IN THE MATTER OF

PROPOSED AMENDMENT GC81 TO THE MELBOURNE
AND
PORT PHILLIP PLANNING SCHEMES

FISHERMANS BEND REVIEW PANEL

OUTLINE OF SUBMISSIONS ON BEHALF OF

SPRINGBANK PROPERTIES PTY LTD

Introduction

1. These submissions are made on behalf of Springbank Properties Pty Ltd (Springbank), Submitter 104 to this Review Panel.

2. Springbank is the owner of the land at 168-188 Turner Street, Port Melbourne. (Site)

3. This Site is currently occupied by industrial warehouse buildings, offices and associated surface car parking.

4. It has an area of 20,650 sqm with a frontage of approximately 30m to Turner Street. It is bound by Westgate Freeway and the Bolte Bridge off-ramps to the south and 150 Turner Street to the east currently used for surface car parking.

5. A planning permit for a 30 storey mixed use building at 150-160 Turner Street was issued in September 2016. It is understood that an extension of time to the permit has been lodged with DELWP.

The Proposed Amendment and the Site

6. Pursuant to the Proposed Amendment, the Site lies within the Lorimer Precinct in the Core Area (maximum FAR 5.4:1 to include a minimum non-dwelling FAR 1.7:1).

7. An unlimited height applies to the Site under the DDO.

8. The following mandatory maximum street wall heights apply to the Site:

   a) maximum 15.4 m for street walls on streets with a width of 12 m or less;
b) maximum 23 m for street walls on street walls with a width greater than 12 m; and

c) maximum 30 m for street walls if overall building is less than 38 m and road width is greater than 22 m.

9. The following new roads are included on the Site:

a) a 22 m wide north-south road along part of the eastern boundary;
b) a 22 m wide road proposed through the Site on an east-west axis;
c) a 12 m road proposed along the south boundary; and
d) two 12 m roads through the Site on the north-south axis.

10. A 10 m landscape setback to Turner Street is included to the north.

11. No crossovers are permitted to Turner Street.

12. Pursuant to the Framework and CCZ Map 2, Turner Street is to be closed off to vehicle traffic.

13. A new public open space “B” is included to the east of the Site and no additional overshadowing is permitted between 10:30am to 1:30pm on 22 September.²

14. A linear public open space is included along the Turner Street frontage and an additional neighbourhood park is proposed east (and north) of the Site. The overshadowing requirements of this park are unclear although the Lorimer Precinct Map in Doc #L8 stipulates no overshadowing controls over this park.³ It is noted that Ms Thompson proposes that this park be relocated to north of Turner Street.

15. The Site lies within Sub-precinct “L4” in the proposed MSS Clause 21.13 where, inter alia, “hybrid developments of mid-rise perimeter blocks and tower development” is the preferred character.

¹ Map 1 and Map 2 of exhibited Clause 37.04 – CCZ Schedule (Document 66 Part E) and Lorimer CCZ Map 1 (Document L8).
² Lorimer Precinct Map – DDO (Document L8) and Table 7 of the DDO Schedule (Document 262B).
³ Shown as public open space “C” in Table 7 of the DDO Schedule (Document 262B) as subject to equinox overshadowing control whereas the Lorimer Precinct Map – DDO (Document L8) stipulates no overshadowing controls.
16. The Site is identified as "sports and recreational hub" in the Community Infrastructure Investigation Areas map.4

Current Permit Application on the Site

17. A current planning application, PA201535676, for a staged development of the Site for 5 towers of 31, 39, 40, 35 and 40 storeys comprising retail, offices, community space, dwellings and parking was submitted to the Minister for Planning in June 2015. It has therefore been in the planning system for almost three years.

18. The plans prepared by Rothe Lowman Architects show:

   a) 1,596 dwellings;

   b) 3,905 sqm of office floor space;

   c) 1,079 car parking spaces;

   d) a community facility;

   e) 6 retail tenancies;

   f) a public plaza with an area of 1,933 sqm

   g) 2 multi-purpose basketball courts; and

   h) 1,365 bicycle spaces, including bicycle share scheme;

19. The City of Melbourne (CoM) resolved to support the permit application in February 2018.

20. An appeal pursuant to section 79 of the Planning and Environment Act 1987 has been filed with the VCAT, however the planning application has now been “called-in” by the Minister.

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4 Lorimer Precinct Map – CCZ Map 2 (Document L8).
Springbank’s Submissions

21. Springbank made a submission to the Minister dated 14 December 2017 raising a number of issues including:

a) proposed planning policies outlined in the Framework and Amendment GC81 lack strategic justification;

b) the Proposed Amendment is not supported by State Planning Policy or the Melbourne Planning Scheme;

c) it prescribes inflexible building envelope based on arbitrary population and job targets;

d) the population targets do not take into account:

(i) economics of inner city land supply; and

(ii) need for flexibility in rapidly changing city;

e) imposition of maximum FAR is inconsistent with overarching State and local policies in terms of:

(i) urban design;

(ii) proximity of land to CBD;

(iii) optimising use and efficiency of public transport;

(iv) urban consolidation; and

(v) provision of affordable housing in locations with access to services and infrastructure;

f) proposed policies seek to rush in arbitrary controls that are a significant departure from existing Planning Scheme provisions and tight timeframes lack procedural fairness and are contrary to natural justice, given significance of draft policy changes;
g) not consistent, logical and incremental refinement of policy documents issued to date; and

h) given significant departure from existing policy proposed by new controls, reasonable to expect transitional provisions be included to ensure existing planning applications lodged prior to gazetted of new controls determined under existing provisions.

22. Springbank adopts the submissions as above and the oral and written submissions already presented to the Review Panel on behalf of the Landowners Group by Mr Canavan QC, Mr Tweedie SC and Ms Jane Sharp, together with the evidence of the various witnesses called by the Landowners.

Implications of the Proposed FAR and the Building Envelope Controls on the Site

23. The evidence of Mr McGurn provides a summary of the existing and proposed planning controls affecting the Site. He has modelled these built form controls to compare the resultant building envelopes within which a built form must be designed.

24. The Lorimer Precinct evidence of Mr Sheppard provides an urban design overview of the Precinct with specific assessment of the Site included at pages 31-34. Mr Sheppard has modelled the proposed built form controls with usable floor plate dimensions for a mixed use development.

25. Both models show that the maximum FAR can be achieved on this Site within the proposed building envelope controls. This is made possible principally through the unlimited preferred height for the Site and the location of the Site to the south of Turner Street and proposed open space.

26. That said, a compliant FAR building occupies a relatively small proportion of the proposed building envelope (particularly in a vertical sense) and it is submitted, without resorting to the FAU, does not take full advantage of the opportunity that the Site provides for a substantial mixed use development on a well-located Site with almost no site constraints.

27. There is a significant difference between the proposed FAR (and resultant building height) and the unlimited height under the existing CCZ. There is also a significant
difference between the proposed FAR (and resultant building height) and the planning permit application for 5 towers which the CoM has recently resolved to support.

28. This difference in development outcome is irreconcilable and is not justifiable for urban design or amenity reasons.

29. In this regard, the evidence of Mr Sheppard is relied upon, noting his evidence that:

a) in this context, there would be no detrimental impact from taller towers accommodating additional dwelling or non-dwelling GFA;

b) the proposed unlimited height in this location, and the capacity to accommodate additional GFA within the built form controls, suggests that the proposed density limit unnecessarily constrains the capacity of the Site; and

c) a desire to not exceed population targets to justify the proposed FAR is not supported.

30. As already submitted to this Panel, the Landowners, including Springbank, strongly reject the starting point of this Proposed Amendment being a population target rather than a built form outcome.

31. Springbank further notes the proximity of the Site to the CBD (within walkable distance to Docklands and the CBD west end), the established Yarra’s Edge residential precinct, the Employment precinct and the West Gate Freeway (via Lorimer Street).

32. Springbank submits it is quite extraordinary that this Proposed Amendment does not strongly encourage a Site located within this physical and strategic setting to be developed to its maximum potential in terms of providing for accommodation, supporting commercial uses and employment for Melbourne’s growing population.

33. Springbank submits there is no reasonable planning justification for the proposed FAR and relies on the evidence of Mr Sheppard and Mr McGurn that this leads to unjustifiable underutilisation of the Site.
34. With regard to the 5.4:1 FAR, and the construct of the FAU controls, Springbank relies on the submissions and evidence already provided to this Review Panel.

**Implications of the Proposed Roads, Tram Route and Parking Overlay**

35. Springbank supports the early provision of public transport to Fishermans Bend and encourages the Government to provide certainty in terms of the route and the timing of the new tram and metro rail route/s. As has been submitted by all parties to this Review Panel, the provision of public transport to the Precinct is vital to its future success.

36. However, the Proposed Amendment is lacking in information and certainty regarding the proposed public transport. This is demonstrated by the controls which nominate the land to the immediate north of the Site along Turner Street as open space and the northern tram corridor. Clearly, it is intended to be set aside for the tram corridor and any open space is incidental to this tram route. The proposed 10m setback to the Turner Street frontage for the Site is referred as a “landscape setback” but in substance, the 10m setback is designated to facilitate the proposed tram route on Turner Street.

37. It therefore should be shown as a road widening or linear park and lawfully acquired by the Government. The City of Melbourne’s (CoM) agrees.

38. Further, as a necessary consequence of the proposed closure of Turner Street to facilitate the tram route, a substantial 22m wide east-west axis road through the Site is proposed together with indicative north-south roads/lanes to provide access from the new road to the south to the tram route and open space to the north. As submitted, the Review Panel should reject the requirements in the Proposed Amendment to construct and “gift” the proposed roads on the basis that this approach is unlawful and unreasonable and manifestly unfair given the roads are a consequence of the proposed tram route and designed to benefit the sub-precinct more widely, if not Melbourne as a whole.

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5 CoM’s Interim Submission for the Lorimer Precinct (9 May 2018), para 55 and 56.
39. With regard to parking provision, Springbank relies on the evidence of Ms Dunstan noting her opinion that the rate for dwellings should be a maximum of 1 space per dwelling, not 0.5 per dwelling. The Landowners overarching submissions also address this issue.


40. Finally, Springbank submits that the lack of transitional provisions in the Proposed Amendment is extremely unfair.

41. Springbank has purchased the CCZ Site in an Urban Renewal Precinct with legitimate expectations that they will be able to develop the Site in accordance with the relevant planning controls.

42. Springbank has invested in the Site and has spent over $800,000\(^6\) to date in project costs in good faith that the “goal posts” won’t shift.

43. Springbank rejects the Minister’s assertion\(^7\) and CoM’s submission\(^8\) that transitional provisions have the potential to prejudice the future development of the Precinct as envisaged under the Framework, and that transitional provisions would unfair advantage some landowners over others.

44. In this regard, the current permit application which the CoM resolved to endorse in February 2018, provides a significant net community benefit to the Precinct by providing open space, roads, community facilities and substantial commercial space to support the employment and mix use aspirations under the MSS.\(^9\)

45. Further, the opportunity to apply for a planning permit has been open to all landowners for over five years, and it cannot be unfair that some have taken the opportunity and others haven’t.

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\(^6\) Includes approximately $400,000 in architect’s fee, $100,000 in project management and $100,000 in landscape design and traffic engineering.

\(^7\) Minister for Planning Part A Response (14 March 2018), para 231 – 235.

\(^8\) CoM’s Interim Submission for the Lorimer Precinct (9 May 2018), para 134.

\(^9\) Clause 21.13-3.
46. Is it, however, unfair and unreasonable for this Proposed Amendment to effectively result in developers such as Springbank “throwing away” significant project costs incurred to date and then to once again redesign their planning application which has been with DELWP and now the Minister for almost three years in total.

47. Springbank submits that, at the very least, transitional provisions should be included that operate so as to exempt current planning applications lawfully applied for under the existing controls from the need to comply with any new provisions.

48. Further, there is a broader issue of certainty for future development in Fishermans Bend. Planning controls need to be stable, need to be fair and need to be orderly to attract investment and good development outcomes. Whilst some submissions have been made by the Minister that there is a problem in Fishermans Bend with land-speculation and banking, it is submitted there is no better way to ensure that this will actually happen, if controls are introduced that are unfair, onerous, highly conservative and without protection for existing permit applicants and permit holders. The public’s impression that any new government will seek to change the controls for political advantage also does not assist in creating a stable investment market and the eventual achievement of Fishermans Bend as a successful world-class urban renewal precinct.

49. The overarching submissions of the Landowners are relied upon.

50. Fishermans Bend should be a wonderful opportunity for development of land such as Springbank’s Site to be optimised in terms of accommodation, employment, urban design outcomes and environmentally sustainable design.

51. The Proposed Amendment doesn’t meet this goal and instead imposes an arbitrary population target, unlawful land acquisition controls and reduces development potential on no reasonable planning or urban design grounds, expect to ensure that the Government funds as little public infrastructure as is possible.

52. This is not orderly and proper planning.
Conclusion

53. For the above reasons together with overarching submissions and evidence provided to the Review Panel, and in reliance of the site-specific evidence of Mr Sheppard and Mr McGurn, it is submitted that the Review Panel should recommend that the Proposed Amendment not proceed in its current form.

16 May 2018

Chris Canavan QC

Jane Sharp

Instructed by Norton Rose Fulbright
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<th>STAGE</th>
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- **TOTAL SITE AREA** = 20,920m²
- **TOTAL FLOOR SPACE RATIO** = 12.4
- **TOTAL OPEN SPACE (PUBLIC & COMMUNAL)** = 11,524m²
- **TOTAL NON-RESIDENTIAL FLOORSPACE** = 8,556.9m²
- **TOTAL HABITABLE GROSS FLOOR AREA** = 15,239m²

*This preliminary feasibility proposal is subject to review by the City of Sydney. It is for guidance purposes only and should be reviewed with the City of Sydney. Any variation to the above needs to be reviewed with the City of Sydney. This document is not a comprehensive or definitive feasibility report. It is a preliminary feasibility proposal and should not be used in place of a detailed feasibility report. The recipient acknowledges that this document is not a definitive feasibility report and should not be used in place of a comprehensive or definitive feasibility report.*
Report to the Future Melbourne (Planning) Committee

Ministerial Application TPM-2015-19:
162-188 Turner Street, Port Melbourne

Presenter: Evan Counsel, Practice Leader Land Use and Development

Agenda item 6.3
20 February 2018

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning application for land at 162-188 Turner Street, Port Melbourne (refer Attachment 2 – Locality Plan). The site is located within the Lorimer Precinct of the Fishermans Bend Urban Renewal Area.

2. The applicant is Springbank Properties C/- Contour Consultants, the owner is Springbank Properties Pty Ltd and the architect is Rothe Lowman.

3. The site is located within the Capital City Zone Schedule 4 (Fishermans Bend Urban Renewal Area) and is affected by the Design and Development Overlay Schedule 67, Development Contributions Plan Overlay Schedule 1, City Link Project Overlay and the Parking Overlay Schedule 13.

4. The Department of Environment, Land, Water and Planning (DELWP) has informally referred the application to Council for comment.

5. Following ongoing negotiations between DELWP, Council and the applicant, the applicant lodged draft amended plans in October 2017. In November 2017 the applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) for failure of the Responsible Authority (Minister for Planning) to determine the application within the prescribed time.

6. It is proposed to develop the land for five towers through the endorsement of a staged master plan. The towers comprise 1,483 apartments, two basketball courts plus an additional 297 square metres of community space, 8,856 square metres of office, 2,743 square metres of retail, 876 car parking spaces, 1,375 bicycle parking spaces and loading facilities (refer Attachment 3 – Draft Amended Application Plans).

Key issues

7. Key matters when considering this application is the proposals response to the Fishermans Bend Strategic Framework Plan (SFP) and relevant planning controls, specifically in relation to dwelling and land use diversity, overshadowing of future open space and design detail.

8. The site is considered suitable for the proposed development and is generally in accordance with the SFP with regards to building height, tower separation and site layout including provision of open space, setbacks, new streets and concealment of car parking.

9. Recommended conditions seek (inter alia) a reduction in the height of one tower to reduce overshadowing to a future open space, increase dwelling and land use diversity and affordable housing in accordance with the SFP and local policy, removal of encumbrances from the new southern laneway, and detailed design changes to the proposed multi-purpose indoor courts.

Recommendation from management

10. That the Future Melbourne Committee:

10.1 supports the proposal subject to the conditions outlined in the attached delegate report (refer Attachment 4).

10.2 applies to the Victorian Civil and Administrative Tribunal to be joined as a party to the proceeding.

Attachments:
1. Supporting Attachment (page 2 of 65)
2. Locality Plan (page 3 of 65)
3. Selected Plans (page 4 of 65)
4. Delegate Report (page 31 of 65)
Legal

1. The Minister for Planning is the Responsible Authority for determining this application. The applicant has lodged an application with VCAT against the Ministers failure to determine the application within the prescribed time.

Finance

2. There are no direct financial implications arising from the recommendations contained within this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

Environmental sustainability

7. Pursuant to Clauses 22.19 and 22.23 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted with the original design. If the development were to be approved a revised ESD statement could be required via permit condition.
Locality Plan
PLANNING REPORT
MINISTERIAL REFERRAL

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<td>DTPLI Application number:</td>
<td>2015/35676</td>
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<td>Applicant / Owner / Architect:</td>
<td>Springbank Properties Pty Ltd C-/Contour Consultants / Springbank Properties Pty Ltd / Rothe Lowman</td>
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<tr>
<td>Address:</td>
<td>162-188 Turner Street, PORT MELBOURNE VIC 3207</td>
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<td>Proposal:</td>
<td>Staged redevelopment of the site consisting of a series of buildings through the endorsement of a masterplan.</td>
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<td>Cost of works:</td>
<td>$550 Million</td>
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<td>Date received by City of Melbourne:</td>
<td>6 August 2015</td>
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<td>Responsible officer:</td>
<td>Dianne King</td>
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1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject land is known as 162-188 Turner Street, Port Melbourne and is located within the Lorimer Precinct of the Fisherman's Bend Urban Renewal Area which currently contains a variety of commercial and industrial uses.

![Figure 1: Site Plan of 162-188 Turner Street, Port Melbourne (source: CoMPASS)](image-url)
The site is an L shaped configuration of approximately 2.1ha in area. It is presently occupied by a warehouse, open air carpark and hard stand area in the south east corner.

Figure 2: View towards the site from Turner Street (source: CoMPASS)

Figure 3: View towards the site from Bolte Bridge off-ramp to Westgate Freeway (source: CoMPASS)

1.2. Surrounds

The main characteristics observed in the area include:

- To the immediate north is Turner Street, a 30 metre wide road reserve comprising a single lane for parking, bicycle and vehicles in each direction, generous nature strips and footpath. North of Turner Street is an office/warehouse development (telecommunications facility) with vehicle access from Turner Street.

- To the east of the site is a warehouse subdivision built to the common boundary with car parking within the front setback and central to the site.

- To the west of the site is a vacant lot. Further west is the Bolte Bridge / Western Link Road on/off ramps and to the south is the Westgate freeway.
2. BACKGROUND

The following is a timeline of the application and policy changes to date:

- An application was submitted to the Minister for Planning on 29 June 2015 for the staged development of the subject site for multiple mixed use towers over active podiums and with concealed car parking, seeking approval through the endorsement of a masterplan.

- A request for Further Information was sent to the applicant by DELWP on 27 July 2015.

- The application was referred to the City of Melbourne for comment on 4 August 2015.

- A number of meetings were held between Contour Consultants, DELWP, the City of Melbourne, the Office of the Victorian Government Architect and the Fishermans Bend Taskforce to review key design aspects of the proposal between June 2015 and May 2016.

- Amended plans were received by City of Melbourne on 25 July 2016. Further City of Melbourne Urban Design advice was provided to DELWP and the applicant.

- In September 2016 DELWP advised the applicant of their key concerns in a letter.

- On 14 November 2016, the Minister for Planning introduced Planning Scheme Amendment GC50 which changed the planning scheme controls as they applied to the Fishermans Bend Urban Renewal Area, including mandatory heights and setback controls and updated the relevant incorporated document, Fishermans Bend Strategic Framework Plan July 2014 (amended September 2016) (Fishermans Bend SFP).

The Fishermans Bend SPF is an incorporated document in the Melbourne and Port Phillip Planning Schemes. This means that the application
requirements and design guidelines within the SPF must be considered when preparing and assessing planning applications and controls that apply in the document can be statutorily enforced.

- In light of the above, the applicant submitted a formal response to the request for further information, including amended plans in February 2017.
- In June 2017 The Fishermans Bend Taskforce provided written correspondence to DELWP advising of their concerns with the proposal. City of Melbourne provided further Urban Design comments to the applicant and agencies.
- In October 2017 Draft amended plans were received, addressing DELWP, FB Taskforce and City of Melbourne concerns.
- Since this time, the Fishermans Bend Taskforce has developed the Draft Fishermans Bend Framework which builds on the current Fishermans Bend SPF (amended September 2016). The Framework and background documents were released for public consultation on 21 October 2017. Key elements of the draft controls include:
  - the introduction of a Floor Area Ratio and Floor Area Uplift scheme
  - height controls
  - overshadowing controls to protect public open space
  - amended building setback controls
  - minimum employment or space in designated core areas
  - revised car parking controls and rates
  - encouraging dwelling diversity and a range of building types
  - water storage and reuse across buildings
  - requiring new buildings to meeting a minimum 4 Star Green Star rating
- Given that the above are draft and currently released for public consultation, which DELWP has confirmed that the application as current proposed is to be assessed under the current planning controls and the Fishermans Bend SPF. No consideration therefore has been given to the proposed new controls under Amendment GC81.
- In November 2017 the applicant lodged an application with VCAT against DELWP’s failure to determine the application within the prescribed timeframe.

3. THE PROPOSAL

The application to the Minister for Planning seeks approval for the demolition of the existing buildings on site and the construction of five residential towers atop mixed use podiums.

The assessment of this application will reference the formal application plans submitted with the Further Information (February 2017 plans) unless otherwise stated.

The application proposes the following land uses:

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<th>Dwellings</th>
<th>Total number of dwellings: 1,483</th>
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<tr>
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<td>One bedroom dwellings/apartments: 307</td>
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<tr>
<td></td>
<td>Two bedroom dwellings/apartments: 889</td>
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</tbody>
</table>
Three or more bedroom dwellings/apartments: 262
Duplex with flexible floorplan: 25

Community Facilities
- 2 x Basketball Courts: 1,501.5 square metres
- Ground Floor tenancy: 297.3 square metres
- Total: 1,994.7 square metres

Office
- Leasable Floor Area: 8,856.8 square metres

Retail (ground level etc.)
- Leasable Floor Area: 2,743.9 square metres

Car Parking
- 876

Bicycle Parking
- 1,375 (including 18 share bikes)

Total GFA
- 219,622 square metres

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Figure 5: Site Plan (source: Contour Report February 2017)

The specific details and staging of the proposal are as follows.
4. SITE HISTORY

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

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<th>TP number</th>
<th>Description of Proposal</th>
<th>Decision &amp; Date of Decision</th>
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<td>TPM-2013-14</td>
<td>Construct five towers for a mixed use development at 351-387 Ingles Street, Port Melbourne.</td>
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<tr>
<td>TPM-2014-17</td>
<td>Construct three towers for a mixed use development at 850-868 Lorimer Street, Port Melbourne.</td>
<td>On Hold</td>
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<tr>
<td>TPM-2016-19</td>
<td>Construct a mixed use tower at 13-33 Hartley Street, Port Melbourne.</td>
<td>Response issued to DELWP supporting the application subject to conditions December 2017.</td>
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5. **PLANNING SCHEME PROVISIONS**

The following provisions of the Melbourne Planning Scheme apply:

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**Statutory Controls**

**Capital City**  
Pursuant to Schedule 4 of the Capital City Zone, a permit is required to:
| Zone, Schedule 4 (Fishermans Bend Urban Renewal Area) | • Use of the site for the purpose of Accommodation (which includes a dwelling) as the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10 are not met. The subject site is located within 300 metres of an industrial use (namely a concrete batching plant operating from 221 Boundary Road, Port Melbourne).  
• Use the site for the purpose of a Place of Assembly.  
• Use of the site as an indoor recreation facility.  
• To demolish or remove a building or works.  
• Construct a building or construct or carry out works.  

A permit granted must generally be in accordance with the incorporated Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).  

Use of the site for the purpose of Retail (other than Adult sex bookshop and Tavern) and Office is a Section 1 'Permit not required' use. |
| Design and Development Overlay, Schedule 67 (Fishermans Bend Urban Renewal Area) | Pursuant to Clause 43.02-1 a permit is required to construct a building or construct or carry out works unless exempted in a schedule.  

Schedule 67 does not exempt the proposed development, rather it imposes mandatory maximum height and building setback controls for the area.  

Schedule 67 specifies a maximum building height of 40 storeys, with a maximum street wall height of 20 metres or 5 storeys (whichever is lesser). Above the street wall, towers must be setback a minimum of 10 metres to the street and 10 metres to all boundaries. Setbacks between towers must be a minimum of 20 metres. |
| Development Contributions Overlay, Schedule 1 (Fishermans Bend Urban Renewal Area Development Contributions Plan) | Pursuant to Clause 45.06-1 a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.  

A permit may be granted to subdivide land, construct a building or construct and carry out works before a precinct wide development contributions plan has been prepared by the developer to the satisfaction of the Responsible Authority if a site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning or, an agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the Responsible Authority that makes provision for development contributions.  

In accordance with the Fishermans Bend Strategic Framework Plan, July 2014 (pre- the September 2016 amendment) the development contributions are as follows:  
• $16,000 per dwelling  
• $18,000 per 100sqm of office floor space  
• $15,000 per 100sqm of retail floor space. |
| City Link Project Overlay | Pursuant to Clause 45.07 an application must be referred under Section 55 of the Act to the Roads Corporation. This is the responsibility of the DELWP on behalf of the Minister for Planning. |
| Parking Overlay | Pursuant to Clause 45.09 a permit is required to provide parking in |
excess of the maximum car parking rates for the proposed land uses as follows:

- Dwelling: 1 to each dwelling
- Place of Assembly: 1 to each 100 sqm of gross floor area
- Retail and Office: 1 to each 100 sqm of gross floor area.

All buildings that provide on-site car parking must provide motor-cycle parking for the use of occupants and visitors, at a minimum rate of one motor-cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

The proposed provision of 1,079 on-site car spaces is less than the maximum number allowable under the planning scheme, therefore no permit is required.

| Schedule 13 (Capital City Zone – Fishermans Bend) |

**Particular Provisions**

| Clause 52.34, Bicycle Facilities | A permit may be granted to reduce or waive the requisite bicycle parking requirements as follows:
- Dwelling: 1 to each 5 dwellings for residents and 1 to each 10 dwellings for visitors.
- Place of Assembly: 1 to each 1,500 sqm of leasable floor area for staff and 1 to each 500sqm of leasable for visitors
- Retail: 1 to each 300 sqm of leasable floor area for staff and 1 to each 500sqm to leasable floor area for visitors.

The proposed provision of 1,365 spaces exceeds the planning scheme requirement of 521 spaces, therefore no permit is required.

The Fishermans Bend Strategic Framework Plan requires:
- Dwelling: 1 bicycle space per dwelling.
- Office: 1 bicycle space per 50m2 of net office floor area.

This would require approximately 1660 bicycle spaces, for which the application falls short 1,139 spaces. |

| Clause 58, Apartment Developments | Seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and the surrounding area.

A development:
- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause. |

| General Provisions | The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.

The proposal has been informally referred to City of Melbourne for comment. |

<p>| Clause 65 – Approval of an | The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. |</p>
<table>
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<th>application or plan</th>
<th>These provisions set out the types of applications which must be referred under Section 55 of the Act or for which notice must be given under Section 52(1)(c) of the Act.</th>
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6. **PUBLIC NOTIFICATION**

An application for demolition, buildings and works, and use of the land for accommodation, place of assembly, indoor recreation facility are exempt from the notice and review rights of Section 82(1) of the *Planning and Environment Act 1987.*

The application was informally referred to City of Melbourne for comment.

7. **REFERRALS**

The application was referred to the following internal departments with comments summarised:

7.1. **Urban Design and Urban Strategy**

Urban Design comments are based on the formally submitted February plans:

> 'In its present form we have a range of fundamental concerns with the proposal, which constitutes a major contributor to the evolution of Fishermans Bend and catalyst at the western edge of Lorimer precinct. Whilst the area represents the most poorly located site within Lorimer relative to transport and the Central City, it still exceeds the recommended 10:1 plot ratio for well serviced locations. Further, there is a significant risk of the creation of a dormitory, by virtue of the high residential land use bias (where 15% non-residential is expected as a minimum). In summary, the proposal fails to meet a range of tests within the Strategic Framework Plan and Design Guidelines, and accordingly represents a less than 'compliant' scheme, without a commensurate trade off. The cumulative effect of this erosion of strategic intent will lead to an inability to achieve the overarching vision for Lorimer. We recommend further investigation and development of the following elements, to secure a high quality public realm, working and living environment:

Address the following concerns which are required under the current planning approach:

- Incorporate the required open-to-sky streets and lanes within the urban structure, and break the podium into a series of distinct urban blocks.
- Consolidate servicing infrastructure across the site and avoid duplication in each stage which negatively impacts upon street frontage activity.
- Increase the provision of affordable housing and non-residential floor space in line with the Framework Plan.
- Increase the community infrastructure offering which must be read as a clearly legible public element.
- Strengthen design quality and architectural diversity and vary tower forms.'
7.2. Recreation

- Cannot commit at this early stage to management of the facilities.
- The end to end layout is not ideal. A robust court dividing mechanism would be essential in this case. This may have further impacts on the safe run off space and overall footprint required.
- Ideally a facility like this would be as multi-purpose as possible, we do not advocate single use i.e. basketball only. The length for a netball court with run off is 36.60 metres, so 2 courts with full run off is 73.20 metres, unfortunately the design does not meet this.
- Multi-purpose would also incorporate other activities such as badminton, volleyball, futsal – this would have particular impacts on design as the facility would require a higher level of “robustness”. The height of the space at 8.75m is not ideal for this (ideally closer to 10 metres), particularly when light fittings need to be factored in.
- Greater detail required on off-court facilities including generous storage for sports equipment, office/admin, first aid, umpires rooms, accessible change / toilet, cleaning store etc.
- Unsure of access for facility maintenance – floor treatments, lighting maintenance etc.
- Parking and access convenience for users should be addressed (safety, amenity and security).
- Many other details would be required but can’t get a sense from these details – spectator areas, bench areas for sport – subs, coaches etc, scoring systems and infrastructure.

7.3. Land Survey

A number of conditions were recommended by Land Survey with regards to vesting of public land in Council.

7.4. Civil Engineering

- The service lane must be fully open for care and management purposes and should be generally as per the Draft Fishermans Bend Framework.
- The delineation between proposed private and public land is unclear.
- It is assumed that the thin area between the proposed enclosed service lane and CityLink lease is intended to also be vested in Council (with the service lane) and this is not acceptable on a care and management standpoint.
- We object to the proposed arrangement of the ‘porte-cochere’ at the intersection of the north-south road and the east-west road. The centre island is not supported.
- The south footpath of the East-West road should extend up to the site boundary and link with the North-South road footpath.
- The North-South road should be generally as per the Draft Fishermans Bend Framework with footpath on both sides.

A number of standard conditions have been recommended.
7.5. Traffic Engineering

- The proposed staging of the development (commencing with the buildings closest to Turner St & gradually progressing southwards) is supported, as this would aim to ensure that appropriate pedestrian/vehicular access is provided to the site. Detailed TIA reports must be provided for each stage of the development.

- The design of the ramp access to the basement car park via the North-South Rd should be amended to enable vehicles to simultaneously access & egress the site, to ensure that inbound vehicles don’t have to stop in the street while waiting for outbound vehicles to exit**. Alternatively, a signal loop could be installed in the carriageway of the North-South Rd, designed for an inbound vehicle to activate a red signal inside the car park, requiring the outbound vehicle to stop & give way to inbound vehicle

- Swept paths assessments should be undertaken for all the required design vehicles at the intersection of Turner St/North-South Rd, North-South Rd/East-West Rd & East-West Rd/southern ROW

- The car parking spaces, grades, accessways, head clearances, car lifts, etc must be designed generally in accordance with the MPS and/or AS/NZS 2890.1:2004 (AS)**. The grades of all entry ramps should be ≤ 1:10 for the first 5m into the site.

- Formal Road Safety Audits must be undertaken prior to occupation of each stage of the development, which should include access arrangements into/from the site, as well as internal circulation/layout. The findings of the Audits should be incorporated into the detailed design at the developer’s expense

- The provision of a mountable kerb to facilitate access to the loading dock via the North-South Rd is unacceptable, as this would compromise pedestrian safety. A pedestrian refuge of at least 2m should be provided between the loading dock & the car park access;

- The ownership of the North-South Rd, East-West Rd & southern ROW should be clarified.

- The operation of all doorways into the site should be clarified. In order to ensure that entering vehicles do not stop on-street & obstruct pedestrians/traffic while waiting for the doors to open, the doors should be offset at least 6m from the site boundaries. Alternatively, the doors at/near the site boundaries could be left open during peak periods & closed off-peak

- The (residential) traffic generation rate of 0.16veh/sp adopted in the TIA is considered to be unrealistic, given the (currently) poor public transport provisions in this area. A generation rate 0.3veh/sp should be adopted in any future TIA’s

- The likely increase in the 95%ile queue length in Turner St at Ingles St from 48m to 142m (during the AM peak) & from 162m to 356m (during the PM peak) as a result of the development is unacceptable, as this would cause significant traffic congestion & considerable delays & deterioration in amenity for both existing/future occupants/residents/visitors of this precinct. While it is ultimately proposed to close Turner St at Ingles as part of SFP, this may not occur for many years (possibly decades). It is requested that a condition of permit require the developer to fully fund the installation of traffic signals at this intersection, to ensure that traffic conditions do not worsen to
unacceptable/unsustainable levels following the occupation of the site (& prior to the possible future closure of Turner St) **;

- A comprehensive Green Travel Plan (GTP) should be prepared for this development ** (possibly similar to that recently submitted as part the Young Husband site application), which would further encourage the use of sustainable transport; and
- ES is requesting the provision of motorcycle parking in excess of the MPS requirements. Our motorcycle parking requirements are for 1 motorcycle space per 50 car parking spaces, with the car parking spaces calculated as the greater of the number of: (a) Car parking spaces required (or permitted in the case of a maximum rate) by the MPS; or (b) Car parking spaces proposed. Given that Clause 52.06 specifies a maximum provision of 1,663 car parking spaces, at least 33 motorcycle space should be provided **.

8. **ASSESSMENT**

The key issues in the consideration of this application are:

- Consistency with the Fishermans Bend Strategic Framework Plan (FBSFP)
- Land Use
- Design and Built Form
- Residential Amenity
- Impact on neighbouring industrial land uses

8.1. **Consistency with the Fisherman’s Bend Strategic Framework Plan**

The FBSFP identifies the projected density of Fisherman’s Bend to accommodate at least 40,000 dwellings. The Planning of Fisherman’s Bend, including provision of services and facilities is based on this figure. The proposal seeks to accommodate 4% of the projected population on site, whilst comprising just 0.4% of the overall area of Fishermans Bend Urban Renewal Area. Design revision addressing plot ratio, overshadowing and land use diversity (assessed below) will result in a reduction in the dwelling density, thereby better responding to the aspirations and projections of the Strategic Framework Plan (SFP).

Assessment against the provision of open space and pedestrian and vehicle connections is assessed in detail below at 8.4.

8.2. **Land Use**

Objective 2.2 of the SFP is to ‘Ensure large developments are comprehensively planned to create integrated neighbourhoods and deliver high amenity diversity and a good mix of land uses.

Specifically, a Master Plan must be prepared which includes provision for:

- Streets and laneways that connect the site to its surrounds in accordance with Objective 2.1;
- Publicly accessible spaces that accommodate local passive recreation that is consistent with the Open Space Key Element of the Strategic Framework Plan;
- Diversity of land uses, including non-residential floor space;
• Diversity of dwelling types and sizes, including an affordable housing component; and

• Diversity of built form typologies, including low and medium rise buildings.

Use of the site for accommodation (dwelling) is supported subject to conditions addressing noise attenuation to protect the new residential land use from amenity impacts from the existing warehouse/industrial land uses in the area.

Objective 2.4 of the SFP states that all development must provide a minimum 15% non-residential land use. The proposal currently sits at approximately 8.2% non-residential land use. It is recommended a condition of permit require 15% non-residential land use. This will be addressed in part by conditions relating to built form and overshadowing.

The spread of 1, 2 and 3 bedroom apartments is not in line with the SFP, which states developments over 40 metre high must provide 30% of dwellings as 3 bedroom and allocate 6% of dwellings to a registered housing association or provider. A condition of permit should address this requirement.

It is acknowledged that short-term demand for non-residential floor space is a commercial challenge; however the urban renewal of Fishermans Bend can only be supported by a long term vision without short term concessions. As noted in the Fishermans Bend SPF (a page 41):

'It will be important that both planning and investment decisions have regard to overall outcomes envisaged by this Plan...This will require a level of pragmatism and patience from all stakeholders during its roll-out. Early development proponents will need to consider how longer term goals can be achieved and avoid the potential to undervalue site specific opportunities or underwhelm the broader delivery of key outcomes.'

This planning application represents one of the first for the Lorimer Precinct, with only two previous planning approvals. If the full gambit of the Fishermans Bend SPF goals is not provided on this site, this would seriously obstruct efforts to achieve the future vision for Australia's largest Urban Renewal area.

The proposed Indoor Recreation Facility is supported. However, the current design is not supported. A condition of permit should require the courts to be of a dimension that will allow the space to be used for both netball and basketball, with safe runoff area and sufficient room for a court divider. Off-court facilities include change rooms, first air rooms, storage and reception is required to ensure the venue is operational. These changes should be to the satisfaction of the City of Melbourne.

The land use identified as 'Community' remains unallocated to a specific use; however the applicant suggests it will be used for the purpose of childcare, education or something similar. The provision of a community focused use is supported within the development.

8.3. Design and Built Form

8.3.1 Site Layout

With respect to the objectives and standards in the SFP as they relate to site layout, the following is noted:

• The proposal provides some of the links envisioned in the SFP, including the midblock east west link of 22m, a southern boundary services laneway of 6m, a north-south midblock pedestrian link and an eastern north-south vehicular
link. The eastern link does not continue through the site to the southern boundary, and is therefore inconsistent with the SFP.

The applicant submits that a connection at this point is superfluous to the operation of the road network, however it has flow-on affects to the overall design response, resulting in an almost 170m wide podium along the southern boundary of the precinct. The impacts of this are addressed in greater detail under the built form consideration.

- The proposed south boundary 6 metre wide service laneway is consistent with the SFP. The laneway, whilst meeting the dimensional requirements, is proposed to be enclosed within the built form of the podium, with car parking cantilever above. The laneway as shown in the SFP plays a pivotal role in the functionality of the precinct, connecting with neighbouring sites to the east to provide servicing access. The enclosure of this lane poses maintenance and access issues if publicly accessible. It is recommended a condition of permit require the lane be unencumbered and vested in ownership to City of Melbourne’s. The setback requirements of the tower above remain unchanged, being 10 metres from the title boundary and consistent with the Design and Development Overlay Schedule 67.

- The proposal includes the setbacks required by the SFP for future open space for the precinct. The delivery of the open space should form part of the staging plan vested to City of Melbourne and delivered to the satisfaction of City of Melbourne.

- The southern podium locates all services with the exception of booster cupboards along the southern elevation to the service road. This is a supported approach and result in an active frontage to the streets utilised by pedestrians.

- Tower A1 and A2 comprise a number of services along their eastern and southern elevations. A2 in particular comprises a significant proportion of its street level frontage to services and access. It is recommended that services between these buildings be collocated in order to minimise the overall proportion of non-active frontage at street level.

8.3.2 Building Design

- The built form complies with the mandatory requirements stipulated in the Design and Development Overlay Schedule 67.

- The amended plans delete the connection between towers A1 and A2 resulting in an open pedestrian plaza. This is a positive outcome for the site and is supported. The design of the podium façade fronting the plaza results in partial enclaves which present as potential litter traps of entrapment points. It is recommended a condition of permit require redesign of the facades adjoining the plaza between towers A1 and A2.

- Entrances to different land uses should be identified through varying façade articulation and design detail, for example the basketball and residential foyer should differentiate from the retail façade.

- The podium parking is suitably sleeved with active uses. How the delivery of the active uses on the northern façade of Stage Q will be delivered upon the eventual delivery of the park requires further clarification.

- Towers should have visually appealing, sculptured roof forms. The proposal appears to have large plant protrusions above the tower form. Further design detail is required to resolve this. The roof form largely conceals the plant and
service equipment and has been well designed having incorporated a change in colour palette to 'cap' the building.

- Noting the importance of this site as part of a gateway sequence, further architectural or public art investment is required for the southern elevation fronting the Westgate Freeway. Melbourne has a strong legacy of positively addressing freeway edge conditions through built form and well-designed sound barriers, and it is imperative that this development contributes to this. Some variation to the treatment should be provided rather than relying solely on the success of a green wall.

8.3.3 Microclimate

- The proposal provides weather protection to the new east-west street on both the north and south sides of the building, as well as to the pedestrian link between A1 and A2. The proposed level of weather protection is appropriate.

- The proposal will result in overshadowing of the proposed neighbourhood open space from 1pm onwards, inconsistent with Objective 3.3, Standard 4 of the FBSFP and Clause 22.16 of the Melbourne Planning Scheme. It is recommended a condition of permit require a reduction in the height of tower A1 to ensure no overshadowing of this space.

- A Wind Report has been submitted with the application documentation which makes a number of recommendations to minimise wind impacts at key pedestrian areas around the proposed development site. The report does not identify acceptable and unacceptable wind conditions in accordance with Objective 4.2 of the SFP. It is also based on the February 2017 plans and has therefore not considered the latest design. It is recommended a complete wind assessment including wind tunnel testing be required as a condition of permit, which makes recommendations to ensure wind conditions in outdoor areas are suitable for their intended use, to the satisfaction of the Responsible Authority.

- An Acoustic report has been submitted with the original application which identifies the Westgate Freeway as the dominant source of external noise affecting the subject site. It is considered that the specifications set out in the report (which should be updated to reflect the draft amended plans) will ensure residents of the proposed development will not be unreasonably impacted.

8.3.4 Public Space and Landscape

- The public space is provided in accordance with the Open Space Plan in the SPF (see further commentary below).

- The Open Space must be provided unencumbered so that it can be transferred to Council.

- The podium roof includes communal open space. This is in addition to the private balcony areas associated with each apartment. It is unclear whether the planting design acknowledges the harsh conditions on the podium shown by the wind tunnel study.

- Two plazas are proposed as part of the development. It is assumed they are to remain in private ownership. A condition of permit should require this plaza remain accessible to the public 24/7. The southern end of the roundabout and adjoining plaza to the south, as it aligns with the proposed
neighbourhood park to the east should be vested in City of Melbourne in order to allow some flexibility in the future design resolution.

8.3.5 Transport and Access
- Vehicular access will temporarily be from Turner Street with secondary access available from newly created streets when Turner Street is redeveloped into a park in accordance with the SFP.
- Site services have generally been located along the southern boundary, away from public pedestrianised streets.
- The proposed provision of car parking meets the standard of objective 6.3 of the SFP and is appropriately screened from public view.
- The proposal falls significantly short of the bicycle parking required by the SFP, however meets the requirements of Clause 52.34 of the Melbourne Planning Scheme Clause 52.34. It is recommended that bicycle parking provision be increased to provide at least an average of 1 space per dwelling.

8.3.6 Sustainability and Infrastructure
- Referral of the application to Melbourne water is the responsibility of the Responsible Authority and conditions recommended by them should address objective 7.1.
- It is recommended a condition of permit require Water Sensitive Urban Design
- Tower floorplans are generally designed in accordance with Objective 7.4 with through ventilation. It is recommended an Environmental Impact Assessment based on revised plans be required for development of all stages in accordance with the Green Star tool.
- A Waste Management Plan was submitted with the application and supported by Engineering Services. The Plan will require updating based on revised plans.

8.4 Residential Amenity
Clause 58 Apartment Developments (the Better Apartment Design Standards) seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents. A number of the objectives and associated standards within Clause 58 have already been assessed elsewhere in this report. The following is an assessment of the proposed development.

8.4.1 Urban Context objectives
The development largely responds to the preferred new urban context of the area as set out in the Fishermans Bend SFP.

8.4.2 Residential policy objective
The application describes how the development is consistent with relevant policies for housing in the Melbourne Planning Scheme.

8.4.3 Dwelling Diversity objective
A range of dwelling sizes and types, including dwellings with a different number of bedrooms have been provided. Greater diversity of product is required in accordance with the SFP as discussed earlier in this report.
8.4.4 Infrastructure objective
While the development is located within an existing urban area, upgraded utility services and significant new public infrastructure is required within the Fishermans Bend Urban Renewal area to support the projected residential populations. Developer contributions are required under the Developer Contributions Overlay, which are recommended to be secured via permit condition.

8.4.5 Integration with the street objective
The site is required to provide two new local streets that will enhance local accessibility. The development is largely orientated to the new street, the design response is acceptable.

8.4.6 Energy efficiency objectives
Subject to conditions, the proposal will have the preliminary design potential to achieve a 5 Star Green Star rating.

8.4.7 Communal open space objective
The standards recommend a minimum area of communal open space of at least 250 square metres per tower. A landscaped outdoor terrace area is provided at podium rooftop that complies with this policy.

8.4.8 Solar access to communal outdoor open space objective
Due to the tower configuration, it is unclear as to whether the standard recommending at least 125 square metres of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June. This should be clarified by the applicants via a permit condition.

8.4.9 Safety objective
The layout of the development provides for the safety and security of residents and property. As previously discussed, the proposed visitor parking bays result in an enclave within the ground floor façade creating a litter trap and potential concealment point. It is recommended that the visitor parking bays be redesigned to remove any enclaves with hard angles.

8.4.10 Landscape objective
The City of Melbourne will be responsible for the landscape of the public open space post-delivery (to be secured by permit condition).

8.4.11 Access objective
As advised by Engineering Services, the ramp access to the basement car park via the North-South Rd should be amended to enable vehicles to simultaneously access & egress the site, to ensure that inbound vehicles don’t have to stop in the street while waiting for outbound vehicles to exit.

Site triangles should be provided at all entries and exits in accordance with Australian Standards.

8.4.12 Parking location objective
The location and layout of parking has been assessed by ESG and found to be acceptable.
8.4.13 Integrated water and stormwater management objectives
The applicant has provided a design statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the equivalent to a minimum 5 Star rating and equivalent to a minimum 6 points expected in the water calculator, thereby complying with the requirements of Clause 22.19 Energy, Water and Waste Efficiency. The design statement should be updated to refer to the latest plans which can be secured via permit condition.

8.4.14 Building setback objectives
The setback of the building from boundaries and approved neighbouring towers complies with the mandatory setback controls stipulated by Schedule 67 of the Design and Development Overlay.

8.4.15 Internal views objective
Towers are sufficiently setback in order to prevent unreasonable internal views. Details are required of all internal screening devices to prevent internal overlooking between the balconies of apartments within the development. Details of screening between balconies of each tower will be required at the time of the town planning application for that tower.

8.4.16 Noise impact objectives
An Acoustic report has been submitted with the further information identifies the Westgate Freeway as the dominant source of external noise affecting the subject site.

8.4.17 On-Site amenity and facilities
The objectives as they relate to accessibility, private open space, and access to usable and secure storage are all met.

8.4.18 Detailed design
The objectives as they relate to common property, site services and waste and recycling are all met. As previously discussed, it is recommended that site services be co-located in order to reduce the extent of ground floor inactive façade and site efficiency.

8.4.19 Internal amenity
The proposal is a masterplan of the development site. The layout of apartments is in draft form however appears to meet the internal amenity objectives as they relate to functional layout of the apartments, room depth, windows and natural ventilation. Further assessment will be required at detailed design stage of individual towers.

8.5. Impact on neighbouring industrial land uses
The subject site is located within 250 metres of an established industrial use (namely a concrete batching plant operating from 221 Boundary Road, Port Melbourne). The applicants have commissioned GHD to conduct a buffer constraint assessment for the proposed development which considers the impact of the proposed development on existing and surrounding industrial and warehouse uses.

The purpose of an amenity buffer is to provide sufficient separation between sensitive land uses (such as dwellings) and industries that have the potential to generate emissions of dust and/or odour so that on the occasion of an upset or malfunction, the impact to off-site amenity is minimised. Under routine operations, impact is to be confined on-site to the industry so that an external buffer should not be required.
EPA Publication No. 1518 March 2013 specifies recommended separation distances for industrial residual air emissions. The guideline aims to:

- Provide clear direction on which land uses require separation.
- Inform and support strategic land use planning decisions and the consideration of planning permit applications.
- Prevent new sensitive land uses from impacting on existing industrial land uses.
- Prevent new or expanded industrial land uses from impacting on existing sensitive land uses.
- Identify compatible land uses that can be established within a separation distance area.

The guideline also provides the following recommended separation distances:

<table>
<thead>
<tr>
<th>Concrete and stone manufacture</th>
<th>Production of finished concrete or stone products</th>
<th>&gt;5,000 tonnes per year</th>
<th>100</th>
</tr>
</thead>
</table>

The GHD report concludes that the proposed residential development is not constrained for sensitive land use when appropriate buffer distances are applied to the existing industries surrounding the site. A permit condition is included to ensure appropriate noise attenuation measures are incorporated into the development to ensure adequate amenity for future residents.

8.6. Conclusion

As assessed, it is considered that the proposed development complies with State and Local Planning Policy of relevance, including the Fisherman’s Bend Strategic Framework Plan and provides an appropriate response to the decision guidelines contained within the zone, overlay and particular provisions. A number of changes are recommended, based on advice received primarily from internal referrals to Engineering, Recreation and Urban Design. It is considered that these can be appropriately addressed via conditions should a permit be issued.

9. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that the City of Melbourne supports the proposal subject to the inclusion of the following conditions on any permit issued:

**Amended Plans**

1. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, two copies of plans drawn to scale must be submitted to and approved by the Responsible Authority. The amended plans must be to the satisfaction of the Responsible Authority and generally in accordance with the plans prepared by Rothe Lowman dated 24 February 2017, but amended to show:

   a. The changes shown in draft plans prepared by Rothe Lowman received October 2017.

   b. A reduction in height of tower A1 to ensure no overshadowing of the proposed neighbourhood open space (located on the northern boundary of the easternmost portion of the subject land) between the hours of 11am and 2pm at the equinox.

   c. Co-location of building services at ground level across the towers to reduce inactive frontages and improve efficiency.
d. Setback of the podium over the southern service road so that it is unencumbered and redesign to incorporate all land up to the title boundary.

e. Redesign eastern ground floor façade of A1 and western ground floor façade of A2 to remove any enclaves or entrapment points.

f. Redesign of the rooftop plant to be incorporated into the tower form.

g. Removal of the mountable kerb to facilitate access to the loading dock via the North-South Rd. A pedestrian refuge of at least 2m must be provided on the North South-Rd between the loading dock & the car park access;

h. Site triangles at all vehicle entries and exits in accordance with Australian Standards.

i. Redesign of the ‘porte-cochere’ at the intersection of the north-south road and the east-west road to delete the island, to the satisfaction of City of Melbourne – Engineering Services.

j. Extension of the southern footpath of the East-West road should to the site boundary and link with the North-South road footpath.

k. Provision of footpath on both sides of the North-South road generally in accordance with the Fishermans Bend Framework Plan.

l. A minimum multi-purpose court and runoff dimension of 73.2 metres (2 x 36.6 metres) in length and a clearance of 10 metres plus additional space required for a court divider and spectator viewing. The design of the courts must be to the satisfaction of the Melbourne City Council.

m. Provision of ancillary facilities for the multi-purpose courts including storage, change rooms, reception and first aid room. The design of these facilities must be to the satisfaction of the Melbourne City Council.

n. Provision of a minimum of one bicycle parking space per dwelling.

o. Provision of at least 33 motorcycle parking spaces.

p. Allocation of car share spaces which are publically accessible.

q. Property boundaries for, and clear delineation of, all private and public land including the new road and new park in accordance with the corresponding Land Survey Conditions.

r. All unimpeded roads, the open space within the Turner Street setback, the unimpeded southern service road and the roundabout and plaza to the south as it aligns with the proposed neighbourhood park to the east should be vested in City of Melbourne for ownership and maintenance.

s. The provision of a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area of the development.

t. The provision of a minimum of 30% of dwellings must provide at least three bedrooms per dwelling.

u. The provision of a minimum of 6% of all dwellings must be allocated to a registered housing association or provider.

v. An indicative apartment floorplan at a scale of 1:100 or similar of the affordable housing dwellings.
w. Greater variation to the treatment of the southern façade fronting the Westgate Freeway.

x. Demonstrate that at least 125 square metres of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.

y. Visitor bicycle parking redesigned to remove any enclaves with hard angles that may result in a litter trap or concealment point.

z. The ramp access to the basement car park via the North-South Road amended to enable vehicles to simultaneously access & egress the site, to ensure that inbound vehicles don’t have to stop in the street while waiting for outbound vehicles to exit.

aa. Any changes required by the endorsed Waste Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).

bb. Any changes required by the endorsed Water Sensitive Urban Design Response as specified by the corresponding condition below (where relevant to be shown on plans).

cc. Any changes required by the Traffic and Transport Assessment as specified by the corresponding condition below (where relevant to be shown on plans).

dd. Any changes required by the endorsed Acoustic Report as specified by the corresponding condition below (where relevant to be shown on plans).

ee. Any changes required by the endorsed Wind Report as specified by the corresponding condition below.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

**Layout not altered and satisfactory completion**

2. The development and land use as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. The area identified as ‘community’ on the endorsed plans must be used for the benefit of the wider community by way of child care, education, sporting or similar to the satisfaction of the Responsible Authority.

**Noise Attenuation**

5. Prior to the commencement of the development, an amended acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of no greater than 35dB(A) for bedrooms, assessed as an LAeq8h from 10pm to 6am, and no greater than 40dB(A) for living areas, assessed LAeqL6h from 6am to 10pm in unfurnished and uncarpeted habitable rooms. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwellings.
6. Prior to the occupation of the dwellings, acoustic testing must be conducted by a qualified acoustic consultant. The test must verify that the maximum noise level specified in the above condition is achieved, to the satisfaction of the Responsible Authority. A report containing the results of the testing must be submitted to the Responsible Authority prior to the occupation of the dwellings.

7. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to occupants of surrounding properties, to the satisfaction of the Responsible Authority.

Land Survey

8. Prior to occupation of the development the proposed service lane at the rear of the development, must be vested in Council (limited in height to a maximum of 5m above ground level, this area must be clear of any structures) as a Road on the Plan of Subdivision.

9. Prior to occupation of the development the proposal internal Road must be vested in Council (unlimited in height and depth) as a Road on the Plan of Subdivision.

10. Prior to occupation of the development the proposal widening of Turner Street must be vested in Council (unlimited in height and depth) as a Reserve on a Plan of Subdivision.

11. Prior to occupation, the internal road must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the retail tenancies and the residential apartments. Any proposed road name must comply with the Naming Rules for Places in Victoria 2016, and the Geographic Place Names Act 1998.

Staging

12. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. This Staging Plan must be submitted to and be approved by the Responsible Authority. This Staging Plan must include, but is not limited to, plans and information detailing any public realm works, proposed temporary treatment, delivery of staged land use and use of vacant land. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Detailed Development Plans

13. Prior to the commencement of any stage of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the built form outcomes as shown in the plans submitted with the application and be consistent with the master plan but modified to show the following:

a. Existing conditions, topography (including levels) and infrastructure provision;
b. Design details for tower and podium interfaces to the street and internal laneway network including plans, elevations, and sections at a scale of 1:200 with detailed facade segments at 1:100 or alternative suitable scale. The drawings must include the location, height, dimensions, title boundaries, Reduced Levels (RLs) to Australian Height Datum (AHD) on all finished floors and elevations, and the parapet of all walls, detailed elevations including activated frontages;

c. Screening details between balconies to prevent internal views;

d. All dwellings must be designed to provide direct daylight access to all habitable rooms;

e. The layout of all car parking and loading/unloading areas showing the arrangement of spaces and access aisles;

f. Details of vehicle and pedestrian access and management of movement;

g. Any amendments required to incorporate the recommendations of further wind climate assessment reports required in the corresponding condition below;

h. Facade strategy and materials and finishes as required in the corresponding conditions below;

i. Entrances to different land uses should be identified through varying facade articulation and design detail, for example the basketball and residential foyer should differentiate from the retail facade.

j. Any design requirements as a result of Crime Prevention through Environmental Design Audit in the corresponding condition below;

k. Any design requirements as a result of Way Finding Audit in the corresponding condition below;

l. Any design requirements as a result of the Disability Audit in the corresponding condition below;

m. Any design changes as a result of the ESD reports in the corresponding condition below;

n. Any design changes as a result of the Waste Management Plans in the corresponding condition below;

o. A scheme for landscaping and planting in connection with the development as required in the corresponding condition below;

p. Any requirements/recommendations of the traffic report as required in the corresponding conditions below; and

q. Any changes necessary to comply with the City of Melbourne Waste Guidelines and amended Waste Management Plan in the corresponding condition below.

**Landscaping and Public Realm Plan**

14. Before the development starts, excluding demolition, bulk excavation and site preparation, unless otherwise agreed to by the Responsible Authority, a Landscape and Public Realm Plan (excluding the new park) must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:

a. An integrated high quality solution for any wind mitigation measures identified in the Wind Report required by the corresponding condition.
b. Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.

c. How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

d. Provision of a third pipe to supply non potable uses within the development for toilet flushing, fire services, irrigation and cooling unless otherwise agreed by the relevant water authority in accordance with Standard 2 of Objective 7.2 of the Fisherman’s Bend Strategic Framework Plan.

e. A landscape management plan detailing the ownership, maintenance regime and management responsibilities of the landscaping associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority.

15. The Developer must prepare a Public Realm / Open Space Plan in consultation with the City of Melbourne for the detailed design and landscaping of the public open space. The Plan must be prepared to the satisfaction of the City of Melbourne, and when approved will be endorsed to form part of the planning permit for the development. The Plan must:

a. Provide for open space in accordance with the Development Plan hereby approved;

b. Incorporate urban design elements that include but are not limited to paving, lighting, seating and public art, and clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicle circulation.

c. Identify how the public open spaces will be publicly accessible for use by workers, residents and visitors to the site on a 24/7 basis;

d. Show the position, soil depths, type and spread of all trees on the site; and

e. Demonstrate how the public open spaces have been designed to achieve comfortable wind conditions and good solar access through the integration of high quality wind mitigation measures identified in the Wind Report required by the corresponding condition.

f. A schedule of all soft and hard landscaping and treatments to be the City of Melbourne’s standard.

g. How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

h. Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees.

i. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant including evidence that the planting design acknowledges and responds to the harsh wind conditions identified in the Wind Assessment Report.
j. Details of surface finishes of retaining walls, pathways, kerbs and laneways.

16. Provision of communal open space as shown on the endorsed plans must be completed within 6 months of completion of development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

17. Any trees in the adjoining streets which are shown on the endorsed plans to be removed, relocated or replaced must be not be removed lopped or pruned within the prior consent of the City of Melbourne. All costs in connection with the removal / relocation or replacement of the trees, including any payment for the amenity value of the tree(s) to be removed, must be met by the developer / owner of the site(s).

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved landscaping and public realm plan must be completed. Once completed, the landscaping and public realm works must be maintained in accordance with the endorsed plan to the satisfaction of the Melbourne City Council by:
   a. Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan.
   b. Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose.
   c. Replacing any dead, diseased, dying or damaged plants.

Materials and Finishes

19. Prior to the commencement of each stage of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a facade strategy must be submitted to and approved by the Responsible Authority. The facade strategy for the redevelopment must be generally in accordance with plans prepared by Rothe Lowman and detail a schedule of material, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance. Each strategy must illustrate the legibility of the proposal from short and distant views, including the extent of facade pattern, level of colours and the ability to provide richness and depth. This can be provided through montages from various vantage points and/or a built model. The facade strategy must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans.

20. Prior to the commencement of each stage of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.

21. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.
Environmentally Sustainable Design

22. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

- NABERS Office – Energy 5 Stars or equivalent.
- A 5 star (office) rating under a Green Star Design v3 rating tool or equivalent.
- A 5 star (residential) rating under Green Star Design v1 rating tool or equivalent.

23. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by (specify person or accredited professional) and dated (insert date) for the development must be implemented prior to occupancy at no cost to the Responsible Authority or the City of Melbourne and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Building Appurtenances and Services

24. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

25. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

26. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.

27. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Engineering

28. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

29. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by Melbourne City Council – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the existing Melbourne Water main drain in Hartley Street in accordance with plans and
specifications first approved by Melbourne Water and Melbourne City Council – Engineering Services as required.

30. Prior to the commencement of the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

31. Existing street levels in Turner Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council – Manager Engineering Services.

32. Existing public street lighting must not be altered without first obtaining the written approval of City of Melbourne – Manager Engineering Services.

33. Any pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGI’s). Details of the TGI’s must be submitted to and approved by Melbourne City Council – Engineering Services prior to their installation.

34. All new portions of Road and Reserve (including the provision of footpaths, public lighting, street trees, pavement marking, signage, etc.) within the redevelopment must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

35. The footpath adjoining the site along Turner Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

**Affordable Housing**

For the purpose of the condition below, ‘affordable housing/dwelling’ is a dwelling, unit or units whose title is to be transferred at no cost to a receiving agency that is a not-for-profit housing association or provider that is registered under Part VIII of the Housing Act 1983.

36. Before the development starts, excluding demolition, bulk excavation and site preparation works, an Affordable Housing Summary Report must be prepared and submitted to and be to the satisfaction of the Responsible Authority. The Affordable Housing Summary Report must include:

a. The number of dwellings in the development to be provided as affordable housing dwellings, which must be 6% of the total number of dwellings in the building (rounded down to the nearest whole number).

b. Apartment size (in square metres) and number of bedrooms for each affordable or social housing dwelling.

c. Basic layout of each affordable housing dwelling, and the provisional location(s) within the building. Affordable housing dwellings must be designed consistent with other apartments within the standard apartment floor plate in the plans referred to in Condition 1 of this permit, unless otherwise agreed by the Responsible Authority in consultation with the receiving agency.
d. Parking spaces and storage spaces attached to each affordable or social housing dwelling.

e. Estimated owners' corporation fees payable in connection with each affordable or social housing dwelling.

f. The name of the proposed receiving agency for the affordable or social housing dwellings, which must be a not-for-profit housing association or provider that is registered under Part VIII of the Housing Act 1983.

For the purpose of this condition, 'affordable housing/dwelling' is a dwelling, unit or units whose title is to be transferred at no cost to a receiving agency that is a not-for-profit housing association or provider that is registered under Part VIII of the Housing Act 1983.

Wind Assessment

37. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal site remediation retention works, footings, ground beams and ground slab and temporary structures or as otherwise agreed by the Responsible Authority, a wind tunnel test and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken. Any further modifications required to the development in order to ensure acceptable wind conditions to the street, public realm and the public open space, targeting long term stationary criteria for open space areas, must be carefully developed as an integrated high quality architectural and landscape solution. The recommendations of the report must be implemented at no cost to the Responsible Authority or the City of Melbourne.

Construction Management Plan

38. Prior to the commencement of each stage of the development, excluding demolition, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, a detailed Construction Management Plan (CMP) must be prepared to and be approved by the City of Melbourne. All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the City of Melbourne. The CMP must describe how the occupier of the subject land will manage the environmental, construction and amenity impacts associated with the construction of the development. The CMP must address the following:

a. Staging of construction;

b. Management of public access and linkages around the site during construction;

c. Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways);

d. Any works within the adjoining street network road reserves;

e. Sediment control and site drainage;

f. Hours of construction;

g. Control of noise, dust and soiling of roadways;

h. Discharge of polluted waters;

i. Collection and disposal of building and construction waste;
j. Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

**Lighting**

39. Review current lighting levels in surrounding streets and submit a lighting design for Council approval. Lighting design must meet AS1158 category P3 requirements as a minimum. CitiPower approved LED luminaries and poles must be incorporated in the lighting design.

40. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne—Engineering Services.

**Disability Audit**

41. Prior to commencement of each stage of development, excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the applicant must commission a Disability Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority.

**Crime Prevention through Environmental Design Audit**

42. Prior to commencement of development, excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the applicant must commission a Crime Prevention through Environmental Design Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority.

**Way Finding Audit**

43. Prior to commencement of development, excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the applicant must commission a Way Finding Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority.

**Traffic Engineering Assessment**

44. Prior to the commencement of each stage of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a traffic engineering assessment including functional layout plans and other supporting information as appropriate be prepared to the satisfaction of the responsible authority in consultation with the City of Melbourne (Engineering Services). The assessment must detail satisfactory resolution of:

a. The car parking numbers to be provided including construction in accordance with the design requirements specified in the Scheme.

b. Motor cycle parking provision rates at a minimum in accordance with Scheme.

c. Bicycle parking spaces and end of trip facilities provided at a minimum in accordance with Scheme.
d. Loading Bay requirements to the satisfaction of the City of Melbourne (Engineering Services).

e. Swept path plans demonstrating appropriate access arrangements to the site including all internal parking areas, and loading and servicing requirements (including the ability for all vehicles to leave the site in a forward direction).

f. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004.

g. A Functional Layout Plan detailing the proposed intersection arrangements must be prepared to the satisfaction of Engineering Services and must be at a scale of at least 1:500 and show swept path diagrams for service/delivery vehicles.

45. The area set aside for car parking and access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

46. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

Waste Management

47. Prior to the commencement of the development or any stage (excluding bulk excavation and demolition) a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne (Engineering Services). The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne (Engineering Services).

48. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

3D Model

49. Before the development starts or as otherwise agreed with the Responsible Authority an updated 3D digital model of the development and its immediate surrounds which reflects the required modifications under condition 1 of this permit, as appropriate, must be submitted to the Responsible Authority and the City of Melbourne and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water & Planning Advisory Note 3D Digital Modelling. In the event that further substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

Legal Agreement

50. Prior to the commencement of works, excluding demolition, site remediation and site preparation works, the owner of the land must enter into an agreement with the Responsible Authority and the Melbourne City Council (Council), pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must:
• Be registered on the title of the land that is the subject of this permit.

• Provide for the removal of the agreement from the land following completion of the obligations contained in the agreement.

• Require the owner of the land to pay all reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title, and

a. Provide Affordable housing as follows:
   i. Require the owner to provide the affordable or social housing dwellings generally in accordance with the Affordable Housing Summary Report submitted and approved under this permit.
   ii. Require the owner to transfer the title(s) to the affordable or social housing dwellings to the receiving agency nominated in the Affordable Housing Summary Report (or another entity approved by the Council) at no cost.

b. Make Developer contribution as follows:
   i. Require the developer to pay a development contribution of:
      • $16,000 per dwelling
      • $18,000 per 100sqm of office floor space
      • $15,000 per 100sqm of retail floor space,
      or such other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
   ii. Require that development contributions be indexed annually from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
   iii. Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or its successor (VPA).
   iv. Confirm that the development contributions will be payable to the VPA.
   v. Confirm that the development contributions will be used by the VPA, to deliver the schedule of types of infrastructure.
   vi. Require payment of 10% of the development contribution at the time of building permit issue for each stage and 90%, prior to the issue of a statement of compliance for each stage in accordance with the Subdivision Act 1988.
   vii. Confirm the procedure for refunding monies paid if an approved development contribution plan for the area is less than the amount stipulated in the Section 173 agreement.
   viii. Require a bank guarantee to the value of 50% of the development contribution to be provided to the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.

c. The proposed plaza between stages A1 and A2 as shown on the endorsed plans will be available for public use at all times and that the link remains privately owned, maintained and controlled.
Potentially Contaminated Land and Remediation

51. Prior to the commencement of the development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

52. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.

53. Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

54. Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the commencement of the development, including any bulk excavation, the applicant must provide either:

a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;

or

b. A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).
55. Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

56. If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

**Noise attenuation to 45dB(A)**

57. Prior to the commencement of the development, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).

**Water Sensitive Urban Design**

58. Concurrent with the submission of plans for endorsement under Condition 1, a Water Sensitive Urban Design Response must be submitted to the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must address the requirements of Clause 22.23 of the Melbourne Planning Scheme.

59. The performance outcomes specified in the endorsed Water Sensitive Urban Design Response must be implemented prior to occupancy at no cost to the Responsible Authority and must be to the satisfaction of the Responsible Authority.

**Timeframe**

60. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development is not started within four (4) years of the date of this permit.
- The development is not completed within twelve (12) years of the date of this permit.
• The signage is not erected within twelve (12) years of the date of the permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

1. Council may not change the on-street parking restrictions to accommodate the access, servicing, and delivery and parking needs of this development. However, new parking restrictions could be introduced in the surrounding streets, if considered appropriate by Council. The developments in this area are not entitled to resident parking permits. Therefore, the residents/occupants/staff/visitors of this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions.

2. All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads.

3. All necessary approvals and permit for works in the public realm including, but not limited to: temporarily relocate street lighting and their reinstatement, to temporarily relocate and/or remove street furniture, all street furniture such as street litter bins, recycling bins, seats and existing public street lighting must not be altered without the prior consent, and obtained and completed to the satisfaction of the City of Melbourne (Engineering Services).

4. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on the surrounding footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne (Engineering Services).

5. The permitted development has not been assessed against the Building Regulations 2006, Part 5, Division 2 – Projections. It is the responsibility of the Relevant Building Surveyor to make such an assessment prior to issuing a Building Permit. Matters that do not meet the requirements of the Regulations require the Report and Consent of the City of Melbourne prior to a Building Permit being issued.