Request to Prepare, Adopt and Approve a Ministerial Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act 1987

203-205 Normanby Road, South Melbourne

31 May 2019
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Executive Summary

This submission has been prepared to support a request to Prepare, Adopt and Approve a Ministerial (site specific) Amendment to the Port Phillip Planning Scheme under the provisions of Section 20(4) of the Planning and Environment Act 1987 for land at 203-205 Normanby Road South Melbourne.

A Planning Permit Application (no. 201535831) for development of the site was called in by the Minister for Planning. An Advisory Committee has been appointed to consider a revised proposed development of the site via a planning scheme amendment process.

This submission has prepared in-conjunction with the following:

- Plans and elevations prepared by Hayball Architects;
- An Urban Context Report prepared by Hayball Architects;
- A Traffic Impact Assessment report prepared by TTM Consulting;
- A Waste Management Plan prepared by Leigh Design;
- A Landscape Concept Plan prepared by Tract Consultants;
- An Acoustic Report prepared by Vipac Engineers and Scientists;
- A Sustainable Management Plan prepared by Simpson Kotzman;
- A Wind Impact Statement prepared by Vipac Engineers and Scientists;
- An assessment against Clause 58 of the Port Phillip Planning Scheme;
- A digital 3D model compatible with DELWP’s Urban Circus platform;
- An assessment against the Standing Advisory Committee’s Terms of Reference;
- Planning Scheme amendment documentation *
- A completed Application form; and
- Confirmation of payment planning scheme amendment request application fee

* Planning Scheme amendment documentation will include an Incorporated Document to be prepared in-conjunction with DELWP officers.
1.0 Introduction

We act for Lutkas Pty Ltd the owners of the land at 203-205 Normanby Road South Melbourne located in the Fishermans Bend Urban Renewal Area.

This submission supports a site-specific approval for the demolition of the existing building occupying the land, buildings and works associated with the construction of a multi-level mixed use development and use of the land for the purpose of multiple dwellings and the alteration of access to a road.

Our client requests the Minister for Planning consider this planning scheme amendment request pursuant to S20(4) of the Planning and Environment Act 1987 that seeks to insert a new Incorporated Document into the Schedule to Clause 72.04 of the Port Phillip Planning Scheme titled “203-205 Normanby Road South Melbourne”. The Incorporated Document will effectively provide tailor made planning controls and provisions for the use and development of the site.
2.0 Background

Planning Application no. 201535831 for the development of the site was made to the Minister for Planning as the Responsible Authority in June 2015. In 2017 the applicant lodged a S79 review with the Victorian Civil and Administrative Tribunal (VCAT P2818/2017). This proceeding was set aside on 1st March 2018 as a result of the Minister for Planning calling in the proceeding pursuant to section 58(2)(a) of Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998 and the principal registrar’s referral of the proceeding to the Governor-in-Council pursuant to section 58(4)(b) of Schedule 1 of the Act.

The planning application is currently “on hold” since the gazettal of Amendment GC81 to the Port Phillip Planning Scheme. Amendment GC81 introduced a suite of permanent planning controls in October 2018 applicable to Fishermans Bend in which the site is located. The controls do not have transitional provisions for current permit applications.

Among the planning controls introduced by the Amendment GC81 is the Infrastructure Contribution Overlay (ICO). The ICO prohibits the grant of any planning permits (except for minor works associated with existing use and development) until an Infrastructure Contributions Plan (ICP) has been approved and incorporated into the planning scheme. We are advised an ICP is currently being prepared but is not expected to be completed before mid-2019. The Minister for Planning advised applicants of applications called in by him that he was unable to grant any permits for new development in Fishermans Bend until at least the ICP is incorporated into the planning scheme.

The Fishermans Bend Advisory Committee established by the Minister for Planning is to advise on site specific planning controls to facilitate development proposals within Fishermans Bend prior to the introduction of an Infrastructure Contributions Plan. This is targeted at several existing planning applications called in by the Minister for Planning. The Terms of Reference for the Fishermans Bend Standing Advisory Committee advises that site specific planning controls may be considered for:

- Land subject to permit applications called in the Minister before the approval of Amendment GC81; and

- Land subject to a proposal for use and development in Fishermans Bend that responds to local policy set out in the relevant planning scheme, meets the requirements of the controls introduced by Amendment GC81 and makes appropriate development contributions.

At the invitation of the Minister for Planning, we are submitting a proposed planning scheme amendment, along with proposed plans, to the Department of Environment, Land, Water and Planning (DELWP) for consideration and referral to the standing advisory committee established by the Minister. The proposed planning scheme amendment sets out site specific controls and plans for the land at 203-205 Normanby Road South Melbourne for a development proposal that has been amended to respond to local policy and planning requirements of the planning scheme and as set out in the Terms of reference of the Advisory Committee.

The Terms of Reference for the Standing Advisory Committee exempts development proposals from the dwelling density requirement, the requirement to be generally in accordance with the Fishermans Bend Framework (September 2018) and the permit condition requirement to enter a S173 agreement to provide a new road or laneway.
3.0 Subject Site and Surrounds

The subject site is located on the south side of Normanby Road South Melbourne. Woodgate Street abuts the rear boundary. The site consists of two parcels of land (known as 203 Normanby Road and 205 Normanby Road – see below). Each site is rectangular in shape, is relatively flat and measure (combined) approximately 1183sqm in area.
Single storey attached warehouse buildings occupy each site. At grade car parking is located in the Normanby Road street frontage accessed from Normanby Road. Figure 2 (above) is the latest aerial imagery showing that the buildings on the adjoining site at 199-201 Normanby Road have been demolished (at the end of 2018).

Figure 3: Normanby Road frontage (Google maps)

Figure 4: View to rear of site in Woodgate Street (Google maps)
3.1 Surrounding Area

The site and surrounding land are identified for renewal and significant redevelopment within the Montague Urban Village Precinct in the *Fishermans Bend Strategic Framework Plan* (2018). The immediate area surrounding the site however currently accommodates a variety of light industrial, commercial and retail land uses proximate to the application site. Single and double storey buildings are located on the northern side of Normanby Road and are used as offices and business associated with the automotive industry, childcare centre and café. Other nearby uses include equipment hire, self-storage, car showrooms and retail warehouses and showrooms.

Land to the immediate east was formerly a scrap metal yard. Planning Permit no. 2013009628 was issued in 2014 and amended in June 2018 allowing for demolition of the existing building and construction of a mixed-use building comprising residential apartments and a residential hotel, use of the land for accommodation and alteration of access to a road in a Road Zone – Category 1a. The proposed development at 199-201 Normanby Road is 40 storeys high. The western wall of the approved development is constructed to the boundary. This building has commenced construction.

Normanby Road is approximately 18 metres wide providing one lane of traffic in a westerly direction and two lanes for traffic in an easterly direction. Parallel car parking is provided on both sides of the road. Woodgate Street to the rear is approximately 14 metres wide and angle parking is provided on both sides of the street. Woodgate Street is a “dead end” road and begins to narrow to the north of the subject site.

The Yarra Trams Southbank Depot is located to the immediate rear (south, south-east) of Woodgate Street with the light rail route 109 located to the south of the holding yards.

The subject site is occupied by a single storey warehouse building selling tools and electrical supplies. The building is recessed from Normanby Road with car parking provided in the street setback and is built to its common, eastern boundary.
4.0 The Proposed Development

The revised development proposal for the subject site is for a podium tower type development measuring 36 storeys high.

In summary this development proposal consists of 171 one, two- and three-bedroom dwellings, 40 residential car parking spaces, 197 bicycle parking spaces and four motorcycle spaces and retail and commercial tenancies in the podium. The podium is proposed to 5 storeys high. The dwelling types are spread across the development allowing for flexibility in layout in the future. Specifically:

**Basement level**
A one level basement contains a secure bicycle store with 167 bicycle spaces and end-of-trip facilities, a 471sqm store containing 154 storage cages for the dwellings above, a 58sqm bin room and various building services including a 50kl rain tank.

**Ground level**
This level provides car access to the podium levels from Woodgate Street.

Along the Normanby Road frontage is an entrance lobby for the residential uses proposed in the building. This lobby is connected through the building to Woodgate Street. A 132sqm retail premises is located in the frontage to Woodgate Street. The residential lobby sits behind the retail premises. The mail room and access to the main lifts and stairs are included.

A commercial (retail) tenancy is proposed at ground level fronting Woodgate Street with an entrance lobby (lift and stair) to the proposed commercial tenancies at level 1, 2, 3 and 4 facing Woodgate Street in the podium. Access for users and occupants through the building is provided at ground level.

There are three sets of lift and stairs proposed providing access to the commercial tenancies in Woodgate Street, to the dwellings in the podium fronting Normanby Street and to the dwellings in the tower. These services are located along the north east side boundary of the site.

**Mezzanine level**
This podium level contains a commercial tenancy measuring 226sqm fronting Woodgate Street. A void to the retail space at ground level is located at the Normanby Road frontage of the site. Ten car spaces are located at this level. This includes four car share spaces and two car charging spaces. Bicycle racks are located over three car spaces. Seven storage cages are provided and a motorcycle parking space.

**Level 1, 2 and 3**
These podium levels contain commercial tenancies fronting both Normanby Road and Woodgate Street. All levels contain 10 car parking spaces, 9 bicycle racks, 7 storage cages and a motorcycle parking space.

**Level 4**
This level contains a commercial tenancy measuring 359sqm located to the Normanby Road frontage.

The podium levels abut a similar (approved) podium design on the adjoining site (199-201 Normanby Road) located to the north east of the subject site.
Level 5
Level 5 is the top of the podium and is proposed to contain the communal amenities for the occupiers of the building. This includes a gymnasium, kitchen, dining and family lounge and an outdoor dining area with BBQ. Located at this level are four dwellings with private terrace areas. Wind screens (with 30% porosity) and a pergola are provided to the outdoor dining area.

Four dwellings are proposed at this level all with generous private open spaces terraces. Privacy screens to 1.7m in height delineate each of the terrace areas.

A visual and acoustic enclosure are proposed to the commercial roof plant area located to the east of the communal amenities.

Tower levels

Lower tower (Levels 6-29)
The tower levels provide the residential component of the development. The lower tower comprises levels 6 – 29. Six dwellings per level consist of 1, 2 and 3-bedroom dwellings all accessed via the centrally located lift and stairwell in the lower tower. The lower tower is set back from the rear boundary by 6 metres, the front boundary by 6 metres and the south-west boundary by 5.8 metres. The development proposal is built up to the north east boundary abutting the proposed building (under construction) on the adjoining site at 199-201 Normanby Road.

Level 30
Three dwellings are located on Level 30 with generous sized balconies.

Upper tower (Levels 31-35)
Four dwellings per level are located in the upper tower. The built form difference from the lower tower to the upper tower is a greater south-west (side) boundary setback of an additional 1.605 metres (7.5 metre setback).

The elevations demonstrate the proposed tower at 36 storeys abutting the approved 40 storey development at 199-201 Normanby Road. Whilst the development proposal does not meet the height control in the planning scheme (20 storeys), the design of the proposal is a logical response to the adjoining approved development whilst clearly being an independent building. The renders located in the Urban Context Report demonstrate the development proposal adjoining the development (under construction) at 199-201 Normanby Road.
5.0 Relevant Planning Controls

5.1 Strategic Context

The current planning controls were introduced by Amendment GC81 to the Port Phillip Planning Scheme in October 2018. These controls are supported by the Fishermans Bend Framework – a long term strategic plan for the development of the area. The Framework and planning controls replace the Strategic Framework Plan and interim guidelines introduced in November 2016 and provides for:

- A long-term plan extending to 2050;
- A guide for the preparation and consideration of planning permit applications;
- Clear strategic directions to guide public and private investment;
- A plan that will assist in the realisation of the Vision.

The Vision for Fishermans Bend is:

“A thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation”.

Fishermans Bend is divided into five linked precincts – Montague, Lorimer, Sandridge, Wirraway and the Employment Precinct. The subject site is located in the Montague Precinct.

Figure 6: Fishermans Bend precincts (Fishermans Bend Framework)
There are clear aspirations for each precinct including built form and land use priorities. The Vision for the Montague Precinct is:

“A diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage and network of gritty streets and laneways.”

The Framework identifies two distinct neighbourhoods within the Montague Precinct which are dissected by the existing Route 109 tram line. The subject site is located within Montague North where new development is “centred on the transformation of Normanby Road into an active street that is attractively landscaped, pedestrian friendly and provides a key cycling connection through the precinct.” Also, “all streets will be fronted by well-designed buildings with shops and businesses at ground level and a high-quality pedestrian environment.”

The Framework is structured around eight sustainability goals:

- A connected and liveable community;
- A prosperous community;
- An inclusive and healthy community;
- A climate resilient community;
- A water sensitive community;
- A biodiverse community;
- A low carbon community; and
- A low waste community.

The planning controls introduced by Amendment CG81 in October aim to realise the objectives and strategies of the Framework. The Framework states:

Key elements of the planning controls include:

- the introduction of a Dwelling Density Ratio
- a Social Housing Uplift scheme to deliver social housing
- height controls
- overshadowing controls to protect public open space
- building setback controls
- revised car parking controls and rates
- encouragement of dwelling diversity and a range of building types
- water storage and reuse across buildings
- requirement for all new buildings to meet a minimum 4 Star Green Star rating and large-scale buildings to meet a 5 Star Green Star rating
- recognition of the role of existing industry in Fishermans Bend, while balancing the needs of future residents

In addition, the Framework includes key policy initiatives such as:

- delivery of six per cent affordable housing
- delivery of public open space, major roads, and community infrastructure through an Infrastructure Contributions Plan
- minimum employment floor space in designated core areas
5.2 Planning Controls

The planning controls currently affecting the site are summarised below:

Local Planning Policy

A new local policy for Fishermans Bend has been introduced at **Clause 22.15** – Fishermans Bend Urban Renewal Area Policy. This policy implements the Vision set out in the Fishermans Bend Framework September 2018 and applies to all land in the Capital City Zone - Schedule 1 or the Design and Development Overlay Schedules 30, 32 and 33.

**Clause 22.15-4.1 Employment Floor Area**
Development in a Core Area should provide floor area for employment generating uses. The preferred minimum plot ratio set out for floor area not used for Dwelling in the Montague Precinct is 1.6:1.

**Clause 22.15-4.2 Community and Diversity**
To encourage diversity in dwelling types and adaptable floor plates proposals of more than 100 dwellings should provide 25% three-bedroom dwellings.

**Clause 22.15-4.3 Affordable Housing**
It is policy to assess proposals against the following:

- Provision of employment generating uses with a minimum plot ratio of 1.6:1 (minimum floor area ratio not used for Dwelling (in Core Areas) in Montague);
- Proposals of more than 100 dwellings should provide 25% as three-bedroom dwellings;
- Development should provide at least 6% of dwellings as Affordable Housing unless:
  o Built form on the site makes it impractical to do so
  o Provision of less than the minimum amount will still meet the affordable housing objectives of the policy
  o Demonstration that meeting the Affordable Housing objectives in the policy would render the proposal unviable.

It is policy to encourage development to provide Social Housing (in addition to Affordable Housing) by allowing a Social Housing uplift (an equivalent of 8 additional private dwellings for each Social Housing unit provided).

**Clause 22.15-4.4 – Design excellence**
To encourage varied built form, pedestrian scale environments and high-quality public realms.

**Clause 22.15-4.5 – Climate adept, water sensitive, low carbon, low waste community.**
Encourages proposals to be energy efficient, consider rising sea levels, flooding, water recycling and management and waste management.

**Clause 22.15-4.6 – Communal Open Spaces**
Encourages proposals to provide quality private and communal open spaces to supplement the public open space network.

**Clause 22.15-4.7 – Landscaping**
Encourages development proposals to provide landscaping in all areas of open space including public open space, communal open space and private open space.

**Clause 22.15-4.8 – New Street, Laneways and Pedestrian Connections**
Where proposed new laneways and pedestrian connections should be designed to enable views through street blocks; have active frontages, be open to the sky and allow for canopy tree planting.
Clause 22.15-4.9 – Sustainable Transport
Proposed development should not compromise the delivery of future public transport options; should provide for easy access and priority to bicycle and pedestrian movements; encourage developments to provide less than preferred maximum car park spaces and encourage developments to provide for the future conversion of car parking to alternative uses.

Zone
The site is located in Schedule 1 to the Capital City Zone – Fishermans Bend Urban Renewal Area in the Port Phillip Planning Scheme.

The purpose of CCZ1 is:

- To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.
- To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.
- To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.
- To provide public benefit in the form of Social housing where development exceeds the nominated Dwelling density.
- To support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.

Map 1: Montague Urban Structure in the zone provisions places the subject site in a Core Area with a Primary Active frontage (80% permeability) along Normanby Road.

Use of land must be generally in accordance with the Maps in the Schedule. A dwelling is a Section 1 use provided it is not located in a non-Core Area, located in an Amenity Buffer (Map 4), must not be located within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline (Map 5) and must not be within 100m of the Port Melbourne to Symex Holdings pipeline (Map 5).

Office and Retail uses are also Section 1 uses subject to similar buffer distances as a dwelling. A retail use must not exceed 1000sqm of gross leasable floor area and be located in a Core Area.

Dwelling density
Use and buildings and works of the land for a dwelling must not exceed a dwelling density of 450 dwellings per hectare in the Core Area for the Montague Precinct unless otherwise agreed with the Responsible Authority. The agreement would require the landowner to provide at least one Social Housing dwelling for every eight dwellings above the number of dwellings specified in the density.
The Terms of Reference for the Standing Advisory Committee considering site specific development proposals exempts development proposals from the dwelling density requirement set out in the planning controls introduced by Amendment GC81 (see 5.3 below).

Affordable Housing
A report that addresses how a development proposal contributes to Affordable Housing (including Social Housing) objectives and targets of the Fishermans Bend Urban Renewal Local Policy is required to be submitted with an application.

Bicycle, Motorcycle and Car share parking
Development must provide bicycle, motorcycle and car share facilities as set out below, unless the responsible authority is satisfied that a lesser number is sufficient.

Bicycle parking – 1 per dwelling and 1 per 10 dwellings for visitors
Motorcycle parking – 1 per 50 dwellings
Car share parking – 2 spaces plus 1 per 25 car spaces

Overlays
Clause 43.02 - Schedule 30 to the Design and Development Overlay (DDO30) - Fishermans Bend - Montague Precinct applies to the site.

The relevant design objectives include:

- To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.
- To ensure, in Montague North, a mix of mid and high-rise scales with hybrid and podium– tower typologies.
- To ensure built form protects where possible, sunlight penetration to key open space, spines and other identified public open spaces, streets and laneways, and facilitates comfortable wind conditions, to deliver a high-quality public realm.
- To encourage adaptable floorspace to facilitate a reduction in car dependence and an increase in commercial floor space over time.

The subject site is located in the M1 area for a building typology identified as Hybrid (predominantly mid-rise). The preferred precinct character is identified as:

Mid to high-rise developments. On larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.
The subject site is located in a **Building Height** area where 68m (20 storeys) is specified.

Preferred and maximum **street wall heights** for new development is based on existing and proposed road widths. For the subject site the preferred street wall height is at least 4 storeys and the maximum is 6 storeys for all street frontages.

Preferred **setbacks above the street wall** for the subject site is 10 metres with a minimum of 5 metres. Rear and side boundary setbacks are preferred at a minimum of 10 metres.

In terms of built form outcomes **wind effects on the public realm** that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting and standing are encouraged. Buildings that provide for the future conversion of parts of buildings accommodating non-employment uses to employment uses are encouraged.

A primary **active street frontage** (80% permeability) is specified.

Clause 45.03 – **Environmental Audit Overlay (EAO)** applies to the site.

Clause 45.10 - **Infrastructure Contributions Overlay Schedule (ICO1)** – Fishermans Bend Infrastructure Contributions Plan applies to the site.
Clause 45.09 – Schedule 1 to the Parking Overlay (PO1) – Fishermans Bend Urban Renewal Area applies to the site. The objectives of the PO1 are:

- To identify appropriate car parking rates for various uses in the Fishermans Bend Urban Renewal Area.
- To provide for the future adaptation of car parking to other uses and innovations in transport technology.
- To encourage alternative forms of parking to be provided including car share and consolidated precinct-based parking.

The maximum car parking spaces required for a dwelling is 0.5 car space to each 1- or 2-bedroom dwelling; 1 car space to each 3-bedroom dwelling; for an office it is 1 car space to each 100sqm of gross floor area and to a retail or restricted retail premises 1 car space to each 100sqm of gross floor area.

5.3 Advisory Committee – Terms of Reference

Land subject to permit applications called in by the Minister for Planning prior to the introduction of planning controls introduced by Amendment GC81 will be considered by the Advisory Committee. The Advisory Committee will consider applications referred to them within specific terms of reference. These applications will be considered subject to the applications:

a) Responding to local policy;

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; and

c) Making appropriate development contributions.

Proponents will be encouraged but not required to propose developments to generally be in accordance with the Fishermans Bends Framework, to provide new roads and laneways and to prepare a site-specific planning control which responds to the new planning controls as set out in a), b) and c) above.
6.0 Consideration of the proposed development

The revised development proposal responds to local policy and demonstrates compliance with the objectives and requirements of the CCZ, DDO and the PO for Fishermans Bend in line with the terms of reference for the Advisory Committee as follows:

6.1 Fishermans Bend Urban Renewal Area Policy

6.1.1 Employment Floor area
Retail and commercial tenancies are proposed at ground level at each street frontage and in the podium. A total of 2086sqm of floor area is proposed. This equates to a ratio of 1.7:1.

6.1.2 Affordable Housing
The client is investigating the provision of affordable housing and has commenced discussions with Housing Associations and Providers. There is interest from associations/providers in managing and/or receiving as a gift affordable housing units. The interest is for the affordable housing units to be one bedroom, preferably being located in the podium (for ease of management) and for the lots to be structured in a separate Owners Corporation with reduced fees that exclude access to services (i.e. the gym, residents lounge/dining and barbecue area, etc). However, should a resident want there could be an option to opt in to use these facilities for a service charge.

A total of 171 dwellings is proposed in the development. This consists of 31 one-bedroom dwellings (21%), 98 two-bedroom dwellings (59%) and 42 three-bedroom dwellings (21%). The dwelling types are spread across the development allowing for flexibility in layout in the future.

To accommodate several scenarios, a condition has been drafted to be included in the Incorporated Document as part of this planning scheme amendment. The condition will provide for the owner to enter into a Section 173 Agreement that contains covenants to be registered on the titles to the property to provide for the scenarios. This is proposed as:

Affordable housing

1. Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner must:
   
a. enter into an agreement under Section 173 of the Planning & Environment Act 1987 to the satisfaction of the Responsible Authority;
   
b. register the agreement in the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
   
c. provide the Responsible Authority with the dealing number confirming the registration on the title(s).

The agreement must be in a form to the satisfaction of Responsible Authority, and the owner will be responsible for the expense of preparation and registration of the agreement, including the Responsible Authority’s reasonable costs and expenses (including legal expenses) incidental thereto. The agreement must contain covenants to be registered on the title(s) to the property, and must provide for the following scenarios:

1. by the time of residential occupation of the building, not less than 6% (in the form of one bedroom dwellings) of the total number of dwellings (rounded down to the nearest whole number) must be
made available for affordable housing (within the meaning described in section 3AA of the Planning
and Environment Act 1987), for a period of not less than 10 years and managed by the owner of the
dwelling subject to relevant legislation, or managed by a registered Housing Association, Housing
Trust and/or Housing Provider, for the purposes of moderate income households (as defined); or

2. by the time of residential occupation of the building, not less than 6% (in the form of one-bedroom
dwellings) of the total number of dwellings (rounded down to the nearest whole number) must have
been sold to a registered Housing Association, Housing Trust and/or Housing Provider, at a discount
of 30% to market value of the dwellings as determined by an independent valuer, they being one
bedroom dwellings with an allocated bicycle parking space; or

3. in the event the owner/developer elects not to make available the affordable housing outlined in
scenario (1), or fails to sell 6% of the total number of dwellings contemplated in scenario (2), then 2%
(in the form of one bedroom dwellings) of the total number of dwellings (rounded down to the
nearest whole number) must by the time of residential occupation of the building have been
gifted/transferred to a registered Housing Association, Housing Trust and/or Housing Provider to be
made available for affordable housing (as defined).

Given the proposed development exceeds the height control of 20 storeys, we respectfully submit the
client’s intentions to provide a component of affordable housing within the development contributes to
the Fishermans Bend policies to provide a range of dwelling types to create diversity and inclusiveness
within the community and an overall net community benefit.

6.1.3 Design excellence
The architects have prepared a design that is contemporary and responds to the current policy for new
development in Fishermans Bend.

The proposed building height of 36 storeys also responds to the 40-storey approved development
proposal on the adjoining site to the north east by building to the boundary at podium and tower levels
against the approved 40 storey blank wall.

6.1.4 Sustainability
The proposal will meet environmental standards and be energy efficient. Similar materials and finishes
and treatments as proposed in the current application will be applied to this proposal. Allowance is made
for the installation of a rain tank in the basement and appropriate waste facilities at ground level.

Quality private open spaces (each dwelling has a balcony space ranging from 8sqm to 60 sqm in area)
and communal landscaped terraces on Level 4 will supplement the public open space network proposed
for Fishermans Bend.

6.1.5 Sustainable Transport
The proposal gives importance to cycle and pedestrian movements with the provision of bicycle parking.
It is proposed to provide at least one bicycle parking space per dwelling. This meets the requirement one
space per dwelling in the planning scheme and given the site’s location adjacent to the principal public
transport network is considered reasonable.

6.2 Capital City Zone

The proposed development will contribute to the purpose of the zone as it generally meets the
requirements of the planning scheme, i.e. it will contribute to the urban renewal of the area providing a
liveable, connected and diverse development. The proposed development contributes to dwelling
diversity and proposes a component of affordable housing. It provides diversity of use and employment
opportunity with retail and commercial uses proposed at ground level and in the podium on street
frontages. The proposed development complements the approved and higher development (40 storeys)
to its immediate north-east by building to the blank wall.
6.3 DDO30

6.3.1 Building heights, setbacks etc
At 36 storeys the proposed development does not meet the height requirement of 20 storeys for this site. However, the approved 40 storey development on the adjoining site was designed with the assumption an adjoining development of similar height would be proposed and approved. The endorsed plans show a blank wall to boundary on the subject site’s north-east boundary. This proposal has been designed to abut the approved development next door completing a vision first conceived and considered years ago.

The proposed development meets the street wall height of a minimum of 4 storeys and a maximum of 6 storeys at 5 storeys.

The proposed development meets the minimum requirement of a 5m setback above the street wall height in Normanby Road.

The proposed development does not meet the minimum preferred side boundary setback of 10 metres – at 0m to the north-east boundary and 5.5m to 7.5m on the south-west boundary. The site is small, and the design of the proposed development is responding to context. The adjoining site has approval for a 40-storey building and has commenced construction. The proposed development abuts the blank wall proposed to its north-east boundary (refer to the elevation drawings no S06_A10.01 and S06_A10.02). There are no unreasonable equitable development impacts to the adjoining site to the south-west as this is a larger site.

6.3.2 Active street frontage
The site has a primary active street frontage in Normanby Road with the proposal providing more than 80% active frontage.

6.3.3 Wind Effects
A Wind Impact Statement for the revised development proposal has been prepared by Vipac Engineers and Scientists and is attached to this submission (dated 4th July 2019). The Statement applies the assessment criteria contained in Clause 43.02 – Schedule 30 of the Port Phillip Planning Scheme. Vipac conclude that at ground level with a number of wind mitigation measures features such as setback entrances the ground level is expected to be within the recommended walking comfort criterion. The entrances are expected to be within the recommended standing comfort criterion. With the wind mitigation features at podium level (porous wind screens and pergola), the wind environment is expected to be within the recommended walking comfort criterion.

6.4 Parking Overlay
A total of 40 car parking spaces are provided at Levels 1, 2, 3 and 4 in the podium. Thirty car parking spaces are proposed to be allocated to dwellings (at an approximate rate of 0.2). This meets the objectives of the Parking Overlay.

Ten car spaces have been allocated to retail and office uses with four of these car spaces dedicated as car sharing spaces. Given the site’s location adjacent to the tram network this is considered reasonable.
7.0 Proposed Planning Scheme Amendment

The proposed ‘planning pathway’ for this project anticipates that the Minister for Planning will be the Planning Authority for a Planning Scheme Amendment that will introduce a site-specific control via an Incorporated Document enabling the use and development of the land at 248-254 Normanby Road South Melbourne.

The use of an Incorporated Document (and attendant nomination in the schedule to Clause 72.04) as the mechanism by which the use and development of the land is regulated preserves the existing or underlying zoning of the affected land. Indeed, the express purpose of Clause 72.04 is to provide for ‘extraordinary circumstances’ such as this (where the Minister has “called in” the application and advised of an alternative process by which a development may be approved).

In this instance, the Incorporated Document will include text stating what the land can be used for, any conditions relating to the various land uses and how the land may be developed. The Incorporated Document will include plans setting out additional parameters within which the land is to be used and developed.

A draft Incorporated Document along with the plans is submitted as part of this request. We acknowledge that the final conditions to be included will be confirmed through the Advisory Committee process and in conjunction with DELWP officers. The full Amendment documentation (i.e. Explanatory report, etc) will also be drafted in conjunction with DELWP officers.

The current planning controls affecting the site render the development proposed in planning application no. 201535831 prohibited. Our client has now made significant amendments to the development proposed to align with the new planning controls. Whilst contemplating a height above the 20-storey height control now in the planning scheme, the proposed development sits comfortably adjacent to the approved development with a blank wall at 199-201 Normanby Road. In addition, the proposed affordable housing component contributes to the diversity of use and inclusive community that policy aims to achieve.

The initial planning application was made in 2015, nearly four years ago. Given the time it has taken since the initial submission of the planning application and the uncertain approvals environment since that time the landowner has had to re-negotiate the lease for the site. The landowner cannot afford to allow the site to be vacant whilst a site-specific planning scheme amendment is considered. Given this we request that any condition requiring a time frame for the commencement of development be not less than five years. To this end a draft condition has been included in the draft Incorporated Document.
8.0 Conclusion

This submission represents an overview of the development proposed in planning application (no. 201535831) which has been amended to respond to local policy and planning requirements of the planning scheme and the terms of reference of the advisory committee established by the Minister for Planning. This submission supports a site-specific planning scheme amendment for the approval for demolition of the existing building 203-205 Normanby Road, South Melbourne, and buildings and works associated with the construction of a multi-level mixed use development and use of the land for multiple dwellings and alteration of access to a road.

The proposal does not comply with the 20-storey building height. It does however propose an affordable housing component and a building which logically abuts the adjoining approved development at 199-201 Normanby Road. The development proposed complies with front and rear boundary setbacks, street wall heights and activation of all street frontages as required by the planning scheme. Side boundary setbacks respond to the site’s context. The preferred minimum plot ratio set out for floor area not used for Dwelling in the Montague Precinct is 1.6:1. The development proposes 1.7:1. Whilst not meeting the preferred minimum floor area plot ratio of 1.6:1 for employment generating uses, the design does propose employment generating uses to both street frontages (Normanby Road and Woodgate Street) at ground level and in the podium. We respectfully submit this complies with the requirement for activation in the Core Area in Normanby Road.

Of the 175 dwellings proposed 25% are proposed to be three-bedroom dwellings complying with policy.

The draft Incorporated Document includes a few draft conditions including a proposed affordable housing Section 173 Agreement and a Permit Expiry condition. We request that at least 5 years be considered for the expiry date for commencement of development given the lapse in time from the initial planning application to the present has meant that re-negotiated leases have been executed for the site. Otherwise the final conditions to be included on the planning permit are to be confirmed in collaboration with DELWP officers and through the advisory committee process.

We submit the development proposed in this amendment request meets the aspirations for the Montague Precinct in Fishermans Bend and will provide a positive beginning for the Area’s renewal.