Attachment 9: Planning Permit for 85-93 Lorimer St
Planning and Environment Regulations 2005 Form 4

PLANNING PERMIT

Permit No.: MPA14/0006
Planning Scheme: Melbourne
Responsible Authority: Minister for Planning

ADDRESS OF THE LAND: 85-93 Lorimer Street, Docklands

THE PERMIT ALLOWS: Demolition of existing buildings; construction of towers above a shared podium; use of the land for dwellings; and creation or alteration of access to a Road Zone Category 1.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

1. Prior to the commencement of development, three full copies of plans and drawings, drawn to scale, must be submitted to the Responsible Authority generally in accordance with the Elenberg Fraser concept plan drawings received on 22 May 2015 indicating two towers of 47 and 49 storeys but amended to show:

   a) Detailed plans that illustrate no reliance on borrowed light to any habitable rooms and no walls or doors to any “study” areas.

   b) Detailed elevations, schedule and samples of all proposed materials and colours including a sample board.

   c) Details of the podium and ground floor frontages at a scale of 1:100 indicating how these frontages are activated and provide passive surveillance to the park and surrounding streets.

   d) Bicycle facilities (including spaces, showers and change rooms) provided within the building in accordance with the requirements of Clause 52.34-3 of the Melbourne Planning Scheme (Bicycle Facilities Tables 1, 2 and 3), including easy access to visitor spaces.

   e) Motorcycle parking spaces provided within the building in accordance with the requirements of Clause 45.09 of the Melbourne Planning Scheme (Parking Overlay Schedule 13).

   f) Dimensioned car parking layout, ramp grades and internal clearance heights for all car parking levels to comply with Melbourne Planning Scheme/Australian Standards.

   g) Swept paths that demonstrate realistic positions for vehicles within spaces located adjacent to walls, that is not flush with the line of adjacent space, nor within 0.1m of hitting walls/columns.

   h) Swept paths to demonstrate that garbage trucks and service vehicles will be able to utilise the proposed loading area.

   i) Any changes to the building as required by the wind tunnel modelling under conditions 12 and 13, to achieve at least short term stationary comfort.
requirements for all points surrounding the podium and on the possible elevated tram corridor and to ensure no additional wind impact on the proposed park.

j) Any changes as required by the Acoustic Report required by conditions 9, 10 and 11.

k) Any changes as required by the Environmentally Sustainable Design (ESD) Statement required by conditions 14, 15 and 16.

l) Any changes as required by the Waste Management Plan required by conditions 18 and 19.

m) A concept plan, including at least pavements, drainage, lighting, street furniture and planting, for the 2100 square metre park that is intended to be vested in Melbourne City Council. The concept plan must be prepared generally in accordance with plan AO100 prepared by Elenberg Fraser, dated 22 May 2015. The concept plan must be prepared in consultation with and approved by City of Melbourne – Team Leader Open Space Planning and shall have regard to the principles and guidelines contained within the Docklands Public Realm Plan, September 2012 and Council’s technical notes. Once this plan is endorsed, it shall form the basis for works-in-kind (WIK) that will be secured and delivered under Condition 7 of this permit.

n) Concept plans, including at least pavements, drainage, lighting, street furniture and planting, for the southern laneway and the eastern access road, that are intended to be vested in Melbourne City Council. The plans must include connection of the 17.5m wide eastern access road to both halves of the southern 12m laneway (6m of which is to be provided by this development) and of the eastern access road to Lorimer Street, according to VicRoads requirements under conditions 37, 38 and 39. The concept plans must be prepared generally in accordance with plan AO100 prepared by Elenberg Fraser, dated 22 May 2015. The concept plans must be prepared in consultation with and approved by City of Melbourne – Manager Engineering Services and shall have regard to the principles and guidelines contained within the Docklands Public Realm Plan, September 2012 and Council’s technical notes. Once this plan is endorsed, it shall form the basis for works-in-kind (WIK) that will be secured and delivered under Condition 7 of this permit.

The amended plans and drawings must be to the satisfaction of the Responsible Authority. When approved the plans and drawings will be the endorsed plans and form part of this permit.

3D Digital Model

2. Before the development starts, other than demolition and site preparation works, a 3D digital model of the development shown in the endorsed plans approved under Condition 1 of this permit must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water & Planning Advisory note – 3D Digital Modelling. If any significant changes are subsequently made to the development envelope, an updated 3D model must be resubmitted to the Responsible Authority.

Development Not Altered and Satisfactory Completion

3. The development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.

Glazing

4. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.
Building appurtenances / appearance etc.

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

Landscaping

6. Prior to the commencement of works a comprehensive landscaping and planting plan or plans must be submitted to the satisfaction of the Responsible Authority. The landscaping plan need only address areas not being vested in the City of Melbourne which are subject to a separate concept planning process. Once approved, the plans shall be endorsed by the Responsible Authority and will form part of this permit.

Development and Open Space Contributions

7. Prior to the commencement of works, excluding demolition, site remediation and site preparation works, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The Section 173 agreement must:
   - be registered on the title of the land that is the subject of this permit.
   - provide for the removal of the agreement from the land following completion of the obligations contained in the agreement
   - require the owner of the land to pay all reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title, and
   - must require the owner or developer to do all of the following:

A. Provide and vest carriageways, as follows:
   a. Construct at their own cost a 17.5m carriageway along the eastern site boundary generally in accordance with Ground Floor Plan AO100 prepared by Elenberg Fraser on 22 May 2015 or as otherwise agreed with the Responsible Authority, in accordance with plans and specifications first approved by the City of Melbourne – Manager Engineering Services.

   b. The 17.5m eastern carriageway must be vested in the City of Melbourne at the time of subdivision of the development, at no cost to Council.

   c. Construct at their own cost a 6.0m wide carriageway along the southern boundary of the site for half of the new shared street for bicycles and pedestrians, as designated in the Fishermans Bend Strategic Framework Plan (July 2014) and generally in accordance with Ground Floor Plan AO100 prepared by Elenberg Fraser on 22 May 2015 or as otherwise agreed with the Responsible Authority in accordance with plans and specifications first approved by the City of Melbourne – Manager Engineering Services.

   d. The 6.0m wide southern carriageway must be vested in the City of Melbourne at the time of subdivision of the development and at no cost to Council.

B. Provide and vest park, as follows:
   a. Construct at their own cost a park in the order of 2,100 square metres generally in accordance with the Ground Floor Plan AO100 prepared by Elenberg Fraser on 22 May 2015 or as otherwise agreed with the Responsible Authority, designed and constructed in consultation with and to the satisfaction of the City of Melbourne – Team Leader Open Space
Planning, generally in accordance with the principles and guidelines contained with the Docklands Public Realm Plan September 2012 and Council's technical notes.

b. This park must be vested in Council as a reserve at the time of subdivision of the development at no cost to Council.

C. The agreement must contain an acknowledgement that:

a. The provision and vesting of the areas pursuant to conditions 7Aa, Ab, Ac and Ad, as well as any part of 7Ba and 6b that is in excess of the public open space contribution requirements for the subdivision of land under the Planning Scheme and the Subdivision Act 1988, will constitute full satisfaction of the requirement to pay development contributions for the land;

b. In the event that the provision and vesting of the areas pursuant to conditions 7Aa, Ab, Ac, and Ad and any of the cited excess of 7Ba and Bb, exceeds the value of development contributions required for the land, that the owner or developer is not entitled to a refund of any amount;

c. In the event that the provision and vesting of the areas pursuant to conditions Aa, Ab, Ac, and Ad and any of the cited excess of 7Ba and Bb, does not meet the value of development contributions required for the land, that the owner or developer will not be required to provide or vest any further areas of the land, nor pay additional contributions; and

d. The owner proposes to subdivide the land and that it is the intention of the parties that compliance with conditions Ba and Bb above will constitute full satisfaction of the requirement to make a public open space contribution for the subdivision of the land under the Planning Scheme and the Subdivision Act 1988.

e. The provision of the works pursuant to conditions 7Aa, Ab, Ac, Ad, Ba, and Bb, must be completed to the satisfaction of the Responsible Authority and the City of Melbourne prior to the issue of a certificate of occupancy, unless a bank guarantee for the full value of any outstanding works, as agreed with the Responsible Authority and the City of Melbourne, is provided to the City of Melbourne. The bank guarantee must be returned upon the acceptance of the completed works by the City of Melbourne.

Construction Management

3. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by Melbourne City Council. This construction management plan is to be prepared in accordance with Melbourne City Council - Construction Management Plan Guidelines.

Noise Attenuation

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

10. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

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

Wind

12. Prior to the commencement of the development, wind tests carried out by a suitably qualified consultant must be carried out on a model of the approved building, with all changes required by Condition 1. The testing must also include projections based on future possible built form, in order to model future wind conditions on the site.

13. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must ensure that the existing wind conditions at street level including to the future public park are not exacerbated by the proposed built form and must certify that pedestrians and users of the park will enjoy reasonable comfort levels under typical prevailing weather conditions, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on trees or structures within the public realm.

Environmental Sustainable Design (ESD)

14. Prior to the commencement of the development, excluding demolition, site remediation and site preparation works, an Environmentally Sustainable Design (ESD) Statement as provided for at Clause 22.19 of the Melbourne Planning Scheme shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement should demonstrate the potential to achieve a 5-Star rating and 1 point for Wat-1 credit, both under a current version of Green Star - Multi Unit Residential rating tool, or equivalent.

15. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority.

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

Environmental Audit
17. Before the development starts, excluding demolition and bulk excavation, the applicant must undertake an environmental assessment of the site to determine if it is suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building, to the satisfaction of the Responsible Authority.

Should this assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority consider require a significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the Planning and Environment Act 1987 with the City of Melbourne (Council). This Agreement must be registered on title prior to the occupation of the building. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by Council.

Waste Management


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

Traffic and Transport

20. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of Melbourne City Council – Engineering Services and be:

   a) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane;

   b) Clearly marked to show the direction of traffic among access land and driveways.

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

22. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.

Loading and Unloading

23. The loading and unloading of goods from vehicles on the land must only be carried out within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner to the satisfaction of Melbourne City Council – Engineering Services which does not cause any interference with the circulation and parking of vehicles on the land.

Street Levels and Crossovers

24. The footpath adjoining the site along Lorimer Street must be reconstructed in asphalt together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications submitted to and approved by Melbourne City Council – Engineering Services.

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

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

27. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Melbourne City Council’s current Vehicle Crossing Guidelines and standard drawings to the satisfaction of Melbourne City Council. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of Melbourne City Council – Engineering Services.

Drainage / Recycled Water / Infrastructure

28. Before commencement of a stage or part of a stage, other than demolition and site preparation works, a detailed plan showing the proposed stormwater drainage system design must be submitted to and approved by Melbourne City Council-Engineering Services.

29. The development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network unless otherwise agreed in writing by South East Water and the Responsible Authority.

Melbourne Water

30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

31. The ground floor, with the exception of the retail tenancies, must be constructed with finished floor levels no lower than 3.0 metres to Australian Height Datum.

32. The ground floor retail tenancies must be constructed with finished floor levels set no lower than 3.0 metres to Australian Height Datum.

33. Prior to the issue of the Occupancy permit, a certified survey plan showing finished floor levels as constructed reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water’s requirements.
34. Flood resistant materials must be used for the construction of floor levels and walls below the applicable floor level.

35. All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation.

36. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.

VicRoads

37. A scaled (1:250) functional layout plan showing the proposed access points to the development on Lorimer Street including features such as pavement, kerb/shoulders, line marking, power poles, trees and other road furniture within 100 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with Lorimer Street. This must include any required turning movements into or out of the proposed access points.

38. The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonable anticipated to use the site may enter and exit the development in a forward direction.

39. A Transport Impact Assessment Report (TIAR) in accordance with VicRoads “Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals”. This report must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on Lorimer Street at which access is proposed, nearby intersections and access points to abutting land. The report will also identify any mitigation works required.

Public Transport Victoria (PTV)

40. Unless otherwise agreed in writing with Public Transport Victoria, prior to the commencement of works on site the permit holder must enter into all necessary agreements with Public Transport Victoria, VicTrack and the tram operator (if required). The agreements may include a Section 173 under the Planning & Environment Act 1987 or other legal mechanisms considered appropriate by both parties. The agreements must set out a framework for the establishment and protection of a tram corridor along the eastern boundary of the site to the satisfaction of Public Transport Victoria. The agreements must outline the protection of each party's interests, maintenance responsibilities, interface and access rights in perpetuity for the tram corridor and the development site. The permit holder must pay all costs for the preparation, execution and registration of any agreements proposed all to the satisfaction of Public Transport Victoria.

41. Before the development starts, detailed construction/engineering plans and computations and designs for the development must be submitted to and approved by Public Transport Victoria and VicTrack for the protection of the tram corridor and all associated tram infrastructure. The plans must detail all excavation of the site and any impacts on the tram corridor and demonstrate that the design and location of structural or weight bearing piers or elements (including temporary or permanent anchor bolts), do not compromise any future works proposed by the Public Transport Victoria.
Expiry of Permit

42. This permit will expire if one of the following circumstances applies:
   - The development is not started within three years of the date of this permit;
   - The development is not completed within six years of the date of this permit; and/or
   - The use is not commenced within six years of the date of this permit.

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

Date Issued: 14 JUL 2015

Signature for the Responsible Authority:

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

NOTES

- Any requirement to temporarily relocate street lighting must be first approved by Melbourne City Council – Manager Engineering Services Branch.
- All necessary approvals and permits are to be first obtained from Melbourne City Council – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services Branch and VicRoads.
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or
* if no date is specified, from—
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   * the development or any stage of it does not start within the time specified in the permit; or
   * the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   * the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   * the development or any stage of it does not start within the time specified in the permit; or
   * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   * the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
   * the use or development of any stage is to be taken to have started when the plan is certified; and
   * the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit, unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
* An application for review must state the grounds upon which it is based.
* An application for review must also be served on the Responsible Authority.
* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
Attachment 10: Melbourne Planning Scheme Clause 22.19
22.19 Energy, Water and Waste Efficiency

The policy applies to applications for the construction of a building (including alterations and additions) for the purposes of office, retail, education centre and accommodation (except for Dependant Person’s Unit, Camping & Caravan Park, Corrective Institution, Host Farm) uses.

The policy provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:

- Minimise the production of greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water use and encourage the use of alternative water sources.
- Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.

22.19-1 Policy Basis

The City of Melbourne’s policies for becoming an environmentally sustainable city, include the Zero Net Emissions by 2020 energy strategy, Total Watermark – City as a Catchment water strategy and the Waste Management Strategy. The City’s eco-city goals and targets as set out in Future Melbourne Community Plan 2008 are derived from these policies.

The relevant Eco-City goals are:

- Residents reduce their greenhouse gas emissions by 35 percent per capita by 2020 (from 2006 levels)
- Workers reduce their greenhouse gas emissions by 59 per cent per capita by 2020 (from 2006 levels)
- Reduce residents’ mains water consumption by 40 per cent by 2020 (from 1999/2000 levels)
- Reduce workers’ mains water consumption by 50 per cent by 2020 (from 1999/2000 levels)
- Reduced household waste in the City of Melbourne
- Reduced commercial waste in the municipality

These policy documents underpin the need to consider resource use and efficiency in the assessment of new development under the Melbourne Planning Scheme.

The State Planning Policy Framework (SPPF) encourages sustainable development, including the development of buildings which use energy and water efficiently and minimise waste within Victoria’s urban areas.

The City of Melbourne Municipal Strategic Statement (MSS) includes a vision for a sustainable city and strategies to reduce greenhouse gas emissions and to encourage buildings which use energy and water efficiently and minimise waste.

It is Council policy to encourage the development of integrated precinct solutions to reduce greenhouse gas emissions and increase resilience to climate change.

The objectives and guidelines of this policy build on this body of established strategic work by aiming to ensure that new buildings incorporate design measures that assist in reducing energy, water and waste resource use in accordance with the targets set by Council’s eco-city goals.

22.19-2 Objectives

The objectives of this policy are:

- To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
- To minimise the city’s contribution to climate change impacts by reducing greenhouse gas emissions.
To improve the water efficiency of buildings and encourage the use of alternative water sources.

To minimise the quantity of waste going to landfill and maximise the recycling and reuse of materials.

To minimise the impacts of waste on the community.

To encourage the connection of buildings to available or planned district energy, water and waste systems in urban renewal areas in order to achieve additional energy, water & waste efficiency arising from a precinct-wide approach to infrastructure where appropriate.

22.19-3 Policy

It is policy to encourage buildings that:

- minimise greenhouse gas emissions and maximise energy efficiency.
- minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.
- provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality’s progress towards becoming a resource and material-efficient city.

22.19-4 Application Requirements

- All applications must be accompanied by a Waste Management Plan prepared in accordance with the City of Melbourne’s Guidelines for Waste Management Plans.
- All applications must be accompanied by an Environmentally Sustainable Design Statement which demonstrates how the development meets the policy objectives of Clause 22.19-2 and the policy requirements of Clause 22.19-3. The Sustainable Design Statement must also include the following as applicable:
  - Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.
  - Applications for buildings under 2,000 square metres in gross floor area must provide a statement demonstrating that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.

22.19-5 Performance Measures

It is policy to assess proposals against the following performance measures:

<table>
<thead>
<tr>
<th>TYPE OF BUILDING</th>
<th>PERFORMANCE MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Up to 2,000 square metres gross floor area</td>
</tr>
<tr>
<td></td>
<td>Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.</td>
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<tr>
<td></td>
<td>3 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Office rating tool or equivalent.</td>
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<tr>
<td></td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
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<tr>
<td>More than 2,000 square metres gross floor area</td>
<td>NABERS Office – Energy 5 Stars or equivalent.</td>
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<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings over 2,000 square metres plus a 5 star rating under a current version of Green Star - Office rating tool or equivalent.</td>
</tr>
<tr>
<td>Retail premises</td>
<td>Up to 2,000 square metres gross floor area</td>
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<td></td>
<td>More than 2,000 square metres gross floor area</td>
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<tr>
<td></td>
<td>Over 5,000 square metres gross floor area</td>
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<tr>
<td>Education centre</td>
<td>Up to 2,000 square metres gross floor area</td>
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<tr>
<td></td>
<td>More than 2,000 square metres gross floor area</td>
</tr>
<tr>
<td>Accommodation (except for Dependant Person’s Unit, Camping &amp; Caravan Park, Corrective Institution, Host Farm)</td>
<td>rating tool or equivalent.</td>
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</tr>
<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings over 2,000 square metres plus 5 star rating under a current version of Green Star – Education rating tool or equivalent.</td>
</tr>
<tr>
<td>Accommodation (except for Dependant Person’s Unit, Camping &amp; Caravan Park, Corrective Institution, Host Farm)</td>
<td>Up to 5,000 square metres gross floor area</td>
</tr>
<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings up to 5,000 square metres plus a 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.</td>
</tr>
</tbody>
</table>

Mixed use developments should be assessed against the performance measures in the table above applicable to each use component of the development.

Applications for alterations and additions should be assessed against the performance measures in the table above in so far as they are applicable to the alterations and additions to the building.

Applications for development may use alternative rating tools or assessment methods provided that equivalence of the development to the performance measures listed in the table can be demonstrated.

Proposals that do not meet these performance measures may still meet the objectives of this policy.

## 22.19-6 Urban Renewal Areas

04/04/2013

It is policy that:

- In addition to the performance requirements set out at Clause 22.19-5, when developing land within any urban renewal area, the development should be capable of connecting to available and planned alternative district water supply, energy supply, waste collection and treatment systems.

- Developers of precincts or large sites are encouraged to install alternative district water supply, energy supply, waste collection and waste treatment systems.

Examples of Alternative District water supply, energy supply, waste collection and waste treatment systems that can be considered include, but are not limited to, the following:

**Alternative district water supply** -

- Black and grey water treatment systems, stormwater harvesting systems and desalination.

**Alternative district energy supply** -

- Solar concentrating and district solar, biomass and gas fired co and tri generation, wind and geothermal generation.

**Alternative district waste collection** -
Vacuum and automated based collection systems.

*Alternative district treatment -*

Mechanical (wet and dry sorting) and biological treatment, (anaerobic digestion and other biological processes), thermal treatment systems (pyrolysis, gasification, plasma gasification)

### 22.19-7 Reference Documents

- Future Melbourne Community Plan (September 2008)
- City of Melbourne, Total Watermark – City as a Catchment (2009)
- City of Melbourne, Waste Management Strategy (2005)
- City of Melbourne, Guidelines for preparing a waste management plan (2012)
- Green Building Council of Australia, Green Star rating tools (as amended from time to time)
- National Australian Built Environment Rating System (as amended from time to time)
- City of Port Phillip and City of Moreland, Sustainable Design Scorecard (as amended from time to time)

### 22.19-8 Definitions for the Purpose of this Policy

**Green Star**

Developed by the Green Building Council of Australia, Green Star is a credit-based tool that assesses a range of building classes for their environmental impact. Areas of consideration include energy, transport, materials, land & ecology, and management. Under its point based system, Green Star Awards of 4 to 6 star ratings are granted for environmentally sustainable design and / or construction.

**NABERS**

The National Australian Built Environment Rating System (NABERS) is a rating tool that assesses a building on the basis of its measured operational impacts (energy, water, indoor environment and waste) on the environment. A building can be awarded star ratings (between 4 and 5 stars) for each of the environmental components.

**Sustainable Design Scorecard (SDS)**

The Sustainable Design Scorecard is a Microsoft Excel tool developed to assess the environmental performance of non-residential developments (commercial, industrial and mixed use) in Victoria.
Attachment 11: Melbourne Planning Scheme Clause 22.23
22.23 STORMWATER MANAGEMENT (WATER SENSITIVE URBAN DESIGN)

This policy applies to applications for:

- New buildings
- Extensions to existing buildings which are 50 square metres in floor area or greater.
- A subdivision in a commercial zone

This policy does not apply to an application for:

- A subdivision of an existing building.

22.23-1 Policy Basis

Increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

Achieving improved stormwater quality is a key objective in reducing the environmental impact of urban development on waterways and receiving water bodies in the Port Phillip catchment, this policy implements the best practice performance objective outlined in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) to achieve the objectives of the State Environment Protection Policy (Water of Victoria).

Waterways are an important environmental asset and measures that protect, or improve, water quality will be of significant benefit environmentally, socially and economically.

Incorporating stormwater treatment measure into the design of development, including wetlands, bio-retention systems and porous pavements to filter pollutants, will help to protect and improve the condition of the natural waterways and passively irrigate urban vegetation.

Water sensitive urban design (WSUD) is the design of buildings, subdivisions and works to minimise the hydrological impact of urban development on the surrounding environment. WSUD provides the means for treating stormwater run-off in a variety of ways so that the flow is reduced, and the quality of run-off is improved. Stormwater management can take various forms in the urban environment including infrastructure upgrades, streetscape layout changes, piping reconfigurations, storage tanks, and the use of different paving.

22.23-2 Objectives

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives are:
  - Suspended Solids - 80% retention of typical urban annual load
  - Total Nitrogen - 45% retention of typical urban annual load
  - Total Phosphorus - 45% retention of typical urban annual load
  - Litter - 70% reduction of typical urban annual load.
- To promote the use of water sensitive urban design, including stormwater re-use.
- To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
- To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

22.23-3 Policy

- Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).

- Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:
  - collection and reuse of rainwater and stormwater on site
  - vegetated swales and buffer strips
  - rain gardens
  - installation of water recycling systems
  - multiple uses of water within a single manufacturing site
  - direction of flow from impervious ground surfaces to landscaped areas.

- Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:
  - appropriately designed waste enclosures and storage bins, and
  - the use of litter traps for developments with the potential to generate significant amounts of litter.

- Encourage the use of vegetation, where practicable, (to be irrigated with rainwater/stormwater) to manage the quality and quantity of stormwater.

22.23-4 Application requirements

An application must be accompanied by a Water Sensitive Urban Design Response including, as appropriate:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Detail Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A site layout plan showing the location of proposed stormwater treatment measures.</td>
<td>Show location, area draining to a treatment measure, and the connection points, of any:</td>
</tr>
<tr>
<td></td>
<td>- Harvesting and Reuse Measures: such as rainwater tanks (must identify what the tank is connected to; toilets, gardens etc).</td>
</tr>
<tr>
<td></td>
<td>- Water Quality Treatment Measures: such as raingardens, wetlands, buffers and swales.</td>
</tr>
<tr>
<td></td>
<td>- Infiltration Measures: such as porous paving and infiltration trenches/sumps.</td>
</tr>
<tr>
<td></td>
<td>- Passive Irrigation Measures: such as directing runoff into gardens.</td>
</tr>
<tr>
<td>A report outlining how the application achieves the objectives of this policy.</td>
<td>A report from an industry accepted performance measurement tool such as STORM or MUSIC (or equivalent).</td>
</tr>
<tr>
<td>Design details, such as cross sections, to assess the technical effectiveness of the proposed stormwater treatment measures.</td>
<td>Design details as appropriate to the stormwater treatment measure proposed.</td>
</tr>
</tbody>
</table>
### Requirement | Detail Required
--- | ---
A **site management plan** which details how the site will be managed through construction. | A statement is required outlining construction measures to prevent litter, sediments and pollution entering stormwater systems.

A **maintenance program** which sets out future operational and maintenance arrangements. | A statement is required outlining operational and maintenance measures to check the effective operation of all systems.

If the water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999* (or as amended) are not met, an application must include justification for how the development meets the objectives of this policy.

#### 22.23-5 Decision guidelines

Before deciding on an application, the responsible authority will consider, as appropriate:

- The extent to which the development meets the objectives and requirements of this policy
- The Water Sensitive Urban Design Response
- Whether the application meets the best practice performance objective and treatment measures.
- Whether the proposal is designed and incorporates works to maintain, or improve, the quality of stormwater within or exiting the site.
- Whether the proposal will significantly add to the stormwater discharge or adversely affect water quality entering the drainage system.
- Opportunities for water conservation and reuse that influence the use of water sensitive urban design.
- The level of ongoing management required to achieve and maintain the desired stormwater quality measures that will be used during the construction phase to prevent a loss of stormwater quality as a result of building activities, such as silt traps.

#### 22.23-6 Reference documents


State Environment Protection Policy (Waters of Victoria), Environment Protection Authority, 2003 (as amended from time to time).

Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999 (as amended from time to time).


STORM calculator (as amended from time to time)

MUSIC – model for urban stormwater improvement conceptualisation tool (as amended from time to time).

#### 22.23-7 Expiry

This policy will expire when superseded (as determined by the Minister for Planning) by Water Sensitive Urban Design provisions in the Victoria Planning Provisions or the Building Code of Australia Regulations, whichever happens first.
Attachment 12: Melbourne Planning Scheme – Plan from Special Building Overlay
See Port of Melbourne Planning Scheme