13-33 HARTLEY STREET, DOCKLANDS
Submission prepared on behalf of Claric Ninety Nine Pty Ltd

FISHERMANS BEND PLANNING REVIEW PANEL

PREPARED BY ANTHONY MSONDA-JOHNSON OF ROBERTSDAY
JUNE 2018
Contents

Section One_ Introduction

Section Two_ Submission

  2.1 Facilitating Project Viability
  2.2 The Assessment Process for an Amenity Impact Plan
  2.3 Building Setback Above a Street Wall Adjacent to the 12 Metre Wide Service Road

Section Three_ Conclusion

Appendix A Clause 22.XX Fishermans Bend Urban Renewal Area
Appendix B Capital City Zone
Appendix C Design and Development Overlay
Section One_ Introduction

1. This submission has been prepared by Roberts Day on behalf of Claric Ninety Nine Pty Ltd, the landowner of 13-33 Hartley Street, Docklands.

2. This submission has been prepared in response to the Fishermans Bend Planning Review Panel Direction 26 and in light of the issues Claric Ninety Nine Pty Ltd has previously tabled with the Planning Panel through earlier written correspondence, namely Submission No. 36 and Document Nos. L20 and 21.

3. Specifically, the purpose of this submission is to provide comment on the following parts of the Revision C planning controls which continue to be flawed and of concern Claric Ninety Nine Pty Ltd:

   ▪ The inadequacy of generic planning controls, which apply to land across the Lorimer Precinct and the balance of the whole Fishermans Bend Urban Renewal Area, in preserving project viability of a highly encumbered site, which:
     - Must gift up to 60% of the site area for roads and open space;
     - Is not to receive any compensation for providing approximately 20% more open space than the 8% rate set out at clause 52.01 of the Planning Scheme;
     - Is required to set aside approximately 30% of the floor space for employment uses, assuming it reaches the allowable Floor Area Ratio of 5.4:1; and
     - Is to be additionally burdened by development / infrastructure contributions.

   These proposed controls contain no mechanism to allow a variation of the controls to be applied in a case such as this which is resulting in an inability for the landowner to develop the site in a viable way or sell the site with the prospect of a viable development for any purchaser.

   ▪ The assessment process for an Amenity Impact Plan that is prepared for any sensitive use which does not meet the threshold distance from industrial or warehouse uses referred to in table Clause 52.10, given it is currently unclear from the proposed controls whether the Environment Protection Authority (EPA) are to be asked to provide comment (as they do not wish to be a referral authority).

   ▪ In the event the 12 metre wide service road is to be delivered on the north side of the Westgate Freeway within the Lorimer Precinct, the provisions of the Design and Development Overlay should recognise any building setback above the street wall abutting the service road is able to be set back a minimum of 5 metres, such is the case if a building has a direct interface with the Westgate Freeway or City Link overpass.

4. The above concerns are discussed in more detail in the subsequent sections.
Section Two_ Submission

2.1 Facilitating Project Viability

5. Project viability is a challenging concept to address when drafting generic planning controls for a large urban renewal area, particularly Australia’s largest measuring approximately 480 hectares.

6. Furthermore, when a purpose of the planning controls is to charge the development of private land with facilitating the delivery of new streets, laneways and new open space, by gifting land, without offering compensation to landowners who are required to gift land beyond the 8% figure set out in Clause 52.01 of the Planning Scheme for land in Fishermans Bend, the planning controls must include a mechanism to unburden those sites that are highly encumbered.

7. As was demonstrated in Document Nos. L20 and L21, the government authorities have not considered the practicalities of their proposed planning controls on all sites, nor have they examined the economic implications imposed by the proposed planning controls on all sites.

8. In short, generic controls which contain so many mandatory elements is a flawed approach when a site by site analysis on the possible implications arising from such controls has not been undertaken.

9. Claric Ninety Nine Pty Ltd’s site at 13-33 Hartley Street is not a typical site as a result of the drafting of the Fishermans Bend Framework Plan, 2017 (the Framework); it is unique and highly encumbered due to the open space and streets the Framework nominates on the site.

10. The subject site is approximately 6,700 square metres in size, with the Framework indicating:

- Approximately 27% of the site is to be gifted for open space.
- Approximately 20% of the site is to be gifted for a 12 metre wide service road extending along the site’s southern boundary.
- Approximately 14% of the site is to be gifted for a 12 metre wide street / laneway which is to be located to the north of any building on the site.

11. Having regard to the above gifting of land, the remaining development pad site is approximately 40%. Section 5 of Document No. L20 details the characteristics of this pad site that make it an undesirable development site. These details continue to apply.

12. Of interest, as of 5th June 2018, Roberts Day received email correspondence from the project manager overseeing the development of 85-93 Lorimer Street, Docklands seeking Roberts Day’s involvement in resolving design issues associated with the 12 metre wide street / laneway both landowners are required to jointly deliver, as per the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016), and as per the Planning Permit issued for 85-93 Lorimer Street.

13. Since Claric Ninety Nine Pty Ltd presented to the Planning Panel, the Minister of Planning (the Minister) and Melbourne Council (the Council) have both prepared closing submissions for the Lorimer Precinct.

14. It is disappointing that the Minister’s closing submission for the Lorimer Precinct, as it relates to Claric Ninety Nine’s Pty Ltd submission, stayed silent on whether a 60% gifting of land could impact project viability. Instead, the Minister commented that the draft planning controls strike the right balance between discretionary and mandatory provisions for Fishermans Bend (Paragraph 59.1). It is hard for Claric Ninety Nine Pty Ltd to take comfort out of this statement when the Minister has chosen not to use any numerical analysis to demonstrate the proposed planning controls do in fact strike ‘the right balance’ at 13-33 Hartley Street when such a large portion of it is set aside for broader community benefit.

15. As detailed in Document No. L20, the feasibility assessment prepared by Essential Economics demonstrates the proposed planning controls have significant implications on project viability, with a negative residential land value occurring in all three scenarios applying to the proposed controls. The negative land value ranged from -$5,015,748 (Framework Plan Development Scenario) to -$49,290,127 (Framework Plan Development 3 Scenario). Claric Ninety Nine Pty Ltd do not consider these figures showcase an outcome that strikes ‘the right balance’.

16. Following a review of the latest planning controls in the context of the issues outlined above and the corresponding issues listed in Document No. L20, Claric Ninety Nine Pty Ltd propose the following suggestions in order to address the issue of project viability:
Clause 22.XX Fishermans Bend Urban Renewal Area

17. The Objectives set out at Clause 22.XX Fishermans Bend Urban Renewal Area should also include the following:

   To ensure the viable development of land.

18. At Clause 22.XX-3 Policy, the following two further proposed considerations for when assessing the provision of employment generating floor area within a proposal should be included:

   Whether the provision of floor area for employment generating uses in addition to the setting aside of land for streets, laneways and / or open space, renders the development unviable; and

   Whether the development incorporates publicly accessible open space which offers amenity for workers within Fishermans Bend.

Refer to Appendix A for a marked up copy of Clause 22.XX Fishermans Bend Urban Renewal Area.

Capital City Zone

19. The purposes of the Capital City Zone – Schedule 4 should also include the following:

   To ensure the viable development of land.

20. At the heart of the above recommended changes to the Clause 22.XX and the Capital City Zone is the important issue of 'project viability'. Without enabling viable development, the vision for Fishermans Bend is unlikely to be fully realised, in part because of the Minister’s current unwillingness to compulsory acquire land for open space and roads.

21. In the event project viability is not evenly occurring throughout Fishermans Bend, the Minister’s rationale for proposing a Floor Area Ratio, which is to facilitate development in return for the gifting of private land for open space and roads, will not achieve what it is designed to do.

22. Of particular note, the open space slated for the eastern portion of the Lorimer Precinct will likely not be realised in the event 13-33 Hartley Street is not developed. This is because approximately 1,785 square metres of the parkland is located on the land at 13-33 Hartley Street. This figure represents more than 8% of the site but less than 100%. It has previously been established that the five scenarios proposed by the Minister (refer to Document No. 99) for securing land for open space and roads has not contemplated how compensation is to be offered in this scenario for 13-33 Hartley Street.

23. This open space has considerable potential to provide amenity for the existing residents of the Yarra’s Edge residential neighbourhood and surrounding workforce, such as the business park located at 75 Lorimer Street, along with the future community that lives and works within the Lorimer Precinct.

24. As the proposed open space only partially occupies 13-33 Hartley Street, the Minister has previously advised full acquisition of the site will not occur. Rather, it is required to be gifted as part of the planning approval process when the site is redeveloped.

25. Under Clause 4.0 Buildings and Works of the Capital City Zone, the following scenario should be added to those already listed under the heading of ‘Floor Area Ratio’ which allows a proposal to exceed the Floor Area Ratios in Table 1:

   It can be demonstrated to the satisfaction of the Responsible Authority that the quantum of land required for the provision of streets, laneways and / or open space in accordance with the Fishermans Bend Framework XXX, 2018, renders the development of the land unviable. In order to satisfy this criterion, a Feasibility Assessment, prepared by a suitably qualified expert is required, to demonstrate how project feasibility can be achieved through an enhanced Floor Area Ratio and may be peer reviewed by the Responsible Authority.
26. As discussed earlier in this submission, a generic set of planning controls that apply to 480 hectares of land within Australia’s largest urban renewal area must include some level of flexibility in acknowledgement that certain sites will remain undevelopable if the generic planning controls are applied rigidly and in a mandatory fashion.

27. The Ernst and Young Project Viability Expert Witness Report prepared on behalf of the Minister did not use the planning application for 13-33 Hartley Street as one of their case studies, despite the proposal being well known within the Department of Environment, Land, Water and Planning and the Council due to its complexities. Had it done so, it is very likely to have demonstrated a negative residential land value as per the Essential Economics feasibility assessment?

28. In any case the fair and orderly planning for such a challenging site warrants an opportunity for a fair and reasonable development outcome to be achieved like so many of the unencumbered sites in Fishermans Bend, subject to the preparation of a Feasibility Assessment to the satisfaction of the Responsibility Authority. In order to achieve a fair and reasonable development outcome, the Floor Area Ratios in Table 1 may need to be exceeded.

29. The reality is that if no development occurs at 13 – 33 Hartley Street, the Government will be required to compulsorily acquire the 60% of the site set aside for roads and open space. Wouldn’t it be cheaper for the Government to allow a development to occur on the site to avoid compulsorily acquiring the land?

30. The Decision Guidelines in Clause 4.0 Buildings and Works of the Capital City Zone should include the following:

Whether the setting aside of land for streets, laneways and open space warrants a reduction or waiver of infrastructure requirements and costs, such as social housing (which is not delivered as part of a Floor Area Uplift), infrastructure contributions and / or the construction of the required streets, laneways and open space.

31. Fundamentally, the issue of project viability for 13 Hartley Street is influenced by two key factors:

- The revenue that can be generated by selling or leasing the floor space contained within the proposed building envelope.
- The costs associated with developing in Fishermans Bend, such as general construction costs, professional and legal fees, the gifting of land, constructing infrastructure on the land to be gifted, and the generic infrastructure costs associated with the floor space / yield generated by the development.

32. Given the land at 13-33 Hartley Street is required to set aside up to 60% of the site for roads and open space, and the developer is also required to undertake the construction of works on this significant allocation of land, it is prudent the proposed controls enable consideration to be given to a relaxation or waiving of some or all of the components that have cost implications and influence project viability. Similar to points made above, the facilitation of a development outcome at 13-33 Hartley Street is in the community’s best interests because:

- The existing community in Yarra’s Edge and the surrounds can benefit from a complete open space destination (on the basis the open space is also delivered at 85–93 Lorimer Street and 95–97 Lorimer Street).
- The Government is presently not proposing to compulsorily acquire private land for the applicable sections of roads and open space that extend across 13-33 Hartley Street within the Framework.
- Claric Ninety Nine, after initially engaging with Places Victoria in 2013 about the draft Vision for Fishermans Bend and subsequently lodging two planning applications, can realise a viable development outcome on their land.

Refer to Appendix B for a marked up copy of the Capital City Zone.

2.2 The Assessment Process for an Amenity Impact Plan

33. As summarised in the Minister’s closing submission for the Lorimer Precinct, the EPA has declined to be identified as a referral authority for the Amenity Impact Assessments.

34. To facilitate the realisation of the Fishermans Bend Vision within the decision making process, it is recommended any Amenity Impact Plan lodged as part of a Planning Application is not circulated to the EPA for consideration pursuant to Section 52 of the Planning & Environment Act 1987, as is the current practice within the Department of Environment, Land, Water and Planning (DELWP).
35. As per Section 5.4 of Document No. L20, Claric Ninety Nine Pty Ltd has been forced to attempt to resolve issues with the EPA, as DELWP has not attempted to facilitate their resolution. Given the EPA does not have a mandate to facilitate the urban regeneration of Fishermans Bend, it is difficult to negotiate with them on matters relating to introducing a new mixed use community within a transitioning industrial setting. Therefore, Claric Ninety Nine Pty Ltd maintain the most appropriate approach, in the event an Amenity Impact Plan is lodged pursuant to the requirements of the Capital City Zone, is for only DELWP to assess that Plan.

36. Therefore, it is recommended at the end of the provision under Application Requirements for Clause 2 Use of Land within the Capital City Zone, the following text is added:

*The Amenity Impact Plan will only be assessed by the responsible authority.*

Refer to Appendix B for a marked up copy of the Capital City Zone.

2.3 Building Setback Above a Street Wall Adjacent to the 12 Metre Wide Service Road

37. Claric Ninety Nine Pty Ltd’s site at 13-33 Hartley Street is required to absorb a proposed 12 metre service road which extends along the northern side of the Westgate Freeway within the Lorimer Precinct.

38. In Table 4 of the proposed Design and Development Overlay (referred to as Document No. L46), reference is made to how a minimum 10 metre setback is required if the overall building height is greater than 20 storeys as shown in Diagram 6, except where the building has direct interface with the Westgate Freeway or City Link overpass, in which case a minimum 5 metre applies as shown in Diagram 7.

39. Claric Ninety Nine Pty Ltd recommends the above provision is modified:

- To include reference to the 12 metre wide service road as the third of three roads within the Lorimer Precinct where a minimum 10 metre setback above a street wall can be reduced down to a minimum 5 metre setback, in addition to the Westgate Freeway and City Link overpass.

- By replacing the word ‘building’ with ‘site’ as a means of identifying those instances where a reduced setback above a street wall can apply. By inserting the word ‘site’ it removes ambiguity as to whether the provision is making reference to the site, defined by the title boundaries pre-development, or the built form, having regard to the developable parcel of land defined by the Framework Plan.

40. Based upon the above recommendations, the revised provision would read:

* A minimum of 10m if the overall building height is > 20 storeys as shown in Diagram 6, except where the site has direct interface with:
  - Westgate Freeway;
  - City Link overpass;
  - 12 metre wide service road;

  in which case a minimum of 5m applies as shown in Diagram 7.

41. The wording in Document No. L46 clearly demonstrates the Westgate Freeway and City Link overpass are robust interfaces encouraging strong built form outcomes. Claric Ninety Nine Pty Ltd does not consider the incorporation of the proposed 12 metre service road through 13-33 Hartley Street diminishes the ‘robustness’ of the Westgate Freeway interface and as such the same built form outcome should be afforded.

Refer to Attachment C for a marked up copy of the Design and Development Overlay.
Section Three  Conclusion

42. Claric Ninety Nine Pty Ltd’s suggested recommendations to the proposed planning controls are in-keeping with the key issues they raised in within Document Nos. L20 and 21. As was expressed clearly within Document No. L20, project viability cannot be realised at 13-33 Hartley Street as a result of the proposed controls. The current version of the proposed controls still falls a long way short in ensuring a viable project on the site when the Framework Plan requires up to 60% of the site to be set aside for roads and open space. Without doubt, it will be more cost effective and straightforward for the Government to secure the community infrastructure identified on the site by facilitating its viable development, rather than compulsorily acquiring it.
Appendix A  Clause 22.XX Fishermans Bend Urban Renewal Area
22. XX FISHERMANS BEND URBAN RENEWAL AREA

This policy applies to use and development of all land within Fishermans Bend affected by the Capital City Zone Schedule [PPPS] 1 [MPS] or Design and Development Overlay Schedule 30 [PPPS] 4 [MPS]. [LPP p1]

To the extent of any inconsistency with another local policy, this local policy prevails. [LPP p2]

22.XX-1 Policy basis

This policy implements the vision for Fishermans Bend, as set out in the Fishermans Bend Framework, XX 2018 as a ‘thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation’ that will accommodate 80,000 residents, 40,000 jobs and be Australia’s largest Green Star – Community. [LPP-1 p1]

22.XX-2 Objectives

To implement the Fishermans Bend Vision, September 2016 and Fishermans Bend Framework, XX 2018. [LPP-2 p1]

To create a prosperous community that will support diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne. [LPP-2 p2]

To promote employment generating floor space in all precincts that supports growth in the knowledge, creative, design, innovation, engineering, and service sectors. [LPP-2 p3]

To support the creation of a precinct of design excellence. [LPP-2 p4]

To create thriving, lively mixed-use neighbourhoods that have distinct identity and character consistent with the Vision for each precinct. [LPP-2 p5]

To encourage the provision of community infrastructure, open space and housing diversity to support the creation of a diverse and inclusive community. [LPP-2 p6]

To ensure development is carried out in accordance with ecologically sustainable development principles.

To ensure the viable development of land.

To encourage the transition of industrial land use into a series of thriving mixed use neighbourhoods in a manner which supports growth of Fishermans Bend and protects existing and future land uses from adverse impacts. 22.XX-4 Definitions [LPP 4 p0]

The following definitions apply for the purposes of interpreting this policy: [LPP 4 p1]

Core Area means an area identified as a Core Area in the relevant Map in schedule # to the CCZ.

Dwelling densities per hectare (dw/ha) means the number of dwellings on the site divided by the gross developable area (hectares) of the site. [LPP 4 p2]

Floor area ratio means the gross floor area divided by the gross developable area. [LPP 4 p4]

Gross developable area means the total site area, including any proposed road, laneway, public open space or land to be set aside for a Public Benefit. [LPP 4 p5]

Gross floor area means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area. Voids associated with lifts, car stackers and similar service elements should be
considered as multiple floors of the same height as adjacent floors or 3 metres if there is no adjacent floor. [LPP 4.6]

Public Benefit means the provision of the following for the benefit of the community to the satisfaction of the Responsible Authority:
- Social Housing;

Social Housing has the same meaning as in the Housing Act 1983.

Policy

Providing for employment floor area

It is policy to facilitate the creation of at least 40,000 jobs in the Fishermans Bend Capital City Zone precincts by:

- Locating the highest densities of employment opportunities close to existing and planned public transport. [LPP 3.2]
- Encouraging all development [in the core areas [PPPS]] to set aside non-residential floor area to provide floor area for employment generating uses. To enable this, Table 1 to this policy outlines the preferred minimum floor area ratio which should be set aside for a use other than Dwelling. [LPP 3.3]

Table 1: Minimum floor area ratio not used for Dwelling [MPS]

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Minimum floor area ratio not used for Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lorimer [MPS]</td>
<td>1.7:1 [MPS]</td>
</tr>
</tbody>
</table>

Table 1: Minimum floor area ratio not used for Dwelling [PPPS]

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Minimum floor area ratio not used for Dwelling (Core Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wirraway [PPPS]</td>
<td>1.9:1 [PPPS]</td>
</tr>
<tr>
<td>Sandridge [PPPS]</td>
<td>3.7:1 [PPPS]</td>
</tr>
<tr>
<td>Montague [PPPS]</td>
<td>1.6:1 [PPPS]</td>
</tr>
</tbody>
</table>

Where development [in the core areas [PPPS]] provides less than the minimum floor area ratio set out in Table 1 to this policy, consideration will be given to: [LPP 3.4]

- Whether the built form envelope available on the site makes it impractical to provide the minimum floor area ratios. [LPP 3.5]
- Whether the application is associated with the continued operation of expansion of an existing employment or residential use on site that is currently less than the minimum floor area ratio. [LPP 3.6]
- Whether the building floor to floor heights, layout and design will facilitate future residential to commercial use or for car parking areas to be converted to alternate uses. [LPP 3.7]
- Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum floor area ratio. [LPP 3.8]

- Whether the provision of floor area for employment generating uses in addition to the setting aside of land for streets, laneways and / or open space, renders the development unviable.
Whether the development incorporates publicly accessible open space which offers amenity for workers within Fishermans Bend.

Community and diversity

It is policy to deliver a range of housing opportunities for a diverse community, including for households with children, older people and households with low to moderate incomes and key workers in Fishermans Bend by:

- Supporting the provision of twenty per cent affordable housing across Fishermans Bend of which 6% is provided as Social Housing. [LPP-3 p16]
- Encouraging a diversity of dwelling typologies and sizes within each precinct and within individual development sites.
- Encouraging any affordable housing provided to comprise a range of built form typologies. [LPP-3 p17]
- Encouraging proposals of more than 100 dwellings to provide the following percentage of 3 bedroom dwellings: [LPP-3 p18]
  - Lorimer: 20 per cent [MPS] [LPP-3 p19]
  - Wirraway: 30 per cent [LPP-3 p20]
  - Sandridge: 20 per cent [LPP-3 p21]
  - Montague: 25 per cent [PPPS] [LPP-3 p22]
- Encouraging design that delivers a range of housing types for different households through: [LPP-3 p23]
  - The development of mid-rise housing with access to private open space. [LPP-3 p24]
  - Living room sizes that exceed minimum requirements to enable multiple uses and/or areas. [LPP-3 p26]
  - Access to outdoor communal green space including children’s play spaces on ground level, podium levels or roof tops and locating some dwellings to achieve direct visual access to those play spaces. [LPP-3 p25] [LPP-3 p27]
  - Providing children’s communal active indoor play or recreation space as part of indoor communal spaces. [LPP-3 p28]
  - Locating sufficient storage areas in areas with easy access to dwellings. [LPP-3 p29]
- Encouraging the delivery of adaptable floor plates including the opportunity to combine 1 and 2 bedroom units to form larger apartments.
- Encouraging communal open spaces within residential development to create opportunities for social interaction and a sense of community. This includes facilities, garden and recreation areas, with consideration given to opportunities for a range of users. [LPP-3 p30]

Design excellence

It is policy to create a place of design [excellence [PPPS]] by: [LPP-3 p32]

- Encouraging built form typologies that align with the precinct character area as detailed in the Municipal Strategic Statement. [LPP-3 p33]
- Encouraging variation in the design of buildings and spaces, to create a unique city image and assist in way-finding. [LPP-3 p34]
- Encouraging large sites to incorporate a range of built form typologies. [LPP-3 p35]
- Encouraging large sites to create a fine grain, pedestrian scale environment. [LPP-3 p36]
- Ensuring the design of buildings contributes to a high quality public realm. [LPP-3 p37]
Encouraging developments to deliver spaces, including open spaces for people to meet, gather, socialise, exercise and relax. [LPP-3 p38]

Delivering variation in massing, building height, and roof forms and staggering or offsetting of tower footprints where there are multiple towers. [LPP-3 p39]

Encouraging design to respond to architectural and cultural heritage including aboriginal cultural heritage through interpretive design. [LPP-3 p40]

Encouraging the building design to respond to the existing industrial built form. [LPP-3 p41]

Encouraging the retention or re-use of existing industrial building elements. [LPP-3 p42]

Ensuring materials palettes and building finishes respond to the industrial context and social history of the area. [LPP-3 p43]

Achieving a climate adept, water sensitive, low carbon, low waste community [LPP-3 p44]

It is policy to create a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community. This will be achieved through the application of clause 22.13 and the following measures: [LPP-3 p45]

Energy

Creating a low carbon community that provides energy efficient design by encouraging:

- Developments to achieve a 20 per cent improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelopes and for lighting and building services. [LPP-3 p47]
- Residential developments to achieve an average 7 star NatHERS rating for each building. [LPP-3 p48]
- Development to incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply. [LPP-3 p49]

Urban heat island

Creating a climate adept community that is resilient to extreme weather events by encouraging:

- Non-glazed facades materials exposed to summer sun to have a low solar absorbance. [LPP-3 p50]
- At least 70 per cent of the total site area comprises building or landscape elements that reduce the impact of the urban heat island effect including:
  - Vegetation, green roofs and water bodies. [LPP-3 p51]
  - Roof materials, shade structures or hard scaping materials with high solar reflectivity index, including solar panels. [LPP-3 p52]
- Building design to include green roofs, green walls and deep planters for canopy trees to maximise shading. [LPP-3 p53]

Sea level rise, flooding and water recycling and management

Creating resilience to the impacts of sea level rise and flooding from storm events through a combination of physical and management measures without compromising the urban form at the ground level by:

- Addressing the potential flood impacts in the first instance with measures which maintain activity at ground level. This includes:
  - The construction of a levy adequate to ensure that the expected rise in sea levels does not impact on the new urban areas;
Giving primary consideration to mitigating the risk to human life and property damage;

- Encouraging design elements and materials resilient in flood events including water proof doors and windows, elevated power outlets and the like;
- Facilitating land uses at ground floor that are able to easily recover from the impacts of temporary flooding.

- The raising of internal ground floor level above street level should only be considered as a last resort where the implementation of other measures coupled with an evidence based approach to risk management reasonably necessitates raising internal floor levels above street level.

- Where level changes are required between street level and internal ground floor, the level changes should be integrated into the design of the building to maintain good physical and visual connection between the street and internal ground floor. This may include:
  - The use of footpath level building entries with internal level changes
  - Ramp structures located internal to buildings where external ramps are necessary, they should be well integrated with the building and contribute to the quality and character of the public realm. [LPP-3 p61]

- The location of essential services, such as power connections, switchboards and other critical services should address and be responsive to potential flooding events. [LPP-3 p62]

- Development and public realm layout and design should integrate best practice Water Sensitive Urban Design. [LPP-3 p69]

Waste management

Create a low waste community that is designed to provide best practice waste and resource recovery management, by ensuring: [LPP-3 p70]

- Development responds to any precinct waste management plan, if one exists. [LPP-3 p71]

- Where practicable, developments create opportunities to: [LPP-3 p72]
  - Optimise waste storage and efficient collection methods. [LPP-3 p73]
  - Combine commercial and residential waste storage. [LPP-3 p74]
  - Share storage or collections with adjacent developments. [LPP-3 p75]
  - Separate collection for recycling, hard waste, and food and green waste. [LPP-3 p76]

Public and communal open spaces

It is policy to:

- Create publicly accessible, private and communal open spaces within developments to supplement the public open space network. [LPP-3 p77]

- Encourage development with an interface to existing or proposed open space to:
  - Avoid unreasonable amenity or microclimate impacts to the open space. [LPP-3 p82]
  - Ensure pedestrian and vehicle movement to or from the development does not unreasonably impact on the function, useability or amenity of the open space. [LPP-3 p83]
  - Integrate any publicly accessible open space within the development with adjoining areas of open space. [LPP-3 p84]

Ensure any communal open space, including rooftop and podium spaces are designed to meet the needs of a range of potential users. [LPP-3 p85]
Encourage internal and external communal open spaces within the same development to connect to one another and be designed as multifunctional, adaptable spaces. [LPP-3 p86]

Encourage the provision of additional publicly accessible areas at ground level and ensure the location, design and layout of these areas contribute to the creation of a network of passive, informal and informal recreational spaces. [LPP-3 p87]

Encourage new publicly accessible open spaces to have direct street access and where possible to be co-located with other existing or proposed open spaces. [LPP-3 p88]

New streets, laneways and pedestrian connections

It is policy to create a connected, permeable and accessible community that prioritises walking, cycling, and public transport use, by: [LPP-3 p90]

- Ensuring new streets, laneways and pedestrian connections: [LPP-3 p91]
  - Are not more than generally 50–70 metres apart in core areas as shown on the relevant Maps in the schedule ## to the Capital City Zone, or within 200 metres of public transport routes. [LPP-3 p92]
  - Are not more than 100 metres apart in non-core areas. [LPP-3 p93]
  - Are aligned with and connected to existing and proposed streets as shown in the relevant Maps in the schedule ## to the Capital City Zone and other laneways and paths. [LPP-3 p94]
  - Provide direct access to existing or proposed public transport stations and routes and exiting or proposed public open space. [LPP-3 p95]
- Ensuring any new shared streets or shared laneways are designed to prioritise pedestrian movement and safety and designed to:
  - A maximum design speed of 10km/hr in accordance with the 9 metre road cross section. [LPP-3 p96]
  - A maximum design speed of 5km/hr in accordance with the 6 metre road cross section: [LPP-3 p97]
- Encouraging on sites more than 3000 square metres, new streets, laneways or paths to create mid-block through links and define and separate buildings. [LPP-3 p98]
- Locating new streets, laneways or paths along a side boundary on sites with a street frontage of less than 100 metres. [LPP-3 p99]
- Encouraging new streets and laneways to be designed to:
  - Enable views through the street block. [LPP-3 p100]
  - Have active frontages in a core area [PPPS]. [LPP-3 p101]
  - Be open to the sky.
  - Allow for the canopy tree planting. [LPP-3 p102]

Smart cities

It is policy to encourage developments to include smart city technology, by: [LPP-3 p104]

- Embedding smart technology and installing digital sensors and actuators into built form to collect digital data. [LPP-3 p105]
- Embedding opportunities for ‘smart’ and responsive urban management and practices into the design and operation of infrastructure and buildings and services. [LPP-3 p106]
- Encouraging smart infrastructure to be installed on existing infrastructure. [LPP-3 p107]
- Integrating ‘smart’ management and design of energy, water, and waste infrastructure that supports efficient use of resources. [LPP-3 p108]
Ensuring developments make provision for the delivery of high speed data networks. [LPP-3 p109]

Ensuring that all technology and data systems meet best practices. [LPP-3 p110]

**Sustainable transport**

It is policy to encourage developments to be designed to support 80 per cent of movements being made via active and public transport, by: [LPP-3 p111]

- Providing high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers. [LPP-3 p112]
- Facilitating the delivery of future public transport including new trams, train and bus routes. [LPP-3 p113]
- Designing internal connections to give priority to bicycle and pedestrian movements. [LPP-3 p114]
- Delivering new streets and laneways to provide walking and cycling permeability. [LPP-3 p115]
- Discouraging development from providing more than the preferred maximum number of car spaces.
- Encouraging development to provide for future conversion of car parking to alternative uses. [LPP-3 p116]
- Reducing impacts of new vehicle access points on pedestrian, public transport and bicycle priority routes. [LPP-3 p117]
- Providing information to residents and employees about local walking, cycling and public transport routes. [LPP-3 p118]

**Floor area uplift**

It is policy to ensure where a floor area uplift is sought that the responsible authority, in consultation with the receiving agency of the proposed public benefit(s) considers the following: [LPP-3 p119]

- Whether the public benefit(s) is consistent with state and local policy, strategic initiatives. [LPP-3 p120]
- Whether the grant of the uplift will result in the early delivery of community infrastructure hubs. [LPP-3 p121]
- Whether the quantity and value of the floor area uplift has been appropriately calculated. [LPP-3 p122]
- Whether the proposed public benefit(s) can be realistically delivered and secured by a suitable legal agreement, and [LPP-3 p123]
- Whether the proposed public benefit is supported by the proposed receiving agency and can be maintained. [LPP-3 p124]
- Whether the uplift will have acceptable consequences, having regard to the level of public transport and other infrastructure available in the area.

**Land use transition**

It is policy to ensure where a new use or development is sought the amenity impact from pre-existing uses is considered by:

- Preparing an Amenity Impact Plan that that identifies existing industrial activities and contains measures to mitigate adverse amenity impacts from those activities.
- Encouraging new uses and developments to implements measures to mitigate against adverse amenity impacts from existing industrial uses.
Reference documents

Fishermans Bend Vision, September 2016 [LPP 5 p1]
Fishermans Bend Framework, XX 2018 [LPP 5 p2]
Fishermans Bend Community Infrastructure Plan 2017 [LPP 5 p3]
Fishermans Bend Urban Design Strategy 2017 [LPP 5 p4]
How to calculate floor area uplift and public benefits in Fishermans Bend [LPP 5 p6]
SCHEDULE 1 [PPPS] 4[MPS] TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ1 [PPPS] CCZ4 [MPS].

FISHERMANS BEND URBAN RENEWAL AREA

Purpose

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018. [CCZ Obj p1]

To create a world leading sustainable area that incorporates sustainable transport patterns and best practice sustainable design into all developments. [CCZ Obj p2]

To create a highly liveable mixed-use area that prioritises employment uses over residential uses, [within core areas well serviced by public transport] [PPPS]. [CCZ Obj p3]

To achieve the population targets, job growth and residential densities [within each precinct] of Fishermans Bend and enable a scale of growth that is aligned with the provision of infrastructure. [CCZ Obj p4]

To provide public benefits where the scale of development exceeds nominated Floor Area Ratios. [CCZ Obj p5]

To support the continued operation of existing industrial uses which facilitate the urban renewal of Fishermans Bend and to apply the agent of change principle to ensure that new development for sensitive uses incorporates measures to mitigate potential amenity impacts from those industrial uses.

To ensure the viable development of land.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village) | Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. [PPPS]  
Must be no less than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS]  
Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #.  
Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. |
<p>| Art and craft centre                                                | Must be located [in a core area] [PPPS] with frontage to a primary or secondary active frontage street. |
| Bank                                                               | Must be located [in a core area] [PPPS] with frontage to a primary or secondary active frontage street. |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care centre</td>
<td>Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Must be located in a core area with frontage to a primary or secondary active frontage street. Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #.</td>
</tr>
<tr>
<td>Department store</td>
<td>Must be located in a core area with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Display home [Dwelling PPSP]</td>
<td>[Must be in a Non-Core area. Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10. Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne.</td>
</tr>
<tr>
<td>Home occupation</td>
<td>Must meet requirements of Clause 52.11.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Office (other than Bank)</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
</tbody>
</table>
### Use Condition

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Place of assembly (other than Amusement parlour, Function centre and Nightclub) | Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #.  
Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. |
| Retail premises (other than Hotel, Shop and Tavern)                  | Must not exceed 1000 square metres gross leasable floor area, [and be located in a core area](#).                                             |
| Restricted retail premises                                          | Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10. [PPP5]  
Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS] |
| Residential aged care facility                                      | Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10. [PPP5]  
Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS] |
| Residential hotel                                                  | Must be located [in a core area](#) with frontage to a primary active frontage street.                                                |
| Motel                                                               | Must be located [in a core area](#) with frontage to a primary active frontage street.                                                |
| Shop (other than Adult sex bookshop, Department store, Supermarket and Restricted retail premises) | Must be located [in a core area](#) with frontage to a primary active frontage street.                                                |
| Supermarket                                                        | Must be located [in a core area](#) with frontage to a primary active frontage street.                                                |
| Tramway                                                            | Must meet the requirements of Clause 62.01.                                                                                           |

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village)</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>1</td>
</tr>
</tbody>
</table>
Function centre
Hotel
Industry
Leisure and recreation (other than
Informal outdoor recreation, Minor
sport and recreation facility, Motor
racing track and Racecourse)
Nightclub
Residential village
Retirement village
Tavern
Transport terminal (other than Airport
and Railway station)
Utility installation
Warehouse
Any other use not in Section 1 or 3

Section 3 - Prohibited

Use

Airport
Agriculture (other than Apiculture and Crop raising)
Brothel
Cemetery
Corrective institution
Motor racing track
Racecourse
Pleasure boat facility

Use of land

The use of land must be generally in accordance with the Maps in this schedule. Use of the land for a dwelling must not exceed:

- The Dwelling Floor Area Ratio specified in Table 1 in a core area
- The Floor Area Ratio specified in Table 1 in a non core area

except where an agreement made under section 173 of the Planning and Environment Act 1987 has been entered into between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) which provides for a Public Benefit.

These requirements do not apply to an application for the use of land in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application to use the land for a dwelling, residential village or retirement village must be accompanied by a report which addresses:
  - How the proposal contributes to an activated frontage
An application to use land for accommodation, dwelling, motel, residential aged care facility, residential hotel, residential village, retirement village, hostel, child care centre, education centre or informal outdoor recreation use (on land that is within 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne [MPS]), on land which does not meet the threshold distance from industrial or warehouse uses referred to in the table in Clause 52.10 [PPPS], must be accompanied by an Amenity Impact Plan that responds to the Existing Industrial Uses with Adverse Amenity Potential Incorporated Document and include, as appropriate: [CCZ 2.9p6]

- [Measures to mitigate potential amenity impacts from any concrete batching plants within 300m of the land to acceptable levels [MPS]]
- Measures to mitigate potential amenity impacts from any existing industrial or warehouse use referred to in the table in Clause 52.10 [PPPS]
- [A site plan identifying the type and nature of any industrial or warehouse use within the threshold distance referred to in the table in Clause 52.10 and any permits granted for the upgrade or expansion of such use. [PPPS] [CCZ 2.9p7]]
- A site plan identifying the type and nature of the concrete batching plants within 300m of the land. [MPS]
- An assessment of the impact of the proposed sensitive use on any existing industrial or warehouse uses referred to in the table in Clause 52.10 [PPPS] [CCZ 2.9p6]
- An assessment of the impact of the proposed sensitive use on the concrete batching plants within 300m of the land. [MPS]
- An assessment of the amenity impact of nearby port operations, freight routes or major transport infrastructure on the proposed sensitive uses. [CCZ 2.9p9]
- Measures proposed to mitigate potential amenity impacts of any [existing industrial or warehouse use referred to in the table in Clause 52.10] [existing concrete batching plants] [port, freight or transport infrastructure on the proposed sensitive use, to within acceptable levels. [CCZ 2.9p10]
- Incorporation of noise attenuation measures internally and externally in accordance with Australian Standard 2107 and SEPP N-1. [CCZ 4.9p4] [PPPS]

The Amenity Impact Plan will only be assessed by the responsible authority.

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate: [CCZ 2.9p11]

- The purpose of the use and the types of processes to be utilised. [CCZ 2.9p12]
- The type and quantity of goods to be stored, processed or produced. [CCZ 2.9p13]
- How land not required for immediate use is to be maintained. [CCZ 2.9p14]
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority. [CCZ 2.9p15]
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded. [CCZ 2.9p16]
- The likely effects, if any, on the neighbourhood and the urban renewal of Fishermans Bend, including: [CCZ 2.9p17]
Permit requirement

- A permit granted for a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development including demolition starts, a construction management plan addressing the protection of the pipeline must be prepared in consultation with the operator of the pipeline and submitted to and approved by the responsible authority.

Exemption from notice and review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application to use land for a nightclub, tavern, hotel or adult sex bookshop.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- If a dwelling is proposed, whether the proposal delivers dwelling diversity and dwelling density that aligns with the population targets and provision of community infrastructure.
- Creates an activated ground floor, particularly in core areas.
- Provides home-offices or communal facilities that support ‘work from home’ or ‘mobile’ employment.
- The impact the proposal has on the realisation of employment targets, ensuring that employment uses are maximised and safeguarded in core areas well serviced by public transport.
- Whether the use provides for employment uses in line with targets set out in the Fishermans Bend Urban Renewal Area Local Policy.
- Temporary uses of land not immediately required for the proposed use.
- If a dwelling is located within a buffer area to the Port of Melbourne, whether the intensity of use is appropriate to its location.
- Whether the proposal incorporates appropriate measures to mitigate against adverse amenity from existing industrial or warehouse uses referred to in the table to Clause 52.10.
- The views of the pipeline licensee in respect of a permit application to use land for a sensitive use where the land is within:
  - 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #; or
3.0 Subdivision

The subdivision of land must be generally in accordance with Maps of this schedule. This requirement does not apply to an application for the subdivision of land in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81.

Permit requirements

The following requirements apply to subdivide land:

- The layout of the subdivision must make provision for any new roads, streets or, laneways [PPPS] generally in accordance with Maps #.[CCZ 3.0p2]
- Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority is satisfied that this requirement is not required. [CCZ 3.0p3]

These requirements do not apply to a subdivision of land in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81.

Application requirements [CCZ 3.0p4]

The following application requirements apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [CCZ 3.0p5]

- The location of abutting roads, services, infrastructure[PPPS] and street trees. [CCZ 3.0p6]
- Information which demonstrates how the subdivision makes provision for the roads, streets, laneways[PPPS] and open spaces[PPPS] generally in accordance with the relevant Maps of this schedule. [CCZ 3.0p7]
- Information which demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time. [CCZ 3.0p8]
- A layout plan, drawn to scale and fully dimensioned showing: [CCZ 3.0p9]
  - The location, shape and size of the site. [CCZ 3.0p10]
  - The location of any existing buildings, car parking areas and private open space. [CCZ 3.0p11]
  - The location, shape and size of the proposed lots to be created. [CCZ 3.0p12]
  - The location of any easements on the subject land. [CCZ 3.0p13]
  - Any abutting roads. [CCZ 3.0p14]
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate. [CCZ 3.0p15]
- A land budget showing the extent of land provided as a Public Benefit. [CCZ 3.0p16]

Exemption from notice and review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 3.0p17]
Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The contribution the proposed subdivision makes to a fine grain precinct, and pedestrian and bicycle permeability. (CCZ 3.0p18)
- Whether the proposed car parking areas are designed for future adaptation or repurposing of land in line with the future provision of public transport. (CCZ 3.0p20)
- Where the application to subdivide land provides for residential development, the objectives of Clause 56. (CCZ 3.0p21)
- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels, and allows for shared trenching. (CCZ 3.0p22)
- Whether any proposed staging of development is appropriate. (CCZ 3.0p23)
- Whether the subdivision may have an impact on landscape opportunities along street frontages, particularly for large canopy trees. (CCZ 3.0p24)
- Whether the subdivision can accommodate an appropriate building envelope. (CCZ 3.0p25)

Existing industrial and warehouse uses

The application requirements, conditions on permits and permit requirements for subdivision do not apply to an application for subdivision associated with a continuing lawful use of land for industry or warehouse.

In considering whether a permit should be granted for the subdivision of land associated with an ongoing existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:

- The impact of the proposed subdivision on the amenity of the future urban renewal area;
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;
- The extent to which the subdivision will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct;
- Whether the subdivision supports the continued operation of an existing industrial use which will facilitate the urban renewal of Fishermans Bend.

4.0 Buildings and works

The construction of a building, and the carrying out of works, must be generally in accordance with the relevant Maps of this schedule.

This requirement does not apply to an application to amend a permit issued before the approval date of Amendment GC81.

Permit requirements

A permit must not be granted to construct a building or construct or carry out works where the vehicle access points and crossovers (not including openings for a road) are located along roads designated as ‘no crossovers permitted’ in the relevant Map of this schedule, unless no other access is possible. (CCZ 4.0p2)
A permit allowing a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development starts, including demolition, a construction management plan addressing the must be submitted to and approved by the responsible authority. The plan must be endorsed by the operator of the relevant high pressure pipeline.

Floor Area Ratio
A permit must not be granted to construct a building or construct or carry out works with a Floor Area Ratio in excess of the Floor Area Ratios in Table 1 unless: [CCZ 4.0(p3)]

- An agreement made under section 173 of the Planning and Environment Act 1987 has been entered into between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) which must provide for a Public Benefit; [CCZ 4.0(p6)] or

- For a permit amendment, the extent of non-compliance with the Floor Area Ratios in Table 1 is not increased.

- It can be demonstrated to the satisfaction of the Responsible Authority that the quantum of land required for the provision of streets, laneways and/or open space in accordance with the Fishermans Bend Framework XXX, 2018, renders the development of the site unviable. In order to satisfy this criterion, a Feasibility Assessment, prepared by a suitably qualified expert is required, to demonstrate how project feasibility can be achieved through an enhanced Floor Area Ratio and may be peer reviewed by the Responsible Authority.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Core area</th>
<th>Non-core area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Floor Area Ratio</td>
<td>Dwelling Floor Area Ratio</td>
</tr>
<tr>
<td>Lorimer [MPS]</td>
<td>5.4:1</td>
<td>3.7:1</td>
</tr>
<tr>
<td>Wirraway [PPPS]</td>
<td>4.1:1</td>
<td>2.2:1</td>
</tr>
<tr>
<td>Sandridge [PPPS]</td>
<td>7.4:1</td>
<td>3.7:1</td>
</tr>
<tr>
<td>Montague [PPPS]</td>
<td>6.3:1</td>
<td>4.7:1</td>
</tr>
</tbody>
</table>

Bicycle, Motorcycle and Car share parking
Developments must provide bicycle, motorcycle and car share parking in accordance with Table 2.

Table 2: Parking Provision
<table>
<thead>
<tr>
<th>Type of parking</th>
<th>For developments of more than 50 dwellings</th>
<th>For developments with over 10,000 sqm non-residential floor space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provision rate</td>
<td>Provision rate for visitor spaces</td>
</tr>
<tr>
<td></td>
<td>for visitor spaces</td>
<td>Provision rate for visitor spaces</td>
</tr>
<tr>
<td>Bicycle spaces</td>
<td>1 per dwelling</td>
<td>1 per 10 dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motorcycle spaces</td>
<td>1 per 50 dwellings</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces allocated to a car share scheme</td>
<td>None specified</td>
<td>For all developments with 120 or less car spaces: A minimum of 2 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>For developments with more than 120 car spaces: 1 per 60 car parking spaces</td>
</tr>
</tbody>
</table>

### Application requirement

An application to construct or extend a building of four or less storeys must, where the building includes two or more dwellings, be accompanied by a design response and report explaining how the proposed design meets the objectives of Clause 55.

### No permit required

No permit is required to construct a building or construct or carry out works for the following: [CCZ 4.0p16](#)
- An addition of or modification to a verandah, awning, sunblind or canopy of an existing building. [CCZ 4.0p18](#)

### Conditions on permits

A permit granted to construct a building or to construct or carry out works, other than alterations and additions to an existing building or buildings and work for an existing use, must include conditions which require the following:
- Prior to the commencement of buildings and works, evidence must be submitted that demonstrates the project has been registered to seek a minimum 4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia. [CCZ 4.0p23](#)
- Prior to the occupation of the building, evidence must be submitted that demonstrates the building can achieve a minimum 4 Star Green Star Design Review certification (or equivalent). [CCZ 4.0p24](#)
- Within 12 months of occupation of the building, certification must be submitted that demonstrates that the building has achieved a minimum 4 Star Green Star Design and As Built rating (or equivalent). [CCZ 4.0p25](#)
Installation of a third pipe for recycled water to supply non potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.

Provision of an agreed building connection point from the third pipe designed in conjunction with the relevant water supply authority to ensure readiness to connect to a future precinct-scale recycled water supply.

Provision of a rainwater tank:
- with a minimum capacity of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas;
- fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.

A permit granted to construct a building within 50 metres of a potential future metro alignment shown on the relevant Map of this schedule, must also include a condition to the effect that: [CCZ 4.0p26]

Prior to the commencement of buildings and works, plans must be submitted to the satisfaction of the responsible authority in consultation with Transport for Victoria showing that the proposed building footings and foundations will not compromise delivery of the proposed future metro alignment. [CCZ 4.0p27]

Where a new road, street or laneway is proposed on the land, and the road, street or laneway is not funded through an Infrastructure Contributions Plan, a permit must include a condition requiring an agreement to be made under section 173 Agreement of the Planning and Environment Act 1987 between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:

- Construction of the new road, street or laneway to the satisfaction of the Responsible Authority and the relevant road management authority; and
- Transfer of the new road, street or laneway to, or vesting in the relevant road authority.

### Demolition or removal of buildings requirements

A permit is required to demolish or remove a building or works, except for: [CCZ 4.0p28]

- The demolition or removal of temporary structures. [CCZ 4.0p29]
- The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law. [CCZ 4.0p30]

Before deciding on an application to demolish or remove a building or works, the responsible authority must consider any need for a condition requiring an agreement made under section 173 of the Planning and Environment Act 1987 to be entered into by the landowner and the Responsible Authority and the local council (if not the Responsible Authority) to the effect of requiring: [CCZ 4.0p31]

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition. [CCZ 4.0p32]
- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for six months, or an aggregate of six months after commencement of the construction. [CCZ 4.0p33]
- Temporary buildings or works may include: [CCZ 4.0p34]
  - The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage. [CCZ 4.0p35]
  - Landscaping of the site for the purpose of public recreation and open space. [CCZ 4.0p36]
Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written urban context report documenting the key planning influences on the development and how it relates to its surroundings. [CCZ 4.0p37]
- A design response, detailing how the design makes provision for the streets, laneways, generally in accordance with the relevant map of this schedule. [CCZ 4.0p38]
- A 3D digital model suitable for insertion into the Responsible Authority’s interactive city model. [CCZ 4.0p39]
- An assessment and report detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy. [CCZ 4.0p40]
- An assessment and report of the proposed floor area ratio and if the proposed floor area ratio exceeds the Floor Area Ratio in Table 1 of this schedule, details of the Public Benefit and the additional floor area that is to be provided. [CCZ 4.0p41]
- An application for buildings and works associated with accommodation, dwelling, motel, residential aged care facility, retirement village, residential village, residential hotel, hostel, child care centre, education centre, or located within 100 metres of a freight alignment shown in the relevant Map of this schedule or located within 100 metres of the West Gate freeway or which does not meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10, [MPS] the concrete batching plans referred to in the table to Clause 52.10 [MPS] must be accompanied by the following information to show how the development is designed to protect future occupants from potential adverse amenity impacts, including:
  - Incorporation of noise attenuation measures in accordance with Australian Standard 2107 and SEPP N- 1. [CCZ 4.0p42]
  - Measures to protect against the impacts of vibration, light pollution, and odours and poor air quality. [CCZ 4.0p43]
- Any technical or supporting information necessary, prepared by suitably qualified professionals, including:
  - Environmentally Sustainable Design Statement addressing ESD, Waste and Water management. [CCZ 4.0p44]
  - Sustainable Transport Plan demonstrating how the development supports sustainable travel behaviour and promotes active transport modes. [CCZ 4.0p45]
  - Landscape Plan for all areas of open space, except private open space for dwellings, providing for biodiversity, canopy tree planting, water sensitive urban design [MPS] and microclimate management of buildings. [CCZ 4.0p46]
- A demolition plan, detailing the staging of demolition and any temporary works proposed. [CCZ 4.0p47]

Exemption from notice and review

An application to demolish or remove a building or to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 4.0p48]
Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04-4, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy
- Whether the layouts of streets, laneways and open space are consistent with those shown in the relevant Maps of this schedule.
- Whether the setting aside of land for streets, laneways and open space warrants a reduction or waiver of infrastructure requirements and costs, such as social housing (which is not delivered as per a Floor Area Uplift), infrastructure contributions and / or the construction of the required streets, laneways and open space.
- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links.
- Whether the development compromises the function, form and capacity of public spaces and public infrastructure.
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies.
- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection.
- Whether the proposal delivers a diversity of households and housing typologies, and provides the necessary community infrastructure and facilities.
- Any impacts to the future metro train alignment and potential future elevated freight alignment.
- Whether the proposal includes appropriate mitigation measures to protect against off-site amenity impacts [associated with existing concrete batching plants] [surfs] [associated with existing uses].
- Whether the proposal is designed for all deliveries, servicing and waste management to occur on-site.
- Any constraints to vehicle access to the site, the impact of vehicle access on the provision of public transport, pedestrian and cyclist safety.
- The proposed 4 Star Green Star Design and As-Built rating (or equivalent).
- Whether appropriate sustainable water, waste and energy management is proposed.
- Where only part of a site is developed, whether an agreement made under section 173 of the Planning and Environment Act 1987 has been entered into between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) to ensure that the Floor Area Ratio across the whole of the site will not be exceeded and whether the development is sited so that adequate setbacks are maintained in the event that the site is subdivided or otherwise altered to create a separate future development site.
- If a Public Benefit is proposed:
  - The management and maintenance of the Public Benefit(s).
  - The views of Transport for Victoria for any proposal to construct a building, other than alterations and additions to an existing buildings that are within 50 metres of a...
potential future elevated freight route shown in the relevant Map to this schedule to ensure the proposed building location and access points will not compromise construction of the future freight route.  [CCZ 4.0p69]

- Whether residential development includes floor plate layouts and servicing strategies that demonstrate a future capacity to allow one and two bedroom dwellings to be combined and adapted into three or more bedroom dwellings.  [CCZ 4.0p70]

- Whether residential development of four or less storeys meets the objectives of Clause 55.

**Existing industrial and warehouse uses**

The application requirements, conditions on permits and permit requirements for buildings and works do not apply to an application for buildings and works associated with a continuing lawful use of land for industry or warehouse.

In considering whether a permit should be granted for the buildings and works associated with an existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:

- The impact of the proposed buildings and works on the amenity of the future urban renewal area;
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;
- The extent to which the buildings and works will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct;
- Whether the buildings and works support the continued operation of an existing industrial use which will facilitate the urban renewal of Fishermans Bend.

**Advertising signs**

A permit is required to construct and display a sign except for:  [CCZ 5.0p1]

- Advertising signs exempted by Clause 52.05–4.  [CCZ 5.0p2]
- Renewal or replacement of an existing internally illuminated business identification sign.  [CCZ 5.0p3]
- A home occupation sign with an advertisement area not more than 0.2 square metres.  [CCZ 5.0p4]
- A direction sign where there is only one to each premises.  [CCZ 5.0p5]
- In core areas as shown on the relevant Map of this schedule, a business identification sign, bed and breakfast sign, home occupation sign, or promotion sign, that have a combined total advertisement area to each premises not exceeding 8 square metres.  [CCZ 5.0p6]
- In core areas as shown on the relevant Map of this schedule, an internally illuminated sign of no greater than 1.5 square metres and the sign is not above a verandah or more than 3.7 metres above pavement level. The sign must be more than 30 metres from a residential zone or pedestrian or traffic lights.  [CCZ 5.0p7]
- In core areas as shown on the relevant Map of this schedule, a non-illuminated sign provided no part of the sign protrudes the fascia of the building.  [CCZ 5.0p8]
Exemption from notice and review

An application to construct and display a sign is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. (CCZ.5.0p)
Map 1: Montague Urban Structure
Map 2: Sandridge Urban Structure

Map 3: Wirraway Urban Structure
Map 4: Lorimer Urban Structure

Definitions

The following definitions apply for the purposes of interpreting this schedule: [CCZ DefOp1]

**Active frontage street** is a street shown as ‘Primary active frontage’ or a ‘Secondary active frontage’ on the relevant Map to this schedule. [CCZ DefOp2]

**Core area and non-core area** are those area identified on the relevant Map. [CCZ DefOp3]

**Floor area ratio** means the gross floor area divided by the gross developable area. [CCZ DefOp4]

**Gross developable area** means the total site area, including any proposed road, laneway and public open space. [CCZ DefOp5]

**Gross floor area** means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor. [CCZ DefOp6]

**Public Benefit** means the provision of Social Housing to the satisfaction of the Responsible Authority.

**Social Housing** has the same meaning as in the *Housing Act 1983*. 
Appendix C  Design and Development Overlay
SCHEDULE [NUMBER] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO[number].

FISHERMANS BEND – LORIMER PRECINCT

1.0 Design objectives

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, ## 2018. [DDO L 1.0p1]

To encourage a diversity of mid and high-rise scale developments, including hybrid developments on larger sites that incorporate communal open space, with taller buildings located along the interface to the West Gate Freeway. [DDO L 1.0p2]

To ensure the scale, height and setbacks of development protect sunlight penetration to the Lorimer Parkway and other identified public open spaces, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm. [DDO L 1.0p3]

To ensure building separation and setbacks achieve high levels of internal amenity for all development. [DDO L 1.0p4]

To encourage buildings to be designed so that they are capable of being adapted to facilitate a reduction in car dependence, an increase in commercial floor space, and to ensure that flood protection measures do not detract from the public realm. [DDO L 1.0p5]

2.0 Buildings and works

Buildings and works for which no permit is required

A permit is not required to construct or carry out works for a new or modified verandah, awning, sunblind or canopy to an existing building. [DDO L 2.0p1]

Requirements

The following requirements apply to an application to construct a building or construct or carry out works. [DDO L 2.0p2]

The following requirements do not apply to: [DDO L 2.0p3]

- An application for buildings and works associated with an existing industrial use which facilitates the urban renewal of Fishermans Bend. [DDO L 2.0p4]
- An application to amend an existing permit granted before the approval date which does not increase the extent of non-compliance with the requirements. [DDO L 2.0p5]

A built form requirement expressed with the term ‘must’ is a mandatory requirement. A permit cannot be granted to vary a mandatory built form requirement. [DDO L 2.0p6]

A built form requirement expressed with the term ‘should’ is a discretionary requirement. A permit may be granted to vary a discretionary built form requirement. [DDO L 2.0p7]

An application for buildings and works must achieve the relevant built form outcomes. [DDO L 2.0p8]

Definitions

For the purpose of this schedule: [DDO L 2.0p9]

Building height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building excluding: [DDO L 2.0p10]

- Non-habitable architectural features not more than 3.0 metres in height. [DDO L 2.0p11]
Building services and communal recreation facilities setback at least 3.0 metres behind the building façade. [DDO L 2.0p12]

Comfortable wind conditions means a mean wind speed from all wind directions combined with probability of exceedance less than 20 per cent of the time, equal to or less than: [DDO L 2.0p13]
- 3 metres/second for sitting areas. [DDO L 2.0p14]
- 4 metres/second for standing areas. [DDO L 2.0p15]
- 5 metres/second for walking areas. [DDO L 2.0p16]

Unsafe wind conditions means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage. [DDO L 2.0p17]

Laneway means a road reserve of 9 metres or less in width. [DDO L 2.0p18]

Mean wind speed means the maximum of: [DDO L 2.0p19]
- Hourly mean wind speed, or [DDO L 2.0p20]
- Gust equivalent mean speed (3 second gust wind speed divided by 1.85). [DDO L 2.0p21]

Street means a road reserve of greater than 9 metres in width. [DDO L 2.0p22]

Street wall means any part of the building constructed within 0.3 metres of a lot boundary fronting the street or laneway. [DDO L 2.0p23]

Street wall height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall excluding non-habitable architectural features not more than 3 metres in height. [DDO L 2.0p24]

Building typologies

Table 1: Building typologies

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area L1 on Map 1</td>
<td>Predominantly mid-rise buildings. On larger sites, a hybrid of mid-rise perimeter blocks (with communal open space) and slender towers that create fast moving shadows to minimise overshadowing of the Lorimer Parkway (Turner Street). Lower street wall heights along Lorimer Parkway (Turner Street) to minimise overshadowing impacts. Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River.</td>
</tr>
<tr>
<td>Area L2 on Map 1</td>
<td>Mid-rise developments with opportunities for some additional upper levels that are visually recessive from the street and within Lorimer Central and do not result in tower-podium building types. Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River. Lower scale development to interface with Lorimer Central.</td>
</tr>
<tr>
<td>Area L3 on Map 1</td>
<td>Predominantly mid-rise developments that incorporate slender towers to minimise overshadowing of the Lorimer Parkway (Turner Street). Upper levels of mid-rise buildings are visually recessive from the street and...</td>
</tr>
</tbody>
</table>
Lorimer Parkway (Turner Street).
Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River.

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area L4 on Map 1</td>
<td>Predominantly tower developments interspersed with some mid-rise perimeter blocks and courtyard buildings. A variety of street wall heights between 4 and 8 storeys to contribute to architectural diversity within the street. Well-spaced, slender towers that avoid a wall-of-towers effect through appropriate massing, differentiation of materials and architectural detailing when viewed from the Yarra River, Lorimer Parkway (Turner Street), streets in Lorimer and the West Gate Freeway. Well-spaced slender towers that minimise overshadowing of the Sandridge precinct.</td>
</tr>
</tbody>
</table>

**Building height**

**Table 2: Building height**

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new building or works should not exceed the building heights shown in Map 2 to this schedule.</td>
<td>The height of new buildings in all areas must:</td>
</tr>
<tr>
<td></td>
<td>▪ Respond to the preferred future precinct character and building typologies in Table 1 and Map 1.</td>
</tr>
<tr>
<td></td>
<td>▪ Contribute to a varied and architecturally interesting skyline.</td>
</tr>
<tr>
<td></td>
<td>▪ Contribute to a diversity of building typologies and avoid repetitive built form outcomes for the precinct.</td>
</tr>
<tr>
<td></td>
<td>▪ Limit impacts on the amenity of the public realm and Lorimer Central open space as a result of overshadowing and wind effects.</td>
</tr>
<tr>
<td></td>
<td>▪ Consider outlook to the north towards the Yarra River and access to sunlight and views by locating lower buildings north of Lorimer Parkway (Turner Street) and taller buildings south of the Parkway along the West Gate Freeway.</td>
</tr>
</tbody>
</table>

**Street wall height**

**Table 3: Street wall height**

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Street wall height</td>
<td>Maximum Street wall height</td>
</tr>
<tr>
<td>Buildings fronting the Lorimer Parkway (Turner Street) in Sub-precinct L1 should include a 4 storey street wall (built to the boundary).</td>
<td>A new street wall must not exceed a height of:</td>
</tr>
<tr>
<td></td>
<td>▪ 6 storeys:</td>
</tr>
<tr>
<td></td>
<td>▪ On a street or laneway ≤22m wide</td>
</tr>
<tr>
<td></td>
<td>With the exception of street walls to the West Gate Freeway and City Link overpass, street walls that ensure:</td>
</tr>
<tr>
<td>BUILT FORM REQUIREMENTS</td>
<td>BUILT FORM OUTCOMES</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td><strong>Preferred Street wall height</strong></td>
<td><strong>Maximum Street wall height</strong></td>
</tr>
<tr>
<td>Buildings fronting the Lorimer Parkway (Turner Street) in Sub-precinct L4 should include a 6 storey street wall (built to the boundary).</td>
<td>as shown in Diagram 1 except on the south side of the new-east west street in Sub-precinct L4;</td>
</tr>
<tr>
<td>In all other locations, new buildings should include a street wall (built to the boundary) of at least 4 storeys.</td>
<td>• Fronting the Lorimer Parkway (Turner St).</td>
</tr>
<tr>
<td>• 8 storeys:</td>
<td>• On a street &gt;22m wide as shown in Diagram 2, except where the building height is &gt;10 storeys in which case the street wall height must not exceed 6 storeys as shown in Diagram 3;</td>
</tr>
<tr>
<td></td>
<td>• On the south side of the new-east west street in Sub-Precinct L4.</td>
</tr>
</tbody>
</table>

Where a new building is on a corner, the taller maximum street wall height applies to both frontages, except on the northern edge of Lorimer Central where the maximum 6 storeys applies.

• Scaled and distinct street wall effect.
• A human scale.
• An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.
• Skyviews from the street or laneway and do not overwhelm the public realm.
• An appropriate transition to adjoining heritage places when viewed from the street.
• Adequate daylight and sunlight in the street or laneway.
• Street walls on a corner site to make an appropriate transition back to the preferred street wall height.
• Higher street walls along the interface with the West Gate Freeway and City Link overpass, designed to assist with mitigating noise impacts from the freeway into the Lorimer Precinct.
• Street wall heights along the northern side of the Lorimer Parkway (Turner Street) enable a high degree of sunlight access to the Parkway.
Diagram 1

Diagram 2

Diagram 3

Setbacks above the street wall from new and existing streets and laneways

Table 4: Setbacks above the street wall

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Setback</td>
<td>Minimum Setback</td>
</tr>
<tr>
<td>Any part of the building above the street wall should be setback:</td>
<td></td>
</tr>
<tr>
<td>- A minimum of 5m if the building height is ≤ 8 storeys.</td>
<td></td>
</tr>
<tr>
<td>- A minimum of 10m if the building height is &gt; 8 storeys.</td>
<td></td>
</tr>
<tr>
<td>Any part of a building above the street wall must be setback:</td>
<td></td>
</tr>
<tr>
<td>- A minimum of 3m if the building height is ≤ 8 storeys as shown in Diagram 4.</td>
<td></td>
</tr>
<tr>
<td>- A minimum of 5m if the building height is &gt; 8 storeys.</td>
<td></td>
</tr>
</tbody>
</table>

Setbacks above street walls that ensure:
- Comfortable wind conditions in the public realm.
- Adequate daylight and sunlight into streets and laneways.
- Skyviews from the...
<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preferred Setback</strong></td>
<td>Minimum Setback</td>
</tr>
<tr>
<td>storeys and ≤ 20 storeys as shown in Diagram 5.</td>
<td><strong>street or laneway and do not overwhelm the public realm.</strong></td>
</tr>
<tr>
<td>▪ A minimum of 10m if the overall building height is &gt; 20 storeys as shown in Diagram 6, except where the site has direct interface with:</td>
<td>▪ Upper floors are visually recessive to minimise visual bulk when viewed from streets and laneways.</td>
</tr>
<tr>
<td>▪ Westgate Freeway;</td>
<td></td>
</tr>
<tr>
<td>▪ City Link overpass;</td>
<td></td>
</tr>
<tr>
<td>▪ 12 metre wide service road;</td>
<td></td>
</tr>
<tr>
<td>in which case a minimum of 5m applies as shown in Diagram 7.</td>
<td></td>
</tr>
</tbody>
</table>

Note: **For the purpose of Table 4:** [DDO L 2.0p25]

The setback of a building above a street wall from a laneway is the shortest horizontal distance from the building façade to the centreline of the laneway. [DDO L 2.0p26]

The setback of a building above a street wall from a street is the shortest horizontal distance from the building façade to the street boundary. [DDO L 2.0p27]
Side and rear setbacks

Table 5: Side and rear setbacks

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>Minimum Setback</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below the street wall:</td>
<td></td>
<td>To create a continuous street wall along all site frontages.</td>
</tr>
<tr>
<td>▪ Any part of a new building below the street wall height should be built on or within 300mm of a side boundary.</td>
<td></td>
<td>New buildings (above and below the street wall) are setback to ensure:</td>
</tr>
<tr>
<td>▪ However, if any part of a new building below the street wall height is setback from a side or rear boundary it should be setback at least 9 metres.</td>
<td></td>
<td>▪ Adequate daylight and sunlight into streets and laneways.</td>
</tr>
<tr>
<td>Above the street wall:</td>
<td></td>
<td>▪ Sunlight, daylight and privacy to and outlook from habitable rooms, for both existing and potential developments on adjoining sites.</td>
</tr>
<tr>
<td>▪ Any part of a new building above the street wall height should be setback at least 10 metres from the side or rear boundary.</td>
<td></td>
<td>▪ Wind effects on the public realm are mitigated.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▪ Tall buildings do not appear as a continuous wall when viewed from street level and on the northern side of the Yarra River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▪ Skyviews between buildings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▪ Visual bulk is minimised.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Internal amenity is achieved by setbacks rather than privacy screening.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To provide opportunities</td>
</tr>
</tbody>
</table>
Building separation within a site

Table 6: Minimum building separation within a site

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred setback</td>
<td>Minimum setback</td>
</tr>
</tbody>
</table>

**Below the street wall:**
- Buildings within the same site should be separated from each other by at least 12m.

**Above the street wall:**
- Buildings within the same site should be separated from each other by at least 20m.

**Preferred building separation**

**Minimum building separation**

**Below the street wall:**
- Buildings within the same site must be separated from each other by at least 6m.

**Above the street wall:**
- A new building up to 20 storeys in height must be separated from any other building on the same site by at least 10m as shown in Diagram 8.
- A new building over 20 storeys in height must be separated from any other building on the same site by at least 20m as shown in Diagram 9.

**BUILT FORM OUTCOMES**

To ensure high quality internal amenity outcomes within buildings having regard to outlook, daylight, overlooking, and offsetting direct views between buildings within the same site.

Internal amenity is achieved by building separation rather than screening.

To ensure tall buildings do not appear as a continuous wall when viewed from street level or the northern side of the Yarra River.

To ensure building separation of tall buildings is adequate to allow sunlight penetration to areas of identified open space and to streets.

---

**Note:**
For the purpose of Table 6 building separation distance within a site is to be measured from the face of each building. [DDO L 2.0p28]
Diagram 8

Diagram 9

Overshadowing

Buildings and works must not cast any additional shadow above the maximum street wall height over the existing or proposed public open spaces or streets shown in the relevant maps of this schedule for the hours specified on the same map. [DDO L 2.0p29]

Wind effects on the public realm

Table 7: Wind effects on the public realm

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
</table>
Buildings and works with a total building height in excess of 40 metres:
- Must not cause unsafe wind conditions;
- Should achieve comfortable wind conditions;

in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in the figure below, demonstrated by a wind analysis report prepared by a suitably qualified person.

To ensure that the ground-level wind gust speeds do not cause unsafe wind conditions to pedestrians adjacent to the development or to pedestrians adjacent to public spaces.

To ensure that the proposed development achieves comfortable wind conditions commensurate to the identified principal role of publicly accessible areas for sitting, standing or walking.

Assessment distance $D = \text{greater of:}$

- $L/2$ (Half longest width of building)
- $H/2$ (Half overall height of building)

Active street frontages

Table 8: Active street frontages

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings fronting the Primary and Secondary active streets on Map 3 to this schedule, should be designed to achieve a diversity of fine-grain frontages. On streets marked as Primary active frontages on the relevant maps to this schedule: Buildings should provide:</td>
<td>Development designed to enhance access to the Yarra River through the provision of north-south activated streets and laneways that maximise connectivity into and through the Yarra’s Edge development. Buildings designed to:</td>
</tr>
<tr>
<td>At least 80 per cent visual permeability along the ground level of the building to a height of 2.5m, allowing for a solid plinth or base.</td>
<td>Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.</td>
</tr>
<tr>
<td>Pedestrian entries at least every 10m.</td>
<td>Address both street frontages if the building is on a corner.</td>
</tr>
<tr>
<td>The frontage to a residential lobby at ground level should not exceed 4m.</td>
<td>Create activated building facades with windows and regularly spaced and legible entries.</td>
</tr>
<tr>
<td>On streets marked as Secondary active frontages (Type 1) on the relevant maps to this schedule, buildings should provide:</td>
<td>Consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.</td>
</tr>
<tr>
<td>At least 60 per cent visual</td>
<td>Buildings with residential development at</td>
</tr>
</tbody>
</table>
### Built Form Requirements

<table>
<thead>
<tr>
<th>Built Form Requirements</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permeability along the ground level of the building to a height of 2.5m, allowing for a solid plinth or base.</td>
<td>Ground level designed to:</td>
</tr>
<tr>
<td>Pedestrian entries at least every 15m.</td>
<td>- Create a sense of address by providing direct individual street entries to dwellings or home offices.</td>
</tr>
<tr>
<td>On streets marked as Secondary active frontages (Type 2) on the relevant maps to this schedule, buildings should provide:</td>
<td>- Achieve a degree of privacy through permeable screening and level changes.</td>
</tr>
<tr>
<td>- At least 20 per cent visual permeability along the ground level of the building to a height of 2.5 m, allowing for a solid plinth or base.</td>
<td>Buildings are designed to avoid unsafe indents with limited visibility.</td>
</tr>
<tr>
<td>All buildings should provide:</td>
<td>Car parking and building services that do not detract from the public realm.</td>
</tr>
<tr>
<td>- Openable windows and balconies within the street wall along streets and laneways.</td>
<td>Service areas are consolidated and located to maximise activation of the public realm.</td>
</tr>
<tr>
<td>- Entrances that are no deeper than one third of the width of the entrance.</td>
<td>Any externally accessible services or substations are integrated into the façade design.</td>
</tr>
<tr>
<td>- Canopies over footpaths on primary or secondary active streets where retail uses are proposed.</td>
<td>A safe and high quality interface between the public and private realm through the arrangement of uses internal to a building.</td>
</tr>
</tbody>
</table>

### Car Parking

- Be sleeved with active uses so that it is not visible from the public realm or adjoining sites.
- Not be located at ground floor level.
- Not be visible from the street.
- Be contained within a building.

The area of any ground floor of a building occupied by building services, including waste, loading and parking should be less than 40% of the total site area.

### Adaptable Buildings

#### Table 9: Adaptable buildings

<table>
<thead>
<tr>
<th>Built Form Requirements</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings should be designed with minimum floor to floor heights of:</td>
<td>Buildings are designed to accommodate employment uses and provide for future adaptation or conversion of parts of a building accommodating non-employment generating uses (including car parking) to employment generating uses over time.</td>
</tr>
<tr>
<td>- At least 4.0 metres at ground level;</td>
<td>Car parking is designed:</td>
</tr>
<tr>
<td>- At least 3.8 metres for other lower levels up to the height of the street wall.</td>
<td>- So that it can be adapted to other uses over time.</td>
</tr>
<tr>
<td>Car parking areas not within a basement should have level floors and a floor-to-floor height not less than 3.8 metres.</td>
<td>- To minimise its footprint within a building.</td>
</tr>
<tr>
<td>Mechanical systems should be utilised to reduce the footprint of car parking areas.</td>
<td>Dwellings are designed to enable the consolidation or reconfiguration over time to alter the number of bedrooms.</td>
</tr>
<tr>
<td>Internal layouts should be designed and arranged to enable adaptable floorplates to accommodate change of uses over time.</td>
<td>Internal layouts and floor plates should be flexible and adaptable with minimal load bearing walls that maximise flexibility for retail or commercial refits.</td>
</tr>
<tr>
<td>Floorplate layout designed to enable one and two bedroom dwellings to be</td>
<td>Floorplate layout designed to enable one and two bedroom dwellings to be...</td>
</tr>
</tbody>
</table>
Building finishes

Table 10: Building finishes

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building materials and finishes for buildings fronting main roads should not exceed 15 per cent perpendicular reflectivity, measured at 90 degrees to the façade surface. Buildings should be designed to emphasise internal uses within the façade design (below the street wall) and reduce visual bulk.</td>
<td>Buildings are not designed in a manner that creates blank facades. Internal uses of the buildings are expressed within the external building design creating a relationship between the private and public realm.</td>
</tr>
</tbody>
</table>

Exemption from notice and review

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [DDO L 2.0p30]

3.0 Subdivision

None specified. [DDO L 3.0p1]

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [DDO L 3.0p2]

4.0 Advertising signs

None specified. [DDO L 4.0p1]

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [DDO L 5.0p1]

- The preferred built form outcomes identified in this schedule. [DDO L 5.0p2]
- Whether the cumulative impact of the proposed development and any existing adjoining development supports achievement of a high quality pedestrian amenity in the public realm, in relation to scale, visual bulk, overshadowing and wind effects. [DDO L 5.0p3]
- Whether the proposed building setbacks and separation distances allow equitable access to privacy, sunlight, daylight and outlook. Consideration of this issue should have regard to the proposed internal use/s within a new building and the height of any existing or proposed adjoining built form. [DDO L 5.0p4]
- The effect of the proposed buildings and works on solar access to existing and proposed public spaces having regard to: [DDO L 5.0p5]
Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [DDO L 5.0p9]

- The impacts of built form and visual bulk on daylight, sunlight and sky views from within public spaces or on adjoining heritage places. [DDO L 5.0p10]

- The internal amenity of the development and the amenity and equitable development opportunities of adjoining properties. [DDO L 5.0p11]

- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm. [DDO L 5.0p12]
Map 1: Building typologies

Map 2: Building heights
Map 3: Active street frontages

Map 4: Overshadowing

LEGEND

Active frontages
- Primary (80% permisibility)
- Secondary Type 1 (60% permisibility)
- New laneway
  (Location indicative)

Public open space
- Overshadowing control from 11 am to 3 pm, 23 September
- Overshadowing control from 11 am to 3 pm, 21 June to 23 September
- Overshadowing control from 10 am to 1 pm, 23 September
- Overshadowing control from 10:30 am to 1:30 pm, 23 September

New and existing public open space
No overshadowing controls