



MEETING OF THE PORT PHILLIP CITY COUNCIL

AGENDA

20 AUGUST 2025



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MEETING OF THE PORT PHILLIP CITY COUNCIL 20 AUGUST 2025



Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision-making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time and Submissions

Provision is made at the beginning of the meeting for general question time from members of the public.

All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.

If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:

[Request to speak at a Council meeting - City of Port Phillip](#)





MEETING OF THE PORT PHILLIP CITY COUNCIL

To Councillors

Notice is hereby given that a **Meeting of the Port Phillip City Council** will be held in **St Kilda Town Hall and Virtually via Teams** on **Wednesday, 20 August 2025 at 6:30pm**. At their discretion, Councillors may suspend the meeting for short breaks as required.

AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**
Minutes of the Meeting of the Port Phillip City Council 6 August 2025.
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PUBLIC QUESTION TIME AND SUBMISSIONS**
- 5 **COUNCILLOR QUESTION TIME**
- 6 **SEALING SCHEDULE**
Nil
- 7 **PETITIONS AND JOINT LETTERS**
Nil
- 8 **PRESENTATION OF CEO REPORT**
Nil
- 9 **A HEALTHY AND CONNECTED COMMUNITY**
Nil
- 10 **AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY**
Nil
- 11 **A SAFE AND LIVEABLE CITY** 5
 - 11.1 *Dog Off-Leash Area Changes* 6
 - 11.2 *Balaclava & East St Kilda Urban Forest Precinct Plan*..... 24
 - 11.3 *PDMR/00002/2024 - Ministerial Referral for Planning Scheme Amendment C218port*..... 188
 - 11.4 *Planning Scheme Amendment C224port - Anomaly Correction*..... 328

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12 A VIBRANT AND THRIVING COMMUNITY

Nil

13 AN ENGAGED AND EMPOWERED COMMUNITY 491

13.1 *Audit and Risk Committee - Annual Review of the Committee Charter..... 492*

13.2 *Audit and Risk Committee - Biannual Report as at 30 June 2025..... 508*

13.3 *Councillor Expenses Monthly Reporting - July 2025..... 513*

14 A TRUSTED AND HIGH PERFORMING ORGANISATION

Nil

15 NOTICES OF MOTION

Nil

16 REPORTS BY COUNCILLOR DELEGATES

17 URGENT BUSINESS

18 CONFIDENTIAL MATTERS

Nil



1. APOLOGIES

2. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the minutes of the Meeting of the Port Phillip City Council held on 6 August 2025 be confirmed.

3. DECLARATIONS OF CONFLICTS OF INTEREST

4. PUBLIC QUESTION TIME AND SUBMISSIONS

5. COUNCILLOR QUESTION TIME

6. SEALING SCHEDULE

Nil

7. PETITIONS AND JOINT LETTERS

Nil

8. PRESENTATION OF CEO REPORT

Nil

9. A HEALTHY AND CONNECTED COMMUNITY

Nil

10. AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY

Nil

11. A SAFE AND LIVEABLE CITY

11.1	<i>Dog Off-Leash Area Changes</i>	6
11.2	<i>Balaclava & East St Kilda Urban Forest Precinct Plan</i>	24
11.3	<i>PD MR/00002/2024 - Ministerial Referral for Planning Scheme Amendment C218port</i>	188
11.4	<i>Planning Scheme Amendment C224port - Anomaly Correction</i>	328



11.1 DOG OFF-LEASH AREA CHANGES

EXECUTIVE MEMBER: KYLIE BENNETTS, GENERAL MANAGER, COMMUNITY WELLBEING AND INCLUSION

PREPARED BY: CLAIRE ULCOQ, COORDINATOR OPEN SPACE
DIRK CUMMINS, COORDINATOR LOCAL LAWS & ANIMAL MANAGEMENT
DANA PRITCHARD, MANAGER OPEN SPACE RECREATION AND COMMUNITY RESILIENCE

1. PURPOSE

- 1.1 To seek Council's approval of amendments to Council Order No. 5 to give effect to changes to dog on and off-leash areas (designated areas and prohibited areas).

2. EXECUTIVE SUMMARY

- 2.1 The City of Port Phillip has a statutory obligation to administer and enforce the *Domestic Animals Act 1994* (the Act). Pursuant to section 26 of the Act Council may make an Order in respect to specified places in which dogs are to be managed.
- 2.2 At the [21 August 2024 Ordinary Meeting of Council](#), Council endorsed and adopted the [Dog Off-Leash Guideline](#) (the Guideline). The Guideline outlines Council's position on the provision, distribution, design and management of dog facilities in public open spaces.
- 2.3 In endorsing the Guideline, Council approved Council officers to undertake community engagement on several proposed changes to dog on and off-leash restrictions across the municipality.
- 2.4 Community engagement was held from 8 March until 11 April 2025, where Council heard from over 370 people through the Have Your Say survey, email submissions and face to face discussions at four pop-up sessions.
- 2.5 The feedback has been reviewed and sites re-assessed against the Guideline.
- 2.6 The recommendation is for no changes to the current conditions at SS Anderson (Pitch 1) at JL Murphy Reserve, North Port Oval, Robinson Reserve and Howe Crescent Reserve West.
- 2.7 The following changes are recommended:
- Fennell Reserve in Port Melbourne to be designated as a dog off-leash area.
 - The section of Port Melbourne beach between Station Pier and Bay Street to be designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
 - The section of Elwood Beach between Point Ormond to the rock groyne in front of Elwood Angling Club to be designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
 - The Community Synthetic Ground (Pitch 3) at JL Murphy Reserve to be changed to a dog prohibited area.



- 2.8 To bring these changes into effect, an updated Council Order is required. The updated Council Order (**Attachment 1**) includes amendments to Schedule 1 Designated Areas and Schedule 2 Prohibited Areas to reflect these recommendations.
- 2.9 Further work and community engagement is required to investigate future dog off-leash areas across the municipality, particularly in Elwood and South Melbourne.
- 2.10 Since 1 September 2024, the gates have been locked open at Eastern Reserve North between 7:30 PM and 7:00 AM. These times are in line with when the Reserve becomes an on-leash area and was put in place to mitigate concerns from nearby residents around noise, user behaviour and the condition of the Reserve.
- 2.11 The trial is now complete, and it is recommended that this arrangement becomes permanent at Eastern Reserve North.
- 2.12 Separate to this report, at its Ordinary Council Meeting on 6 August 2025, Council approved a new Domestic Animal Management Plan (the DAMP) that outlines Council's programs and policies for the management of dogs and cats over a four-year period.
- 2.13 In approving the DAMP, Council committed to changing several restrictions relating to dogs and cats. To bring these into effect, updates to the Council Order are also required. The relevant DAMP actions to be included in the Order are a change of cat curfew times to 'sunset to sunrise' and reduce the number of dogs that can be walked without a permit from six to four, with a permit up to eight dogs can be walked.

3. RECOMMENDATION

That Council:

- 3.1 Adopts Council Order No. 5 (**Attachment 1**) under section 26 of the *Domestic Animals Act 1994* and authorises the Chief Executive Officer (or delegate) to make any minor editorial amendments to finalise Council Order No. 5 for gazettal.
- 3.2 Notes the gazettal will make the following updates to dog off leash areas:
 - 3.2.1 Fennell Reserve in Port Melbourne to be designated as a dog off-leash area.
 - 3.2.2 The section of Port Melbourne beach between Station Pier and Bay Street to be designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
 - 3.2.3 The section of Elwood Beach between Point Ormond to the rock groyne in front of Elwood Angling Club to be designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
 - 3.2.4 The Community Synthetic Ground (Pitch 3) at JL Murphy Reserve to be changed to a dog prohibited area.
- 3.3 Notes the gazettal will also include approved amendments to the 'cat curfew' and 'commercial dog walking' restrictions approved by Council's Domestic Animal Management Plan at Council's Ordinary Council Meeting on 6 August 2025.
- 3.4 Notes that Order No. 5 will be published in the Government Gazette and in a newspaper circulating in the municipal district of Council.
- 3.5 Notes that Council Order No. 5 will take effect, once published in the Government Gazette, and Council Order No. 4 will subsequently cease at that time.



- 3.6 Notes that no changes will be made to the current conditions at SS Anderson (Pitch 1) at JL Murphy Reserve, North Port Oval, Robinson Reserve and Howe Crescent Reserve West.
- 3.7 Requests Council officers investigate changing Anzac Gardens in South Melbourne, Point Ormond Reserve and the section of beach north of the Point Ormond rock groyne in Elwood to a dog off-leash area, subject to heritage advice and community engagement.
- 3.8 Resolves to make the current gate opening arrangement (7:30 PM to 7:00 AM) a permanent operational measure at Eastern Reserve North.
- 3.9 Notes that when the *Places for People: Public Space Strategy 2022-32* is next reviewed it will include an updated action to continue to undertake further planning work to identify appropriate sites for dog off-leash areas across the municipality.

4. KEY POINTS/ISSUES

Dog Off-Leash Guidelines

- 4.1 At the [21 August 2024 Ordinary Meeting of Council](#), Council endorsed and adopted the [Dog Off-Leash Guideline](#) (the Guideline). The purpose of the Guideline is to provide clear principles that guide how Council will make provision for dogs to be off-leash in public open spaces.
- 4.2 These principles help guide Council officer's assessment when identifying sites for new dog off-leash areas and ensure dog off-leash areas are safe, inclusive and well-integrated into the broader public space network. The principles include:
 - Diverse – a range of experiences will be provided for our dog community through our network of diverse public spaces.
 - Impact and suitability – dog off-leash areas should be at sites which are suitable for expected use and consider dog needs, potential benefits and potential impacts to the site, other users and surrounds.
 - Safe – the safety of people and dogs will be prioritised when planning and designing dog off-leash areas.
 - Environment and heritage – dog off-leash areas should not impact on areas of historical value and environmental significance.
 - Quality – dog off-leash areas will consider all users of the space, providing spaces for dogs which are well designed and fit for purpose and ensuring grounds with other primary uses are not impacted by dog usage.
 - Shared responsibility – education communication programs and enforcement will be used to promote accountability and respect between all users of dog off-leash areas.
 - Well managed – dog off-leash areas will be well managed and will enhance usage.

Proposed changes

- 4.3 During community engagement on the Guideline, Council officers heard that there is demand for both more and less dog off-leash areas across the municipality including on our beaches, requests for more fenced dog off-leash areas, concerns about dog



owner control/compliance and impacts of dogs on sports grounds and residential amenity.

- 4.4 There are also conflicts between the shared use of specialised sports fields that have a premier playing level surface (meaning they host elite sport) as dog off-leash spaces. It is difficult to maintain these sports fields to the high standard they need to be kept at when dogs are also using the space.
- 4.5 To address these challenges, at the 21 August 2024 Ordinary Meeting, Council requested that community engagement be undertaken on the following proposed changes to dog on and off-leash restrictions across the municipality:

Table 1 – Changes which were consulted on:

Site	Current status	Proposed change
SS Anderson (Pitch 1) at JL Murphy Reserve, Port Melbourne	Off-leash (outside of sport times)	Dogs prohibited at all times
Community Synthetic Ground (Pitch 3) at JL Murphy Reserve, Port Melbourne	Off-leash (outside of sport times)	Dogs prohibited at all times
North Port Oval, Port Melbourne	On-leash (outside of sport times)	Dogs prohibited at all times
Robinson Reserve, Elwood	On-leash	Fenced dog off-leash area
Fennell Reserve, Port Melbourne	On-leash	Fenced dog off-leash area
Howe Crescent Reserve West, South Melbourne	On-leash	Fenced dog off-leash area
Port Melbourne Beach between Station Pier and Bay Street	Dogs prohibited at all times in summer; off-leash all other times	Dogs permitted off-leash in summer from 7.30pm – 10am, no changes to other restrictions
Elwood Beach between Point Ormond to the rock groyne in front of Elwood Angling Club	Dogs prohibited at all times in summer; off-leash all other times	Dogs permitted off-leash in summer from 7.30pm – 10am, no changes to other restrictions

- 4.6 Community engagement was held from 8 March until 11 April 2025 with over 370 participants providing feedback. The findings of this process are presented in **section 5** of this report.

Recommendations

- 4.7 Based on the community engagement feedback and assessment against the Guideline the following is recommended:

SS Anderson (Pitch 1) at JL Murphy Reserve, Port Melbourne

- 4.8 It is recommended that no changes are made to the current dog off-leash status of SS Anderson (Pitch 1) at JL Murphy Reserve.



- 4.9 Pitch 1 is a specialised soccer field that hosts elite sport, used for National Premier League competition games and training by Port Melbourne Sharks Soccer Club. The change was proposed to reduce maintenance on the ground and to ensure it was fit-for-purpose.
- 4.10 28% of participants during community engagement supported the proposal.
- 4.11 We heard that dogs damage the sports field surface and leave waste. We also heard that the site should remain a dog off-leash area when it is not being used for sport to cater for growing demand in Fishermans Bend.
- 4.12 This option has been reassessed against the Guideline and the recommendation to not make change is based on ensuring there is no net loss of green spaces for off leash dogs in the community.
- 4.13 Retaining the current designation of Pitch 1 as a dog off-leash area will help balance the loss of dog off-leash area from Pitch 3.
- 4.14 It is recommended that this designation is reassessed once new public space, including dog off-leash areas, comes online as part of the Fishermans Bend Masterplan.

Community Synthetic Ground (Pitch 3) at JL Murphy Reserve, Port Melbourne

- 4.15 It is recommended that the Community Synthetic Ground (Pitch 3) at JL Murphy Reserve be changed to a dog prohibited area.
- 4.16 Pitch 3 is a fully synthetic multi-purpose field that is used for soccer.
- 4.17 27% of participants during community engagement supported the proposal. We heard that Pitch 3 should no longer be a dog off-leash area due to the recent investment by Council. We also heard that the synthetic surface provides a safe place for people to walk their dogs on-leash.
- 4.18 This option has been reassessed against the Guideline, and the recommendation is based on:
- The site not aligning with the impact and suitability principle as its primary use as a synthetic sports field is not compatible with dogs off-leash.
 - The synthetic turf surface means it is not compatible for dogs due to safety and hygiene concerns.
 - The surface can become very hot, is harder than natural grass and offers less traction, increasing the risk of injury.
 - The surface does not absorb waste, making it harder to clean and maintain sanitary conditions which would impact on its primary use as a community sports ground.
- 4.19 Designating Pitch 3 as a dog prohibited area would result in a loss of approximately 6,800m² of dog off-leash area from JL Murphy Reserve.

North Port Oval, Port Melbourne

- 4.20 It is recommended that no changes are made to the current dog on-leash only status of North Port Oval.
- 4.21 North Port Oval is home to Port Melbourne Football Club in winter and Port Melbourne Cricket Club in summer. It is used for elite sport, hosting VFL and VFLW matches in



winter. The change was proposed to reduce maintenance on the ground and to ensure it was fit-for-purpose. It was also proposed as owners are not adhering to the on-leash status of the oval.

- 4.22 23% of participants during community engagement supported the proposal. We heard that there is a lack of public knowledge that North Port Oval is available for general community use outside of sports training and match times.
- 4.23 Retaining the current designation of North Port Oval as a dog on-leash area will help balance the loss of dog off-leash area from Pitch 3 at JL Murphy Reserve.
- 4.24 Council officers are undertaking planning to inform the future use of public open spaces in Fishermans Bend which will include identifying opportunities for dog off-leash areas.
- 4.25 It is recommended that this designation is reassessed once new public space, including dog off-leash areas, comes online as part of the Fishermans Bend Masterplan.

Robinson Reserve, Elwood

- 4.26 It is recommended that no changes are made to the current dog on-leash status of Robinson Reserve in Elwood. It is proposed that Council officers undertake further planning work to identify future opportunities for dog off-leash areas in Elwood, including Point Ormond Reserve and the section of beach north of the Point Ormond rock groyne.
- 4.27 80% of participants during community engagement supported the proposal. However, almost one-third of these responses came from people who said they travel past the Reserve, used to visit the Reserve or do not have a connection to the Reserve.
- 4.28 This option has been reassessed against the Guideline and the recommendation is based on:
- Safety concerns for dogs being adjacent to Marine Parade and Glen Huntly Road.
 - Poor pedestrian accessibility.
 - Traffic noise may impede a dog's recall.
 - Location to existing residential dwellings (approximately 16 metres).
- 4.29 The community also shared that there are not enough dog off-leash areas in Elwood, particularly in the area between Brighton Road, Barkly Street and Glen Huntly Road. To address this, Council officers will continue to look for opportunities for dog off-leash areas in Elwood. Initial investigations will focus on Point Ormond Reserve and the section of beach north of the Point Ormond rock groyne, subject to expert advice and community engagement.

Fennell Reserve, Port Melbourne

- 4.30 It is recommended that Fennell Reserve in Port Melbourne is changed to a fenced dog off-leash area.
- 4.31 86% of participants during community engagement supported the proposal.
- 4.32 This option has been reassessed against the Guideline and the recommendation is based on:
- Location to existing residential dwellings (approximately 40 metres).



- Easy access with good connections to existing pedestrian paths.
 - Good visibility from surrounding areas.
 - Established vegetation and trees to provide shade and areas of interest for dogs.
 - Room for dogs to run.
 - Existing park infrastructure (seating, tables, bins).
 - Does not impact on areas of historical value or environmental significance.
- 4.33 Designating Fennell Reserve as a dog off-leash area will transform approximately 5,100m² of dog on-leash area into dog off-leash area. This will help offset the loss of dog off-leash area from Pitch 3.
- 4.34 If endorsed, work will commence on a separate project to deliver a fenced dog park at Fennell Reserve. Funding for this project is committed in *Plan for Port Phillip 2025 – 35* under a five-year rolling program to deliver new fenced dog parks. \$60K is committed for design in 25/26, with \$450K committed for construction in 26/27. Until the fencing project is completed, as with a range of other locations in the municipality, dog owners will need to exercise their own discretion as to whether being off leash is appropriate for their dog(s).
- 4.35 Constructing a fenced dog park in Fennell Reserve may help relieve the pressure on Eastern Reserve North in South Melbourne, which is one of only two existing fenced dog parks in the municipality.

Howe Crescent Reserve West, South Melbourne

- 4.36 It is recommended that no changes are made to the current dog on-leash status of Howe Crescent Reserve West in South Melbourne. It is proposed that Council officers undertake further planning work to identify future opportunities for dog off-leash areas in South Melbourne, including Anzac Gardens.
- 4.37 62% of participants during community engagement supported the proposal. However, over one-third of these responses came from people who said they used to visit the Reserve or do not have a connection to the Reserve. We heard that the local community have concerns about the amenity impacts of the Reserve becoming a fenced dog off-leash area.
- 4.38 This option has been reassessed against the Guideline and the recommendation is based on:
- Location to existing residential dwellings (approximately 17 metres).
 - Located within a heritage overlay.
 - Safety concerns for dogs as the Reserve is adjacent to the tram line.
 - Size (0.28ha) does not allow the space to be shared or provide sufficient room for dogs to run.
- 4.39 Council officers will continue to look for opportunities for dog off-leash areas in South Melbourne. Initial investigations will focus on Anzac Gardens, subject to heritage advice and community engagement.

Port Melbourne Beach



- 4.40 It is recommended that the section of Port Melbourne beach between Station Pier and Bay Street is designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
- 4.41 76% of participants during community engagement supported the proposal.
- 4.42 This option has been reassessed against the Guideline and the recommendation is based on:
- Increases the total area in Port Melbourne where dogs are permitted to be off-leash in summer.
 - Site is suitable for the expected use (accessible, good visibility, room for dogs to run, sufficient buffers from residential properties, does not impact on areas of historical value or environmental significance).

Elwood Beach

- 4.43 It is recommended that the section of Elwood Beach between Point Ormond to the rock groyne in front of Elwood Angling Club is designated as a dog off-leash area between 7:30 PM and 10:00 AM the next day during summer (1 November to 31 March).
- 4.44 78% of participants during community engagement supported the proposal.
- 4.45 This option has been reassessed against the Guideline, and the recommendation is based on:
- Provides a physical barrier to delineate where dogs are permitted to be off-leash on Elwood Beach during summer, meaning enforcement will be clearer for all users.
 - Increases the total area in Elwood where dogs are permitted to be off-leash in summer.
 - Site is suitable for the expected use (accessible, good visibility, room for dogs to run, sufficient buffers from residential properties, does not impact on areas of historical value or environmental significance).
- 4.46 This recommendation also responds to a petition tabled at the [20 August 2024 Ordinary Meeting of Council](#) requesting that Council extend the dog off-leash area on Elwood Beach during the summer period.

Proposed amendments to the Council Order

- 4.47 Council has a statutory obligation to administer and enforce the Act. Pursuant to section 26 of the Act Council may make an Order in respect to specified places in which dogs are to be managed.
- 4.48 Council Order No. 5 will include amendments to Schedule 1 Designated Areas and Schedule 2 Prohibited Areas to reflect the Council officer recommendations.
- 4.49 These amendments would:
- Transform approximately 5,100m² of dog on-leash area into dog off-leash area.
 - Change approximately 6,800m² of dog off-leash area to dog prohibited area.



Eastern Reserve North

- 4.50 At the 21 August 2024 Ordinary Meeting of Council, Council agreed to trial locking the gates open at Eastern Reserve between 7:30 PM and 7:00 AM from 1 September 2024 to 31 March 2025.
- 4.51 These times are in line with when the Reserve becomes an on-leash area and was put in place to mitigate concerns from nearby residents around noise, user behaviour and the condition of the Reserve.
- 4.52 The trial is now complete, and Council officers have received positive feedback from the community in relation to the trial.
- 4.53 It is recommended that this arrangement becomes permanent at Eastern Reserve North. This recommendation has been made because locking the gates open when the Reserve is dog on-leash only is effective in reducing noise and amenity concerns.

Next steps

- 4.54 Prior to summer, signage will be updated at each of these sites and at high use dog-off leash areas across the municipality.
- 4.55 Planning and concept designs will begin for the upgrade of Fennell Reserve to a fenced dog off-leash area, with construction due to begin in the 26/27 financial year.
- 4.56 Council officers will investigate changing Anzac Gardens in South Melbourne, Point Ormond Reserve and the section of beach north of the Point Ormond rock groyne in Elwood to a dog off-leash area, subject to heritage advice and community engagement.
- 4.57 When the *Places for People: Public Space Strategy 2022-32* is reviewed it will include an updated action to continue to undertake further planning work to identify appropriate sites for dog off-leash areas across the municipality. This work will include consideration of off leash options in Elwood, South Melbourne and Fishermans Bend.

Additional amendments to the Order approved by the DAMP

- 4.58 Council's existing Council Order No. 4 requires cat owners to securely confine cats to their owner's premises between the hours of 9pm and 6am the following day. Objective 2.3 of the DAMP amends the new Council Order No. 5 to require a curfew from sunset to sunrise to further reduce predation.
- 4.59 An existing Local Law 23 – Commercial Dog Walkers requires a Permit to walk 7 or more dogs at one time. Objective 12.1 of the DAMP will amend Council Order No. 5 to reduce the number of dogs that can be walked without a permit from six to four, with a permit up to eight dogs can be walked, - to support dog walkers being able to have effective control of their animals in public places and improve community safety outcomes.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Over 2,856 people were engaged over three phases of community engagement during the development of the Guideline.
- 5.2 Community engagement on the proposed changes to dog on and off-leash restrictions was held from 8 March until 11 April 2025.
- 5.3 During this process we heard from over 370 people through the Have Your Say survey, email submissions, on-site meetings with community members, and face to face



discussions at four pop-up sessions held through Council's Neighbourhood Engagement Program.

- 5.4 An engagement summary report has been published on Council's [Have Your Say page](#).
- 5.5 Council officers have also met with representatives from the CoPP Dog Network, post the publishing of the engagement results. The CoPP Dog Network would like to see:
 - No net loss of dog off-leash area across the municipality.
 - Changes be made in line with the community engagement feedback.
- 5.6 Feedback has also been received from residents adjoining Howe Crescent Park, who object to this park being changed into a fenced dog area, stating that it is unsuitable for this use due to - Loss of open community space; noise and disturbance; environmental impact; traffic and safety concerns; and more suitable alternative locations.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council has made a commitment in the *Places for People: Public Space Strategy 2022 – 2032* to design and manage our public spaces for all people and their needs in mind.
- 6.2 The amendments to the Council Order reflect a balance between the needs of dog owners and non-dog owners and the broader community, environment and other user groups.
- 6.3 To amend the Council Order, the process includes:
 - Identify what the amendment is to be made (*identified at the 21 August 2024 Ordinary Meeting of Council*).
 - Identify who is affected by the amendment (*identified through the community engagement process*).
 - Consult with the persons who are affected by using Council's Community Engagement Policy (*undertaken from 8 March to 11 April 2025*).
 - Compile the responses, prepare the report and recommendation and attach an amended version of the Order and draft the resolution(s) (**Attachment 1**).
 - Ensure that when the decision is made, the interests of those who are directly affected by the decision are considered and taken into account.

7. FINANCIAL IMPACT

- 7.1 The *Plan for Port Phillip 2025 – 35* includes:
 - \$1.51 million over the next five years to deliver a program of new fenced dog parks across the City to cater for growing demand.
 - \$200K to implement actions from the Dog Off-Leash Guideline, including engagement, signage and changes to off-leash areas.

8. ENVIRONMENTAL IMPACT

- 8.1 The Guideline includes an environment and heritage principle which states 'dog off-leash areas should not impact on areas of historical value and environmental significance'. This is supported by assessment criteria to ensure that dog off-leash



areas do not impact on areas of flora and fauna habitat or heritage value. These has been considered during the assessment process.

- 8.2 The design of a fenced dog off-leash area at Fennell Reserve will be fit for purpose and include trees and greenery to ensure dogs, and their owners, are comfortable when visiting these spaces.

9. COMMUNITY IMPACT

- 9.1 The City of Port Phillip has the highest density of dogs out of all greater Melbourne local government areas. There are significant social and health benefits associated with owning dogs, with dog owners meeting more people and having increased exercise because of their dog.
- 9.2 Providing a mix of spaces for dogs across a mix of spaces in the municipality, including on-leash areas, off-leash areas and some areas where dogs are not permitted at all, ensures that Council is supporting the social and health benefits of dogs and their owners.
- 9.3 The principles and supporting assessment criteria in the Guideline have been considered during the assessment process to ensure community impact is minimised, including distance from residential properties, exclusion zones or high-risk areas; accessibility; and visibility.

10. GENDER IMPACT ASSESSMENT

- 10.1 Council officers prepared a Gender Impact Assessment (GIA) to inform the preparation of the Guideline. These considerations have informed the proposed changes to dog on and off-leash restrictions.
- 10.2 A GIA will be included in the assessment and design of the Fennell Reserve fenced dog off-leash area.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 This report aligns with Strategic Direction 3 of the *Plan for Port Phillip 2025 – 35: A safe and liveable city*. The *Plan for Port Phillip 2025 – 35* includes the following priorities for the next four years:
- Continue to provide spaces for dogs to be off-leash through the implementation of Council's Dog Off-Leash Guideline.
 - Deliver a program of new fenced dog parks across the City to cater for growing demand.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

- 12.1.1 The new Council Order No. 5 will come into effect once published in the Government Gazette, and Council Order No. 4 will subsequently cease at that time.

12.2 COMMUNICATION

- 12.2.1 Order No. 5 will be advertised on Council's website and in local newspapers and will be printed in the State Government Gazette following Council's consideration of the matter.

- 12.2.2 The requirements of the new Order will be published on Council's website.

MEETING OF THE PORT PHILLIP CITY COUNCIL

20 AUGUST 2025





12.2.3 Signage on Port Melbourne and Elwood beaches will be updated and/or installed prior to the start of summer.

12.2.4 Signage in JL Murphy Reserve and Fennell Reserve will be updated as soon as possible following the gazettal of the new Order.

12.2.5 Signage in other parts of the municipality will be progressively implemented in 2025/26. Councillors will be provided with an image of the signage to provide feedback prior to production and installation of signage across the municipality.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS 1. Order No. 5 of Port Phillip City Council  

ORDER NO. 5 OF PORT PHILLIP CITY COUNCIL

Domestic Animals Act 1994

Section 10A(2), 25(2) and 26(2)

1. Revocation

- (1) All previous Orders made by Council under section 26 of the *Domestic Animals Act* 1994 are revoked.

2. Cats to be desexed

- (1) After 14 April 2022 Port Phillip City Council will not register a cat unless the cat is desexed.
- (2) Sub-clause (1) does not apply if the cat is exempt from desexing under section 10B of the *Domestic Animals Act* 1994 or the cat was previously registered with Port Phillip City Council.

3. Cat Curfew

- (1) All cats within the municipal district of Port Phillip City Council must be securely confined to their owner's premises between the hours of sunset and sunrise the following day.

4. Dogs must be under effective control

- (1) The Owner of any dog must keep the dog under effective control by means of a chain, cord or leash held by the Owner and attached to the dog while the dog is in a Public Place except where that Public Place is a Designated Area.
- (2) Sub-clause (1) does not apply where a chain, cord or leash attached to the dog is securely fastened to a post or other fixture.
- (3) The Owner of a dog must not, without a local law permit, walk, exercise or be in charge of four or more dogs at any time.

5. Prohibited Areas

- (1) A dog must not enter or remain in any Prohibited Area.
- (2) The prohibition under sub-clause (1) applies in a Prohibited Area regardless of whether or not the dog is under effective control by means of a chain, cord or leash held by the Owner and attached to the dog or otherwise controlled or not controlled.

6. Owner's obligations in a Designated Area

- (1) A dog may be exercised in a Designated Area, without being under effective control by a chain, cord or leash held by the Owner and attached to the dog, if:

- (a) the Owner carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash if the dog behaves in a manner which threatens any person or animal;
 - (b) the Owner remains in effective voice control and or hand control of the dog within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash if that becomes necessary or desirable to avoid any wandering out of effective control or to avoid any threatening behaviour or any attack;
 - (c) the dog does not worry or otherwise threaten any person or animal, or attack or bite any person or animal; and
 - (d) the dog does not come within 20 metres of any organised sporting event or training taking place on a ground/playing surface/training space whilst the organised sporting event or training is taking place.
- (2) The Owner of a dog must not, without a local law permit, exercise off leash four or more dogs at any time.

7. Non-application to specified dogs or greyhounds

- (1) Clause 4 of this Order does not apply to any dog which is a dangerous dog, menacing dog or restricted breed dog under the *Domestic Animals Act* 1994 or to a greyhound which must meet the restraint requirements in section 27 of the Act.

8. Meaning of words

In this Order:

- Designated Area* means an area (including an area on or between specified times and on or between specified dates) described in Schedule 1 but does not include any area within 20 metres of any organised sporting event or training taking place on a ground/playing surface/training space whilst the organised sporting event or training is taking place.
- Plan* means, when used in the Schedule, a plan appended to the Schedule.
- Owner* has the same meaning as in the *Domestic Animals Act* 1994.
- Prohibited Area* means an area (including an area on or between specified times and on or between specified dates) described in Schedule 2.
- Public Place* has the meaning given to it in the *Summary Offences Act* 1966.
- Schedule* means a Schedule to this Order.

Schedule 1
Designated Areas

Area of Land	Time	Melway Ref.
Beach A being the area of land west of Pier Road extending to the low water mark between St Kilda Pier and the drainage channel at the north-western end of Pier Road.	Always	57 / J8-9
Beach B being the area of land and/or sand south-west of Beaconsfield Parade between an imaginary line (extending in a south-westerly direction from the north-western boundary of Langridge Street to the high water mark) and another imaginary line (extending in a south-westerly direction from the north-western edge of the West Beach Pavilion to the high water mark).	Always	57 / H8
Beach C being the area of land south-west of Beach Street between an imaginary line (extending in a north-easterly direction from the low water mark at Lagoon Pier to Beach Street) and another imaginary line (extending in a south-westerly direction from the north-west boundary of Bay Street to the low water mark) adjacent to Port Melbourne Yacht Club.	Always	57 / B4
Beach D being the area of land south of The Boulevard between an imaginary line (extending in a northerly direction from the rock groyne opposite Barak Road between the low water mark and The Boulevard) and another imaginary line (extending in a northerly direction from the rock groyne opposite Cumberland Road between the low water mark and The Boulevard).	Always	56 / H3
Beach E being the area of land south-west of Beaconsfield Parade extending to the low water mark between Kerferd Road Pier and an imaginary line (extending in a south-westerly direction from the north-west boundary of Langridge Street to the low water mark).	Between 7.30pm and 10.00am the following day between 1 November - 31 March; full off leash access 1 April – 31 October	57 / E6-H7

Beach F being the area of land commencing at Point Ormond reserve extending to the rock groyne in front of the Elwood Angling club and from the sea wall to the low water mark.	Between 7.30pm and 10.00am the following day.	67 / A3
Beach G being the area of land west of Marine Parade extending from the sea wall to the low water mark between Brooks Jetty and the northern end of the car park toward St Kilda Marina.	Always	57 / K11-12
Beach J being the area of land between Station Pier and the Port Melbourne Yacht Club, and the low water mark to the sea wall.	Between 7.30pm and 10am the following day between 1 November and 31 March each year; full off leash access between 1 April and 31 October.	
All beaches in the municipal district (other than Beach A, Beach B, Beach C, Beach D and Beach E, Beach F and Beach G).	Only between 1 April and 31 October each year.	
The following areas, as indicated by signage indicating off-leash Designated Areas:		
Head Street Reserve, Elwood	Always	67 / D5
Clarke Reserve, Elwood	Always	67 / C1
M. O. Moran Reserve, Elwood	Always	67 / A1
Marina Point Reserve, St Kilda	Always	67 / A1-2
Peanut Farm Reserve, St Kilda	Always	58 / A11
Alma Park East, St Kilda East (north of oval – south of Dandenong Road)	Always	58 / E8
Alma Park West, St Kilda	Always	58 / E8
Gasworks Park, Albert Park	Always	57 / D4
Lagoon Reserve, Port Melbourne	Always	57 / C3
Howe Reserve, Port Melbourne	Always	57 / D1
Page Reserve, Port Melbourne	Always	57 / D1
Smith Reserve, Port Melbourne	Always	57 / C2
Hester Reserve, Port Melbourne	Always	57 / B2
J. L. Murphy Reserve, Port Melbourne, other than Community Synthetic Ground (Pitch 3).	Always	56 / K1

Garden City Reserve, Port Melbourne	Always	56 / K2
Julier Reserve, Port Melbourne	Always	56 / H2
Eastern North Reserve, South Melbourne	Between 7.00am to 7.30pm.	
Fennell Reserve, Port Melbourne.	Always	2J G1

**Schedule 2
Prohibited Areas**

Area of Land	Time	Melway Ref.
Beach H, being a section of Sandridge Beach being the area of land and sand from an imaginary line (being an extension to the low water mark of the easterly boundary of Todd Road) and extending between the north-western boundary of the municipal district and the low water mark to the south-western boundary of the municipal district beyond the Perce White Reserve. Excluding the sealed road reserve including the car park and adjacent footpath from Todd Road towards the south western boundary of the municipal district and the footpath between the end of the road reserve and that boundary.	Always	56 / G3
Beach I, being a section of West Beach, St Kilda being the area of land and sand south-west of Pier Road and Beaconsfield Parade from the drainage channel at the south-western boundary of Pier Road to the high water mark to another imaginary line (extending in a south-westerly direction from the north-western edge of the West Beach Pavilion to the high water mark).	Always	57 / J8
Frank and Mary Crean Reserve (Richardson Street, Middle Park – being a fenced children’s playground reserve).	Always	57 / G5
J.L Murphy Reserve, Port Melbourne being Community Synthetic Ground (Pitch 3).	Always	56 K1
Within five (5) metres of any children’s playground or public barbecue or exercise equipment areas.	Always	

That part of any ground/playing surface/training space, whilst an organised sporting event or training is taking place.	Always	
All beaches in the municipal district other than Beach A, Beach B, Beach C, Beach D, Beach G and during the hours when Beach E, F and J is a Designated Area.	Between 1 November and 31 March each year	



11.2 BALACLAVA & EAST ST KILDA URBAN FOREST PRECINCT PLAN

EXECUTIVE MEMBER: KYLIE BENNETTS, GENERAL MANAGER, COMMUNITY WELLBEING AND INCLUSION

**PREPARED BY: JENNIFER WITHERIDGE, COORDINATOR URBAN FOREST
DANA PRITCHARD, MANAGER OPEN SPACE RECREATION AND
COMMUNITY RESILIENCE**

1. PURPOSE

- 1.1 To present the new Balaclava and East St Kilda Urban Forest Precinct Plan for Council adoption (refer to **Attachment 1** and **Attachment 2**).

2. EXECUTIVE SUMMARY

- 2.1 The Urban Forest Strategy (UFS) was adopted by Council in 2024 - [Urban Forest Strategy 2024-2040](#).
- 2.2 One of the key actions in the strategy is:
Action 3: Develop urban forest precinct plans (UFPP) for all neighbourhoods within the municipality to increase canopy and biodiversity (2-3 per annum).
- 2.3 The purpose of the UFPPs is to guide tree planting and biodiversity projects to help achieve the targets set out in the UFS.
- 2.4 All neighbourhoods will eventually have a UFPP. Balaclava/East St Kilda was selected as the first neighbourhood to develop a plan, which will serve as a prototype for future precincts.
- 2.5 This neighbourhood was chosen due to its diverse streetscape typologies and varying widths including narrow and constrained spaces for tree planting. Its complexity provided an opportunity to test and refine an approach that can be applied across neighbourhoods.
- 2.6 While the original goal was to deliver 2-3 UFPPs in the first year of the UFS, only one draft plan was completed in 2024/25. The first plan took more time to develop than original anticipated to ensure it was fit for purpose. With a template and agreed framework in place, future plans will be easier to produce, tailored to each neighbourhood.
- 2.7 In the 2025/26 Council Plan and Budget Council supported fast-tracking the UFPPs for the remaining eight (8) neighbourhoods, over the next two years.
- 2.8 Community engagement on the draft Balaclava and East St Kilda UFPP was conducted in April 2025. Feedback received during this process has been incorporated into the final plan presented for Council consideration through this report.
- 2.9 Implementation of the Balaclava and East St Kilda UFPP will be funded through three main sources – Greening Port Phillip Capital Program, Individual Capital Projects and the Parks Services Budget.
- 2.10 To ensure equitable delivery across all nine precincts, each precinct plan will initially prioritise primary streets - those with the greatest need and potential impact.
- 2.11 Once all precinct plans are completed, a municipality-wide review will support Council to identify opportunities for improvements to secondary streetscapes. These Council



decisions will be aligned with UFS goals of increasing canopy cover, biodiversity, and urban cooling, subject to available funding.

- 2.12 Any additional funding for UFPP implementation will be considered through Council's annual budget process, alongside other Council priorities. Opportunities for external funding will also be sought.
- 2.13 A petition was tabled at the Council Meeting on 18 June 2025 requesting that the area bounded by St Kilda Road-Inkerman Street - Chapel Street- Dandenong Road be included within the current planning phase of the UFPP. Council resolved the following:-

That Council:

1. *Receives and notes the Petition and provides a response as part of the Balacclava & East St Kilda Urban Forest Precinct Plan report being considered at a future Council meeting.*

This report provides a formal response to petitioners for Council consideration.

3. RECOMMENDATION

That Council:

- 3.1 Adopts the Balacclava and East St Kilda Urban Forest Precinct Plan as outlined in **Attachments 1 and 2** and delegates authority to the CEO to make minor editorial changes that do not materially alter the content, to finalise the document for publication.
- 3.2 Notes that the Plan includes initial funding for primary projects identified in the action plan, and that a municipality wide review of secondary projects will be undertaken once all nine Urban Forest Precinct Plans are complete. Projects not currently funded will be considered for external grant opportunities and future Council budget processes to ensure fair and equitable delivery across the municipality.
- 3.3 Notes that one Urban Forest Precinct Plan has been delivered in the first 12 months of the Urban Forest Strategy allowing for the development of a template to guide future plans.
- 3.4 Notes the remaining eight Urban Forest Precinct Plans will be delivered by the end of the 2026/27 financial year and that the Urban Forest Strategy will be updated to reflect this revised timeline.
- 3.5 Thanks residents and community members who submitted a petition noted by Council on 18 June 2025, which requested the inclusion of the area bounded by St Kilda Road Inkerman Street – Chapel Street – Dandenong Road within the current planning phase of the Urban Forest Precinct Plan.
- 3.6 Notes and requests that officers advise the lead petitioner that:
 - 3.6.1 As part of the Urban Forest Strategy development, the municipality was divided into neighbourhoods to enable a more targeted and place-based approach to managing the urban forest. These neighbourhood boundaries align with those established in the Places for People: Public Space Strategy 2022–2032.
 - 3.6.2 The area highlighted in the petition will be included in the St Kilda and St Kilda West Urban Forest Precinct Plan, which is scheduled for delivery within the next two financial years.



- 3.6.3 To ensure consistency across all precincts each plan will be developed in alignment with the principles and objectives outlined in the Urban Forest Strategy. This ensures a unified approach to achieving targets and measurable outcomes including increasing urban canopy cover, enhancing species diversity, improving vegetation health, and boosting biodiversity.
- 3.6.4 In developing the Balaclava & East St Kilda Urban Forest Precinct Plan, walkability analysis extended beyond neighbourhood boundaries to include nearby activity centres such as Windsor, Orrong Road, and Glen Eira Avenue. This broader approach will be applied to future precinct plans to ensure broader connectivity and integration across adjacent areas.

4. KEY POINTS/ISSUES

Context

- 4.1 Port Phillip's urban forest includes all trees, shrubs, and groundcovers on both public and private land. This includes gardens, parks, green roofs, and even industrial areas.
- 4.2 Greener cities are generally healthier, more liveable, and more resilient. Trees and plants improve air quality, reduce heat and flood risks, lower stormwater management costs, and increase property values. It also supports biodiversity, creates local jobs, and enhances community wellbeing.
- 4.3 The *Urban Forest Strategy 2024 to 2040* (UFS) [Urban Forest Strategy 2024-2040](#) outlines how Council will plan, protect, and grow the urban forest across the City of Port Phillip. Developed with community input, the strategy responds to challenges such as climate change, population growth, and limited space. It includes actions to expand canopy cover, enhance biodiversity, and promote greening on both public and private land.
- 4.4 The UFS is supported by the [UFS Background and Benchmarking Report June 2024](#), which provides the evidence base for the strategy.
- 4.5 Council has set the following targets for 2040 - 30% canopy cover on streets, a minimum of 40% canopy cover on public space (excluding sports fields) by 2040 and increased biodiverse planting across the municipality.
- 4.6 The UFS includes 42 actions with one of the first being:
Action 3: Develop urban forest precinct plans (UFPP) for all neighbourhoods within the municipality to increase canopy and biodiversity (2-3 per annum).

Urban Forest Precinct Plans – Background

- 4.7 The purpose of the UFPPs is to guide tree planting and biodiversity projects in each neighbourhood helping to meet UFS targets and build a healthy, biodiverse and connected urban forest.
- 4.8 Each UFPP will set out a work plan for developing the urban forest in its neighbourhood.
- 4.9 The UFPPs will:
- Provide guidance for tree and vegetation planting that reflects neighbourhood character, urban forest principles and local challenges.

- Identify planting opportunities that improve equity, such as increasing shade in heat vulnerable areas, along key walking and cycling routes, near public transport stops and around activity centres.
- Recommend suitable tree species for different streets and locations.
- Identifying greening opportunities including street tree planting and other options, initiatives such as biodiversity planting, green infrastructure and water sensitive urban design (WSUD), de-paving to create more permeable surfaces and nature strip creation. These actions will be progressed subject to resource allocation and future Council budget decisions.
- Provide a prioritised and staged implementation plan to guide delivery over time.

4.10 Balaclava/East St Kilda was selected as the first neighbourhood for the UFPP development. This plan will serve as a template for future precinct plans.

4.11 The area was chosen due to its diverse streetscape typologies and varying widths, including narrow and constrained spaces for tree planting. This complexity made it an ideal location to test and refine the planning approach.

4.12 In the 2025/26 Council Plan and Budget, Council committed to developing UFPPs for the remaining eight neighbourhoods over the next two years. The rollout will be staged as follows:

- 2025/26 – Albert Park and Middle Park; St Kilda and St Kilda West; St Kilda Road; and Wirraway and Sandridge.
- 2026/27 - South Melbourne; Port Melbourne; Elwood and Ripponlea; and Montague.

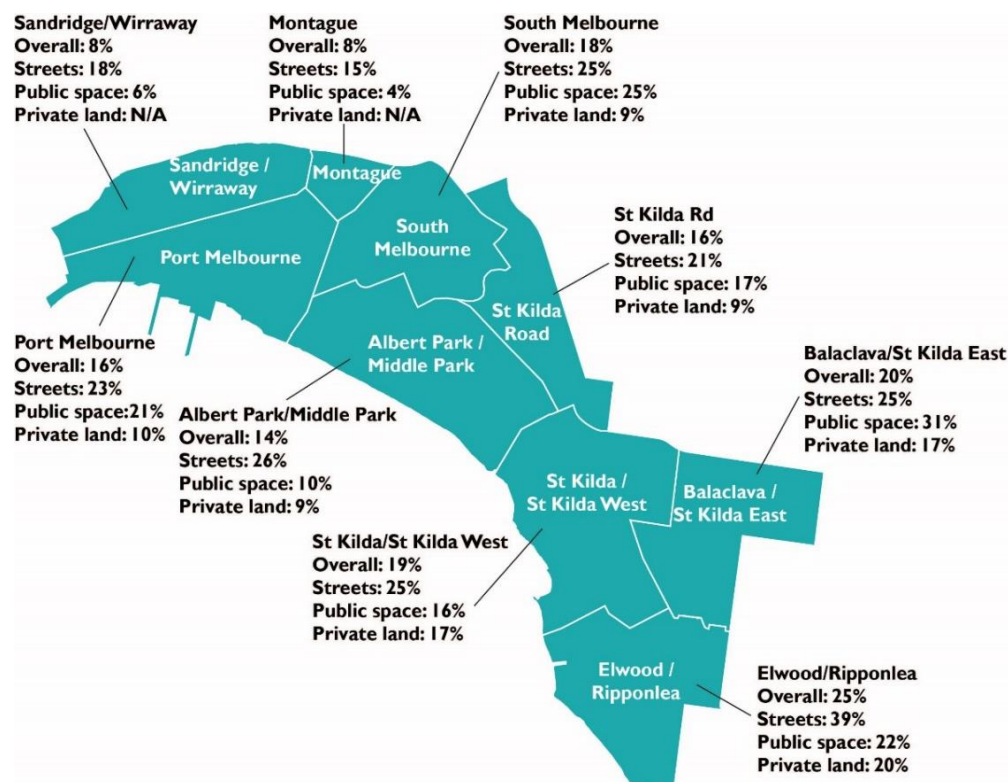


Image: Map of Neighbourhoods. Neighbourhoods align with neighbourhoods in the Public Space Strategy.



- 4.13 To ensure fair and effective delivery across all precincts, each plan will initially focus on primary streets – those with the greatest need and potential impact. This is included in the action plan of each UFFP.
- 4.14 Once all nine precinct plans are complete, a municipality-wide view will identify opportunities for secondary streetscape improvements, subject to available funding. This secondary opportunities will be documented in the appendixes of each UFFP.
- 4.15 This staged approach ensures that all plans are deliverable within current resources and funding envelopes.

Plan Development

- 4.16 The following steps were undertaken to develop the Balaclava and East St Kilda UFFP:
- Consultant engagement - Lat Studios were appointed and partnered with the Walk Quality Project (Swinburne University of Technology and Melbourne University) to develop this UFFP.
 - Background investigations – this included policy analysis, methodology development, mapping, creation of a street hierarchy, integration of Walk Quality research, equity mapping and identification of vacant tree plots.
 - Community engagement – feedback from previous engagement was reviewed and incorporated and engagement was conducted on the draft UFFP.
 - Workshops – were held to identify opportunities and constraints and to develop a suite of interventions.

Updates to the Balaclava and East St Kilda UFFP Post Community Engagement

- 4.17 Following community engagement, the draft Balaclava and East St Kilda UFFP was reviewed and updated. The following has been incorporated as a direct result of community feedback:
- A dedicated section on private land, supported by demographic insights. This outlines Council's responsibilities, the roles of other stakeholders, and relevant UFS actions related to private land.
 - Inclusion of demographic data and projected housing growth to provide context for discussions around greening initiatives on private land.
 - A section detailing implementation constraints and considerations, including a proposed process for further investigation of underground services.
 - References to maintenance and accessibility considerations to support improvements to street usability.
 - An updated statistics page including an explanation of the methodology used to measure tree canopy coverage.
- 4.18 The draft Balaclava and East St Kilda UFFP was also reviewed for deliverability and readability with the following changes made as a result:

Key Actions

- 4.19 The key actions have been revised from 12 down to four (4) actions, to make them clearer, simpler and replicable across the remaining UFFPs. The key actions are now:
- 1) Designing new streets for greening and shade.
 - 2) Enhancing and maintaining existing streetscapes.
 - 3) Increasing canopy and biodiversity in parks and open spaces.



- 4) Greening beyond Council land through partnerships and advocacy.

Action Plan

- 4.20 The Action Plan has been updated to clearly distinguish actions that are currently funded and committed for delivery. Previously all projects – regardless of funding status were listed in the body of the Balaclava and East St Kilda UFPP.
- 4.21 The updated Action Plan includes actions which are directly aligned to the key actions and scheduled for delivery over the next 10 years.
- 4.22 All streets in the precinct have been mapped to make it easier to review the next round of projects (once all UFPPs are complete). This information is captured in the appendices and provides a ranking for each street (primary, secondary or future focus) and identification of activities that will be delivered through business as usual (BAU) operations.
- 4.23 The terminology used in the plan has been updated from high, medium and low priority to primary, secondary and future focus. This change reflects a more equitable approach recognising that while improvements are needed across many areas, delivery must be fair and balanced as other precinct plans are developed.
- 4.24 Additional updates and improvements to the UFPP include:
- A simplified presentation of the plan with clearer explanation of methodology and a concise executive summary to outline key actions.
 - *Walk Quality* analysis was improved, adding Alma Park as a destination. This revision captured Raglan St as a priority street.
 - Maps, legends and actions have been streamlined for consistency and ease of interpretation.
 - All streets were reviewed to ensure appropriate actions are proposed including transition species or infill planting.
 - Revisions to the strategic context section, incorporating data on population density and private developments.

Delivery

- 4.25 The UFPP identifies streets where interventions could be considered to improve shade, pedestrian amenity and biodiversity. The intervention toolkit provides a range of options to consider when planning the feasibility and concept design on streets.
- 4.26 Streetscape projects have been categorised into primary, secondary, and future focus areas. Primary focus streets will be delivered first as outlined in the action plan contained within the body of UFPP.
- 4.27 Primary focus streets were selected based on factors such as heat index, key pedestrian/bike route and opportunities to meet UFS goals (particularly canopy and biodiversity).
- 4.28 Tree planting through the infill tree program is continuing, and vacant plots in Balaclava and St Kilda East are currently being scheduled for planting in the 2025/26 and 2026/27 planting seasons.
- 4.29 Advocacy will continue with Yarra Trams and DTP (Department of Transport) with the aim to initiate greening and additional shade provision at tram stops.



- 4.30 Discussions continue with VicRoads to increase canopy cover along the Brighton Road median.
- 4.31 VicTrack discussions have also begun regarding planting improvements on their land along the rail line.

Petition Response

- 4.32 On 18 June Council received a petition requesting:

We, the undersigned residents and community members, formally request that the City of Port Phillip urgently include the area bounded by St Kilda Road-Inkerman Street - Chapel Street- Dandenong Road within the current planning phase of the Urban Forest Precinct Plan. This area is a vital civic, transport, residential and mixed-use corridor that has been excluded from the current draft, despite its strategic importance and alignment with Council's stated objectives. If required, the construction and implementation can be delivered in stages - however, we urge Council to ensure the planning phase fully incorporates this precinct now, to avoid inefficiencies and lost opportunities.

- 4.33 At the Council Meeting on 18 June, Council resolved the following:

That Council:

1. *Receives and notes the Petition and provides a response as part of the Balaclava & East St Kilda Urban Forest Precinct Plan report being considered at a future Council meeting.*

- 4.34 As the petition relates to the Balaclava & East St Kilda UFPP, it is being considered in conjunction with this agenda item.
- 4.35 As part of the UFS development, the municipality was divided into neighbourhoods to enable a more targeted and place-based approach to managing the urban forest. These neighbourhood boundaries align with those established in the Places for People: Public Space Strategy 2022–2032.
- 4.35 The area highlighted in the petition will be included in the St Kilda / St Kilda West UFPP, which is scheduled for delivery within the next two financial years.
- 4.37 To ensure consistency across all precincts each plan will be developed in alignment with the principles and objectives outlined in the UFS. This ensures a unified approach to achieving targets and measurable outcomes including increasing urban canopy cover, enhancing species diversity, improving vegetation health, and boosting biodiversity.
- 4.38 In developing the Balaclava & East St Kilda UFFP, walkability analysis extended beyond neighbourhood boundaries to include nearby activity centres such as Windsor, Orrong Road, and Glen Eira Avenue. This broader approach will be applied to future precinct plans to ensure broader connectivity and integration across adjacent areas.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The development of the Balaclava and East St Kilda UFFP was informed by feedback from a range of community engagement activities including engagement on the following key Council strategies: UFS, *Act and Adapt Sustainable Environment Strategy 2023-28* and the *Housing Strategy 2024-2039*.



- 5.2 The formal community engagement period for the draft Balaclava and East St Kilda UFPP occurred between 10 April – 14 May 2025.
- 5.3 A broad range of engagement activities were undertaken including:
- An online survey via the Have Your Say platform.
 - Direct emails to subscribers of the UFS Have Your Say Page.
 - Promotion at St Kilda Library.
 - A meeting with the Older Person’s Advisory Committee.
 - Targeted Social Media posts on Instagram and Facebook.
 - One on one meetings with the project team by appointment.
 - A community event: Shaping the Balaclava Area Together on 29 May 2025.
- 5.4 Targeted engagement was also conducted with community members who had shown interest during the development of the UFS. They were offered one-on-one meetings to provide feedback.
- 5.5 Engagement reach and participation included: - social media posts reached 2,862 people; the Have Your Say page received 1,810 views, with 75% of traffic coming from social media and 1,319 unique visitors accessed the Have Your Say website page, but only 34 made at least one contribution.
- 5.6 In total, approximately 65 community members participated, including 37 survey respondents with others contributing through meetings and email feedback.
- 5.7 Key themes from community feedback included:
- Generally positive reception with many residents satisfied or extremely satisfied with key actions such as prioritising tree planting along pedestrian routes, investigating new street designs to improve canopy cover, planting vacant tree plots, and promoting community gardening and biodiversity opportunities.
 - Several contributors emphasised the importance of supporting community-led nature strip planting, providing education including workshops and online resources, and offering access to native seedlings and plants to encourage greater local involvement. Specific suggestions included expanding planting in neglected streets, improving maintenance like watering newly planted natives, and enhancing understorey and biodiversity with a variety of indigenous species beyond just trees.
 - Concerns were raised about the removal of large established trees without adequate replacement, the need for better budget allocation to key actions, and incorporating additional precinct areas for more integrated planning.
 - Accessibility priorities highlighted the desire for an environment that encourages walking over car use, with better canopy cover to create inviting streetscapes. Respondents noted the importance of maintenance and accessibility, particularly concerning footpath obstructions and trees.
 - The car parking needs of older, car-reliant residents was raised, alongside a question about implementing car parking quotas or stricter decision-making to ensure trees can have adequate space and not be sacrificed for car parking.



- Some dissatisfaction stemmed from perceived insufficient budget support and the need to de-prioritise car parking in favour of greening efforts.
- Raglan St, Alexandra St, Alma Rd and Inkerman St were specifically mentioned as streets needing additional canopy and opportunities for biodiversity.
- The railway line and working with VicTrack to achieve better accessibility, canopy cover and biodiversity was highlighted by several respondents.
- There was a suggestion that the plan should include more information on population density, socio-economic and future growth data.
- Several respondents highlighted the need for a bolder, more comprehensive long-term vision for the precinct, with stronger integration across related planning domains such as transport and development.
- Community gardening opportunities in parks was supported by several respondents.
- A proposal was made for investigating the feasibility of a demonstration powerline undergrounding trial.

5.8 The UFPP works alongside other Council strategies and plans. Some community feedback received focused on reducing car use, protecting trees, planting on nature strips, undergrounding powerlines, planning and developments on private land. These will be responded to through the delivery of other strategies and plans.

5.9 The full engagement program and report can be found at **Attachment 3**.

5.10 Engagement was also undertaken with key partners including:

- Yarra Trams and City of Melbourne to discuss green arbour trials at tram stops and future feasibility.
- DTP to advocate for tree planting and maintenance on State roads.

6. LEGAL AND RISK IMPLICATIONS

6.1 No significant legal implications have been identified.

6.2 The UFPP will include measurable outcomes to monitor the progress of the delivery of the plan.

6.3 All projects will consider potential risks and mitigations as they progress.

7. FINANCIAL IMPACT

Urban Forest Precinct Plans Development

7.1 The development of the Balaclava and East St Kilda UFPP was funded through the Greening Port Phillip Capital Program

7.2 A total of \$300k has been allocated in the Council Plan and Budget to develop the remaining eight UFPPs over the next two financial years.

UFPP Delivery

7.3 Actions in the Balaclava & East St Kilda UFPP will be delivered through multiple funding streams:



- Greening Port Phillip Capital Program – this program will fund all priority street tree planting projects over the next 10 years including Brighton Road, Fulton, Nelson, Raglan and Camden Streets.
 - Capital Works Program – several individual projects included in the Council Plan contribute directly to the UFPP delivery including Alexandra Street, Glen Eira Avenue and the Small Parks Program.
 - Parks Services Budgets – operational budgets and existing parks contracts will support infill planting, replacement planting and succession tree planting programs.
- 7.4 The UFPP includes a streetscape implementation budget of \$5m over 10 years. These projects will be funded through the annual Greening Port Phillip Program capital budget, which has \$1.5m allocation (for municipal wide projects) in the Council Plan and Budget 2025/26.
- 7.5 Additional funding will come from the Capital Works Program, where a portion of each project's budget will be directed toward greening outcomes. The exact amount will vary by project.
- 7.6 There may be other opportunities for co-funding through State and Federal grants. Council will apply for suitable grants as they become available.

ENVIRONMENTAL IMPACT

- 7.7 Port Phillip's urban forest - made up of all trees and plants on public land - is essential for creating a comfortable and liveable environment for people and wildlife. The Balaclava and East St Kilda UFPP will help ensure the area benefits from increased shade and cooling, helping to mitigate the Urban Heat Island effect; enhanced biodiversity supporting local ecosystems and wildlife, and cleaner air and waterways.

8. COMMUNITY IMPACT

- 8.1 The UFPP is Action 3 in Council's *Urban Forest Strategy 2024*.
- 8.2 The UFPP aims to create benefits across the community including:
- Reduction in Urban Heat Island Effect (cooling communities).
 - Improvement in biodiversity and ecosystems.
 - Achievement of greening outcomes to mitigate against flooding.
 - Improvement of amenity, sense of place and opportunities for community connections.
 - Improvement of health and wellbeing outcomes.
 - Additional opportunities for community-led greening.
- 8.3 Green cities promote greater happiness, health, physical activity, and community connectedness among their residents. Water is used as a valuable resource, and stormwater management costs and flood risks are reduced. Air quality is improved, urban heat is reduced, and there are more comfortable microclimates. Soil becomes more productive, and locally sourced food is produced. House prices increase, local businesses thrive, and jobs are created. Biodiversity is supported through the provision of habitat. Carbon is sequestered, emissions are reduced, and climate change risks are mitigated.



- 8.4 Social, health and wellbeing benefits from an urban forest can include:
- A sense of place and creation of local identity.
 - Community cohesion.
 - Further outdoor activity.
 - Opportunities for children to connect with nature.
 - Reduction in sun exposure.
 - Reduction in heat-related illness and mortality.
 - Improvement of mental wellbeing.
- 8.5 There are many economic benefits for improving Port Phillip's urban forest these include:
- Reduction in energy costs.
 - Increase in property values.
 - Avoidance of infrastructure damage and renewal costs.
 - Reduction in health costs.
- 8.6 Further information can be found in the [UFS Background and Benchmarking Report June 2024](#)

9. GENDER IMPACT ASSESSMENT

- 9.1 A GIA assessment was conducted at the commencement of the plan development. In addition, gender is being considered as a part of all engagement activities and gender was recorded and reported on as appropriate during community engagements.
- 9.2 All related capital projects will undertake a gender impact assessment prior to design.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The strategic context for the project is:

Council Plan 2025/26

Strategic Alignment:

An Environmentally Sustainable and Resilient City

- Deliver the Urban Forest Strategy 2024-2040 to create a biodiverse urban forest with diverse species and habitat that improves ecosystems and creates a cooler, greener city.
- Develop and deliver Urban Forest Precinct Plans which will guide tree planting and biodiversity projects in each neighbourhood to develop a healthy, biodiverse and connected urban forest
- Support community greening projects to support planting, biodiversity and permeability to provide better urban forest outcomes on public and private land.

Urban Forest Strategy 2024-2040

- Action 3: Develop urban forest precinct plans for all neighbourhoods within the municipality to increase canopy and biodiversity (2-3 per annum)



10.2 The project also relates to actions within Council's Places for People: Public Space Strategy 2022, *Act and Adapt: Sustainable Environment Strategy 2023-28*, *Move, Connect, Live: Integrated Transport Strategy 2018-28*.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Implementation of the Balaclava and East St Kilda UFPP will begin immediately, with funding allocated to various projects in the 2025/26 Council Budget.

11.1.2 Development of the next UFPPs in 2025/26, with eight plans due to be adopted by June 2027.

11.1.3 Greening work will continue in line with the Council Plan and Budget and the UFS across the municipality while the next plans are being developed.

11.2 COMMUNICATION

11.2.1 The adopted Balaclava and East St Kilda UFPP will be placed on the [Urban Forest Strategy](#) page on Council's website.

12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

1. **Greening Balaclava and East St Kilda Urban Forest Precinct Plan**  
2. **Greening Balaclava and East St Kilda Urban Forest Precinct Plan Appendices**  
3. **Community Engagement Report Greening Balaclava and East St Kilda**  



GREENING BALACLAVA & ST KILDA EAST

URBAN FOREST PRECINCT PLAN

AUGUST, 2025

DOCUMENT REGISTER

Project	Greening Balaclava & St Kilda East
Report Title	Urban Forest Precinct Plan
Project Code	LS000732
Prepared for	City of Port Phillip
Author	LatStudios

Issue	Date	Approved	Details
A	11/08/2025	AR	Final

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Acknowledgement of Country:
The City of Port Phillip respectfully acknowledges the Traditional Owners of this land.

We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.



Eucalyptus leucoxylon
Endemic Species of
Bunurong and Wurundjeri
Country.



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EXECUTIVE SUMMARY

The purpose of this Urban Forest Precinct Plan (UFPP) is to guide tree planting and biodiversity projects to achieve the targets and outcomes of the Urban Forest Strategy, creating a healthy, biodiverse and connected urban forest. This UFPP focuses on the Balaclava and St Kilda East neighbourhood, one of nine neighbourhoods in the City of Port Phillip (CoPP).

This UFPP is developed by LatStudios and the City of Port Phillip, and incorporates analysis by Swinburne Institute of Technology Walk Quality research project. The Walk Quality project analyses current streetscape conditions and ways to improve pedestrian accessibility, safety and comfort. The research identifies streets that are used frequently and lacking in shade, making them high priority for urban forest canopy increase.

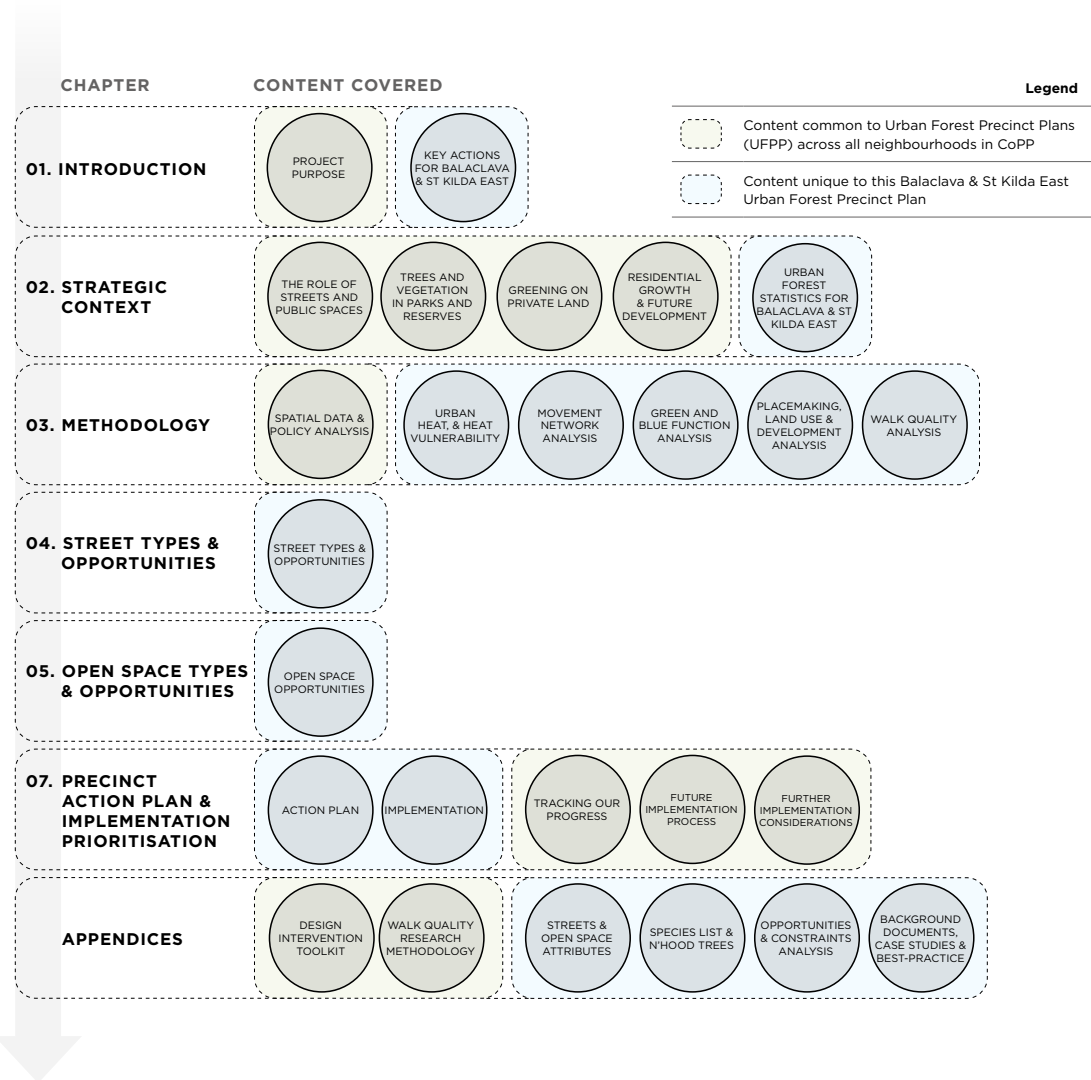
This UFPP for Balaclava and St Kilda East provides guidance for greening interventions, responding to the neighbourhood's unique existing and future character, the objectives of the Urban Forest Strategy, and addresses other neighbourhood-specific urban forest challenges.

The Urban Forest Strategy Objectives are:

1. Objective 1: Increased canopy cover on public and private land for a liveable, sustainable, equitable and vibrant city.
2. Objective 2: Cooler and greener city which is resilient to more extreme weather and changes in rainfall.
3. Objective 3: Our community is engaged, trees and plants are valued, and we build partnerships to green our urban environment across all land types.
4. Objective 4: A well-managed forest, including tree health and quality, pest and disease management, and succession planning for iconic species and locations.
5. Objective 5: A biodiverse urban forest with diverse species, healthy ecosystems and habitat.

This UFPP for Balaclava & St Kilda East:

- Identifies tree planting opportunities to improve equity, including shade in areas with higher heat vulnerability along key walking and cycling routes, public transport stops and around activity centres.
- Identifies opportunities for biodiverse planting in streets and parks.
- Captures delivery options aligning with water sensitive urban design, traffic safety and footpath renewal programs and partnering with other land holders.
- Identifies where minor uplifts can occur to existing streetscapes by infill planting filling in gaps or gradually transitioning trees to a different species to improve canopy cover and biodiversity.
- Provides a summary of how Council can work with other land holders for a greener neighbourhood.
- Provides a priority implementation plan for the next 10 years.





01
INTRODUCTION

MEETING OF THE PORT PHILLIP CITY COUNCIL

20 AUGUST 2025



11.3 **PDMR/00002/2024 - MINISTERIAL REFERRAL FOR PLANNING SCHEME AMENDMENT C218PORT**

LOCATION/ADDRESS: 264-270 NORMANBY ROAD, SOUTH MELBOURNE

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

PREPARED BY: PATRICIA STEWART, PLANNING LEAD - FISHERMANS BEND
PAUL WOOD, MANAGER CITY DEVELOPMENT

1. PURPOSE

- 1.1 To provide a Council position for a request to the Minister for Planning to prepare, adopt and approve Amendment C218port into the Port Phillip Planning Scheme for 264-270 Normanby Road, South Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Montague
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) and development exceeding four storeys in the Fishermans Bend Urban Renewal Area
APPLICATION NO:	PDMR/00002/2024
APPLICANT:	Normanby RMN Pty Ltd C/O Tract Consultants Pty Ltd
EXISTING USE:	Commercial
ABUTTING USES:	Residential / Retail / Commercial / Industrial / Warehouse
ZONING:	Capital City Zone (CCZ1) Abuts Transport Zone (TRZ2) (Normanby Road)
OVERLAYS:	Design and Development Overlay (DDO30) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Infrastructure Contributions Plan Overlay (ICO1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Within time

- 2.1 An application has been made to the Minister for Planning c/o the Department of Transport and Planning (DTP) to exercise powers under Section 20(4) of the *Planning and Environment Act 1987*, to prepare, adopt and approve draft planning scheme amendment C218port (Amendment).
- 2.2 Planning Scheme Amendment C218port proposes to apply the Specific Control Overlay (SCO) and introduce an Incorporated Document that would facilitate the



demolition of the existing building on the land and construction of a 25-level mixed-use building over one basement level.

- 2.3 The application site is in the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA). Under the existing provisions of the Port Phillip Planning Scheme (Scheme), a planning permit cannot be granted for buildings and works due to the restrictions imposed by the Infrastructure Contributions Overlay (ICO). The ICO requires an Infrastructure Contributions Plan (ICP) be approved or an alternative infrastructure contributions mechanism gazetted in the Planning Scheme before a Planning Permit can issue. Draft Amendment GC224 seeks to introduce a Development Contributions Plan (and Open Space Uplift mechanism) which is currently progressing through a separate Planning Scheme Amendment process but not yet implemented.
- 2.4 To facilitate development within the Fishermans Bend, the Minister has considered many site-specific Planning Scheme Amendments such as this, where a proposal demonstrates that it responds to local policy, meets the requirements of the Capital City Zone, Design and Development Overlay, Parking Overlay, Environment Audit Overlay and makes appropriate development contributions.
- 2.5 The Minister is yet to decide whether the proposed amendment will be referred to the Fishermans Bend Standing Advisory Committee ('the Committee') for independent advice. The Committee advises the Minister for Planning on any unresolved issues between the various parties. A copy of the Committee's terms of reference are included at Attachment 1. The Minister has also sought the views of Council pursuant to Section 20(5) of the *Planning and Environment Act 1987*. The Minister will also seek the views of other Statutory Authorities about the appropriateness of this proposed Amendment to assist with identifying key issues for consideration.
- 2.6 If approved, the Amendment would facilitate the demolition of the existing building, the use and development of the land for a mixed-use development comprising dwellings, offices and retail premises and alteration to access to a road in Transport Zone (Schedule 2). This would be facilitated by applying the Specific Controls Overlay and introducing an Incorporated Document in the Port Phillip Planning Scheme relating to this site. Any amendment would:
- Apply a Specific Controls Overlay to the land;
 - Amend the Schedule to Clause 45.12 to include a Specific Controls Overlay to reference an Incorporated Document for the subject site; and
 - Amend the Schedule to Clause 72.04 to include reference to the Incorporated Document for the subject site.
- 2.7 This report considers the proposed development outlined in plans and reports that were referred to Council on 12 June 2025.

Application Overview

- 2.8 The subject site is in the core area of the Montague Precinct, specifically:
- Building Typology Precinct M1 (Hybrid - predominantly mid-rise) of the Design and Development Overlay (DDO30) which has a preferred precinct character of, *'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.'*



- An area with a preferred maximum building height of 68m (20 levels).
- 2.9 The five and six level street walls (podium) would comply with the DDO30 preferred and maximum height and setback requirements.
- 2.10 The proposed staggered tower height of 15 and 25 levels exceeds the preferred maximum of 20 levels. This variation is considered acceptable given the surrounding approvals and emerging built form, including nearby towers of up to 40 levels. The proposed massing of a 15 and 25 level tower element helps break up the overall bulk and reinforces the mid-rise character along Munro Street. The 25 level element is massed closer to the Normanby Road frontage, where it is read in context of existing high rise buildings.
- 2.11 The proposed tower includes variations to the mandatory minimum setback requirements. While a 10 metre setback above the podium is required, the development proposes part 5 metre setbacks to Normanby Road, Munro Street, and the laneway. Some of these variations may respond to the context of adjoining developments, such as the neighbouring tower at 272–280 Normanby Road. However, the reduced setback to Normanby Road is not supported. Given the 25 level height of the tower element fronting Normanby Road, a minimum 10 metre setback is considered necessary to mitigate the visual bulk presented to the streetscape. Subject to conditions, the slender tower form and façade articulation would otherwise contribute positively to the public realm.
- 2.12 Design changes are required to secure a high standard of architectural and environmental performance including a façade strategy to confirm materiality and articulation at the podium level where Council’s Urban Designer has raised concerns about the proposed quality of materials.
- 2.13 Further refinements are also required to address Environmentally Sustainable Design (ESD), water-sensitive urban design (WSUD), and waste management. The current Sustainability Management Plan (SMP) does not demonstrate compliance with Green Star requirements or the 20% improvement on NCC energy efficiency standards. The stormwater management strategy must be revised to include appropriately sized rainwater tanks, third-pipe connections, and MUSIC modelling. These matters should be resolved prior to finalising the Incorporated Document.
- 2.14 It is recommended that Council resolve to advise the Minister for Planning via the Department of Transport and Planning that the Council:
- Request additional information on design changes arising from a minimum 10 metre tower setback from Normanby Road, additional detail on how the façade design, landscaping, public realm outcomes, and Environmentally Sustainable Design (ESD) before progressing the amendment.
 - Recommends changes including a minimum 10 metre setback to Normanby Road, improved material quality, universal access, integrated wind mitigation, enhanced landscape and sustainability plans, and compliant water-sensitive design, should the proposal be supported in its current form.
 - Authorises the Manager City Development to instruct planners or advocates in any future advisory committee proceedings.



3. RECOMMENDATION

Recommendation – Part A

- 3.1 That Council advise the Minister of Planning via the Department of Transport and Planning, that the following information is required prior to progressing to a decision:
- Design changes arising from a minimum 10 metre tower setback from Normanby Road.
 - Further detail regarding the proposed façade strategy, landscaping and public realm outcomes.
 - Further details addressing Environment Sustainable Design (ESD) considerations, specifically.

Recommendation – Part B

- 3.2 In the event that the application for a Planning Scheme Amendment is supported in its current form, Council recommends the Incorporated Document include the following amendments:
- Increase the tower setback from Normanby Road to a minimum of 10 metres.
 - Replacement of podium-level finishes with higher quality materials, such as brick or other durable and visually appropriate alternatives.
 - Improvements to the ground floor layout and access arrangements to ensure universal accessibility to the building.
 - Wind amelioration treatments that create a comfortable pedestrian environment within the public realm, with such treatments appropriately integrated into the building's architectural design.
 - A revised Landscape Plan and Public Realm Plan.
 - A Sustainability Management Plan (SMP) and Water Sensitive Urban Design Response (WSUDR) demonstrating how the proposed development will achieve a minimum 5 Star Green Star Buildings rating, including relevant credits.
 - A Water Sensitive Urban Design Response (WSUDR) utilising MUSIC modelling and incorporating a rainwater tank with a minimum effective volume of 0.5 cubic metres per 10 square metres of catchment area.

Recommendation – Part C

- 3.3 That Council authorise the Manager City Development to instruct Council's Statutory Planners and / or Council's advocate on any future Standing Advisory Committee hearing /or any independent advisory committee appointed by the Minister for Planning to consider the applications.

4. RELEVANT BACKGROUND

- 4.1 On 17 May 2016, Council considered its position on a planning permit application submitted to the Minister for Planning for this site (and five others), proposing a 40-storey tower, the maximum height permitted under the 2015 planning controls. Council resolved to advise the Minister that it did not support the application, citing concerns regarding:



- the lack of variation in building heights along Normanby Road,
 - insufficient tower setbacks,
 - excessive building mass and bulk,
 - cumulative density impacts,
 - traffic and wind effects,
 - limited provision of affordable housing,
 - absence of community infrastructure, and
 - issues related to detailed design, operational functionality and overall amenity.
- 4.2 The Minister did not determine the application and on 12 November 2017, an application for review was submitted at the Victorian Civil and Administrative Tribunal (VCAT) for failure to decide the application in the statutory timeframe.
- 4.3 On 21 February 2018, this application and others were “called-in” by the Minister. The permit applicant subsequently elected to revise their designs and apply to the Minister to prepare a Planning Scheme Amendment application C165port and have their proposals assessed by the Standing Advisory Committee.
- 4.4 The amended proposal sought a 20-level tower (71.8m) and 5 metre setbacks above the podium. On 25 September 2019 Council considered its position on the proposal and determined to not support it as it did not comply with the *preferred* height and setbacks. Council adopted the view that this proposal, in addition to other adjacent proposals which adopted the same profile, would cumulatively result in a poor built form outcome, would not achieve the slender tower ambition for the precinct and variation in height between the tallest and lowest of the towers would be minor and insufficient to overcome concerns about a variation in heights.
- 4.5 Council sought that the height should be reduced to between 7 and 15 levels to accord with the preferred mid-rise character of the area to provide greater variation to the building heights.
- 4.6 This application was withdrawn before proceeding to a hearing before the Standing Advisory Committee.

5. SUBJECT SITE AND SURROUNDS

- 5.1 The subject site, 264-270 Normanby Road, South Melbourne, comprises the land contained in Certificate of Titles Volume 09665 Folio 771 and more particularly described as Land in Plan of Consolidation 161637C.
- 5.2 The site is a rectangular allotment with frontages of approximately 40.24 metres to Normanby Road (south) and Munro Street (north), and side boundaries of approximately 50.29 metres adjoining 256–262 Normanby Road (east) and 272–280 Normanby Road (west), resulting in a total site area of approximately 2,024 square metres.
- 5.3 There are no caveats or Section 173 Agreements affecting the site. The property is subject to a drainage and carriageway easement, ranging in width from 2.25 to 3.20 metres along its western boundary, which benefits 272–280 Normanby Road. Likewise, a drainage and carriageway easement of the same dimensions is located along the eastern boundary of 272–280 Normanby Road, providing benefit to the subject site.

- 5.4 A party wall easement, measuring 0.1 metres in width, extends along the eastern boundary but for 4.5 metres to the south-east corner.
- 5.5 The site is currently developed with a two-storey commercial building/warehouse. The building is constructed with a narrow landscape setback to Normanby Road and built to the title boundaries along Munro Street and the eastern boundary. Along the western boundary, adjoining 272–280 Normanby Road, the building is set back between 3.2 and 8 metres. The land is generally flat with no discernible slope in any direction.
- 5.6 There is one existing vehicle crossing to the land off Normanby Road, and three crossings off Munro Street (one of which aligns with Easements E-2 and A-2). There are two mature street trees along the Normanby Road nature strip with parallel parking along the street frontage.

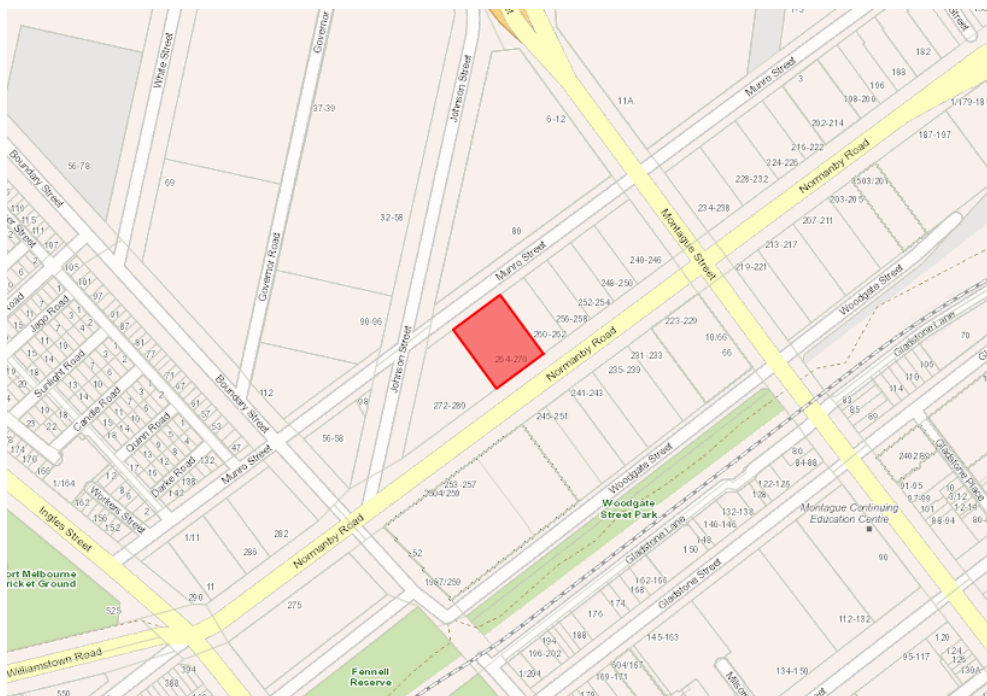


Figure 1: Site location

- 5.7 The site is situated within the Montague Precinct of the Fishermans Bend Urban Renewal Area, characterised by a mix of existing industrial uses and emerging high-density redevelopment.
- 5.8 In accordance with the Fishermans Bend Framework and Planning Scheme provisions, the following applies to the subject site:
 - Montague Core Area.
 - An active frontage with at least 80 per cent clear glazing along the ground level frontage to Normanby Road.
 - A new 9 metre wide laneway along the south-western boundary extending between Normanby Road and Munro Street. This laneway is to be delivered via a 4.5 metre contribution from the subject site and a corresponding amount from the adjoining property at 272–280 Normanby Road.



- While the new laneway is not mandated to include active frontages, a degree of activation is encouraged.
- No vehicular access is permitted from Normanby Road.

5.9 The surrounding land is developed as follows:

- **North (Munro Street frontage):**
The site abuts Munro Street, a 20 metre wide road reserve accommodating two-way traffic, street trees, pedestrian footpaths, and on-street parking. Opposite the site at 80 Munro Street is a single-storey warehouse constructed to the site boundaries. This property has planning approval for a mixed-use development comprising three towers of 15, 24, and 38 levels, including two five-level podiums and two basement levels (Planning Scheme Amendment C176port). Further north, across Johnson Street at 60–82 Johnson Street, a vacant site has approval for four towers ranging from 21 to 46 levels.
- **South (Normanby Road frontage):**
Normanby Road is a 30 metre wide road reserve featuring two-way traffic, mature street trees, pedestrian footpaths, parallel on-street parking, and a bus stop. Opposite the site, 253–273 Normanby Road is under development for two towers of up to 40 levels, while 245–251 Normanby Road has approval for a 40 level tower which is currently under construction.
- **East (Side):**
The adjoining property at 256–262 Normanby Road comprises contemporary single-storey office and warehouse buildings with glass façades and tilt-slab concrete construction. At-grade car parking is provided along the frontage and side, accessed via vehicle crossings from Normanby Road and/or Munro Street. This site has approval for a 20 level mixed-use tower (Planning Scheme Amendment C166port). Further east, 240–246 Normanby Road also has approval for a 20 level tower (Planning Scheme Amendment C195port).
- **West (Side):**
The adjoining site at 272–280 Normanby Road is currently under construction for a 20-storey mixed-use development. This development will deliver a 4.5-metre-wide portion of a new 9 metre wide laneway along its eastern boundary. Beyond this, Johnson Street, a 30 metre wide road reserve with two-way traffic is proposed to be discontinued between Normanby Road and Munro Street to facilitate the creation of new public open space.

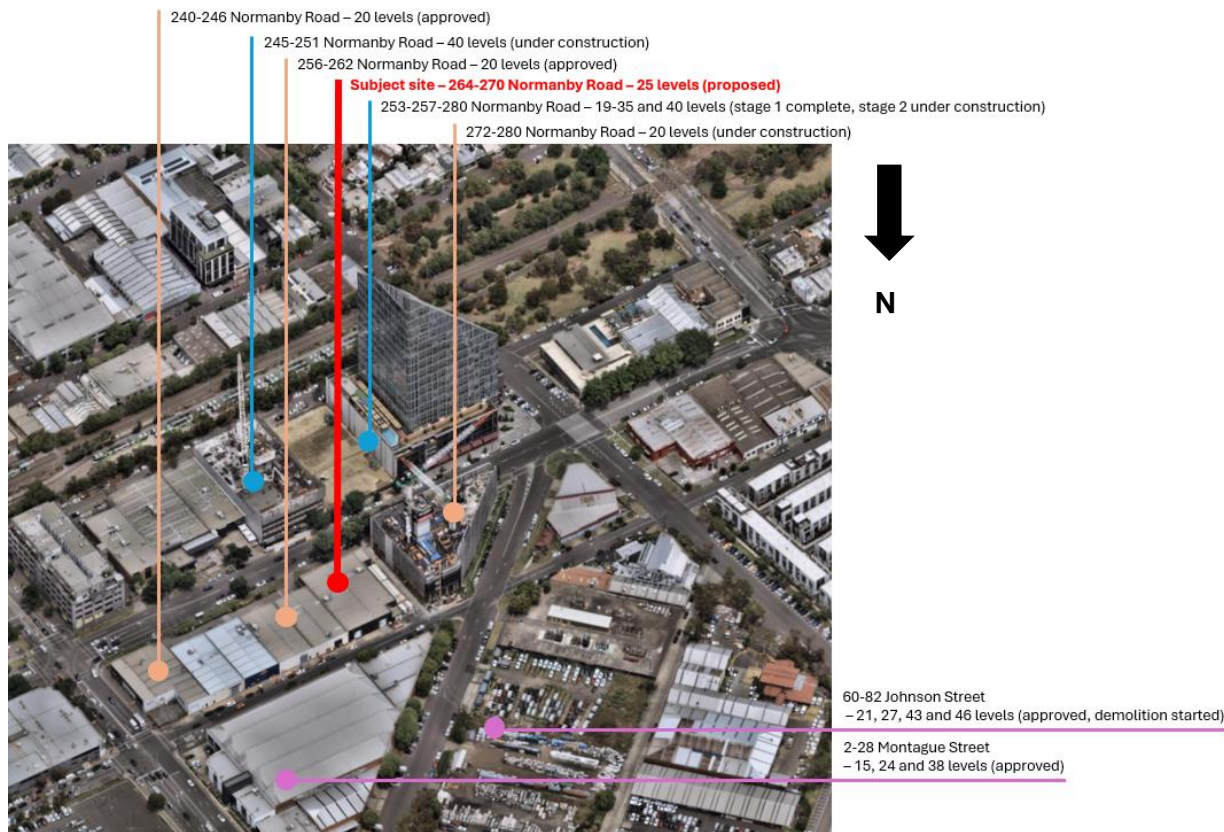


Figure 2: Subject land and proximate development activity

6. PROPOSAL

- 6.1 Approval is sought for the demolition of the existing buildings and the use of the land for a mixed use building including retail premises, offices and dwellings, development of a 25 level building and alteration of access to a Transport Zone 2.
- 6.2 Details of the plans considered are included at **Attachment 2** of this report

Architectural plans	<p>Plus Architecture Project No 13182 Dwgs No's</p> <p>Demolition plans: TP98 Rev 1</p> <p>Floor plans: TP99 Rev 3, TP100 Rev 2, TP101 Rev 2, TP102 Rev 2, TP103 Rev 2, TP104 Rev 2, TP105 Rev 2, TP106 Rev 2, TP107 Rev 1, TP115 Rev 2, TP116 Rev 1, TP123 Rev 1, P125 Rev 2, TP126 Rev 1, TP12 Rev 1</p> <p>all dated 12/07/2023</p> <p>Elevations & Sections: TP200 Rev 2, TP201 Rev 2, TP220 Rev 2, TP221 Rev 2, all dated 12/07/2023</p> <p>Material Schedule 7.01</p> <p>BADS Compliance Summary 8.0, 8.01 Rev 2, 8.02 Rev 2, 8.03 Rev 2, 8.04 Rev 2, 8.05 Rev 2, 8.06 Rev 2, 8.07 Rev 2, TP8.08 Rev 2, TP8.09 Rev 2, 8.10 Rev 1, 9.11 Rev 1, 8.12 Rev 1, 8.13 Rev 1, 8.14 Rev 1, 8.15 Rev 1, 8.16 Rev 1, 8.17 Rev 1, 8.18 Rev 1, 8.19 Rev 1, 8.20 Rev 1, Dwelling Diversity 8.10 Rev 2</p>
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Supporting plans / reports	all dated 01/04/2025
	<p>Plans</p> <ul style="list-style-type: none"> • Veris Australia Boundary re-establishment feature and level survey Job no: 30554, Sheet 1 of 1 dated 24/07/23. • Site Analysis - Chapter 1 of Town Planning Application, April 2025 prepared by Plus Architecture. • Design Response - Chapter 2 of Town Planning Application, April 2025 prepared by Plus Architecture. • Architectural Renders – Chapter 3 of Town Planning Application, April 2025 prepared by Plus Architecture. • Shadow Analysis - Chapter 4 of Town Planning Application, April 2025 prepared by Plus Architecture. • Development Schedule - Chapter 6 of Town Planning Application, April 2025 prepared by Plus Architecture. • Landscape Plans prepared by Bush Projects Art and Landscape Architecture, Project No 23017, Dwg No's LA200, LA201, LA202, LA700 All Rev 4, dated 30/11/2023. <p>Reports</p> <ul style="list-style-type: none"> • RFI Cover Letter • Planning Report (RFI Revised) prepared by Tract, dated 1 May 2025. • Clause 58 – Better Apartment Design Standards prepared by Tract dated 1 May 2025. • Noise Impact Assessment prepared by RWDI, Project No 2306126 dated 16 May 2025. • Aboriginal Cultural Heritage Due Diligence Assessment, prepared by Ecological Australia, dated 9 August 2024. • Stormwater Management Plan, Project No VIC230242, Doc Rev B, prepared by Intrax Projects, dated 23 April 2025. • Sustainability Management Plan, Project No VIC230242, Doc Rev E, prepared by Intrax Projects, dated 23 April 2025. • Transport Impact Assessment Report, Project No N0500, prepared by ESR Transport Planning, dated 4 April 2025. • Waste Management Plan, prepared by Leigh Design, dated 17 April 2025. • Wind Tunnel Test, Project No 30N-23-0196-TRP-83358-2, Prepared by Vipac Engineers and Scientists Ltd, dated 23 April 2025.



6.3 Key aspects of the proposal include:

Building height	25 levels / 86.5m <ul style="list-style-type: none"> part 25 levels (fronting Normanby Road) part 15 levels (fronting Munro Street) + 1 basement level + plant
Podium height	6 levels / 25.7m <ul style="list-style-type: none"> Part 5 levels / 22.1m (adjacent to 260-262) Part 6 levels / 25.7m (adjacent to laneway)
Commercial land use mix	Retail at ground floor level - 678m ² Office at podium levels 1-4 - 2,932m ²
Dwellings	190 dwellings <ul style="list-style-type: none"> 1 bed x 73 2 bed x 91 3 bed x 26
Communal facilities	<ul style="list-style-type: none"> Level 5 – external common area 266sqm Level 15 – external common area 298sqm
Car parking	117 spaces <ul style="list-style-type: none"> B1 – 44 residential – 2 EV charging space, 1 DDA L1 – 7 retail, 11 commercial L2 – 18 commercial L3 – 18 residential L4 – 19 residential
Bicycle parking	226 spaces <ul style="list-style-type: none"> B1 – 2 commercial GF – 20 residential visitor, 2 commercial visitor, 2 retail visitor L1 – 74 residential + 12 commercial L2 – 38 residential L3 – 38 residential L4 – 38 residential
Motorcycle parking	3 spaces <ul style="list-style-type: none"> L1 - 1 L2 – 1 L3 – 1
Dwelling access	Ground floor residential lobby accessed from Normanby Road. Basement to Level 25 serviced by two lifts.
Retail/commercial access	Retail access off Normanby Road, side lane and Munro Street. Commercial lobby accessed from Normanby Road.

	Dedicated commercial lift from Basement to Level 4
Vehicular access	<p>Via upgraded Munro Street crossover and shared laneway (opposite access to 272-280 Normanby Road currently under construction).</p> <p>Note access continues to partially rely on the adjoining carriageway easement which benefits the land at 272-280 Normanby Road.</p> <p>Internal ramps provide access to basement and podium level car parking.</p> <p>Two redundant crossovers on Munro Street would be removed and the vehicular access off Normanby Road would be reconfigured to allow for bicycle access only.</p>
Laneway delivery	<p>A 4.5 metre wide laneway is proposed along south-west (side) (50% of 9 metre laneway sought by the Framework Plan with the balance to be delivered by the adjoining site at 272-280 Normanby Road).</p> <p>The final design and staging of the laneway will be undertaken in consultation with the development at 272–280 Normanby Road.</p>



Figure 3: Architectural impressions of the proposal from Normanby Road



6.4 Pursuant to the applicable planning controls, a planning permit would ordinarily be required under the following provisions. However, it is noted that the Infrastructure Contributions Overlay currently prohibits the granting of a planning permit, thereby overriding these triggers.

Clause	Trigger
Uses	
36.04-2	Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1
37.04-1	Use the land for a retail premises: <ul style="list-style-type: none"> • within 450m of the South Melbourne to Brooklyn pipeline
37.04-1	Use the land for a dwelling: <ul style="list-style-type: none"> • in an Amenity buffer • in a core area • within 450m of the South Melbourne to Brooklyn pipeline
Works	
37.04-4	Demolish or remove a building or works
37.04-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
Other	
52.29-2	Create or alter access to a road in a Transport Zone 2

7. RELEVANT PLANNING POLICIES AND CONTROLS

Municipal Planning Strategy

7.1 The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

- Clause 02.01 - Context
- Clause 02.02 - Vision
- Clause 02.03 - Strategic Directions
- Clause 02.04 Strategic Framework Plans

Planning Policy Framework

7.2 The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:



- Clause 11 – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.03-6L-04 – Fishermans Bend Urban Renewal Area
 - Clause 11.03-6L-05 – Fishermans Bend Urban Renewal Area - Montague Precinct
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environmental and Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

Zones

7.3 The following zones are relevant to the proposal:

- Clause 37.04 Capital City Zone
 - Clause 37.04 – Schedule 1 to Capital City Zone
- Clause 36.04 Transport Zone (TRZ2)

Overlays

7.4 The following overlays are relevant to the proposal:

- Clause 43.02 – Design and Development Overlay
 - Clause 43.02 – Schedule 30 to Design and Development Overlay
- Clause 45.03 – Environmental Audit Overlay
- Clause 45.09 – Parking Overlay
 - Clause 45.09 – Schedule 1 to Parking Overlay
- Clause 45.11 – Infrastructure Contributions Overlay
 - Clause 45.11 – Schedule 1 to Infrastructure Contributions Overlay
- Clause 45.12– Specific Controls Overlay
 - Clause 45.12– Schedule to Specific Controls Overlay

Other relevant provisions

7.5 The following particular, general and operational provisions are relevant to the proposal:

- Clause 52.06 – Car Parking
- Clause 52.29 – Land Adjacent to a Transport Zone, Category 2, or a Public Acquisition Overlay for a Category 2 Zone
- Clause 52.34 – Bicycle Facilities



- Clause 53.10 – Use with Adverse Amenity Potential
- Clause 58–58.07 – Apartment Development
- Clause 65 – Decision Guidelines
- Clause 66.02–66.06 – Referrals and Notice
- Clause 72.01 – Responsible Authority for this Planning Scheme
- Clause 72.04 – Documents Incorporated in this Planning Scheme
 - Clause 72.04 – Schedule to Documents Incorporated in this Planning Scheme

8. REFERRALS

8.1 Internal referrals

8.1.1 The application was internally referred for comment.

8.1.2 Internal referral responses in full are at **Attachment 3** of this report.

8.2 External referrals

8.2.1 The Minister for Planning via the Department of Transport and Planning (the Department) is responsible for external referrals including to the Port Phillip City Council, noting Council would be a recommending referral authority if the proposal was a planning application made under Part 4, Division 1 of the Act.

9. PUBLIC NOTIFICATION/OBJECTIONS

9.1 The Department is responsible for notifying relevant parties of the proposal, including landowners, occupiers, and referral authorities.

9.2 The Minister may determine whether the notice requirements of the planning scheme amendment under sections 17, 18, and 19 of the Act are applicable.

9.3 If the proposal were for a planning permit application, the proposed uses and works would otherwise be exempt from the notice provisions of section 52(1)(a), (b), and (d), the decision-making requirements of section 64(1), (2), and (3), and the review rights under section 82(1) of the Act.

10. OFFICER'S ASSESSMENT

10.1 The merits of the proposal are assessed against key considerations, including

A. Response to the Planning Policy Framework

Assessment against all relevant clauses, including

- 11.03-6L-04 – Fishermans Bend Urban Renewal Area
- 11.03-6L-05 – Fishermans Bend Urban Renewal Area – Montague Precinct

B. Response to relevant planning controls

Assessment against the applicable statutory planning controls, including:

- *The Capital City Zone*
- *Design and Development Overlay – Schedule 30*



- *Transport-related provisions, including access, parking, and integration with the broader network*
- *Environmentally Sustainable Development (ESD) requirements*
- *Other relevant planning controls or policy considerations*

A. Response to the Planning Policy Framework

- 10.2 The proposal supports the strategic vision for the Montague Precinct by facilitating a mixed-use development. The building includes a 5 and 6 level podium providing a fine-grain, pedestrian-oriented environment with active frontages with a part high-rise (25 level) and mid-rise (15 level) tower which, subject to conditions, would respond to the emerging built form along Normanby Road. The design ensures good access to daylight, outlook, and privacy for future residents, while managing interfaces between public and private spaces to support safety and amenity. The proposal will contribute to housing diversity and affordability, through a mix of dwelling types and sizes and provision of social and affordable housing. Retail and commercial uses would support local employment and services in the Montague Precinct.
- 10.3 The proposal would support sustainable transport by improving pedestrian permeability via part delivery of the laneway connecting Normanby Road to Munro Street. Car parking is sleeved with active uses and designed to be adaptable for future alternative uses. Environmental sustainability and water-sensitive urban design measures can be delivered, subject to compliance with recommended conditions in the Incorporated Document. The development also includes appropriate design responses to manage environmental risks such as flooding, noise, contamination and managing amenity impacts from nearby industrial uses. A condition will be required to secure development contributions to support the delivery of infrastructure in the Montague Precinct.
- 10.4 A response to Clauses 11.03-6L-04 and 11.03-6L-05 which specifically deal with Fishermans Bend Urban Renewal Area and the Montague Precinct are considered in detail below:

Fishermans Bend Urban Renewal Area Policy	Officer Assessment
<p>11.03-6L-04 Employment floor area</p> <p>Minimum plot ratio not used for dwelling (Core Areas): Montague: 1.6:1</p> <p><i>Plot ratio: The gross floor area of all buildings on a site, divided by the area of the site.</i></p> <p><i>Gross floor area: The total floor area of a building, measured from the outside of external walls or the centre of</i></p>	<p>Achieved</p> <p>Required:</p> <p>Montague Core area ratio = 1.6:1 x 2,024m² = 3,238.4m²</p> <p>Proposed:</p> <p>Development Summary:</p> <ul style="list-style-type: none"> • Commercial: 2,932m² (Commercial floorspaces provided at Levels 1-4) • Retail: 678m² (3 tenancies at ground floor level) <p>= 3,610m² (+ 371.6 m²)</p>



<p><i>party walls, and includes all roofed areas (i.e. includes the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts).</i></p>											
<p>11.03-6L-04 Community and diversity</p> <p>Proposals of > 100 dwellings should provide 3BR dwellings: Montague: 25%</p>	<p>Not achieved - Can be addressed through conditions</p> <p>Proposed no of dwellings: 190</p> <ul style="list-style-type: none"> • 1 bed x 73 (38.4%) • 2 bed x 91 (47.9%) • 3 bed x 26 (13.9%) <p>Required: 25% of 190 dwellings = 48 dwellings (47.5)</p> <p>Proposed: 26 dwellings (13.9%) a shortfall of 22 dwellings (11.1%).</p> <p>Comment: The proposal provides 14% of dwellings as three-bedroom apartments, falling short of the preferred 25 %.</p> <p>The floorplates have been designed to be with the potential to increase the number of three-bedroom dwellings to 49 apartments (27%), meeting the preferred quantity.</p>										
<p>11.03-6L-04 Providing for Affordable housing - Affordable Housing</p> <p>Developments should provide at least 6% of dwellings permitted under the dwelling density requirements in CCZ (excluding any Social housing uplift dwellings) as Affordable housing, unless:</p> <ul style="list-style-type: none"> • The site makes it impractical to do so; • It can be demonstrated the 	<p>Not achieved - Can be addressed through conditions</p> <p>Dwelling density:</p> <table border="1" data-bbox="678 1579 1428 1832"> <thead> <tr> <th>Montague Core Area</th> <th>Site area m²</th> <th>Max. dwelling density</th> <th>Proposed no of dwellings</th> <th>Proposed dwelling density</th> </tr> </thead> <tbody> <tr> <td>450 dw/ha</td> <td>2,024</td> <td>91 (91.08)</td> <td>190</td> <td>938.73 dw/ha</td> </tr> </tbody> </table> <p>Required: 6% of dwelling density = 6% of 91 (91.08) = 5 dwellings (5.46)</p> <p>Proposed: 6 dwellings</p>	Montague Core Area	Site area m ²	Max. dwelling density	Proposed no of dwellings	Proposed dwelling density	450 dw/ha	2,024	91 (91.08)	190	938.73 dw/ha
Montague Core Area	Site area m ²	Max. dwelling density	Proposed no of dwellings	Proposed dwelling density							
450 dw/ha	2,024	91 (91.08)	190	938.73 dw/ha							



<p>policy objectives can be met by a lesser provision; or</p> <ul style="list-style-type: none"> It can be demonstrated meeting the objective would render the proposal economically unviable <p>Affordable housing should be mix of 1, 2 and 3 bedrooms, internally match other dwellings, be externally indistinguishable from other dwellings.</p> <p><i>Dwelling density (dw/ha) means the number of dwellings on the site divided by the total site areas (hectares) including any proposed road, laneway and public open space.</i></p>	<p>Comment: The proposal does not nominate which apartments would be delivered as Affordable Housing therefore a condition of any Incorporated Document should require a mix of one, two and three bedrooms that reflects the overall dwelling composition i.e.</p> <ul style="list-style-type: none"> 1 bed x 2 2 bed x 2 3 bed x 1
<p>11.03-6L-04 Providing for Affordable housing – Social Housing</p> <p>Encourage Social housing in addition to 6% Affordable housing – Social housing uplift: allow 8 additional private dwellings of equivalent size for each Social housing unit provided.</p>	<p>Not achieved - Can be addressed through conditions Required:</p> <p>Proposed no of dwellings above the dwelling density = 190-91 = 99 dwellings</p> <p>1:8 or 12.5% required for social housing uplift = 99 / 8 = 12 dwellings (12.375)</p> <p>Proposed:</p> <p>No of social housing dwellings required = 9 dwellings</p> <p>Comment: The required number of dwellings must be conditioned as part of any Incorporated Document. This approach will be legally secured and managed by a registered provider on an ongoing basis which will deliver outcomes that align with the area’s character and infrastructure capacity.</p>
<p>11.03-6L-04 Design Excellence</p> <p>Encourage varied built form that aligns with</p>	<p>Not achieved - Can be addressed through conditions</p> <p>Comment: The proposal is not yet fully resolved but can be appropriately addressed through conditions of any Incorporated Document.</p>



<p>precinct character areas in DDO.</p>	<p>The proposed building staggers its massing with a dual-height configuration, comprising 25 and 15 levels, which introduces variation in building height and assists in reducing any perceived bulk between the adjoining 20 level towers (one under construction and one approved). The massing has been shifted towards the 9 metre wide laneway which increases separation between taller built elements and contributes to a slender tower that would create fast moving shadows and allow sunlight to penetrate to streets and laneways to create a high quality public realm. As discussed in this report at 10.6.5, the proposal seeks a departure from the mandatory minimum setback controls to the tower which, are in part, not supported.</p> <p>The materials, colours and fenestration of the facades introduces a lighter material pallet at the tallest levels to minimise any perception of visual bulk.</p> <p>At street level, the building supports a fine grain, human scale environment with active uses. Opportunities for passive recreation are provided but can be improved.</p> <p>Council's Urban Designer is generally supportive of the proposal, subject to the refinement of detailed design elements including the façade strategy and quality of materials used at podium levels. Improvement are also recommended to ground floor programming to ensure compliance with DDA requirements and cyclist access.</p> <p>Further matters requiring resolution include the detailed treatment of plant screening, integration of ESD and wind mitigation measures within the architecture of the building. Noting these elements must be addressed holistically to avoid ad hoc additions that could undermine the architectural integrity of the building.</p> <p>Resolution of these matters can be managed through conditions requiring submission of revised plans, including a façade strategy.</p>
<p>11.03-6L-04 Achieving a climate adept, water sensitive, low carbon, low waste community Energy: Assess against: Should achieve a 20% improvement on current National Construction Code energy efficiency standards including for building envelopes,</p>	<p>Not achieved – Further review required and should be addressed prior to a decision</p> <p>Comment: The SMP does not include a commitment to achieve a minimum 20% improvement on the current NCC 2019 Section J requirements.</p> <p>The proposal fails to achieve a 7-star NatHERS rating.</p> <p>The SMP and plans notes a solar PV system size of 13kW peak on the tower rooftop. The SMP does not propose on-site energy storage or connections to a future</p>



<p>lighting and building services.</p> <p>Residential development should achieve an average 7-star NatHERS rating for each building.</p> <p>At least 70% of total site should comprise building or landscape elements that reduce impact of urban heat island effect including:</p> <ul style="list-style-type: none"> • Vegetation, green roofs and water bodies; • Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index; • Non-glazed façade materials exposed to summer sun should have a low solar absorptance. 	<p>precinct wide or locally distributed low-carbon energy supply.</p> <p>The SMP does not provide details on whether 70% of the total site area includes elements that reduce urban heat island effects.</p>
<p>11.03-6L-04 Achieving a climate adept, water sensitive, low carbon, low waste community</p> <p>Assess proposals in flood prone areas against:</p> <ul style="list-style-type: none"> • Design elements and materials should be resilient inc. waterproof doors and windows, elevated power outlets and the like. • Land uses at ground floor level that can easily recover from the impacts of temporary flooding. 	<p>Not achieved - Can be addressed through conditions</p> <p>Comment: The design raises the ground floor level including car parking access, lobby areas and retail floor levels above street level to meet Melbourne Water’s flood protection requirements.</p> <p>The level changes between the street level, entry lobbies and the retail tenancies however have not been satisfactory resolved from a DDA and shared user perspective.</p> <p>Council’s ESD Officer also notes the WSUD response requires revisions to:</p> <ul style="list-style-type: none"> • Increase rainwater tank sizing to 0.5m3 per 10m2 of catchment. • Connect all non-potable outlets in the building, not just toilets for residential components to the rainwater tanks. • Provide MUSIC modelling that demonstrate conformance with Melbourne Water’s MUSIC



<ul style="list-style-type: none"> • Any level changes required between street level and internal ground floor should be integrated into the building design to maintain good physical and visual connection between street and interior. • Essential services such as power connections, switchboards and other critical services should be located to address flooding impacts. • Developments and public realm layout and design should integrate best practice WSUD. 	<p>modelling guidelines and include MUSIC file to comply.</p>
<p>11.03-6L-04 Communal open spaces</p> <p>Encourage developments to landscape all public, communal and private open space.</p> <p>Landscape areas should:</p> <ul style="list-style-type: none"> • Contribute to creation of sense of place and identity and preferred character for the precinct. • Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice WSUD. 	<p>Not achieved - Can be addressed through conditions</p> <p>Comment: The landscape plan does not accurately reflect the proposed architectural floorplans however landscaping is anticipated to be provided in the following areas:</p> <ul style="list-style-type: none"> • At the ground floor level corner of Normanby Road and along the new lane. • The level 5 and 15 outdoor terrace areas. <p>The subject site is identified as being susceptible to flooding. The building’s design response is common practice - raising of floor levels including for protection of the basement level. This is satisfactory, but not innovative. As noted above, the WSUD response is not satisfactory and requires revision.</p> <p>There is no provision for community gardens or celebrating Aboriginal cultural heritage and this should be addressed as part of any amended landscape design response.</p>



<ul style="list-style-type: none"> • Incorporate opportunities for community gardens. • For POS, interpret and celebrate heritage and culture inc. Aboriginal cultural heritage. 	
<p>11.03-6L-04 Communal open spaces</p> <p>Plant selection should:</p> <ul style="list-style-type: none"> • Support complex and biodiverse habitat including native and indigenous flora and fauna. • Balance provision of native and indigenous plants with exotic climate resilient plants that provide opportunity for biodiversity. • Support creation of vegetation links within FB to surrounding areas of biodiversity, plant selection design. 	<p>Not achieved - Can be addressed through conditions</p> <p>Comment: The landscape plan is inconsistent with the architectural plans and insufficient detail has been provided to allow for assessment.</p>
<p>11.03-6L-04 Communal open spaces</p> <p>Buildings should:</p> <ul style="list-style-type: none"> • Include deep soil zones of at least 1.5m or planter pits for canopy trees. • Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable 	<p>Not achieved - Can be addressed through conditions</p> <p>Comment: As previously stated, the landscape plan is inconsistent with the architectural plans and insufficient detail has been provided to undertake this assessment.</p>



<p>and resilient and appropriate to micro-climate conditions.</p>	
<p>11.03-6L-04 New streets, laneways and pedestrian connections</p> <p>New streets, laneways and pedestrian connections should be spaced:</p> <ul style="list-style-type: none"> • Core areas: not more than 50-70m apart in preferred direction and 100m apart in the other direction in a block. • Non-core areas: not more than 100m apart and orientated in the preferred direction. <p>The preferred direction for new pedestrian connections and laneways is north-south.</p>	<p>Achieved</p> <p>Comment: The land is in the Core area and has a frontage of 40.24 metres to Normanby Road and Munro Street.</p> <p>The Framework Plan and Planning Scheme maps propose an indicative location for a 9m wide lane along the south-west side of the site.</p> <p>The laneway generally aligns with existing 2.25m to 3.2m wide easements along the south-west side of the subject site and when combined with the adjoining easement at 272-280 Normanby Road, creates a 4.5m to 6.4m wide shared carriageway easement.</p> <p>Similar to the approved development at 272-280 Normanby Road, the application proposes to set aside an additional 1.3m in width along the south-west side of the site to create and construct a 4.5 metre wide laneway to deliver an overall width of 9m.</p>
<p>11.03-6L-04 New streets, laneways and pedestrian connections</p> <p>New streets, laneways and pedestrian connections should:</p> <ul style="list-style-type: none"> • Be aligned with and connected to existing and proposed streets as per relevant Maps in CCZ1. • Provide direct access to existing or proposed public transport stations and routes, and 	<p>Achieved</p> <p>Comment: The laneway along the south-west side of the site would be consistent with the recommended location of a through-block lane.</p> <p>The lane would provide direct access to the Route 235 bus route on Normanby Road and improved access to the Route 109 Light Rail line further to the east. The north-west/south-east alignment of the lane would not materially improve access to existing or proposed public open space because these areas are located to the north-east and south-west of the subject site.</p>



<p>existing or proposed public open space.</p>	
<p>11.03-6L-04 New streets, laneways and pedestrian connections New shared streets or lanes should prioritise pedestrian movement and safety</p>	<p>Achieved Comment: The lane design would be primarily for pedestrians and cyclists, with cars restricted to the northern most 24m of its length to provide access to the car parking area and loading bay entry from Munro Street.</p>
<p>11.03-6L-04 New streets, laneways and pedestrian connections New streets and lanes should be designed to:</p> <ul style="list-style-type: none"> • Enable views through the street block; • Have active frontages in a core area; • Be open to the sky; • Allow for canopy tree planting. 	<p>Not achieved - Can be addressed through conditions Comment: The new lane would:</p> <ul style="list-style-type: none"> • Enable views through the street block. • Be open to the sky. • Allow for canopy tree planting in its final form including development of 272-280 Normanby Road adjacent to the south-west side. • Activation at several locations along its length comprising the bicycle hoops. <p>As discussed at Standard D5 of the Clause 58 Assessment, while the laneway contributes to permeability and access, the absence of a direct entry from the laneway to the corner retail tenancy fronting Normanby Road is considered a missed opportunity for further activation. It is recommended a condition of Incorporated Document include a requirement for direct pedestrian access from the laneway to the corner retail tenancy.</p>
<p>11.03-6L-04 Sustainable transport Ensure development does not compromise the delivery of future PT inc, new tram, train and bus routes. Reduce impacts of new vehicle access points on pedestrian, PT and bicycle priority routes. Provide high levels of and easy access to bicycle parking facilities,</p>	<p>Not achieved - Can be addressed through conditions Comment: The development would not compromise the delivery of any proposed new public transport. Normanby Road is identified as a proposed on-road cycling path in the Framework Plan. The number of vehicle crossings on Munro Street would be reduced from three to one. Along Normanby Road, the existing crossover is proposed to be retained but only serve cyclist access. This crossover should be reconfigured to reflect its limited function and ensure it integrates appropriately with the streetscape - refer to discussion at Standard D11 at the Clause 58 Assessment.</p>



<p>inc. change rooms, showers and lockers.</p> <p>Encourage developments to provide less than preferred maximum no. car spaces.</p> <p>Encourage developments to provide for future conversion of car parking to alternative uses.</p>	<p>The number of bicycle parking spaces would exceed requirements however the location and access to these facilities is a concern. Access to the building for cyclists is currently reliant on a single ramp, manoeuvring into residential and commercial lobbies and with unconfirmed dimensions. To ensure safe and convenient access for all users of the building, the bicycle parking layout and access arrangements should be reconfigured to minimise conflict with pedestrian movement and improve functionality.</p> <p>The proposal has a maximum parking provision under the Parking Overlay of 144 spaces. It is proposed to provide 117 off-street resident and employee spaces. The proposed parking provision would be within the maximum permitted.</p> <p>Refer to Section 10.7.4 for discussion of car share facilities.</p>
<p>11.03-6L-04 Land use transition</p> <p>Ensure new uses and expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.</p> <p>Applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measure to mitigate adverse amenity impacts.</p>	<p>Achieved</p> <p>Comment: The proposal does not involve the expansion of an existing use that may result in adverse amenity impacts.</p> <p>It is noted that the north-western corner of the site falls within the 250-metre amenity buffer of Council's Resource Recovery Centre located on Boundary Street. To ensure potential amenity impacts are appropriately assessed and managed, a condition of any Incorporated Document should require the preparation and submission of an Amenity Impact Report.</p>

B. Response to relevant planning controls

10.5 Capital City Zone

10.5.1 Use of Land

The proposed dwelling, office, retail premises, uses are satisfactory for the site and surrounds. Recommended conditions of the Incorporated Document will satisfactorily manage amenity impacts such as noise emissions and/or protection from nearby sources of noise etc.

10.5.2 Buildings and Works Requirements

Buildings and works must be generally in accordance with the Montague Urban Structure, Amenity Buffer, Pipeline Buffer and Transport and Infrastructure maps of the



Schedule to the CCZ. This does not apply to a new road or laneway marked as indicative. The Maps include:

Map 1: Montague Urban Structure The plans satisfactorily address matters including no crossovers from Normanby Road, primary (80% permeability) active frontage and delivery of a new laneway in conjunction with the adjoining site to the south-west for a total width of 9 metres.

Map 4: Amenity buffers. Part of the north-western corner of the land (where the laneway would be located) is within the 250m amenity buffer of Council's Resource Transfer Station. Notably the controls require consideration of measures to mitigate against adverse amenity impacts if the land is within an Amenity Buffer therefore recommended clauses of the Incorporated Document are required to ensure an acceptable amenity outcome for future residents of the building.

Map 5: Pipeline buffers. The land is within the 100m buffer of the Port Melbourne to Symex Holdings gas pipeline and the 450m buffer of the South Melbourne to Brooklyn pipeline. Clauses of the Incorporated Document are required to satisfactorily address the amenity impacts from this facility.

Map 6: Transport Infrastructure shows the site is:

- Approx. 200m from the nearest existing light rail line (Route 109) to the south-east.
- Approx. 1,400m from the Route 96 (City to St Kilda) light rail line to the east.

The proposal would complement these transport routes.

10.5.3 Conditions on Permits

Clause 4.3 of Schedule 1 to the Capital City Zone (CCZ) outlines mandatory conditions to be included on planning permits, where relevant. For this proposal, the applicable conditions relating to Green Star certification, third pipe and rainwater tank infrastructure, and the provision of roads and laneways have been identified. These requirements have been incorporated into the recommended conditions of the Incorporated Document

10.6 Design and Development Overlay – Schedule 30

10.6.1 Building Typologies

The subject site is located within the Core area of Montague North in Character Area M1 of DDO30. This precinct supports a hybrid built form with a focus on mid-rise development (7 to 15 levels) and some high-rise elements (16 levels and above). The site is subject to a discretionary maximum building height of 20 levels / 68 along with a preferred street wall height of 4 to 6 levels.

The proposal introduces a dual-height arrangement, comprising a tower of 15 and 25 levels. This staggered massing helps to break up the overall form and provides a transition between the neighbouring 20 level developments to the north-east and south-west. The taller element is positioned adjacent to the laneway, which increases separation between built forms and contributes to presentation of a slender profile when viewed from the public realm. This approach aligns with the preferred character for the precinct, where slender towers cast fast-moving shadows and reduce the perception of bulk from street level.

The design also responds to the emerging built form in the area. Opposite the site, developments under construction or approved include towers ranging from 15 to 46



levels (refer to Figure 2). These developments form part of the emerging character of the area, notwithstanding some were approved under a different planning regime. The proposed 25 level tower sits below the height of several nearby approvals, while the 15 level component fronting Munro Street is within the mid-rise range.

10.6.2 Building Height

The preferred maximum building height for the precinct is 20 levels / 68m

The proposed building height is 25 levels / 86.5m:

- Part 15 levels to Munro Street (56.7 AHD to parapet & 58 AHD to wind screen)
- Part 25 levels to Normanby Road (88.5 AHD to parapet & 90.2 AHD to lift overrun)

Council supports the applicant's view that the site can accommodate built form exceeding the preferred mid-rise scale of 15 levels and preferred maximum of 20 levels. The proposed 25 level element is comparable in scale to a previous approval at 272-280 Normanby Road which allowed a building height up to 24 levels with 10 metre tower setbacks under Amendment C177port. Notably, this building height was supported on a site adjacent open space where reducing bulk to exposed facades is inherently more challenging. In this context, the proposed massing of the 25 level element of the tower towards Normanby Road is considered an acceptable outcome subject to conditions to provide a 10 metre minimum setback to Normanby Road, consistent with the mandatory setback requirement should this proposal be considered via a planning permit process.

Council considers the proposed building height to be appropriate for an infill development on this site, creating a differentiation in height to both street frontages with the adjoining developments (5 levels higher to Normanby Road and 5 levels lower to Munro Street).

The proposal does not feature any non-habitable architectural features more than 3 metres in height. Building services are however located within 3 metres of the building façade. This aspect must be resolved as a condition of any Incorporated Document.

It is acknowledged that Council previously advocated for lower tower heights to strictly align with the upper limits of the mid-rise definition under DDO30. However, the built form context has since evolved. This proposal is now being considered adjacent to approved developments of up to 20 levels, rather than the 30–40 level towers previously pursued on adjoining sites. This shift, along with known built form outcomes nearby, supports a more nuanced design approach. It recognises that a varied and engaging skyline can also be achieved through a step-up in building height where it can be demonstrated that the proposal meets the design objectives of DDO30.

10.6.3 Street Wall Height

Normanby Road is approximately 30 metres wide and Munro Street is approximately 20 metres wide. The preferred street wall (i.e. podium) height for Normanby Road and Munro Street is 4 levels (except where a lower height is necessary to respond to an adjoining heritage place for Munro Street). The maximum street wall height is 6 levels. Non-habitable architectural features not more than 3 metres in height may exceed the specified height.

The preferred and maximum street wall height to the laneway (at 9 metres wide) is also 4 and 6 levels respectively.



The proposal includes 5 level (22.1m) podium to Munro Street and part 5 level (22.1m) / 6 levels (25.7m) podium to Normanby Road. Along the laneway, the podium steps from 5 to 6 levels between the Munro and Normanby frontages. The proposed podium heights are consistent with the preferred and maximum street wall height requirements of DDO30.

10.6.4 Street wall setbacks

Street walls should be built to or within 0.3 metres of an existing or proposed street, laneway or public open space.

The street walls facing the two street frontages and laneway would be predominantly built to the boundary except for minor rebates for access, open space / planters or articulation. Floorplans do however detail encroachments over the title boundary into the footpath / public realm for structural elements. This is not supported and conditions of any Incorporated Document must require all structural and architectural features (including planters, seating and services) to be contained within the title boundary. Changes required must not compromise the architectural quality of the building, including but not limited to the visual depth provided by the structural and architectural features.

At 9 metres wide, the laneway width would typically mandate a minimum street wall setback of 6 metre or preferred setback of 9 metres as set out at Table 5 of DDO30. As this is an application for a planning scheme amendment, a minor amendment to the width of the laneway to be marginally less than 9 metres wide (e.g. 8.99 metres), would result in the setback to the edge of the laneway being compliant (i.e. within 300mm of the proposed laneway). A recommended condition of permit to reduce the laneway width would achieve a compliant street wall to the laneway.

The street wall setbacks are considered satisfactory and are supported subject to resolution of matters noted above.

10.6.5 (Tower) Setbacks Above the Street Wall

The table below details the applicable setbacks above the street wall

Tower setback to:	Preferred Setback	Minimum Setback	Proposed Setback	Comments
Tower Setbacks (Above the Street Wall) – Table 4 of DDO30				
To Munro Street	10m	10m	<u>5m up to Level 14;</u> 15m to Level 15–24	Variation proposed
To Normanby Road	10m	10m	<u>5m</u>	Variation proposed
To the laneway setback adjacent to 272–280	10m	10m	5m to title boundary; 0.5m to laneway edge	Variation proposed



Normanby Road / laneway)				
Side Setback – Table 5 of DDO30				
Adjacent to 260–262 Normanby Road	10m	10m	<u>5m to 15-level portion;</u> 10m to 25-level portion	Variation proposed

A portion of the building comprises 15 levels, which in isolation would require a minimum 5 metre a setback. However, as the overall building height is 25 levels, a mandatory minimum 10 metre setback applies. As this proposal forms part of a planning scheme amendment, the proponent advances that variations to the built form standards may be considered.

The Terms of Reference for land subject to new proposals sets out at paragraph 18 that *“in assessing the appropriateness of a site specific planning control to facilitate a proposal, it must consider, (inter alia) ... the compliance of the proposal with the requirements of the permanent planning controls set out in paragraphs 14-15, or 17, of these Terms of Reference, as applicable.” (author emphasis)*

Paragraph 17 relates to Land subject to new proposals and states,

“The Advisory Committee is to consider 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 policy;*
- b. meeting the requirements of the Design and Development Overlay, the Parking Overlay and the Capital City Zone); and*
- c. making appropriate development contributions.” (author emphasis)*

The proposed setbacks adopted by this proposal are to the height of the nearest tower element presented to the street instead of the overall building height. Adopting the approach used by the proponent, the proposal would be compliant with setback requirements to Munro Street and to the adjacent site at 260-262 Normanby Road. Setbacks to the laneway and Normanby Road would remain non-compliant with a variation sought to provide a minimum 5 metre setback in lieu of 10 metres.

Setbacks to the two different heights of the tower are discussed in turn below.

Setbacks to the 15 level tower element: The proposed variation to the setback fails to meet the mandatory minimum setback that would otherwise apply if this application were to be considered under a planning permit process. From an urban design perspective, the proposed setbacks would be consistent with those adopted for the adjoining sites and therefore maintain the street rhythm and enable adequate daylight and views to the sky between buildings. Importantly, the non-compliant 5 metre setback adjacent to 256-262 Normanby Road is strategically positioned opposite the wider setback of the approved built form which benefits from more of an elliptical tower form, helping to balance the overall massing presented to the streetscape.

Setbacks to the 25 level tower element: The proposed variation to the setback fails to meet the mandatory minimum setback that would otherwise apply if this application were to be considered under a planning permit process. Notwithstanding, the proposed setbacks are more than those typically required for Munro Street with 15 metres rather than 10 metres proposed. This approach ensures that the taller element reads as recessive to the Munro streetscape and a mid-rise built form is truly achieved. The minimum 10 metre setback to the common boundary with 256-262 Normanby Road is achieved but owing to the elliptical shape of the approved development, being setback 15 metres to the common boundary (not 10.9 metres noted on the proposed floor plans), the real separation between towers presenting to Normanby Road would be 25 metres at its closest to the street.

To Normanby Road, the proposed 5 metre setback in lieu of 10 metres is not supported as this would be a continuation of 5 metre setbacks of towers to the adjoining sites but given the reduced setback would be to a taller tower along this side of Normanby Road, an increased setback to a minimum of 10 metres should be adopted to assist in mitigating any perception of visual bulk to the Normanby Road streetscape and be consistent with the setback requirements previously associated with Amendment C177port.

To the laneway, a setback of 5 metres from the centreline / title boundary is proposed in lieu of 10 metres. The setback would mirror that of the adjacent development at 272-280 Normanby Road. The proposed variation can be supported in this isolated instance as the built form takes the benefit of the separation provided by the laneway and laneway and, subject to a condition requiring an additional / compliant setback to Normanby Road would extend for approximately 25 metres and will not result in unreasonable amenity impacts to the laneway.

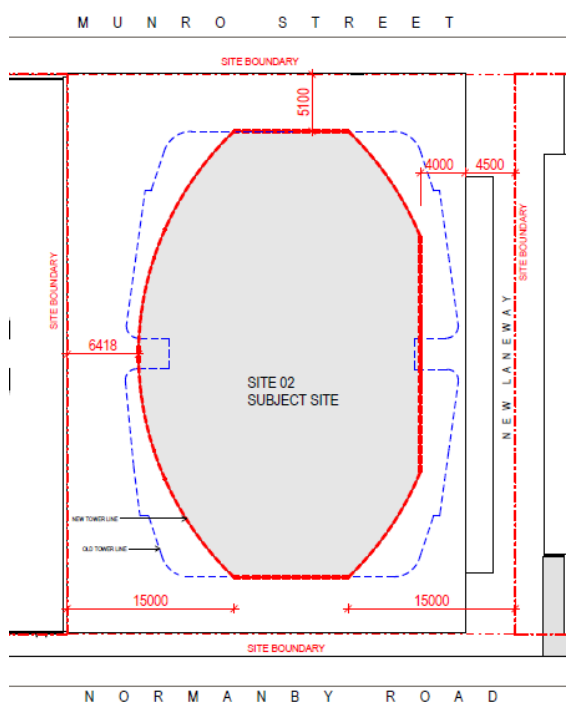




Figure 4: Floorplan of 256-262 Normanby Road – red outline indicates approved town for and setbacks.

While the proposed tower setbacks achieve some positive urban design outcomes to Munro Street, the laneway and adjacent to 256-262 Normanby Road, the variation to the mandatory setback along Normanby Road is not supported. The application does not demonstrate any site-specific constraints or public benefits that would justify this non-compliance. Supporting the variation risks undermining the strategic intent of DDO30 and setting an undesirable precedent. It is estimated the increased setback would result in a loss of 16-23 dwellings and subsequent loss of 2 or 3 social housing dwellings.

10.6.6 **Overshadowing**

Clause 2.6 of DDO30 states buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the maximum street wall height and existing buildings over:

- The existing residential zoned land south of City Road and Montague Street between the hours of 11.00am and 2.00pm on 22 September.
- The existing or new public open spaces or streets shown in Map 4 of the schedule as follows:
- The new public open space park at the rear of 231-233 Normanby Road (facing Woodgate Street) between 11.00am and 2.00pm on 22 September.

No overshadowing controls apply to the proposed new Johnson Street Public Open and linear parks opposite and along Johnson Street or the existing parks alongside the Route 109 light rail line.

The shadow plans confirm the proposal would not overshadow any of the listed areas of existing or proposed open space (including North Port Oval). The proposal would cast morning shadow over the proposed Public open space on Johnson Street, but this would clear the park by 11.00am at the September equinox. Shadow impacts are considered acceptable.

10.6.7 **Wind Effects on the Public Realm**

A review of the wind tunnel assessment confirmed that public realm areas meet the recommended safety criterion, except for the southeast corner adjacent to 256-262 Normanby Road which recorded gusts exceeding the threshold. Most footpath areas comply with the walking comfort criterion, with the southeast corner again exceeding limits can be managed through temporary measures such as a porous car park façade. The main building entrances meet the standing comfort criterion.

Overall, the modelling concluded the proposed development is not expected to cause significant adverse wind impacts on surrounding areas that many of the concerns would be addressed upon development of the approval at 256-262 Normanby Road but temporary mitigation measures could be adopted in the interim to provide for a comfortable pedestrian environment.

Refer to Standard D7 and 17 of Clause 58 for detailed discussion about wind impacts to communal areas within with the development.

10.6.8 **Active Street frontages**



Normanby Road is identified as a Primary Activated Frontage, requiring clear glazing to at least 80% of the ground level frontage, to a height of 2.5 metres, excluding any solid plinth or base. While exact dimensions have not been provided on the plans, it appears that this requirement can be readily achieved based on the extent of glazing shown.

More broadly, the development provides a high level of activation to Munro Street and the laneway, with access, loading, and services occupying less than 40% of the laneway frontage, consistent DDO objectives. Canopies are proposed to all frontages, except for a gap to the area in front of the lobby entry steps. This design response is considered acceptable due to the recessed nature of the entries which contributes to a defined sense of address for the primary entries. The lobby entry setbacks are more than one-third of the entrance width but continue to be provided with adequate weather protection from the upper podium levels.

As discussed under Standard D5 of Clause 58, Council maintains that a direct entry to the retail tenancy located at the corner of Normanby Road and the laneway should be provided to reinforce activation and accessibility at this prominent location.

10.6.9 Adaptable Buildings

The adaptability of the podium and tower levels would be satisfactory for the reasons outlined below:

Building element	Adaptability opportunity	Compliance
Lower levels up to the height of the street wall	At least 4.0m floor-to-floor height at ground level At least 3.8m floor-to-floor height for other lower levels	Achieved: Ground level: 4.0m floor-to-floor Podium Levels: 4m floor-to-floor
Car parking areas	In areas not in a basement: Level floors A floor-to-floor height at least 3.8m Mechanical parking systems to reduce the area required for car parking	Podium level car park floor-to-floor height: 4.0m No mechanical parking system proposed
Dwelling layout	The ability for one- and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings	Achieved: The proposal provides 14% of dwellings as three-bedroom apartments, falling short of the preferred 25 %. The floorplates have been designed to be with the potential to increase the number of three-bedroom dwellings to 49 apartments (27%), meeting the preferred quantity.



Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits.	Achieved: The principal load bearing elements in the podium would be service core, several rows of columns, and building floors & beams allowing internal spaces back to service core to be altered & adapted. The tower would rely on a similar mix of service core, column & load bearing floors & walls that would also allow adaptability

10.6.10 Building Finishes

A detailed façade strategy has not been provided with the application package which limits a comprehensive assessment of the architectural quality and materiality of the development. A detailed façade strategy must be submitted as part of an Incorporated Document to ensure that the design intent is clearly articulated.

Based the detail available, the podium is articulated with a mix of glass, render and metal panels with different coloured finishes to the podium which provides a fine grain presentation at street level. Council’s Urban Designer has raised concerns about the materiality at podium levels, recommending an integrated finish using materials such as brick, stone, or precast concrete.

The tower adopts a more uniform approach with a framed grid which reinforces verticality and provides a consistent architectural language. The use of lighter colours and focus on glazing elements to the taller tower element further reinforcing different elements of the design which assist in building articulation and mitigating bulk.

Dark grey metal mesh and vertical landscaping are proposed for two grid widths between Levels 1–5 along Normanby Road to screen car parking and associated services behind. These elements are intended to soften the built form and enhance environmental performance. These features may be acceptable upon review of a more detailed façade strategy.

10.7 Transport Matters

10.7.1 Traffic Generation

The applicant’s Transport Impact Assessment (TIA) estimates that the proposed development will generate approximately 493 vehicle movements per day, with peak hour expected to be around 50 movements. The report notes that projections are based on conservative trip generation rates to reflect the anticipated low reliance on private vehicles in Montague and Fishermans Bend more generally. The assessment aligns with the strategic transport objectives to target 80% of trips made via walking, cycling, or public transport.

The surrounding road network, including Normanby Road and Munro Street, is considered capable of absorbing the projected traffic volumes without significant impact on traffic flow or congestion. Normanby Road, a declared arterial road, accommodates approximately 16,000 vehicle movements daily and has sufficient capacity to manage



additional traffic generated by the development. The report notes that intersections, typically present capacity constraints but no specific concerns have been identified for the site. Council notes a referral to Head of Transport for Victoria are a referral body who may provide further commentary on this.

10.7.2 Access and layout

Vehicle access is proposed via a shared laneway between Normanby Road and Munro Street, which also serves the adjoining development at 272–280 Normanby Road. Access to and from Normanby Road is to be amended to only accommodate cyclists. The TIA does not provide a detailed assessment of cumulative traffic impacts arising from both developments using the same laneway or potential issues for queuing, turning movements and potential conflicts.

The absence of a coordinated traffic strategy raises concerns about the safety of the shared access arrangement. To ensure the laneway operates effectively and safely, further information is required.

The internal layout of the development, including accessways and ramps, appear acceptable but Council’s Traffic Engineers have requested further detail confirming compliance. The report does not provide a swept-path analysis for critical car parking spaces, such as end of aisle spaces or where bollards and ramp positioning may restrict manoeuvrability.

The proposed loading bay and waste collection arrangements in the basement are supported by swept-path analysis for a 6.4m rigid vehicle, indicating that access and egress are feasible. However Council’s Waste Management Officer has noted potential for conflicts, it is presumed this is owing to the limited clearance distances and outward opening doors from the residential bin room.

These matters can be addressed via conditions of an Incorporated Document

10.7.3 Car Parking

The provisions of Clause 45.09 (Parking Overlay) and Schedule 1 (PO1) are applicable to this development. Schedule 1 specifies maximum car parking rates for a dwelling, office and retail premises. The statutory maximum car parking requirement for the proposed development are:

Use	Size / Quantity	Max rate	Max provision <i>*rounded down to nearest whole number</i>
Dwelling – 1 or 2 bedroom	1 bed x 73 2 bed x 91	0.5 space / dwelling	36 45
Dwelling – 3 bedroom	3 bed x 26	1 space / dwelling	26
Retail	678m ²	1 per / 100 m ²	29
Office	2,932m ²	1 per / 100 m ²	6
Total			144



The proposed development includes a total of 117 car parking spaces, distributed across basement and podium levels as follows:

- Basement Level: 44 residential spaces
- Level 1: 7 retail spaces and 11 commercial (office) spaces
- Level 2: 18 commercial (office) spaces
- Level 3: 18 residential spaces
- Level 4: 19 residential spaces

This results in a total allocation of 81 residential spaces, 29 commercial spaces, and 7 retail spaces, which is below the statutory maximum of 144 spaces permitted under PO1. The distribution of spaces is generally appropriate and reflects the functional requirements of each use, with residential parking located on secure upper and basement levels, and commercial/retail parking positioned for convenient access. As per detailed commentary at D12 of Clause 58, lift access is provided near parking areas across all levels; however, the number of lifts is insufficient for a development of this scale. An additional lift is recommended to improve accessibility for bicycles, prams, and mobility aids.

The proposal includes only two car parking spaces equipped with electric vehicle (EV) charging infrastructure. This is insufficient given the scale of the development. Planning policy strongly encourages the integration of sustainable transport infrastructure, including EV charging, to support the transition to low-emission mobility and future-proof new developments. A greater number of dedicated EV bays and infrastructure that enables future expansion across the car park. A condition is recommended to require at least 25% of car spaces to have access to an EV main.

10.7.4 Car Share

One car share parking space is proposed to be located within a newly created on-street bay along the Munro Street frontage. This provision is below the standard requirement of six spaces (based on the rate of two spaces plus one per 25 car spaces).

The TIA notes that on-street car share spaces are preferred over those located within private developments as they offer greater accessibility to the general public and are more consistent with the City of Port Phillip's Car Share Guidelines. The report also states that current rate of car share provision across the municipality is approximately one space per 300 dwellings, suggesting that a higher provision may not be viable for service providers.

Council does not support the use of public land to satisfy this requirement. Controlled access for the public to on-site car parking areas is often adopted in similar developments. The car share facility also plays a role in serving the need of future residents and commercial uses on the site. It is recommended that a minimum of one car space is provided on site initially with a requirement for an annual review to provide up to five spaces should a demand be identified. A condition of Incorporated Document should also require a minimum of five spaces be set aside for future allocation and remain in common property.

10.7.5 Bicycle Parking and End of Trip Facilities

Clause 52.34 of the Port Phillip Planning Scheme and Clause 4.2 of Schedule 1 to the Capital City Zone (CCZ1) both set out bicycle parking requirements; however, neither



clause provides guidance on whether one supersedes the other or if they should be applied cumulatively.

Under CCZ1, the development is required to provide 209 bicycle parking spaces (190 for residents and 19 for visitors). Clause 52.34 requires a total of 72 spaces (57 residential, 13 office, and 2 retail). The proposal includes 226 bicycle parking spaces, comprising 208 residential, 16 commercial, and 2 retail spaces, thereby satisfying the requirements of both provisions.

The proposed bicycle parking is distributed throughout the basement and podium levels (*2 commercial spaces in the basement; 20 residential visitor, 2 commercial visitor, and 2 retail visitor spaces at ground level; and residential and commercial spaces across Levels 1 to 4*).

Clause 52.34 requires one shower and one change room to support 12 employee bicycle spaces. The development exceeds this requirement by providing 12 showers across Levels 1 to 4, integrated within male, female, and unisex end-of-trip facilities.

As previously noted in this report, Cyclist access is currently reliant on a single ramp and a lift with unconfirmed suitability for bicycle use. To improve safety and functionality, the bicycle parking and access arrangements should be reviewed to reduce pedestrian conflict and ensure convenient access. Please refer to discussion at Standards D11 and D12 of Clause 58.

10.7.6 **Motorcycle Parking**

A total of three motorcycle spaces are required and proposed in the form of one space per levels 1, 2 and 3. Note the TIA identified four spaces are required and proposed but the plans only appear to show three.

10.7.7 **Loading**

One loading bay measuring 3.7m (w) x 9.13m (l) x 4.0m (approx.) (h) is provided with direct access to the Munro Street end of the laneway.

The swept-path diagram indicates potential conflict with on-street parking on the south-west side of the laneway. Council's Traffic Engineers have also raised concerns that the swept diagrams encroaching over the title boundary. The swept paths however indicate that manoeuvres can occur within the extent of carraway easement (3.2 metres back from the common title boundary).

Further detail is required to confirm that the laneway layout, including landscaping and street furniture, will not impede service vehicle access or compromise pedestrian safety.

10.7.8 **Waste Collection**

The Waste Management Plan (WMP)

- Waste shall be stored within the development. For the residential use, the waste room is located within the basement level, adjacent to the lift core. The commercial waste room is provided at ground floor level, adjacent to the loading bay.
- A private collection service will collect all waste streams from the property three times per week. Charity, hard and e-waste collections will be collected as required.
- The residential waste collection will occur in the basement car park and the commercial collection will occur from the ground floor loading area.

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- Building Management is responsible for all aspects of waste management including access for the waste contractor to enter the site and bin store on the days of collection.
- The WMP refers to the follow collection summary:

Waste Source	Waste Stream	Bin Qty	Bin Litres	Collection Frequency	Net Area m ²
Apartments (shared bins)	Garbage	4	1,100	3/week	6.4
	Food Organics	9	240	3/week	4.5
	Recycling	4	1,100	3/week	6.4
	Future Glass	8	240	3/week	4.0
	Charity Bin	1	240	At call	0.5
	Hard / E-waste	-	-	At call	2.0
Commercial (shared bins)	Garbage	2	660	3/week	2.4
	Food Organics	2	240	3/week	1.0
	Recycling	2	660	3/week	2.4
	Future Glass	2	240	3/week	0.5
	Hard / E-waste	-	-	At call	2.0

While the above approach is generally acceptable, several operational and design concerns have been identified that require resolution to ensure the plan's feasibility and compliance.

- **Swept Path Design:** The ground level swept path may interfere with neighbouring property operations due to the high frequency of waste collections. Additionally, the internal swept path to the residential bin room at Basement Level 1 (B1) requires redesign to address potential safety issues and the impact on car parking provision.
- **Bin Storage Room Design:** The residential bin room layout does not adequately provide for disability access, particularly in relation to the FOGO and glass bins. The proposed 2m² area for hard waste storage may also be insufficient given the "at call" collection frequency. Furthermore, once revised generation rates are adopted, the commercial bin room layout will need to be updated to accommodate accessibility requirements and appropriate bin sizing.
- **Bin Chute Configuration:** The current design shows both waste streams discharging into general waste bins. This is incorrect and must be amended to ensure proper separation of waste streams.



- **Waste Generation Rates:** The proposed food organics (FOGO) and glass generation rates for the retail and commercial rates significantly higher than standard benchmarks and lack supporting evidence. These rates should be revised to reflect known and accepted generation data.
- **Waste Streams:** The WMP indicates that residential glass bins will be used for commingled recycling until glass collections commence. This is not acceptable, as private glass collection services are currently available and must be operational from the outset.

Any Incorporated Document for the Amendment should include a condition requiring detailed plans and an updated Waste Management Report to be prepared and approved by Council.

10.8 Environmental Sustainable Design (ESD)

The proposal does not meet the Environmentally Sustainable Design (ESD) expectations for a development of this scale within the Fishermans Bend Urban Renewal Area (FBURA). Both the SMP and Stormwater Management Plan fail to address the specific ESD and Integrated Water Management (IWM) requirements mandated under Schedule 1 to the Capital City Zone (CCZ1).

The SMP outlines some basic ESD initiatives and utilises the Built Environment Sustainability Scorecard (BESS) to assess environmental performance, achieving a score of 52%, which represents a marginal pass.

In accordance with the mandatory Green Star provisions in CCZ1, any approved development must obtain a certified Green Star rating from the Green Building Council of Australia. The applicable rating tool is the *Green Star Buildings* tool. Consequently, the SMP should be revised to demonstrate how the proposed development will meet the relevant credits under the Green Star Buildings framework. Achieving this rating will require a significantly enhanced approach, including consideration of embodied greenhouse gas emissions and improved energy and water efficiency measures.

Daylight modelling has been included in the SMP, based on existing site conditions. This modelling should be updated to reflect the approved tower developments on the adjacent lots, to ensure that adequate natural daylight can be achieved under future built conditions.

The Stormwater Management Plan indicates that the proposal does not currently comply with the mandatory rainwater harvesting and third pipe infrastructure requirements set out in CCZ1. To meet these requirements, the following amendments are necessary:

- Extend rainwater catchment to include all podium terraces, not solely the common areas.
- Increase the capacity of rainwater tanks to provide 0.5m³ per 10m² of roof area. The currently proposed 20kL and 7.5kL tanks are undersized.
- Either capture and treat stormwater runoff from the laneway/driveway along the western boundary of the site or apply a permeable surface treatment to allow infiltration.
- Ensure both the SMP and Stormwater Management Plan clearly detail the connection of rainwater tanks to a third pipe system servicing all non-potable water outlets within the building.



Given the extent of the deficiencies identified in both the Sustainability Management Plan and the Stormwater Management Plan, it is Council's preference these matters are addressed prior to the finalisation of any Incorporated Document. Proceeding without resolving this may necessitate substantial design modifications. The consequences of such changes are unknown and may have unacceptable consequences for other policy and control requirements. Should the Department consider that these matters can be addressed through conditions then suggested conditions should be included as part of any Incorporated Document.

10.9 Flooding

The finished floor levels of the proposed development have been designed in accordance with flood risk requirements from Melbourne Water, the relevant flood authority. The proposed finished floor levels and vehicular access apex at 3.0 AHD will mitigate potential flood impacts while maintaining good physical connections to both the street and laneway interfaces. Conditions of an Incorporated Document will require pedestrian access ramps to be of sufficient width to accommodate shared users to ensure compliance with Disability Discrimination Act (DDA) requirements without compromising flood resilience measures.

Other Matters

10.9.1 Clause 58 – Better Apartments Design Standards

The proposal demonstrates technical non-compliance with the following standards of Clause 58.

- Standard D10: Landscaping objectives
- Standard D11: Access objective
- Standard D13: Integrated water and stormwater management objectives
- Standard D14: Building setback objectives
- Standard D17: Wind impacts objective
- Standard D18: Accessibility objective

A full assessment is contained in **Attachment 4** of this report.

Finalisation of apartment design can be resolved through the submission of revisions to the plans for final endorsement by the Department.

10.9.2 Street Trees

There are two street trees located immediately adjacent to the subject site *Ulmus procera* (ID: 1165020 and 1165019) and one *Ulmus procera* (ID: 1165018), situated within an area potentially affected by construction activity. To ensure appropriate protection and management of these trees, recommended conditions of the Incorporated Document should require the preparation of a Tree Protection Management Plan (TPMP) which considers the coordinated delivery of public realm upgrades along Normanby Road.

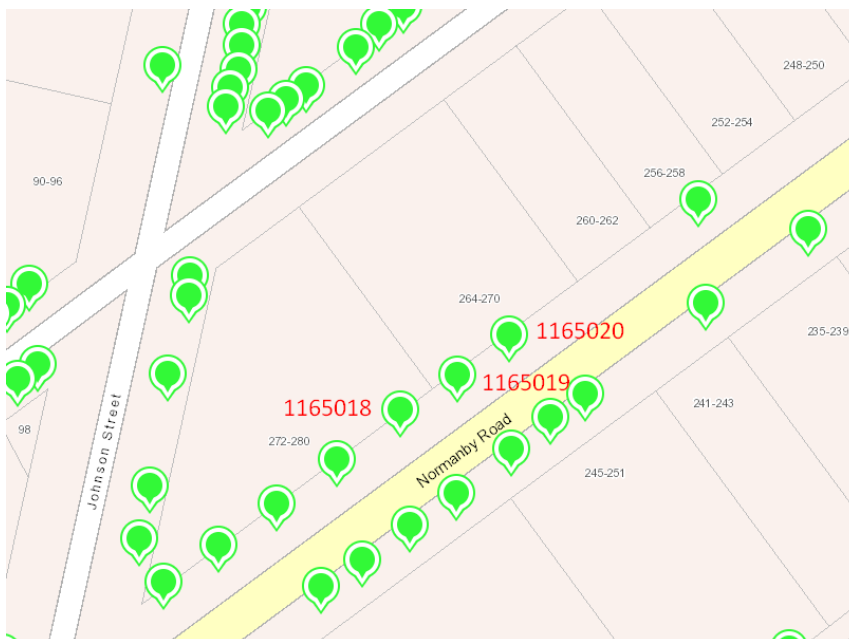


Figure 5: Street tree locations

10.9.3 Affordable and Social Housing

The proposal has been assessed against Clause 11.03-6L-04, which outlines requirements for the provision of Affordable and Social Housing within Fishermans Bend.

The development is required to deliver at least 6% of dwellings permitted dwelling density rate as Affordable Housing. A minimum of 5 Affordable Housing dwellings are required.

The proposal includes 6 dwellings, meeting the quantitative requirement. However, the specific apartments to be delivered as Affordable Housing have not been identified. To ensure compliance with policy objectives, a condition of any Incorporated Document should require a mix of one, two and three-bedroom dwellings that reflect the dwelling breakdown in the development.

The proposal seeks to utilise the Social Housing uplift provision, which allows additional private dwellings equivalent in size to each Social Housing unit provided. While the uplift mechanism is acknowledged, further detail is required to confirm the delivery, management, and tenure of the Social Housing component. These matters can be resolved through the preparation and execution of a Section 173 Agreement to ensure the Social Housing is secured in perpetuity and managed by a registered provider.

10.9.4 Development Contributions

Having regard to the scale and intensity of the proposed development, it is appropriate that a development contribution be required to address the associated demand on public infrastructure. The contribution amount, determined by the number of dwellings and the gross floor area of non-residential uses, should be secured through a Section 173 Agreement.



11. OFFICER MATERIAL OR GENERAL INTEREST

11.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

12. OPTIONS

12.1 Support the Planning Scheme Amendment as proposed.






12.2 Support the Planning Scheme Amendment subject to changes to the Incorporated Document.

12.3 Not support on key issues.

13. CONCLUSION

13.1 Officers consider that the request for a planning scheme amendment can be supported in principle. However, the application material currently lacks sufficient detail in relation to the façade strategy, landscaping and public realm outcomes and Environmentally Sustainable Design (ESD). It is recommended that these matters be addressed and resolved to Council's satisfaction prior to the preparation and approval of an Incorporated Document.

ATTACHMENTS

1. Fishermans Bend Standing Advisory Committee - Terms of Reference  [↓](#)
2. Architectural Plans  [↓](#)
3. Referral Summary Table  [↓](#)
4. Clause 58 (Apartment Developments) Assessment  [↓](#)
5. Recommended Conditions  [↓](#)



11.4 PLANNING SCHEME AMENDMENT C224PORT - ANOMALY CORRECTION

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY: ROMY FANAROF, STRATEGIC PLANNER
LINGNA ZHANG, SENIOR STRATEGIC PLANNER**

1. PURPOSE

- 1.1 To seek Council's endorsement to progress Amendment C224port, which corrects errors and anomalies in the Port Phillip Planning Scheme and request Ministerial approval.

2. EXECUTIVE SUMMARY

- 2.1 Amendment C224port is required to correct errors, anomalies and remove redundant provisions identified in ordinances and on maps, within the Port Phillip Planning Scheme.
- 2.2 This amendment fulfils Council's obligation under the *Planning and Environment Act* (1987) to maintain an up-to-date Planning Scheme and ensure its effective operation.
- 2.3 The proposed C224 is policy neutral. It does not introduce any new policies or controls. Such an amendment is often referred to as an anomaly amendment.
- 2.4 The list of changes is identified based on:
- The audit of the Port Phillip Planning Scheme in June 2018.
 - Anomalies identified by users of the Port Phillip Planning Scheme.
- 2.5 Officers propose that Amendment C224port be progressed via the Amendment Pathway under Section 20(A) of the Act. The anomaly-correction nature of the amendment meets the criteria of the Planning and Environment Regulations 2015.
- 2.6 The pathway exempts the amendment from public notice, allowing it to proceed directly from a Council Meeting decision to the Minister for Planning for approval.
- 2.7 As a courtesy, officers have notified affected addresses via written letters before this council meeting.

3. RECOMMENDATION

That Council:

- 3.1 Requests officers lodge a request via the online Amendment Tracking System to the Minister for Planning to prepare and approve Amendment C224port to the Port Phillip Planning Scheme to make updates and address technical corrections, pursuant to Section 20(A) of the Planning and Environment Act 1987, and generally in accordance with the documentation provided at Attachment 1 & 2 of this report.
- 3.2 Authorises the Chief Executive Officer (or their delegate) to make minor changes to the C224port Amendment documents to correct any drafting errors identified by officers or the Department of Transport and Planning, provided those changes do not materially alter the overall intent of the Planning Scheme Amendment.



4. KEY POINTS/ISSUES

Statutory obligation

4.1 The *Planning and Environment Act* (1987) requires Council to maintain an up-to-date planning scheme. Amendment C224port fulfils Council's statutory obligation via:

- Formatting changes to comply with the new and current practice notes.
- Removal of expired provisions and update planning scheme maps.
- Correcting minor errors to the list of background documents.

List of anomalies

4.2 The proposed C224 is an "anomaly amendment", it does not introduce any new policies or controls.

4.3 The list of changes is based on:

- The audit of the Port Phillip Planning Scheme in June 2018.
- Anomalies identified by users of the Port Phillip Planning Scheme since 2018.

4.4 Specifically, the amendment proposes to:

- Update Clause 43.01 (Heritage Overlay) of the Schedule with formatting changes in line with Planning Practice Note 01 (PPN01) to improve ease of reference.
- Update the Schedule to Clause 43.01 to remove reference to 'East St Kilda' and replace with 'St Kilda East'.
- Remove the redundant Incorporated Plan Overlay 1 (IPO1) at Clause 43.03 applying to Becton, Port Melbourne, as the land has been developed in accordance with the incorporated document.
- Remove Public Acquisition Overlay 1 (PAO1) from the Schedule to 45.01 to reflect the maps included within the Port Phillip Planning Scheme.
- Remove Specific Control Overlay – Schedule 15 (SCO15) at Clause 45.12 as the incorporated document that implements Schedule 15 has expired. Remove *Major Promotions Signs – Permit Provisions December 2008* from the schedule to Clause 72.04 (Incorporated Documents), as the document implements SCO15.
- Removal of *Becton, Port Melbourne Development Concept Plan and Building Envelope Plan* from the Schedule to Clause 72.04 (Incorporated Documents).
- Update the list of Background Documents at Clause 72.08 to reflect the correct name and date of background document in relation to:
 - Ormond Road Urban Design Guidelines (City of Port Phillip, 2008).

Timing of Amendment

4.5 Officers maintain a list of anomaly items that require updates to the planning scheme. These may be identified through the Planning Scheme Audit or by other internal or external users of the Scheme.

4.6 Rather than addressing each issue individually, officers wait until a sufficient number of changes have accumulated to justify an amendment. This typically occurs every three years to ensure efficient use of resources.



- 4.7 Officers often group similar items into a single amendment. Some items in Amendment C224port date back to the 2018 Planning Scheme Audit and were not included earlier due to their low urgency or poor fit with previous amendments.

Land affected by the Amendment

- 4.8 As discussed at 4.4, the incorporated document to SCO15 (Major Promotions Signs – Permit Provisions December 2008) has expired and is therefore redundant.

- 4.9 Sites affected by the removal of Specific Control Overlay 15 (SCO15) are:

- 313-317 Kings Way, South Melbourne
- 312 Kings Way, South Melbourne
- 278—282 Kings Way and 1 -5 Fitzpatrick Street, South Melbourne
- 380 City Road, Southbank

- 4.10 Similarly, Incorporated Plan Overlay 1 (IPO1) is also redundant due to the land being developed in accordance with the incorporated document:

- 4.11 Sites affected by removal of Incorporated Plan Overlay 1 (IPO1) are:

- Land bounded by Rouse Street, Esplanade East, Graham Street and Esplanade West in Port Melbourne.

Prescribed S20(A) Amendment Pathway

- 4.12 Officers propose that Amendment C224port be progressed via the Amendment Pathway under Section 20(A) of the Act as the amendment meets the criteria set out in, Regulation 8 of the Planning and Environment Regulations 2015 which covers:

- *an amendment to correct an obvious or technical error in the VPP or a planning scheme*
- *an amendment to delete an expired clause in the VPP or a planning scheme*
- *an amendment to clarify or improve the language or grammatical form of a clause in the VPP or a planning scheme, if the intended effect of that clause or any other clause in the VPP or a planning scheme is not changed by that amendment.*
- *an amendment to the VPP or a planning scheme to insert or update a heading an amendment to delete a reference to an incorporated document or a background document in the VPP or a planning scheme if that document has expired or the reference is redundant.*
- *an amendment to a planning scheme to delete a Public Acquisition Overlay from land if the person or body designated in the planning scheme as the acquiring authority for that land has acquired the land.*

C224port Port Phillip Anomaly Correction Booklet

- 4.13 Full strategic justification for each of the anomalies included in the amendment is included in the 'C224port Port Phillip Anomaly Correction Booklet' (Attachment 1).

5. CONSULTATION AND STAKEHOLDERS

- 5.1 As per the amendment pathway for Section 20(A) Prescribed Amendments, community consultation is not required.



5.2 As a courtesy, all landowners and occupiers of properties directly affected by Amendment C224port have been invited to this Council Meeting in writing. The letter also outlined how the amendment affects their property and included a link to further information on Council's website.

6. LEGAL AND RISK IMPLICATIONS

6.1 No significant risk implications have been identified. The amendments will be processed in accordance with the requirements of the Act

7. FINANCIAL IMPACT

7.1 It is not expected that the amendment will have any financial impact to the Council or the community.

7.2 The FY25/26 Council budget included funding for this amendment.

8. ENVIRONMENTAL IMPACT

8.1 This amendment is not expected to have any environmental impacts.

9. COMMUNITY IMPACT

9.1 This amendment is not expected to have any impacts on the community, as all corrections and anomalies are administrative only.

10. GENDER IMPACT ASSESSMENT

10.1 A Gender Impact assessment is not required for the amendment.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

11.1 The Plan for Port Phillip 2025-35 seeks to *"Update the Port Phillip Planning Scheme to fulfil Council's statutory role as 'planning authority' under the Planning and Environment Act 1987"*, as an outcome for a safe and liveable city, ensuring the amendments alignment with the Council Plan.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

12.1.1 If the amendment is endorsed by Council, it will be finalised and lodged with the Department of Transport and Planning.

12.1.2 If the amendment is approved by the Minister for Planning, it will come into effect with notice of its approval appearing in the Victoria Government Gazette.

12.2 COMMUNICATION

12.2.1 If approved by the Minister for Planning, information about Amendment C224port will be provided on Council's website

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

- ATTACHMENTS**
1. C224port Anomaly Correction Booklet, June 2025  [Download](#)
 2. C224port Amendment Documents  [Download](#)

MEETING OF THE PORT PHILLIP CITY COUNCIL
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12. A VIBRANT AND THRIVING COMMUNITY

Nil

13. AN ENGAGED AND EMPOWERED COMMUNITY

- 13.1 *Audit and Risk Committee - Annual Review of the Committee Charter.....* 492
- 13.2 *Audit and Risk Committee - Biannual Report as at 30 June 2025.....* 508
- 13.3 *Councillor Expenses Monthly Reporting - July 2025.....* 513



4.5 Benchmark Findings:

- Charters from 10 Councils were reviewed (see table 1).

Table 1

Audit and Risk Committee Charter – Benchmarking Exercise

(May/June 2025)

Council	Date of Charter	Review Frequency	Appointment Terms	Cap on Tenure
City of Melbourne	Feb 2025	Biennially	Three Years	Nine Years
City of Monash	Sep 2023	Biennially	Three Years	Six Years
Brimbank City Council	Sep 2023	Biennially	Three Years	Six Years
Glen Eira City Council	Feb 2025	Annually	Three Years	Nine Years
City of Boroondara	Aug 2024	Annually	Three Years	Six Years
Hume City Council	Aug 2024	Annually	Three Years	Nine Years
Surf Coast Shire	Apr 2024	Silent	Four Years	Eight Years
City of Greater Geelong	Feb 2025	Biennially	Three Years	Nine Years
City of Stonnington	Nov 2024	Silent	Three Years	Nine Years
City of Yarra	Apr 2025	Silent	Three Years	Nine Years

- Review cycle: Most councils reviewed their Charter biennially. Officers recommend adopting a biennial review cycle, with flexibility for out-of-cycle reviews in response to emerging issues or legislative changes.
- Independent Member tenure: The majority of councils applied a nine-year cap on independent member tenure. This is the option recommended for Council’s consideration.

4.6 Introducing a nine-year tenure cap will result in all current independent members concluding their engagement at the end of their current term.

- Existing terms have been staggered to avoid simultaneous departures.
- A recruitment process will be required at the conclusion of each member’s term.
- The table below outlines the end of tenure dates and final Audit and Risk Committee Meeting the independent members would attend.

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Name	Date of Council Decision	Term Expiry	Final Audit and Risk Committee Meeting
Kylie Maher	04.09.2024	01.11.2027	September 2027
Helen Lanyon	07.02.2024	01.01.2027	November 2027
Brian Densem	05.02.2025	01.04.2028	March 2028

4.7 Additional minor updates to the Charter include:

- Simplified language and processes;
- Alignment with the Committee's forward calendar;
- Updated staff titles and;
- Revised approval and review dates.

4.8 For further context, a one-page jurisdictional analysis from the Queensland Audit Office is included (Attachment 2), summarising insights from their *Audit Committees in Local Government* report (Report 10: 2024–25).

4.9 To ensure transparency and avoid any perceived conflicts of interest, independent Committee members were excluded from discussions relating to tenure limits.

5. CONSULTATION AND STAKEHOLDERS

5.1 Consultation has included Council Executive, Audit and Risk Committee members, and 10 other councils.

6. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

6.1 An engaged and empowered community –

- Our Council is open, accountable and acts with integrity;
- Our Council effectively manages risk.

7. IMPLEMENTATION STRATEGY



7.1 TIMELINE / COMMUNICATION

7.1.1 Subject to Councillor feedback on the proposed tenure cap and review frequency, officers will prepare an implementation plan to support a smooth transition, ensuring continuity and minimising business disruption.

8. OFFICER MATERIAL OR GENERAL INTEREST

8.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

1. Audit and Risk Committee Charter - updated 2025 
2. Jurisdictional analysis of Audit and Risk Committee Charters 
[↓](#)

MEETING OF THE PORT PHILLIP CITY COUNCIL

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13.2 AUDIT AND RISK COMMITTEE - BIANNUAL REPORT AS AT 30 JUNE 2025

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: JULIE SNOWDEN, HEAD OF RISK AND ASSURANCE

1. PURPOSE

1.1 To present the Audit and Risk Committee Biannual Report as at 30 June 2025.

2. EXECUTIVE SUMMARY

- 2.1 Council is required by the Local Government Act (LGA) 2020 to establish an Audit and Risk Committee (the Committee) as an advisory committee of Council.
- 2.2 Under the LGA, the Audit and Risk Committee must prepare a biannual report on activities to Council with this paper satisfying this reporting requirement.
- 2.3 This report was prepared in conjunction with the current Audit and Risk Committee Chair and satisfies this reporting requirement.
- 2.4 The last update provided to Council was the presentation of the Audit and Risk Committee Biannual report as of 31 December 2024 at the 19 February 2025 Council meeting.

3. RECOMMENDATION

That Council:

- 3.1 Notes the Audit and Risk Committee Biannual Report as of 30 June 2025, which details activities of the Committee covering scheduled meetings held 25 February 2025, 15 May 2025 (annual workshop) and 24 June 2025.

4. KEY POINTS/ISSUES

4.1 Reporting Period for this Report

This report covers the Committee's work for scheduled meetings held 25 February 2025, 15 May 2025 (annual workshop) and 24 June 2025.

4.2 Meeting Attendance

Name	Role	Meetings		
		25 February 2025 (Scheduled meeting)	15 May 2025 (Scheduled Workshop)	24 June 2025 (Scheduled meeting)
Brian Densem	Independent Member (Chair)	Attended	Attended	Attended
Helen Lanyon	Independent Member	Attended	Attended	Attended

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Kylie Maher	Independent Member	Attended	Attended	Attended
Louise Crawford	Councillor (Mayor)	Attended	Attended	Attended
Bryan Mears	Councillor (Deputy Mayor)	Attended	Attended	Attended

4.3 Leadership Network

The CEO, Director of Governance and Performance, CFO, and Head of Risk and Assurance consistently attend all Audit and Risk Committee meetings. In addition, other members of the Leadership Network participate as needed to present detailed updates on the activities and initiatives within their respective divisions. This approach ensures the Committee gains a comprehensive understanding of matters specific to the City of Port Phillip, enhancing its oversight and strategic insight.

4.4 External Service Providers

The internal audit team (Aster Advisory) attended all scheduled meetings with the external audit team BDO (the agent appointed by the Victorian Auditor General Office VAGO) attending when they have specific items to discuss.

4.5 Committee Business

The agendas for the Committee meetings are driven by the Committee's Annual Work Plan.

4.6 Annual Work Plan

Under Section 54(3) of the Act, a Committee must adopt an annual work program.

Each year the Committee collaborate with Council's CEO, Director Governance and Performance and Head of Risk and Assurance to ensure that the responsibilities of the Committee are scheduled and will be carried out.

The Annual Work Plan is reviewed at the same time as the Charter to ensure alignment. The work of the Committee over the reporting period is summarised below in each of the key areas.

4.7 Matters considered by the Committee at its 25 February 2025 meeting were:

4.7.1 Committee only time

The Committee met with the Internal Auditor/s to discuss the effectiveness of the audit relationship and process matters.

4.7.2 Chief Executive Officer's Report

The Committee received an overview from the CEO on key activities over the reporting period. This included progress on Councillor training, with Councillors undertaking mandatory eLearning modules focused on child safety and fraud and corruption. The CEO also provided an update on the development of the Council Plan and Budget. Additionally, the Committee discussed the ongoing challenges related to persistent unreasonable behaviour directed at Councillors and staff, as well as the concerning rise in occupational violence.



- 4.7.3 Strategic Risk and Internal Audit (SRIA)
The Committee noted the regular SRIA update, noted a new emerging risk relating to Councillor and Staff Safety in response to unreasonable community behaviour is under development, noted the annual update on Council's Fraud and Corruption Control System and 6 monthly update on Council's Digital and Technology Services (DTS) Internal Controls and noted the Internal Audit Recommendations Tracking Status Report
- 4.7.4 Assurance Activities Update
The Committee endorsed the scopes for the following audits: Cyber Security, Payroll and Child Care Centres, noted the findings from the following audits: Planning Compliance and Enforcement, Subdivision Permits, Development / Open Space Contributions and Rates Management. The Committee also noted the Internal Audit Plan status report 2024/25.
- 4.7.5 External Audit
There were no items for this meeting.
- 4.7.6 Compliance Monitoring
The Committee noted the regular Compliance update, an update on the Waste Review Management Action Plan, the annual update on Child Safety Compliance and an update on Council's policy framework and procedures.
- 4.7.7 Financial Monitoring
The Committee noted the financial sustainability standing report.
- 4.7.8 Supplementary Reports
The Committee noted a high-level update on Fishermans Bend
- 4.8 Matters considered by the Committee at its 15 May 2025 Annual Workshop were:
- 4.8.1 Formal Item
The Committee noted the Victorian Auditor-General's Office (VAGO) audit strategy for Victorian councils, which focuses on financial reporting, performance, and risk management. VAGO audits the financial reports and performance statements of all Victorian councils annually. VAGO's audits aim to provide assurance to Parliament and the public about how effectively councils use public money and manage their operations,
- 4.8.2 Workshop Discussion
The Committee discussed the business, risk and assurance landscapes, and the Business Function Risk Assurance Map (BFRAM) to help inform the input into the strategic three-year internal audit plan 2025/26 – 2027/28 and focus for the 2025/26 internal audit plan.
- 4.9 Matters considered by the Committee at its 24 June 2025 were:
- 4.9.1 Committee only time
The Committee met with both the internal and external auditors to discuss the control environment and the relationship with Management.
- 4.9.2 Chief Executive Officer's Report



The Committee received an update from the CEO outlining key activities, including the status of the Council Plan and Budget, which had been endorsed by Council the evening prior to the Audit and Risk Committee meeting. Updates were also provided on the progress of the Enterprise Agreement, the integrated crisis management framework, and new requirements under Accounting Standard AASB 13 concerning fair value measurements of assets and liabilities. The CEO also addressed Customer Service and Satisfaction, noting that community satisfaction survey results will be shared with Councillors in the coming months.

Additionally, the Committee was briefed on the emerging issue of unreasonable and vexatious behaviour and its associated occupational health and safety risks. It was agreed that this matter will remain a standing item, with updates to be provided at each meeting until resolution.

4.9.3 Strategic Risk and Internal Audit (SRIA)

The Committee noted the regular SRIA update and noted the Internal Audit Recommendations Tracking Status Report.

4.9.4 Assurance Activities Update

The Committee discussed the findings from the following audits: Property Leases and Licenses, Payroll, and Child Care Centres. The Committee also noted the Internal Audit Plan status report 2024/25 and endorsed the Three-Year Audit Plan for the financial year 2025/26.

4.9.5 External Audit

External Auditor BDO provided the Committee with a detailed overview of the VAGO Audit and the Interim Management Letter for the year ending 30 June 2025.

The Committee endorsed the revaluation approach by Council for the 2024/25 financial account, including the changes required under AASB13.

4.9.6 Compliance Monitoring

The Committee noted the regular Compliance update, the most recent OHS monthly ELT report, an update on the Waste Review Management Action Plan, a further update on the Policy Framework and a Compliance update on the finance team's second line testing and analytics.

4.9.7 Financial Monitoring

The Committee noted the financial sustainability standing report.

4.9.8 Supplementary Reports

The Committee noted the regular high-level update on Fishermans Bend

4.9.9 Audit and Risk Committee Charter Review

The Committee endorsed the proposed changes to the Charter following its annual review and noted the additional information provided on Committee Member tenure as requested by Councillors. A separate briefing has been scheduled with Councillors in August to discuss potential changes.



5. GENDER IMPACT ASSESSMENT

5.1 A gender impact assessment was not required in the preparation of this report as gender impacts have been appropriately considered across all items reviewed and discussed by the Committee over the past six months where relevant.

6. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

6.1 An engaged and empowered community:

- Our Council is open, accountable and acts with integrity.
- Our Council effectively manages risk.

7. OFFICER MATERIAL OR GENERAL INTEREST

7.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS Nil



13.3 **COUNCILLOR EXPENSES MONTHLY REPORTING - JULY 2025**

EXECUTIVE MEMBER: **ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE**

PREPARED BY: **MITCHELL GILLET, COORDINATOR COUNCILLOR AND EXECUTIVE SUPPORT**

1. PURPOSE

- 1.1 To report on the expenses incurred by Councillors during July 2025 in accordance with the Councillor Expenses and Support Policy.

2. EXECUTIVE SUMMARY

- 2.1 The *Local Government Act 2020* requires Council to maintain a policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. Council endorsed its Councillor Expenses and Support Policy at the Council Meeting held on 19 June 2024.
- 2.2 The policy requires a monthly report on Councillor allowances and expenses to be tabled at a Council meeting in addition to publishing the monthly report on Council's website.
- 2.3 The report outlines the total amount of expenses and support provided to Councillors and is detailed by category of support. Any reimbursements made by Councillors are also included in this report.

3. RECOMMENDATION

That Council:

- 3.1 Notes the monthly Councillor expenses report for July 2025 (attachment 1) and that this will be made available on Council's website.

4. KEY POINTS/ISSUES

- 4.1 The *Local Government Act 2020* (the Act) provides that councillors and members of delegated committees are entitled to be reimbursed for bona fide out-of-pocket expenses that have been reasonably incurred while performing their role, and that are reasonably necessary to perform their role.
- 4.2 The management of expenses is governed by the updated Councillor Expenses and Support Policy (the Policy), developed in accordance with the requirements of the Act and adopted by Council on 19 June 2024.
- 4.3 The Policy sets out the process for submitting requests for support and/or reimbursement. All requests are required to be assessed by officers prior to processing.
- 4.4 All requests for reimbursement must be lodged with officers for processing no later than 30 days from the end of the calendar month, except for the month of June where claims must be submitted within 7 days. Claims for reimbursement lodged outside this timeline will not be processed unless resolved by Council.



- 4.5 To accurately capture expenses, monthly reports are prepared no earlier than 30 days following the end of the month and generally reported at the next available Council meeting cycle. This means that reports are generally presented in a 2-3 month rolling cycle.
- 4.6 Notes the variations in *Information and Communication Technology* charges is due to the number of devices requested by those Councillors, such as the use of an iPad as well as a mobile phone.
- 4.7 Notes the *Conferences and Training* charges attributed to certain councillors in July is for a 'Meal allowance' provision provided to Councillors during attendance at the Australian Local Government Association National General Assembly in Canberra.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 No community consultation is required for the purposes of this report.
- 5.2 A copy of Councillor expense reports will be provided to the Audit and Risk Committee.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The provision of expenses and support to Councillors is governed by the *Local Government Act 2020*, and Council's adopted policy.

7. FINANCIAL IMPACT

- 7.1 Provision of support and expenses for Councillors is managed within Council's approved operational budgets.

8. ENVIRONMENTAL IMPACT

- 8.1 There are no direct environmental impacts as a result of this report.

9. COMMUNITY IMPACT

- 9.1 This report provides to the community transparency and accountability by publicly disclosing expenses and support accessed by Councillors.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Reporting on Councillor expenses delivers on Strategic Direction 5 – An Engaged and Empowered Community.

11. IMPLEMENTATION STRATEGY

- 11.1 Council reports to the community monthly on the expenses and reimbursements provided to Councillors.
- 11.2 Officers will publish monthly expense reports to Council's website once adopted.

12. OFFICER MATERIAL OR GENERAL INTEREST

- 12.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS 1. Declaration of Councillor Expenses - July 2025 



14. A TRUSTED AND HIGH PERFORMING ORGANISATION

Nil

15. NOTICES OF MOTION

Nil

16. REPORTS BY COUNCILLOR DELEGATES

17. URGENT BUSINESS

18. CONFIDENTIAL MATTERS

Nil