

DRAFT AMENDMENT GC81
FISHERMANS BEND REVIEW PANEL

**MINISTER’S RESPONSE TO REQUESTS FOR AMENDMENTS TO THE DRAFT CAPITAL CITY ZONE BY
MELBOURNE AND PORT PHILLIP CITY COUNCILS**

	CoM Requested Change	CoPP Requested Change	Provision Reference	Minister’s Response
1.	Requests revised drafting for objectives 3, 4, 5 and 6.	Requests revised drafting for objective 3, 5 and 6.	CCZ Objs p3 - p6	The Minister agrees with the proposed changes for objectives 3, 5 and 6. The Minister disagrees with the CoM’s proposed changes to objective 4.
2.	Requests drafting changes within the table of uses.	Requests drafting changes within the table of uses.	CCZ Table of Uses	The Minister agrees to the drafting changes to conditions and considers that the suggested changes ensure consistency in terminology.
3.	Requests drafting changes to Clause 2.0 Use of land Requirements. This includes being divided into two parts, requirements of this schedule and conditions required by this schedule.	Requests drafting changes to Clause 2.0 Use of land Requirements. This includes being divided into two parts, requirements of this schedule and conditions required by this schedule.	CCZ Clause 2.0	The Minister considers that there is merit in distinguishing between requirements of the schedule and conditions of the schedule and considers the CoM drafting is acceptable.

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4.	Requests removal and addition of a number of application requirements within Clause 2.0.	Requests removal and addition of a number of application requirements within Clause 2.0.	CCZ 2 p1 – p10	<p>The Minister agrees with the following revisions:</p> <ul style="list-style-type: none"> • How the proposal achieves the dwelling density of the Fishermans Bend Urban Renewal Local Policy, including a An assessment of the composition and size of dwellings proposed [CCZ 2.0p4] • A development summary identifying the amount of floor area for each land use. <p>The Minister agrees with revisions to the application requirement for uses within proximity to the concrete batching plants and Clause 52.10 uses.</p> <p>The Minister agrees to separate requirements for assessment of the amenity impact of nearby port operations and freight routes as per the CoM's drafting.</p>
5.	Requests changes to Clause 2.0 decision guidelines.	Requests changes to Clause 2.0 decision guidelines.	CCZ 2 p27 – p34	<p>The Minister agrees with the following changes to the decision guidelines:</p> <ul style="list-style-type: none"> • If a dwelling is proposed, whether the proposal: [CCZ 2.0p26] <ul style="list-style-type: none"> • Delivers dwelling diversity and dwelling density that aligns with the population targets and provision of community infrastructure. [CCZ 2.0p27] • Creates an activated ground floor [, particularly in core areas [PPPS]]. [CCZ 2.0p28] • Provides affordable housing and housing for key workers. • Exceeds the Dwelling Floor Area Ratio in Table 1 and, if so, the infrastructure implications of the exceedance. <p>.....</p>

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				<ul style="list-style-type: none"> • The impact of the proposed use on the amenity of the urban renewal of Fishermans Bend. [CCZ 2.0p35] • Whether the proposal will prejudice the achievement or orderly development of the urban renewal of Fishermans Bend. [CCZ 2.0p36]
6.	Under Clause 3.0 Permit Requirements proposes revised drafting to ensure subdivision fairly apportions streets and laneways.	N/A	CCZ 3.0	The Minister disagrees with the proposed change and considers that it would introduce unnecessary complexity to the CCZ Schedule. The apportionment of streets and laneways may be considered further during the precinct planning process.
7.	Requests additional application requirements in Clause 3.0.	Requests additional application requirements in Clause 3.0.	CCZ 3.0 p16	<p>The Minister accepts the inclusion of the following requirement:</p> <ul style="list-style-type: none"> ▪ On sites where multiple buildings are proposed, information which demonstrates how the subdivision will promote consolidated car parking. <p>The Minister disagrees with the suggested deletion of requirement for a land budget showing the extent of land provided as a public benefit.</p>
8.	Requests additional decision guidelines under Clause 3.0.	Requests additional decision guidelines under Clause 3.0.	CCZ 3.0 p31, p26	<p>The Minister agrees with the inclusion of the following and the proposed revision to the existing use decision guidelines as follows:</p> <ul style="list-style-type: none"> ▪ Whether the application to subdivide land promotes consolidated car parking. ▪ In-considering-Whether 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: <ul style="list-style-type: none"> • The impact of the proposed subdivision on the amenity of the future urban renewal area;

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				<ul style="list-style-type: none"> • 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.
9.	Under Clause 4.0 "Permit Requirements", proposes revised draft wording.	Under Clause 4.0 "Permit Requirements", proposes revised draft wording.	CCZ 4.0 p16	<p>The Minister considers that there is merit in distinguishing between 'no permit requirements', requirements of the schedule and conditions of the schedule and considers the CoM drafting is appropriate.</p> <p>The Minister considers that the provision of social housing should be permitted to be provided within another precinct in Fishermans Bend but not outside Fishermans Bend (CCZ 4.0 p3).</p> <p>The Minister does not accept the proposed 'cap' on the FAR exceedance suggested by COM.</p> <p>Instead of referring to the Guidelines in Clause 4.0, the reference to Public Benefit should be retained.</p>

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10.	Requests drafting changes to the Floor Area Ratio (FAR) requirements under Clause 4.0 including the FAU guidelines to be incorporated.	Requests drafting changes to the Floor Area Ratio (FAR) requirements under Clause 4.0 including the FAU guidelines to be incorporated.	CCZ 4.0 p 3 – p6	The Minister accepts that the FAU guidelines should be incorporated. The Minister does not accept the remaining changes to the FAR requirements suggested by CoPP and CoM.
11.	Proposes alternative, differential FARs in Lorimer.	N/A	CCZ Table 1	The Minister does not accept the proposed changes to the FAR controls.
12.	N/A	Request changes to the spaces allocated to a car share scheme and 1 bicycle space to be provided per bedroom instead of dwelling.	CCZ Table 2	The Minister does not accept the suggested changes. The requirements in the CCZ represent a significant reduction from the requirements of Clause 52.34 and further change is not supported.
13.	Relocate the application requirement for design response and report explaining how proposals of four storeys or less meet the objectives of Clause 55.	Relocate the application requirement for design response and report explaining how proposals of four storeys or less meet the objectives of Clause 55.	CCZ 4 p16	The Minister agree with the suggestion to relocate the requirement with other application requirements.
14.	Request the preparation of an incorporated document for ESD requirements and deletion of a number of conditions on this basis.	Request to include additional drafting.	CCZ 4 p23, p25	The Minister disagrees with the CoM's proposed changes. The Minister agrees with the following revisions suggested by the CoPP: <ul style="list-style-type: none"> ▪ 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

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				<p>Green Star Design and As-Built rating (or equivalent independent rating tool as approved by the Responsible Authority) with the Green Building Council of Australia. [CCZ 4.0p23]</p> <ul style="list-style-type: none"> ▪ 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 independent rating tool as approved by the Responsible Authority). [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 independent rating tool as approved by the Responsible Authority). [CCZ 4.0p25]
15.	Requests additional application requirements under Clause 4.0.	Requests additional application requirements under Clause 4.0.	CCZ 4 p41, p46, after p49	<p>The Minister agrees with the following revisions to the decision guidelines:</p> <ul style="list-style-type: none"> ▪ A development summary identifying the amount of floor area for each land use. ▪ 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 Social Housing and the additional floor area that is to be provided. [CCZ 4.0p41] ... ▪ A transition statement demonstrating how car parking can be transitioned to other uses. [CCZ 4.0p50 NEW] ▪ 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

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				<p>objectives of Clause 55. [CCZ 4.0p51 NEW]</p>
16.	<p>Request to include two new decision guidelines for the social benefit associated with the provision of social housing and the impacts on infrastructure arising from the additional population arising from floor space in excess of the total FAR.</p> <p>Remove the 4-star Green Star and public benefit decision guidelines and the Public Benefit decision guidelines.</p>	Remove the 4-star green star and public benefit decision guidelines.	CCZ 4 p58, p62, p65 and p67	<p>The Minister disagrees with the inclusion of the CoM's proposed decision guidelines.</p> <p>The Minister agrees with the deletion of the following decision guidelines:</p> <ul style="list-style-type: none"> ▪ The proposed 4 Star Green Star Design and As-Built rating (or equivalent). [CCZ 4.0p62] ▪ If a Public Benefit is proposed: [CCZ 4.0p65] ▪ The management and maintenance of the Public Benefit(s). [CCZ 4.0p67] <p>The Minister agrees with the following revisions to the decision guidelines:</p> <ul style="list-style-type: none"> ▪ 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: <ul style="list-style-type: none"> • 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

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				continued operation of an existing industrial -use which will facilitate the urban renewal of Fishermans Bend.
17.	Request to include a referral of applications requirement in the CCZ	N/A	CCZ	The Minister disagrees with the CoM's suggested inclusion of the referral provision in the CCZ schedule. The referral requirement will be included under Clause 66.04.
18.	N/A	Request to include the council's Urban Structure Plan maps.	CCZ maps	The Minister disagrees with some of the content of the Council's Urban Structure Plan maps. The CCZ maps are being updated to improve readability.
19.	Request to include a definition of Dwelling Floor Area Ratio, definition of minimum-non-dwelling floor area ratio and definition of Total Floor Area Ratio.	N/A	CCZ Definitions	<p>The Minister agrees with the insertion of the following definition:</p> <p><u>Dwelling floor area ratio</u> means the <u>gross floor area of a building which is to be used for dwellings divided by the gross developable area. Within a mixed-use building, any floor area shared between dwelling and non-dwelling uses will be included in the calculation of dwelling in proportion to the overall floor space allocated between dwelling and non-dwelling uses of the land.</u></p> <p>The Minister disagrees with the proposed changes to the remaining definitions.</p>