can be used for passive informal and spontaneous enjoyment as well as structured events such as an outdoor cinema, outdoor concert space and amphitheatre stage. Landscaping the topography of the open space can also assist in demarcating space.

The proposed Town Square will be publicly accessible at all times, however, will be retained in private ownership, and managed by the body corporate. This is due to the basement underneath, but also to ensure that the quality of space is maintained to a high level consistent with the expectations of future owners, occupants and operators.

Community & Amenity Uses

Significant gaps in open space, community use and retail offer have been widely observed as a shortcoming of Fishermans Bend. To ensure a vibrant community is created in addition to open space, a range of community uses, and amenity-type retail services will be included as a key feature of the Master Plan.

The ground floor podium levels of the towers are proposed to be skinned with retail tenancies to reinforce ground level street activation. This will be complemented with a Convenience Store and the Mazda Car Dealership and Servicing Centre.

A Child Care Centre is proposed within the podium of Tower 1 which will serve as a valuable asset to the newly established community within the Montague Precinct of Fishermans Bend.



Back of house operations and loading areas will be located in the basement levels of the development. This removes the poor design outcomes often faced with convenience stores and car dealerships of blank walls and large back of house and loading areas.

The majority of the key services (i.e. childcare, part of the Town Square and retail / convenience stores) with the exception of the Mazda Car Dealership and Servicing Centre, will be provided in Stage 1 of the development. Provision of these community and amenity uses upfront will ensure that a desirable address is created from the outset in the life of this new community.

Serviced apartments and a 4.5-star hotel are also proposed in Stage 2 and Stage 3 (respectively) of the Master Plan. This will provide short term accommodation options for Fishermans Bend and strengthen services for tourists in close proximity to key destinations such as Crown, Melbourne Convention and Exhibition Centre, Central City and many others. Immediate access onto the Westgate Freeway will also be strongly desirable for visitors to Melbourne.

Economic Prosperity

The economic benefits for the proposed development are considered to be unquestionable. With such a diverse mix of uses that includes retail, hospitality and residential, the economic benefits for Fishermans Bend will be significant and will continue to contribute to the growing success of the Victorian economy. The Montague Precinct is also the ideal location for mixed use developments, given its proximity to the Central City and transport options.

The key economic drivers for the City of Port Phillip are retail, commerce, industry and tourism. It is considered that the proposed development is a reflection of these drivers and seeks to further support their economic development, rather than producing a development that is solely for residential use.

The Port Phillip Planning Scheme states that the majority of workers employed in businesses within the City of Port Phillip do not reside in the municipality (Clause 21.02 – Municipal Strategic Statement). It is considered that the proposed development, which co-locates residential and commercial uses will see a shift in this trend where more people will not only work, but also live and play in the City of Port Phillip. In turn, this will result in greater use of existing businesses and services within the area and continue to support the local economy.

Affordable and Social Housing

Homelessness is currently on the rise in Melbourne, particularly for women, with a 70% increase in the number of women seeking assistance due to family violence over the last four years, and with supply unable to keep up with demand. More than 6,000 of the 25,755 women that contacted the Council for Homeless Persons in 2018 were living in crisis accommodation, shelters and motels or in some cases, rough sleeping after they had sought assistance.

With such frightening statistics, the demand to provide social and affordable housing options is more prevalent than ever but is particularly challenging, when just 3% of all two-bedroom rental in Melbourne is affordable for a single mother on a low income.

Registered housing provider, Women's Housing Limited (WHL) works tirelessly every day to find homes for women and children who are in need, not just those suffering family violence but also those who are suffering from economic hardship.

Currently, the WHL portfolio consists of the following:

- 89 owned units
- 20 units under construction



- 6 units under contract
- 168 properties under a general lease agreement
- 108 properties under transitional housing management

One of the key factors which makes acquiring sites difficult, is the level of funding available. On average, seven women are turned away each week, with a total of 2,200 requests for urgent financial assistance. 58% of women requesting help from WHL's Housing Information and Referral team has been turned away due to lack of funding.

Based on the above information, it is evident that more needs to be done about this ongoing crisis, which the proposed development seeks to address.

As part of the proposed development, the applicant has committed to providing a combined total of 6% Affordable and Social Housing Units. It is proposed that 20 Social Housing Units will be **gifted** to WHL.

It is considered that such a donation will have a significant positive impact on the community and will assist women and children who are truly in need.

It is estimated that this gift to WHL will be in the order of \$10 million in value (on the basis of acquiring land in this location and designing, development and delivering these apartments). Noting their current portfolio of \$45 million, this represents almost a 20% increase.

This gift will also enable an increase in the lending capacity for WHL so that the value of the gesture is not only realised on this site, but in future development and investment by WHL enabling more women to be accommodated across Victoria.

It is important to recognise that planning policy only requires a provision of 6% of Affordable Housing, but not Social Housing. In addition, planning policy does not encourage Social Housing to be **gifted** to housing providers. This is a clear demonstration that the proposed development seeks to go "above and beyond" in providing assistance to the community and to women and children who need it most.

Item 15 - In relation to the requirements to be generally in accordance with the Fishermans Bend Framework (September 2018) and to provide new roads and laneways, proponents will be encouraged but not required to meet these requirements.

The Fishermans Bend Framework (FBF) sets out a simplified long-term framework to guide development at one of Australia's most significant urban renewal opportunities. The FBF is a statutory planning tool that assists in the preparation and consideration of a planning application as well a guide for development and design.

The subject site is located within the Montague Precinct, which seeks to act on its favourable location to become an employment hub with substantial housing opportunities, creating a truly mixed-use environment. There is no question that proposed development delivers on this vision for the Montague Precinct, by providing a development that directly responds to the strategic direction.

The proposed development is undeniably generally in accordance with the overarching themes for Fishermans Bend, which are broadly summarised below:

Diverse Housing Choices

- Provision of diverse housing typologies including 1, 2 and 3-bedroom dwellings.



- Residential dwellings achieve a high level of compliance with BADS, ensuring that high levels of amenity are achieved.
- Commitment to providing a combined total of 6% Affordable Housing and Social Housing.

Open Space

- The provision of a Town Square, which is supported by activated retail tenancies, landscaping, street furniture and multiple connections and thoroughfares.
- The thoroughfare connections throughout the proposed Town Square are all of varying widths and lengths to accommodate various levels of mobility.
- The Town Square is orientated appropriately to allow for maximum daylight access.
- The Town Square has been designed to allow for different types of social interactions to occur, resulting in a truly activated space.

Transport

- Vehicle crossover are located on local streets, rather than main roads.
- Existing vehicle crossovers will be utilised and minimise potential impact on street frontages.
- Location of car parking in basements and podium levels but are strategically concealed and provide an aesthetically pleasing design response.
- Provision of easily accessible cycle parking as well as end of trip facilities.
- Active provision of alternative forms of transportation are encouraged as part of the development.

Sustainability

- On-site stormwater collection and storage with preferable re-use.
- Building design and orientation that takes maximum advantage of climate factors.
- Incorporates best practice ESD measures.
- Natural ventilation and daylight of common areas to as many dwellings as possible.
- External shading devices and energy efficient glazing is adopted for climate control purposes.

Community Services and Facilities

- The inclusion of a Child Care Centre in Stage 1 of the Master Plan redevelopment, providing important infrastructure required by an emerging community.
- The Child Care Centre is co-located amongst other uses, near communal open space, which creates a truly mixed-use environment and demonstrates more efficient use of space.

Place and Identity

- The proposed development seeks to serve as a landmark within the Montague Precinct. Acting upon the island nature of the site, the proposed development responds to all three key interfaces.



APPENDIX B – BUILDING HEIGHT CONSIDERATIONS

It is evidently clear that considerable work between the permit applicant and DELWP has occurred since the announcement of Amendment GC81. Several meetings and phone conversations have been held to ensure that a suitable design outcome has been achieved and it is considered that the current proposal is a direct reflection of this. Efforts to address building height should not be viewed as a tokenistic response.

As demonstrated throughout this letter, along with other reports and documents submitted post GC81, the proposed heights are considered to be appropriate for the site’s locational context and is largely in accordance with the controls pertaining to the Port Phillip Planning Scheme. This is affirmed in the enclosed ‘preliminary without prejudice comments’ where DELWP does not explicitly state that the proposed building height cannot be supported.

In the table below is a summary of discussions pertaining to building height over the duration of the assessment of the application:

Project Timeline	Proposed Height	Considerations on Height
Lodgement – 12 October 2017	Tower 1 – 37 Storeys (157 metres) Tower 2 – 40 Storeys (142.6 metres) Tower 3 – 40 Storeys (129.8 metres)	<p>RFI Letter issued by DELWP (dated 8 November 2017) – The RFI Letter does not stipulate any specific issues pertaining to the proposed building height. The RFI Letter acknowledges that the towers lack variation and that massing should be further investigated. The RFI Letter continues to note that the surrounding context contains several towers of similar scale and are within proximity to the proposed development but states the relationship between these buildings need to be further explored.</p> <p>Referral Comments issued by CoPP (dated 31 October 2017) – Similar to the above, the Referral Comments do not make specific mention to the building height as a concern.</p> <p>OVGA Design Review (dated 22 December 2017) – OVGA Design Review Comments confirm that further variation amongst the towers, including building height, need to be considered. The comments do not explicitly state that there is a concern with the proposed building height.</p>

Project Timeline	Proposed Height	Considerations on Height
<p>RFI Response – 6 April 2018</p>	<p>Tower 1 – 33 Storeys (117.4 metres)</p> <p>Tower 2 – 38 Storeys (136.1 metres)</p> <p>Tower 3 – 40 Storeys (158.9 metres)</p>	<p>In addition to a reduction in height, the architectural language of the towers was further refined to create improved legibility and distinctiveness between each of the buildings.</p>
<p>Without Prejudice Scheme Discussions with DELWP between October 2018 – January 2019</p> <p>During this period, the following meetings were held:</p> <ul style="list-style-type: none"> • Meeting with DELWP on 22 October 2018 • Meeting with DELWP on 27 October 2018 • Meeting with DELWP and CoPP on 11 December 2019 	<p>Tower 1 – 39 Storeys (135.4 metres)</p> <p>Tower 2 – 28 Storeys (107.0 metres)</p> <p>Tower 3 – 26 Storeys (94.3 metres)</p> <p>(NB: Tower 1 is made the taller building noting the prominent location with aspect to the city and neighbouring development).</p>	<p>CoPP Preliminary Without Prejudice Comments (dated 4 February 2019) – The comments provided by CoPP identify the discretionary height limit of 24 storeys as the preferred maximum height -DDO30 does not stipulate that these heights are the ‘preferred maximum’ they are simply a discretionary control, with the <u>preferred character</u> of the area to comprise “<i>Mid to high-rise developments On larger sites, a hybrid of permitter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets</i>”. The comments go on further to say that building heights have not been sufficiently justified. As discussed at length throughout this RFI Response, it is considered that the proposed building heights are well justified from a built form and contextual perspective. The social and community benefit derived from the proposal further justifies the proposed height.</p> <p>DELWP Preliminary Without Prejudice Comments (dated 20 February 2019) – Comments from DELWP acknowledge that the site is considered to be a larger site within its immediate context and benefits from three street frontages, presenting an opportunity to include tall, slender towers intermixed with low mid-rise buildings. The comments then go on to mention that the proposed heights at 39, 29 and 26 storeys will result in a visually dominating</p>



Project Timeline	Proposed Height	Considerations on Height
		<p>development with the potential to overwhelm the public realm. It is acknowledged by DELWP that the land at 60-82 Johnson Street achieves an overall building height of 46 storeys and therefore, building height and / or reducing the accumulation of visual mass and bulk across the subject site is essential.</p> <p>It is considered that the building height reduction to 39, 29 and 26 storeys achieves the desired hybrid building typology within Montague North.</p> <p>It is important to recognise that the height controls pertaining to the land are discretionary and are a considerable reduction in what was previously proposed. Furthermore, the comments from DELWP acknowledge that this is an island site, capable of accommodating increased density.</p> <p>Discussions with DELWP (meetings and phone calls) suggest that the proposed height could be supported by the Minister subject to a compelling submission, which is considered to be the case with this RFI Response.</p>
<p>Current Submission – 19 August 2019</p>	<p>Tower 1 – 34 Storeys (127.65 metres)</p> <p>Tower 2 – 28 Storeys (113.45 metres)</p> <p>Tower 3 – 26 Storeys (102.05 metres)</p>	<p>RFI Letter issued by DELWP (dated 19 August 2019) – As discussed earlier in the RFI Response under Item 6, it is considered that the favourable characteristics of the site allow for a higher built form to be achieved, which is also implied in the comments provided by DELWP. It is considered that the variation amongst building height achieves the desired ‘hybrid’ design outcome.</p> <p>DELWP acknowledges, mid-rise buildings, which are 7-15 storeys in height, are encouraged within this area. Even within this ‘hybrid’ precinct, the subject site is afforded</p>



Project Timeline	Proposed Height	Considerations on Height
		<p>greater discretionary heights compared with other areas of the precinct. This gives an indication that this site has potential for greater development, beyond the midrise development which may be sought in other areas.</p> <p>It is further added that the preference for midrise development of 7-15 storeys in this area – M1, is at odds with Map 1 under DDO30 which sets in place discretionary building heights all of which fall under the “high-rise” definition (i.e. above 16 storeys). Whilst it could be suggested that not all sites could or should be developed with high rise buildings, the provisions under the control provide that opportunity for consideration.</p> <p>Given there is a clear discrepancy amongst the planning controls, the application should be based on what is appropriate in the context of the site and surrounding environment. As mentioned above, the site has favourable characteristics, which the proposed development maximises to the highest ability. The development provides and complies with the other applicable mandatory controls and also provide suitable podium and tower separation, with the heights that are proposed. In the context of proposed built form surrounding the site, the tower heights are considered to sit comfortably within the emerging context.</p> <p>Aside from built form, the significant net community benefit the proposal will bring, outweighs perceived concerns relating to height.</p>