

EXPLANATORY TABLE OUTLINING CHANGES TO DRAFT CAPITAL CITY ZONE

SUBMITTED BY THE MINISTER ON 14 MAY 2018

Change number	Paragraph number or identify if a new paragraph	Amendment proposed	Purpose of the change
1.	[CCZ Objs p3]	Revision to objective.	For PPPS to add reference to core areas well serviced by public transport.
2.	[CCZ Objs p4]	Revision to objective.	To provide clarification for PPPS by referencing each precinct.
3.	[CCZ Objs p5]	Revision to objective.	To provide clarification. To specify that the objective is to ‘provide public benefits where the scale of development exceeds nominated Floor Area Ratios.’
4.	[CCZ Objs NEW]	Insertion of the following objective: <i>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</i>	To respond to the recommendations of various experts including Mr Negri [Document 173] and in particular to: <ul style="list-style-type: none"> • ensure that it is existing industrial uses which support the urban renewal of Fishermans Bend which are supported; and • the agent of change principle is to be applied to new development for sensitive uses.
5.	Table of uses	Revisions to conditions on Section 1 and 2 uses.	In relation to section 1 uses: <ul style="list-style-type: none"> • Deleting conditions on Dwelling and Accommodation that they must not exceed the residential Floor Area Ratios specified in Table 1 (a new requirement has been inserted in Clause 2.0). • Imposing condition on Accommodation, child care centre,

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			<p>Dwelling, Education Centre, Place of Assembly, Residential aged care facility, residential hotel and Motel that it must meet the threshold distances from industrial and/or warehouse uses specified in the table to Clause 52.10 for PPPS and specified distances from the concrete batching plants for the MPS;</p> <ul style="list-style-type: none"> • Imposing conditions on Accommodation, Child care centre, cinema based entertainment facility, Dwelling, Place of Assembly and Residential aged care facility, residential hotel and Motel specifying threshold distances from pipelines to respond to the submission of the Australian Pipeline Authority [Document 231]. • Imposing a condition on Dwelling in the PPPS that it must be in a Non-Core area. • Imposing a condition on Bank, Supermarket, Cinema and Retail Premises in the PPPS that it must be in Core area. <p>In relation to Section 2 uses deletion of conditions on Dwelling and Accommodation and move these requirements to Clause 2.0 [NEW].</p>
6.	[NEW to CCZ 2.0]	<p>Add to the provision that the use of land must be generally in accordance with the Maps in the Schedule and requirements that the use of the land for Dwelling must not exceed:</p> <ul style="list-style-type: none"> • <i>The Dwelling Floor Area Ratio specified in Table 1 in a core area</i> • <i>The Floor Area Ratio specified in Table 1</i> 	<p>These provisions have been moved from the Table of Uses conditions, the expression clarified and distinction has been made between core and non-core areas.</p>

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		<p style="text-align: center;"><i>in a non-core area</i></p> <p style="text-align: center;"><i>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.</i></p> <p>Insertion of a provision exempting the use of land from the requirements if in accordance with a valid planning permit prior to approval date of Amendment GC81.</p>	To respond to the submissions of various experts.
7.	[CCZ 2.0p6-10]	<p>Revision to application requirements for an Amenity Impact Plan:</p> <ul style="list-style-type: none"> • Extending the requirement to use of land for accommodation, motel, residential agreed care facility, residential hotel; • Specifying, in respect of MMPS the location of the concrete batch plants, requiring an assessment of the impact of the proposed sensitive use on their operation and requiring measures to mitigate potential amenity impacts from any concrete batching plants within 300 m of the land to acceptable levels; • Providing a requirement that applications be accompanied by an Amenity Impact Plan that responds to the Existing Industrial Uses with Adverse Amenity Potential Incorporated Document; 	To provide clarification and respond to recommendations of various experts including Mr Negri.

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		<ul style="list-style-type: none"> • [MPS] Requiring measures to mitigate potential amenity impacts from any concrete batching plans within 300m of the land to acceptable levels; • [PPPS] Requiring measures to identify the type and nature of any existing industrial or warehouse use within the threshold distances referred to in the table in Clause 52.10 and requiring measures to mitigate potential amenity impacts from those uses on any proposed sensitive uses. • Moved from [CCZ 4.0 p43] a requirement for PPPS to incorporate noise attenuation measures in accordance with relevant Australian standards and amended to apply to COM also. 	
8.	[CCZ 2.0p17]	<p>Add the following application requirement for use of land for an industry or warehouse:</p> <ul style="list-style-type: none"> • <i>‘The likely effects, if any on the neighbourhood and the urban renewal of Fishermans Bend.’</i> 	To ensure that the likely effect of any proposed industrial or warehouse use on the urban renewal of Fishermans Bend is a consideration.
9.	[CCZ] NEW	Insertion of requirement for a Construction Management Plan addressing the protection of the pipelines within the vicinity, to be prepared in consultation with the operator of the pipeline.	To respond to the submission of the Australian Pipeline Authority [refer Document 231].
10.	[CCZ 2.0 p 28]	Amend decision guideline for dwellings for [PPPS] that requires consideration of whether the proposal creates	To emphasise the importance of active ground floors within the core.

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		and active ground floor to add ' <i>particularly in core areas</i> '.	
11.	[CCZ 2.0p34]	Decision guideline amended to refer to existing industrial or warehouse uses referred to in the table to Clause 52.10.	To clarify that the requirement to provide appropriate measures to mitigate against adverse amenity impacts relates to impacts from industrial uses referred to in the table to Clause 52.10.
12.	[CCZ] NEW	Insertion of new decision guideline requiring the views of the pipeline licensee to be considered as appropriate by the responsible authority when a permit application includes use of land for a sensitive use within specified distances of identified pipelines.	To respond to the submission of the Australian Pipeline Authority [refer Document 231].
13.	[CCZ 3.0 p2]	Revision to permit requirements which apply to layout of the subdivision deleting reference to public open space and specifying road layout.	To ensure subdivision permits are consistent with the layout shown in the Maps in the CCZ.
14.	[CCZ 3.0 NEW]	Under 'permit requirements' insert exemption for subdivision of land in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81.	To respond to the submission of the City of Melbourne [refer Tabled Document L11 and L12] and various expert evidence recommendations.
15.	[CCZ 3.0 p19]	Delete decision guideline requiring consideration of whether the layouts of the streets, laneways and open space are consistent with those shown in Maps 2 and 3.	Proposed introduction of ICP renders this decision guideline unnecessary.
16.	[CCZ 3.0 p 27]	Delete decision guideline referring to whether a public benefit is proposed to be delivered as part of the subdivision.	FAU to be limited to social housing so this decision guideline is no longer relevant.
17.	[CCZ 3.0 p3]	Substitution of the word 'must' in for 'are to'.	To strengthen the requirement that the car parking areas are to be retained in a single or consolidated title.

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18.	[CCZ 3.0] NEW	<p>Insertion of exemption to application requirements for subdivision for applications associated with a continuing lawful use of land for an industry or warehouse and provide the following decision guidelines for such applications:</p> <ul style="list-style-type: none"> ▪ <i>The impact of the proposed subdivision on the amenity of the future urban renewal area;</i> ▪ <i>Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;</i> ▪ <i>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;</i> ▪ <i>Whether the subdivision supports the continued operation of an existing industrial use which will facilitate the urban renewal of Fishermans Bend.</i> 	To respond to the recommendations of various experts regarding exemptions for lawful existing uses.
19.	[CCZ 4.0 p2]	Deletion from the permit requirements of the prohibition on the granting of permits unless roads, streets, laneways or new public open space shown on the relevant maps is provided.	The proposed preparation of an ICP for Fishermans Bend renders these requirements unnecessary.
20.	[CCZ4.0] NEW	Insertion of requirement for a Construction Management Plan addressing pipelines within the vicinity where the permit allows a sensitive use of land within specified distances of identified pipelines.	To respond to the submission of the Australian Pipeline Authority [refer Document 231].

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21.	[CCZ 4.0] NEW	Add heading 'Floor Area Ratio'. Add a requirement for permit amendments that 'the extent of non-compliance with the Floor Area Ratios in Table 1 is not increased.	To provide clarification that the intent for permit amendments is to ensure non-compliance with the specified Floor Area Ratios is not increased.
22.	Table 1 Floor Area Ratios	Add to heading for core areas 'Dwelling' Floor Area Ratios.	To clarify distinction between total Floor Area Ratios and Dwelling Floor Area Ratios.
23.	Table 2	Insertion of bicycle, motorcycle and car share parking provisions.	To respond to the submission of the City of Melbourne [refer Documents L11 and L12] in part, and the recommendations of Ms Charmaine Dunstan [refer Document 165d] that these requirements should be removed from the Schedule to the Parking Overlay.
24.	[CCZ 4.0] NEW	Insertion of a new application requirement: <i>'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'.</i>	To respond to proposed structural changes to the schedule to the Design and Development and ensure the requirement is located in the appropriate planning control.
25.	[CCZ 4.0 p17]	Deletion of permit exemption for the construction or modification of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, heater or similar minor works.	To remove duplication with Clause 62.02.
26.	[CCZ 4.0 p18]	Specify that the exemption relates to an existing building.	For clarification.

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27.	[CCZ 4.0 p19]	Deletion of exemption relating to works to provide disabled access to a building.	To remove duplication with Clause 62.02.
28.	[CCZ 4.0 p20]	Deletion of exemption relating to works rearranging, altering or renewing a plant area.	To remove duplication with Clause 62.02.
29.	[CCZ 4.0 p21]	Deletion of exemption relating to bus and tram shelters.	To remove duplication with Clause 62.02.
30.	[CCZ 4.0] NEW	<p>Insertion of new conditions on permits for water recycling and rainwater tanks requiring:</p> <ul style="list-style-type: none"> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>Provision of a rainwater tank:</i> <ul style="list-style-type: none"> • <i>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;</i> • <i>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.</i> 	To respond to the submission of the City of Port Phillip [refer Document 109c].

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31.	[CCZ 4.0] NEW	Insertion of new condition requiring a construction management plan addressing the protection of identified pipelines where a permit allows a sensitive use on land within specified distance of the high pressure pipelines.	To respond to the submission of the Australian Pipeline Authority [refer Document 231].
32.	[CCZ 4.0] NEW	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 <i>Planning and Environment Act 1987</i> 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 and its transfer or vesting in the relevant road authority at no cost.	To ensure that roads, streets and laneways required for development of land which are not covered by an Infrastructure Contributions Plan are provided by the landowner at their cost as is the established practice under Precinct Structure Plans.
33.	[CCZ 4.0 p39]	Revision to application requirement to clarify the intent that the design response detail how the design makes provision for relevant streets and laneways shown in the relevant map of the Schedule.	To provide clarification.
34.	[CCZ 4.0] NEW	Insertion of the following: <i>‘An assessment and report detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy.’</i>	To require applications to address the response of the proposal to the Fishermans Bend Urban Renewal Local Policy.
35.	[CCZ 4.0 p41]	Capitalise floor area ratio. Provide clarification to consider the additional floor area.	Clarification.
36.	[CCZ 4.0 p42]	Revision to application requirement to specify that requirement to incorporate noise attenuation measures in accordance with relevant standards applies externally and internally.	To clarify intent regarding compliance with relevant standards.

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37.	[CCZ 7.0] NEW	Insertion of the following decision guideline: <i>‘Whether the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy’</i>	To provide a clear link to the local planning policy.
38.	[CCZ 7.0] NEW	Insertion of the following decision guideline: <i>‘Whether residential development of four or less storeys meets the objectives of Clause 55’.</i>	To reflect insertion of the requirement to respond to Clause 55 and respond to proposed structural changes to the schedule to the Design and Development and ensure the requirement is located in the appropriate planning control.
39.	[CCZ 7.0] NEW	Insertion of the following decision guideline: <i>‘Where the buildings and works are associated with an ongoing existing use of land for industry or warehouse, the Responsible Authority must consider...’</i>	To respond to the submission of the City of Melbourne [Documents L11 and L12] and various expert evidence recommendations.
40.	[CCZ 7.0] NEW	<p>Insertion of specific provisions for existing industrial and warehouse uses providing:</p> <ul style="list-style-type: none"> • exemption for buildings and works requirements, and conditions on permits for applications associated with a continuing lawful industrial or warehouse use; <p>Insertion of specific decision guidelines for applications for buildings and works associated with an existing use of land for industry or warehouse:</p> <ul style="list-style-type: none"> • <i>The impact of the proposed buildings and works on the amenity of the future urban renewal area;</i> 	

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		<ul style="list-style-type: none"> • <i>Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;</i> • <i>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;</i> • <i>Whether the buildings and works support the continued operation of an existing industrial use which will facilitate the urban renewal of Fishermans Bend.</i> 	
41.	[CCZ 5.0p6 and p7]	Clarify that the provisions relate to core areas for PPPS.	Clarification.
42.	Maps	Insertion of revised maps.	To improve the legibility of the maps and to provide clarity.
43.	[CCZ Def.0p5]	Revision to definition of Gross Developable area.	To respond to the submission of the City of Port Phillip and remove reference to Public Benefit [Document 109c].
44.	[CCZ Def]	Revision to definition of Public Benefit to remove reference to public open space and Community Infrastructure Hubs.	To respond to submissions by City of Port Phillip [Document 109c].